HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HOUSING AUTHORITY
COMMUNITY DEVELOPMENT COMMISSION
WATER DISTRICT
HESPERIA FIRE PROTECTION DISTRICT - SPECIAL MEETING

Meeting Agenda

Tuesday, May 5, 2026

No Closed Session
Regular Meeting - 6:30 PM

City Council Chambers
9700 Seventh Ave., Hesperia CA, 92345
City Clerk's Office: (760) 947-1007

City Council Members

Brigit Bennington, Mayor
Josh Pullen, Mayor Pro Tem
Cameron Gregg, Council Member
Allison Lee, Council Member
Chris Ochoa, Council Member

Rachel Molina, City Manager
Pam K. Lee, City Attorney

NOTE: In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (760) 947-1007 or (760) 947-1026. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

To leave a Public Comment by phone, call and leave a recorded message at (760) 947-1026 up to 5:30 pm on the day of the scheduled meeting. City Council meetings may be viewed live or after the event on the City's website at www.hesperiaca.gov.

REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA WATER DISTRICT
HESPERIA FIRE PROTECTION DISTRICT - SPECIAL MEETING

9700 7th Avenue, Council Chambers, Hesperia, CA 92345

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

Prior to action of the Council, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar.

Individuals wishing to speak during General Public Comments or on a particular numbered item must submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

In compliance with the Brown Act, the City Council may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The City Council may ask brief questions for clarification; provide a reference to staff or other resources for factual information and direct staff to add an item to a subsequent meeting.

NO CLOSED SESSION

CALL TO ORDER - 6:30 PM

A. Invocation

B. Pledge of Allegiance to the Flag

C. Roll Call

Mayor Brigit Bennington
Mayor Pro Tem Josh Pullen
Council Member Cameron Gregg
Council Member Allison Lee
Council Member Chris Ochoa

D. Agenda Revisions and Announcements by City Clerk

E. Closed Session Reports by City Attorney

ANNOUNCEMENTS/PRESENTATIONS

1. Presentation of City Hall Employee of the Quarter Recognition to Henry Corona, Custodian, by Cassandra Sanchez, Director of Public Works/City

Engineer.

2. Presentation on San Bernardino County Fire Department Drone Program by Battalion Chief Chris Bowden and Engineer Jeff Alexy.

GENERAL PUBLIC COMMENTS (For items and matters not listed on the agenda)

Individuals wishing to speak during General Public Comments or on a particular numbered item are requested to submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the joint agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

In compliance with the Brown Act, the City Council may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The City Council may ask brief questions for clarification; provide a reference to staff or other resources for factual information and direct staff to add an item to a subsequent meeting.

JOINT CONSENT CALENDAR

1. Page 7 Consideration of the Draft Minutes from the Special Meeting held Tuesday, April 21, 2026.

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Special meeting held Tuesday, April 21, 2026.

Staff Person: Assistant City Clerk Jessica Giber

Attachments: Draft CC Min 2026-04-07

2. Page 13 Warrant Run Report (City - Successor Agency - Housing Authority - Community Development Commission - Water)

Recommended Action:

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

Staff Person: Assistant City Manager Casey Brooksher

Attachments: SR Warrant Run 5-5-2026

Attachment 1 - Warrant Run

3. Page 15 Acceptance of Public Improvements for Tract 16591-2

Recommended Action:

It is recommended that the City Council and Board of Directors of the Hesperia

Water District adopt Resolution No. 2026-08 accepting the public improvements for Tract 16591-2 located on the west side of Newcastle Avenue and south of Muscatel Street. (Applicant: Harris Homes Inc.)

Staff Person: Director of Public Works/City Engineer Cassandra Sanchez

Attachments: SR Tract 16591-2 Acceptance of Public Improvements 5-5-2026

Resolution 2026-08

4. Page 17 D&H Water Systems - New Contract

Recommended Action:

It is recommended that the City Council and Board Members of the Hesperia Water District authorize the City Manager to enter into a one (1) year agreement with D&H Water Systems for the purchase of calcium hypochlorite chlorine in the not-to-exceed amount of $100,485, which includes a 10% contingency.

Staff Person: Director of Public Works/City Engineer Cassandra Sanchez

Attachments: SR D&H Water Systems 5-5-2026

5. Page 19 Vehicle Procurement - One (1) 2,000-Gallon Water Truck

Recommended Action:

It is recommended that the City Council authorize the City Manager to enter into an agreement with Valew Quality Truck Bodies - 1954 MFG for the purchase of one (1) 2027 Mack MD642R water truck in the not-to-exceed amount of $119,883.

Staff Person: Director of Public Works/City Engineer Cassandra Sanchez

Attachments: SR Vehicle Procurement - 2,000 Gallon Water Truck 5-5-2026

Attachment 1- Bid Comparison

PUBLIC HEARING

Individuals wishing to comment on public hearing items must submit a speaker slip to the City Clerk with the numbered agenda item noted. Speaker slips should be turned in prior to an agenda item being taken up. Comments will be limited to five minutes for Public Hearing items.

WAIVE READING OF ORDINANCES

Approve the reading by title of all ordinances and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

6. Page 23 Appeal to the City Council (APP25-00003 - Appellant: Supporters Alliance for Environmental Responsibility ("SAFER"): Applicant: Bobby Kang, CEO- Cargo Solutions Express; APNs: 3064-591-12,13,17,18, and 3064-631-01

Recommended Action:

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

Staff Person: Principal Planner Ryan Leonard

Attachments:
SR Appeal APP25-00003 5-5-2026
Resolution 2026-02
Attachment 2 - Appeal Application
Attachment 3 - General Plan and Zoning Map
Attachment 4 - Aerial
Attachment 5 - IS-MND
Attachment 6a - Mojave Water Agency Comment Letter
Attachment 6b - Lozeau Drury Comment Letter
Attachment 6c - Southern California Gas Comment Letter
Attachment 6d - MDAQMD Comment Letter
Attachment 6e - CDFW Comment Letter
Attachment 7 - Responses to Comments
Attachment 8 - Final MMRP
Attachment 9 - Planning Commission Staff Report with Attachments

7. Page 759 Conditional Use Permit CUP24-00012; Applicant: AUE Energy LLC; APN: 3064-401-10

Recommended Action:

The Planning Commission recommends that the City Council adopt Resolution No. 2026-07 Approving Conditional Use Permit CUP24-00012 and adopting the associated mitigated negative declaration pursuant to the provisions of CEQA.

Staff Person: Associate Planner Leilani Henry

Attachments: SR Conditional Use Permit CUP24-00012 5-5-2026
Resolution 2026-07
Attachment 2 - Site Plan
Attachment 3 - Floor Plan
Attachment 4 - Aerial Photo
Attachment 5 - General Plan Map
Attachment 6 - Census Tract Map
Attachment 7 - Colored Elevations
Attachments 8 - Comment Letters
Attachment 9 - Initial Study/ Mitigated Negative Declaration
Attachment 10 - Draft Conditions of Approval
Attachment 11- March 26, 2026 Planning Commission Staff Report/Attachments

NEW BUSINESS

8. Page 919 FY 2026-27 Budget Workshop #1 - Operating Budget

Recommended Action:

It is recommended that the City Council/Board receive and file this staff report, which provides information about the current status of the City of Hesperia's proposed operating budget for Fiscal Year (FY) 2026-27.

Staff Person: Assistant City Manager Casey Brooksher

Attachments: FY 2026-27 Budget Workshop #1 - Operating Budget 5-5-2026

COUNCIL COMMITTEE REPORTS AND COMMENTS

The Council may report on their activities as appointed representatives of the City on various Boards and Committees and/or may make comments of general interest or report on their activities as a representative of the City.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

The City Manager, City Attorney or staff may make announcements or reports concerning items of interest to the Council and the public.

ADJOURNMENT

I, Jessica Giber, Assistant City Clerk of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, April 30, 2026 at 5:30 p.m. pursuant to California Government Code §54954.2.

_____

Jessica Giber, Assistant City Clerk

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding items on the agenda will be made available in the City Clerk's Office during normal business hours.

City of Hesperia
Meeting Minutes – Draft
City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, April 7, 2026 **6:30 PM**

REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA WATER DISTRICT

CLOSED SESSION – 5:00 PM

Roll Call

Present: 5 - Mayor Bennington, Mayor Pro Tem Pullen, Council Member Gregg, Council Member Lee, and Council Member Ochoa

Conference with Legal Counsel – Potential Litigation:
Government Code Section – 54956.9(d)2

1. One (1) Case

Conference with Real Property Negotiators – Property Negotiations
Government Code Section – 54956.8

1. Real Property Negotiations
Negotiating Parties: City of Hesperia and Hesperia Park and Recreation District
Location: APN 0398-0131-34
Under Negotiations: Price and Terms

CALL TO ORDER - 6:31 PM

A. Invocation

B. Pledge of Allegiance to the Flag

C. Roll Call

Present: 5 - Mayor Bennington, Mayor Pro Tem Pullen, Council Member Gregg, Council Member Lee, and Council Member Ochoa

D. Agenda Revisions and Announcements by City Clerk

E. Closed Session Reports by City Attorney

ANNOUNCEMENTS/PRESENTATIONS

1. Presentation of Proclamation to The San Bernardino County Children's Network declaring April as Child Abuse Prevention Month.

GENERAL PUBLIC COMMENTS (For items and matters not listed on the agenda)

The following people commented:
Bob Nelson via voicemail
Kim Jones
Al Vogler
Hesperia News
Ken Anderson

JOINT CONSENT CALENDAR

A motion was made by Gregg, seconded by Pullen, that the Joint Consent Calendar minus item 3, 7, and 12 be approved. The motion carried by the following vote:

Aye: 5 - Gregg, Bennington, Lee, Ochoa, and Pullen

Nay: 0

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, March 17, 2026.

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, March 17, 2026.
Sponsors: Assistant City Clerk Jessica Giber

2. Warrant Run Report (City - Successor Agency - Housing Authority - Community Development Commission - Water)
Recommended Action:

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.
Sponsors: Assistant City Manager Casey Brooksher

3. Ratification of Emergency Purchases from Winter Storm 2025

Recommended Action:

It is recommended that the City Council and the Board of Directors of the Hesperia Water District (District) ratify, by Resolution No. 2026-18, emergency purchases in the amount of $1,047,222 made in response to the December 23, 2025 storm event. It is further recommended that the City Council and Board adopt Resolution No. 2026-03 amending the Fiscal Year 2025-26 Budget by $1,276,587 to account for total storm-related costs
Sponsors: Assistant City Manager Casey Brooksher

4. OpenGov, Inc. for Financial Reporting and Budgeting & Planning Software Contract

Recommended Action:

It is recommended that the City Council authorize the City Manager to enter into a five-year (5) agreement with OpenGov, Inc. (OpenGov), in an amount not-to-exceed $289,516, to continue providing software pertaining to its financial transparency portal and the development and preparation of the City's budget.

Sponsors: Assistant City Manager Casey Brooksher

5. Attachment Procurement - Sweeper and Loader Bucket

Recommended Action:

It is recommended that the City Council and Board of Directors of the Hesperia Water District authorize the City Manager to enter into an agreement with Sonsray Machinery for the purchase of one (1) sweeper attachment and one (1) 4 x 1 loader bucket in the not-to-exceed amount of $55,000.

Sponsors: Director of Public Works/City Engineer Cassandra Sanchez

6. Vehicle Procurement - One (1) 8-Yard Dump Truck

Recommended Action:

It is recommended that the City Council and Board of Directors of the Hesperia Water District authorize the City Manager to enter into an agreement with Valew Quality Truck Bodies - 1954 MFG for the purchase of one (1) 2027 Mack MD7 8-Yard dump truck in the not-to-exceed amount of $136,863.

Sponsors: Director of Public Works/City Engineer Cassandra Sanchez

7. Amend Professional Services Agreement for Construction Support Services for the Ranchero Road Aqueduct Crossing Project, C.O. No. 7139

Recommended Action:

It is recommended that the City Council amend Professional Services Agreement No. 2021-22-064 with TranSystems Corporation for additional construction support services for the Ranchero Road Aqueduct Crossing Project, C.O. No. 7139, in amount of $65,000, for a not-to-exceed total of $213,500.

Sponsors: Director of Public Works/City Engineer Cassandra Sanchez

8. Acceptance of American Rescue Plan Act (ARPA) Grant - Tank Coatings - Plant 23, Plant 21, and Plant 22 Projects

Recommended Action:

It is recommended that the City Council:

1. Accept the completed Tank Coatings - Plant 23-R23/1 (C.O. No. 8094), Plant 21-R21/1 (C.O. No. 8095), and Plant 22-R22/2 (C.O. No. 8090) Projects; and
2. Authorize staff to record a "Notice of Completion;" and
3. Release all withheld retention amounts after a minimum of thirty (30) calendar days from the date of recordation.

Sponsors: Director of Public Works/City Engineer Cassandra Sanchez

9. Amendment to Street Sweeper Rental Agreement with Haaker Equipment Company

Recommended Action:

It is recommended that the City Council Authorize the City Manager to execute an amendment to the existing street sweeper rental agreement with Haaker Equipment Company to increase contract authority by $40,000, for a revised not-to-exceed amount of $125,000.

Sponsors: Director of Public Works/City Engineer Cassandra Sanchez

10. D&H Water Systems - Increase to Contract

Recommended Action:

It is recommended that the City Council and Board Members of the Hesperia Water District authorize the City Manager to amend the agreement with D&H Water Systems in the amount of $15,000 in the new not-to-exceed amount of $101,405, for the purchase of calcium hypochlorite chlorine.
Sponsors: Director of Public Works/City Engineer Cassandra Sanchez

11. Acceptance of Public Improvements for Tract 16591-1

Recommended Action:

It is recommended that the City Council and Board of Directors of the Hesperia Water District adopt Resolution No. 2026-06 accepting the public improvements for Tract 16591-1 located on the west side of Tamarisk Avenue and south of Muscatel Street. (Applicant: Harris Homes Inc.)
Sponsors: Director of Public Works/City Engineer Cassandra Sanchez

12. Animal Shelter Evaporative Cooler Replacement

Recommended Action:

It is recommended that the City Council authorize the City Manager to enter into an agreement with Allison Mechanical Inc to replace (10) Evaporative Coolers at the Animal Shelter in the not-to-exceed amount of $98,995 that includes a contingency of 10%.
Sponsors: Director of Public Works/City Engineer Cassandra Sanchez

A motion was made by Ochoa, seconded by Lee, that items 3, 7, and 12 be approved. The motion carried by the following vote:

Aye: 5 - Gregg, Bennington, Lee, Ochoa, and Pullen

Nay: 0

13. Annual Report on Status and Implementation of the General Plan

Recommended Action:

The Planning Commission recommends that the City Council review this annual report, and direct staff to transmit copies to the Governor's Office of Land Use and Climate Innovation, and the Department of Housing and Community Development as required by law.
Sponsors: Principal Planner Ryan Leonard

14. CalRecycle Beverage Container Recycling City/County Payment Program

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2026-013 authorizing the City Manager to submit payment program applications for the California Department of Resources Recycling and Recovery (CalRecycle)
City/County Payment Program for all CalRecycle payment programs for a period of five (5) years from the date of adoption of this resolution.
Sponsors: Assistant to the City Manager Tammy Pelayes

NEW BUSINESS

15. Consideration of Resolution No. 2026-017 Approving the Measure I Continuation Expenditure Plan Developed by the San Bernardino County Transportation Authority

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2026-017 approving the Measure I Continuation Expenditure Plan developed by the San Bernardino County Transportation Authority.
Sponsors: Assistant to the City Manager Tammy Pelayes

A motion was made by Ochoa, seconded by Lee, that this item be approved. The motion carried by the following vote:

Aye: 5 - Gregg, Bennington, Lee, Ochoa, and Pullen

Nay: 0

16. Reject all Bids and Appropriate Funding for Waterline Material Betterment for the Highway 395 Waterline Relocation Project, Construction Order No. 8096

Recommended Action:

It is recommended that the City Council and Board of Directors of the Hesperia Water District:
1. Reject all submitted bids for the Highway 395 Waterline Relocation Project (Construction Order No. 8096).
2. Adopt Joint Resolution No. 2026-05 and Hesperia Water District Resolution No. 2026-03, amending the Fiscal Year (FY) 2025-26 Capital Improvement budget by appropriating an additional $24,000, for a total of $274,000 to Water Capital Fund 701 for waterline betterments associated with the project.
Sponsors: Director of Public Works/City Engineer Cassandra Sanchez

A motion was made by Gregg, seconded by Pullen, that this item be approved. The motion carried by the following vote:

Aye: 5 - Gregg, Bennington, Lee, Ochoa, and Pullen

Nay: 0

17. Acceptance of Safe Streets and Roads for All Grant Funds

Recommended Action:

It is recommended that the City Council:
1. Accept Safe Streets and Roads for All (SS4A) grant funds in the amount of $1,577,600 for the City of Hesperia Vision Zero Action Plan, the supplemental Complete Streets Plan, and supporting studies.
2. Authorize the City Manager or designee to execute all grant-related documents, agreements, and amendments as necessary to implement the grant.
3. Adopt Resolution No. 2026-04, accepting SS4A grant funds, authorizing execution of the grant agreement.
Sponsors: Project Manager Deanna Lestina

A motion was made by Ochoa, seconded by Gregg, that this item be approved. The motion carried by the following vote:

Aye: 5 - Gregg, Bennington, Lee, Ochoa, and Pullen

Nay: 0

Al Vogler commented on item #17.

18. Contract Award - Dirt Road & Shoulder Repair and Retention Basin Rehabilitations

Recommended Action:

It is recommended that the City Council approve the award of up to four (4) contracts for dirt road repairs, dirt shoulder repairs, Tamarisk Basin rehabilitation, and H-01 Basin rehabilitation, in a combined not-to-exceed
amount of $1,001,356.
Sponsors: Assistant City Manager Casey Brooksher

A motion was made by Ochoa, seconded by Pullen, that this item be approved. The motion carried by the following vote:

Aye: 5 - Gregg, Bennington, Lee, Ochoa, and Pullen

Nay: 0

COUNCIL COMMITTEE REPORTS AND COMMENTS

The Mayor and Council Members reported from various events and Committees.

Council Member Gregg requested a memo regarding the County's Rock Springs Road project.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

None

ADJOURNMENT

The meeting was adjourned at 7:36 p.m. in memory of Taylor Cole.

_____
Jessica Giber, Assistant City Clerk

City of Hesperia
STAFF REPORT

DATE: May 5, 2026

TO: Mayor and Council Members
City Council, as Successor Agency to the Hesperia Community Redevelopment Agency
Chair and Commissioners, Hesperia Housing Authority
Chair and Commissioners, Community Development Commission
Chair and Board Members, Hesperia Water District

FROM: Rachel Molina, City Manager

BY: Casey Brooksher, Assistant City Manager
Keith Cheong, Deputy Finance Director
Verenise Fierros, Accountant

SUBJECT: Warrant Run Report (City – Successor Agency – Housing Authority – Community Development Commission – Water)

RECOMMENDED ACTION

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

BACKGROUND

The Warrant Run totals represented below are for the period March 14, 2026, through March 27, 2026.

Agency/District	Accounts Payable	Payroll	Wires	Totals
City of Hesperia	$4,481,122.87	$332,657.88	$0.00	$4,813,780.75
Successor Agency	0.00	0.00	0.00	0.00
Housing Authority	10,739.00	162.98	0.00	10,901.98
Community Development Commission	0.00	0.00	0.00	0.00
Water	221,679.52	147,353.85	0.00	369,033.37
Totals	$4,713,541.39	$480,174.71	$0.00	$5,193,716.10

* Includes debt service payments made via Automated Clearing House (ACH) electronic deposit of funds.

CITY GOAL SUPPORTED BY THIS ITEM

Financial Health – Maintain a balanced budget and adequate reserves.

ATTACHMENT(S)

1. Warrant Runs

City of Hesperia
WARRANT RUNS
3/14/2026-03/27/2026

Attachment 1

FUND #	FUND NAME	W/E 3/20/2026	W/E 3/27/2026	WARRANT TOTALS	Wires	YEAR-TO DATE TOTALS *	PRIOR FY YTD DATE TOTALS
Accounts Payable							
100	GENERAL	$ 2,328,237.60	$ 332,563.55	$ 2,660,801.15	$ -	$ 30,891,280.15	$ 28,543,783.94
105	PENSION OBLIGATION TRUST	$ -	$ -	$ -	$ -	$ -	$ -
106	OPEB TRUST	$ -	$ -	$ -	$ -	$ -	$ -
110	SILVERWOOD	$ 6,076.00	$ -	$ 6,076.00	$ -	$ 89,370.75	$ 95,258.67
200	HESPERIA FIRE DISTRICT	$ -	$ -	$ -	$ -	$ -	$ -
204	MEASURE I - RENEWAL	$ 60,285.70	$ -	$ 60,285.70	$ -	$ 2,548,554.27	$ 37,231.76
207	LOCAL TRANSPORT-SB 325	$ -	$ -	$ -	$ -	$ -	$ 1.64
209	GAS TAX-RMRA	$ 2,360.24	$ -	$ 2,360.24	$ -	$ 4,336.73	$ -
210	HFPD (PERS)	$ -	$ -	$ -	$ -	$ 1,896,318.00	$ 1,755,819.00
241	CFD 2021-1 Resid Maint. & Serv	$ -	$ -	$ -	$ -	$ 1,890.00	$ 1,280.00
242	CFD 2022-1 Non-Resd Maint & Serv	$ -	$ -	$ -	$ -	$ 3,373.00	$ 1,280.00
243	CFD 2023-1 Silverwood Maint	$ -	$ -	$ -	$ -	$ 3,344.00	$ 1,280.00
251	CDBG	$ -	$ 9,153.25	$ 9,153.25	$ -	$ 1,505,202.39	$ 2,909,005.65
254	AB2766 - TRANSIT	$ -	$ -	$ -	$ -	$ -	$ -
255	AB3229 SUPPLEMENTAL LAW	$ -	$ -	$ -	$ -	$ -	$ -
256	ENVIRONMENTAL PROGRAMS GRANT	$ -	$ -	$ -	$ -	$ 31,306.39	$ 36,804.87
262	SB 1383 LOCAL ASSISTANCE GRANT	$ 8,361.25	$ -	$ 8,361.25	$ -	$ 173,101.01	$ 104,497.49
263	STREETS MAINTENANCE	$ 21,162.80	$ 10,762.17	$ 31,924.97	$ -	$ 1,161,430.92	$ 2,184,120.67
300	DEV. IMPACT FEES - STREET	$ -	$ -	$ -	$ -	$ -	$ 171,147.82
301	DEV. IMPACT FEES - STORM DRAIN	$ -	$ -	$ -	$ -	$ 59,843.30	$ 149,218.71
306	DEV. IMPACT FEES - 2018-STREETS	$ -	$ 240,850.88	$ 240,850.88	$ -	$ 1,773,685.15	$ 1,230,619.55
307	DIF 2018-DRAINAGE FACILITIES	$ -	$ -	$ -	$ -	$ 26,353.00	$ 168,099.30
309	DIF 2018-CITY HALL FACILITIES	$ -	$ -	$ -	$ -	$ -	$ -
312	DIF 2018-POLICE FACILITIES	$ -	$ -	$ -	$ -	$ -	$ -
313	DIF A-04 DRAINAGE	$ -	$ -	$ -	$ -	$ -	$ 1,154,638.51
402	WATER RIGHTS ACQUISITION	$ -	$ 249,150.82	$ 249,150.82	$ -	$ 1,376,791.79	$ 1,912,552.24
403	2013 REFUNDING LEASE REV BONDS	$ -	$ -	$ -	$ -	$ -	$ -
404	2023 REFUNDING LEASE REV BONDS	$ -	$ -	$ -	$ -	$ 577,279.98	$ 2,500.00
504	CITY WIDE STREETS - CIP	$ -	$ 651,429.90	$ 651,429.90	$ -	$ 1,951,953.29	$ 2,785,354.47
509	CITY FACILITIES CIP	$ -	$ -	$ -	$ -	$ -	$ -
800	EMPLOYEE BENEFITS	$ 247,196.73	$ 152,709.67	$ 399,906.40	$ -	$ 7,629,243.61	$ 7,264,131.69
801	TRUST/AGENCY	$ 159,983.50	$ 838.81	$ 160,822.31	$ -	$ 1,728,190.11	$ 1,305,432.47
802	AD 91-1 AGENCY	$ -	$ -	$ -	$ -	$ -	$ -
804	TRUST-INTEREST BEARING	$ -	$ -	$ -	$ -	$ 2,854.70	$ 42,379.11
807	CFD 2005-1	$ -	$ -	$ -	$ -	$ 1,278,658.33	$ 1,186,302.97
808	HFPD (TRANSITION)	$ -	$ -	$ -	$ -	$ 335,635.00	$ 317,435.02
815	PLAN REVIEW TRUST - FRONTIER	$ -	$ -	$ -	$ -	$ -	$ -
	CITY	$ 2,833,663.82	$ 1,647,459.05	$ 4,481,122.87	$ -	$ 55,049,995.87	$ 53,360,175.55
163	REDEVELOP OBLIG RETIREMENT-2018	$ -	$ -	$ -	$ -	$ 8,475,979.87	$ 9,690,950.62
	SUCCESSOR AGENCY	$ -	$ -	$ -	$ -	$ 8,475,979.87	$ 9,690,950.62
370	HOUSING AUTHORITY	$ 9,500.00	$ 1,239.00	$ 10,739.00	$ -	$ 26,031.92	$ 44,027.53
	HOUSING AUTHORITY	$ 9,500.00	$ 1,239.00	$ 10,739.00	$ -	$ 26,031.92	$ 44,027.53
170	COMMUNITY DEVELOPMENT COMMISSION	$ -	$ -	$ -	$ -	$ -	$ -
	COMMUNITY DEVELOPMENT COMMISSION	$ -	$ -	$ -	$ -	$ -	$ -
700	WATER OPERATING	$ 68,782.09	$ 47,889.96	$ 116,672.05	$ -	$ 16,855,123.99	$ 11,109,271.28
703	WATER CAPITAL REHAB AND REPLACE	$ -	$ -	$ -	$ -	$ 545,796.29	$ -
705	WATER PENSION OBLIGATION TRUST	$ -	$ -	$ -	$ -	$ -	$ 1,250,000.00
706	WATER OPEB TRUST	$ -	$ -	$ -	$ -	$ -	$ 250,000.00
701	WATER CAPITAL	$ 4,744.30	$ -	$ 4,744.30	$ -	$ 1,011,784.44	$ 16,473.00
710	SEWER OPERATING	$ 91,699.88	$ 8,503.17	$ 100,203.05	$ -	$ 10,771,270.17	$ 4,656,273.24
711	SEWER CAPITAL	$ -	$ -	$ -	$ -	$ 1,330,766.95	$ 1,999,242.79
720	RECLAIMED WATER OPERATIONS	$ 60.12	$ -	$ 60.12	$ -	$ 263,600.85	$ 277,364.29
	WATER	$ 165,286.39	$ 56,393.13	$ 221,679.52	$ -	$ 30,778,342.69	$ 19,558,624.60
	ACCOUNTS PAYABLE TOTAL	$ 3,008,450.21	$ 1,705,091.18	$ 4,713,541.39	$ -	$ 94,330,350.35	$ 82,653,778.30
REG. PAYROLL							
	City	$ -	$ 332,657.88	$ 332,657.88	$ -	$ 6,325,676.23	$ 6,439,068.23
	Housing Authority	$ -	$ 162.98	$ 162.98	$ -	$ 3,059.38	$ 4,981.18
	Water	$ -	$ 147,353.85	$ 147,353.85	$ -	$ 2,992,194.06	$ 2,986,996.39
	PAYROLL TOTAL	$ -	$ 480,174.71	$ 480,174.71	$ -	$ 9,320,929.67	$ 9,431,045.80

City of Hesperia
STAFF REPORT

DATE: May 5, 2026

TO: Mayor and Council Members
Chair and Board Members, Hesperia Water District

FROM: Rachel Molina, City Manager

BY: Cassandra Sanchez, Director of Public Works/City Engineer
Savannah Routh, Administrative Analyst

SUBJECT: Acceptance of Public Improvements for Tract 16591-2

RECOMMENDED ACTION

It is recommended that the City Council and Board of Directors of the Hesperia Water District adopt Resolution No. 2026-08 accepting the public improvements for Tract 16591-2 located on the west side of Newcastle Avenue and south of Muscatel Street. (Applicant: Harris Homes Inc.)

BACKGROUND

On February 2, 2021, the City Council approved Final Tract Map No. 16591-2 to create 42 Single-Family Residential lots on 10.72 gross acres zoned Single-Family Residential (R-1), located on the west side of Newcastle Avenue and south of Muscatel Street. The map was recorded on March 5, 2021. As part of the infrastructure associated with Final Tract Map No. 16591-2, it was required to install water, sewer, asphalt, concrete paving, and storm facilities. The public improvements have been inspected, and they are found to be acceptable by the City Engineer.

ISSUES/ANALYSIS

There are no issues identified with this item.

CITY GOAL SUPPORTED BY THIS ITEM

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

FISCAL IMPACT

There are no significant fiscal impacts to the City related to this action. Long-term maintenance of the improvements will be the City's obligation and funding from the City of Hesperia and the City's Water District will be used to meet this obligation.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution 2026-08

RESOLUTION NO. 2026-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR TRACT 16591-2 LOCATED ON THE WEST SIDE OF NEWCASTLE AVENUE AND SOUTH OF MUSCATEL STREET (APPLICANT: HARRIS HOMES INC.)

WHEREAS, Harris Homes Inc. proposed a development of Tract 16591-2 which included, in part, the construction of public improvements; and

WHEREAS, on February 2, 2021, the City Council approved Final Tract Map No. 16591-2 for approval and had not accepted the public improvements; and

WHEREAS, Harris Homes Inc. completed public improvements of water, sewer, asphalt, concrete paving, and storm facilities.

WHEREAS, the public improvements have been inspected, and they are found to be acceptable by the City Engineer.

NOW THEREFORE, BE IT RESOLVED BY THE HESPERIA FIRE PROTECTION DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

Section 1. The City of Hesperia and the Board of Directors of the Hesperia Water District accept the completed public improvements as required and subject to the conditions of approval for Final Tract No. 16591-2.

Section 2. That the City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 5th day of May 2026.

_____
Brigit Bennington, Mayor

ATTEST:

_____
Jessica Giber, Assistant City Clerk

City of Hesperia
STAFF REPORT

DATE: May 5, 2026

TO: Chair and Board Members, Hesperia Water District

FROM: Rachel Molina, City Manager

BY: Cassandra Sanchez, Director of Public Works/City Engineer
Jeremy McDonald, Water Operations Manager

SUBJECT: D&H Water Systems - New Contract

RECOMMENDED ACTION

It is recommended that the City Council and Board Members of the Hesperia Water District authorize the City Manager to enter into a one (1) year agreement with D&H Water Systems for the purchase of calcium hypochlorite chlorine in the not-to-exceed amount of $100,485, which includes a 10% contingency.

BACKGROUND

The Hesperia Water District disinfects the water pumped from the ground to control microbial contaminants and comply with State and Federal water quality regulations set by the State Water Resources Control Board (SWRCB) and the Environmental Protection Agency (EPA). Chlorine is used to disinfect the groundwater and is treated at each well site. The required chlorine residual is 0.2 to 4.0 parts per million (ppm), and the District has continued to meet these standards with an average of 0.5 ppm as stated in the District's 2025 Annual Water Quality Report.

ISSUES/ANALYSIS

The chlorinators at each well site are designed to use a specific chlorine tablet, which are the Constant Chlor Plus Briquettes. These are supplied by D&H Water Systems, Inc., which is the sole distributor of this product.

CITY GOAL SUPPORTED BY THIS ITEM

Public Safety: Ensure public safety resources adequately protect our community.

FISCAL IMPACT

Sufficient funding will be included in the proposed Fiscal Year 2026-27 Water Operating Fund 700 Budget.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

None

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DATE: May 5, 2026

TO: Mayor and Council Members

FROM: Rachel Molina, City Manager

BY: Cassandra Sanchez, Director of Public Works / City Engineer
Brian Blackwell, Streets Operation Manager

SUBJECT: Vehicle Procurement – One (1) 2,000-Gallon Water Truck

RECOMMENDED ACTION

It is recommended that the City Council authorize the City Manager to enter into an agreement with Valew Quality Truck Bodies – 1954 MFG for the purchase of one (1) 2027 Mack MD642R water truck in the not-to-exceed amount of $119,883.

BACKGROUND

This new water truck will replace a twenty-one-year-old unit that has reached the end of its useful life, as annual maintenance costs now exceed its salvage value. Assets that require higher-than-expected lifetime maintenance expenditures to remain operational are recommended for replacement.

Water trucks play a critical role on worksites throughout the City, particularly in areas with limited or unreliable water sources. Applying moisture before compaction is necessary to achieve proper density, which is vital for stable road bases. Water trucks are also essential for controlling dust generated by shoulder and road-grading activities.

ISSUES/ANALYSIS

Hesperia Public Works released a Request for Bid (RFB) 2025-26-018 for one (1) 2,000-gallon water truck on April 5, 2026, soliciting bids from twenty-one (21) vendors, both locally and from surrounding regions, to maximize bid response. The bid closed on April 21, 2026, with three (3) responses received. Staff recommends awarding the bid to Valew Quality Truck Bodies – 1954 MFG, who has been deemed the lowest responsive and responsible bidder with a total bid amount of $119,883.

The existing twenty-one-year-old unit has experienced increasing mechanical failures and escalating repair costs over the past several years. Continued investment in major repairs is no longer cost-effective and results in operational downtime that impacts field crews. Replacing the unit will improve reliability, reduce maintenance expenses, and ensure that Public Works has the necessary equipment to support construction, grading, dust control, and emergency response activities.

CITY GOAL SUPPORTED BY THIS ITEM

Public Safety- Ensure public safety resources adequately protect our community.
Financial Health - Maintain a balanced budget and adequate reserves.

FISCAL IMPACT

Adequate reserves exist in the Public Works Streets fund 263 for the proposed purchase of this one (1) 2,000–gallon water truck.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Bid Comparison

Attachment 1

RFB 2025-26-018-One 2,000-Gallon Water Truck
Bid Comparison Type: Taxable
Bid Comparison Completed By: Robert Worby
4/21/2026

			Valew QTB		Diamond Star Commercial Vehicles		L.A. Truck Centers, LLC Dba Velocity	
Item No.	Qty	Description	Unit Cost	Extended Amount	Unit Cost	Extended Amount	Unit Cost	Extended Amount
1	1	2,000 Gallon Water Truck	109,900.00	109,900.00	122,668.00	122,668.00	136,000.00	136,000.00
		Document Fee		1,455.00		0.00		0.00
		Total Before Non-Taxable Items		109,900.00		122,668.00		136,000.00
		Tax At 7.75%		8,517.25		9,506.77		10,540.00
		Non-Taxable Tire Fee		10.50		10.50		10.50
		Total Bid Amount		119,882.75		132,185.27		146,550.50
		Submitted Bid Total		119,882.75		132,185.27		146,550.50
		Difference		0.00		0.00		0.00
			Winning Bidder					

One Stop Truck & Equipment, TEC Equipment, Best Truck Body, Commerce Truck & Equipment Sales, West-Mark Service Center, High Desert Ford, Fairview Ford, Sunrise Ford, Ken Grody Ford, Victorville Chevrolet, Inland Kenworth, Switch-N-Go, Allied Solutions Enterprise, Big Sky Flat Tanks, Coast Counties Peterbilt, Stepp Manufacturing, Peterson Trucks, And PB Loader Did Not Respond.

NOTE: L.A. Truck Centers Is Unable To Meet The 6/30/2026 Delivery Deadline.

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City of Hesperia
STAFF REPORT

DATE: May 5, 2026

TO: Mayor and Council Members

FROM: Rachel Molina, City Manager

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

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

RECOMMENDED ACTION

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

BACKGROUND

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

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

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

ISSUES/ANALYSIS

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

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

- Mojave Water Agency-Confirming that the Mojave Water Agency does not have any conflicts with the project.

- Lozeau Drury- Concerned that the IS/MND was prepared improperly under the California Environmental Quality Act due to the IS/MND's failure to adequately assess and mitigate the project's potentially significant environmental impacts. Requests that an environmental impact report be prepared for the project.

- Southern California Gas- SoCalGas Distribution does not have any conflicts with the project.

- Mojave Desert Air Quality Management District- Does not have any conflicts with the project and stated that the owner/operator is required to obtain a Dust Control Plan (DCP) for the project.

- California Department of Fish and Wildlife- Requests that the proposed mitigation measures in the IS/MND be revised to ensure that potential project impacts remain at less than significant impact levels. These revised mitigation measures are incorporated in the conditions of approval and the Mitigation Monitoring and Reporting Program.

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

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

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

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

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

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

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

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

CITY GOAL SUPPORTED BY THIS ITEM

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

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution 2026-02
2. Appeal Application

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

RESOLUTION NO. 2026-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, DENYING APPEAL APP25-00003, UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT CUP22-00016 AND TENTATIVE PARCEL MAP TPM24-00003 IN CONJUNCTION WITH THE ADOPTION OF AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) (SCH NO. 2025060948) LOCATED AT THE SOUTHEAST INTERSECTION OF POPLAR STREET AND THREE FLAGS AVENUE (APNS: 3064-591-17, -18, -12, -13, AND 3064-631-01) (APP24-00003).

WHEREAS, the Supporters Alliance for Environmental Responsibility (SAFER) has filed an application requesting approval of Appeal No. APP25-00003, seeking to overturn the Planning Commission's decision to adopt the associated Initial Study/Mitigated Negative Declaration (IS/MND) and approve Conditional Use Permit CUP22-00016 and Tentative Parcel Map TPM24-00003 (SCH No. 2025060948), as described herein (hereinafter referred to as the "Application"); and

WHEREAS, the proposed project involves the construction of two industrial warehouse buildings, each totaling approximately 75,894 square feet in size on approximately 20.3 gross acres of vacant land in conjunction with Tentative Parcel Map No. 20883 (TPM24-00003) to consolidate five parcels into two parcels located at the southeast corner of Three Flags Road and Poplar Street; and

WHEREAS, the 20.3-acre site is vacant. The properties to the north consist of vacant land. A commercial industrial business park exists to the west. A commercial truck wash and truck repair facility exits to the south. The Interstate 15 freeway is located immediately to the east followed by vacant land; and

WHEREAS, the subject property as well as the surrounding properties to the north, west and south of the site are zoned Commercial Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan. The Interstate 15 freeway is located immediately to the east; and

WHEREAS, the proposed project consists of consists of Assessor's Parcel Numbers 3064-591-12,13,17,18, and 3064-631-01; and

WHEREAS, an environmental Initial Study/ Mitigated Negative Declaration for the proposed project was circulated for a 30-day public review from June 18, 2025 to July 21, 2025, and it determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures; and

WHEREAS, on September 11, 2025, the Planning Commission approved CUP22-00016 and TPM24-00003. As a part of the approval, the Planning Commission made an environmental determination pursuant to the CEQA and adopted the associated IS/MND (SCH No. 2025060948), having made an environmental determination pursuant to CEQA; and

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

WHEREAS, in accordance with CEQA, an Initial Study was prepared by a qualified environmental consultant to analyze the potential environmental effects of the proposed project. The study identified potentially significant impacts and included mitigation measures to reduce all such impacts to a less-than-significant level. Based on this analysis, a Mitigated Negative Declaration (MND) was determined to be appropriate; and

WHEREAS, the IS/MND was released for a 30-day public review period from June 18, 2025 to July 21, 2025 (SCH No. 2025060948). The environmental document was circulated to local, state, and federal agencies, as well as surrounding property owners; and

WHEREAS, during the public review period, five comment letters were received. Three agencies, the Mojave Water Agency, the Mojave Desert Air Quality Management District, and Southern California Gas expressed satisfaction with the proposed mitigation measures. The California Department of Fish and Wildlife (CDFW) provided additional recommended mitigation measures, which were incorporated into the project's Final Mitigation Monitoring and Reporting Program. The fifth letter was submitted by Lozeau Drury LLP on behalf of SAFER, requesting that an EIR be prepared; and

WHEREAS, pursuant to CEQA Guidelines §15064, an EIR is required if there is substantial evidence of a fair argument that the project may have a significant environmental effect. The IS/MND was prepared and completed in compliance with the provisions of CEQA, the State CEQA Guidelines, and the City's local CEQA Guidelines. The analysis concluded that all potentially significant impacts would be reduced to less-than-significant levels through mitigation; and

WHEREAS, on May 5, 2026, the City Council of the City of Hesperia conducted duly noticed public hearings pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA CITY COUNCIL AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the City Council during the above-referenced May 5, 2026, hearing, including public testimony and written and oral staff reports, the City Council specifically finds as follows:

(a) The IS/MND was prepared in full compliance with the requirements of CEQA, the State CEQA Guidelines, and the City's local CEQA Guidelines. As analyzed in the IS/MND, the project's potential environmental impacts will be less than significant with implementation of the identified mitigation measures and incorporation of the project's Conditions of Approval.

(b) The appeal filed by the Supporters Alliance for Environmental Responsibility (SAFER) did not present substantial evidence that the IS/MND is inadequate or that the proposed project would result in significant environmental impacts that were not properly addressed in the IS/MND.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council of the City of Hesperia hereby denies Appeal No. APP25-00003 and upholds the Planning Commission's decision to adopt the IS/MND (SCH No. 2025060948) and approve Conditional Use Permit CUP22-00016 and Tentative Parcel Map TPM24-00003.

Section 4. That the City Clerk shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 5th day of May 2026.

_____
Brigit Bennington, Mayor

ATTEST:

_____
Jessica Giber, Assistant City Clerk

City of Hesperia
PLANNING DIVISION

APPLICATION FOR APPEAL

FEES

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

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

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

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

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

Project Action Date: September 11, 2025

File No.: SCH 2025060948 Date Appeal Filed: 9/16/2025

Project Applicant(s): Cargo Solutions Express

Appellant's Name: Supporters Alliance for Environmental Responsibility ("SAFER")

Appellant's Address: 1939 Harrison Street, Suite 150

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

Assessor's Parcel No. of Subject Property: 3064-591-17, -18, -12, and -13 and 3064-631-01

General Location of Property: Southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia, San Bernardino County, California.

APPEAL STATEMENT

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

   ☐ Planning Commission

   ■ City Council

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

   ☐ DENY the project ☐ DENY the project without prejudice

   ■ APPROVE the project ☐ APPROVE the project with conditions (attach a copy of the conditions, if they are the subject of the appeal).

   ☐ ADOPT a Negative Declaration

   ☐ OTHER (specify) _____

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

   SAFER appeals the Planning Commission's September 11, 2025 decision to adopt Resolution No. PC-2025-15, approving CUP22-00016 and Tentative Parcel Map No. 20883 (TPM24-00003) and adopting a Mitigated Negative Declaration("MND").The prepared MND does not adequately analyze or mitigate the Project's significant adverse environmental impacts, including impacts on biological resources. SAFER requests that the City instead prepare an Environmental Impact Report to adequately analyze and mitigate the Project's significant adverse environmental impacts.

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

   The reasons for this appeal are set forth in the attached letter dated September 10, 2025.

I/We certify that I/We are the:

☐ Legal Owner(s)

☐ Authorized Legal Agent(s)

■ Other Interested Person(s)

Kylah Haley

Signature of Appellant(s)

DATE: 9/16/2025

LOZEAU DRURY LLP
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1939 Harrison Street, Ste. 150
Oakland, CA 94612
www.lozeaudrury.com
kylah@lozeaudrury.com

Via Email

September 10, 2025

Raymond "Roger" Abrea, Chair
Sophie Steeno, Vice Chair
Earl Hodson V, Commissioner
Timothy Auman, Commissioner
Dale Burke, Commissioner
Planning Commission
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
cityclerk@cityofHesperia.us

Melinda Sayre, Deputy City Manager/City Clerk
City of Hesperia
Hesperia, CA 92345
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Michael Hearn, Deputy Community Development Director
Development Services Department
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9700 Seventh Avenue
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developmentservices@cityofhesperia.us

Leilani Henry, Assistant Planner
Development Services Department
Planning Division
City of Hesperia
9700 Seventh Avenue
Hesperia, California 92345
lhenry@cityofhesperia.us

Re: Comment on Mitigated Negative Declaration, Cargo Solutions Truck Warehouses Hesperia Project (SCH 2025060948), Agenda Item No. 4

Dear Chair Abrea, Vice Chair Steeno, Mr. Hodson, Mr. Auman, Mr. Burke, Mr. Hearn, Ms. Sayre, and Ms. Henry,

This comment is submitted on behalf of Supporters Alliance For Environmental Responsibility ("SAFER") regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the Cargo Solutions Truck Warehouses Hesperia Project, which proposes the development of two truck warehouse buildings totaling 151,788 square-feet on an approximately 20.32-acre site at the southeast intersection of Poplar Street and Three Flags Avenue on Accessor's Parcel Numbers 3064-591-17, -18, -12, and -13 and 3064-631-01 in the City of Hesperia ("Project").

SAFER is concerned that the IS/MND is improper under the California Environmental Quality Act due to the IS/MND's failure to adequately assess the Project's potentially significant environmental impacts. SAFER requests that an environmental impact report (EIR) be prepared for the Project rather than an MND because there is a fair argument

that the Project may have adverse environmental impacts on biological resources. An EIR will ensure that potentially significant impacts of this Project are fully disclosed, analyzed, and mitigated.

SAFER's comments are supported by expert wildlife ecologist, Shawn Smallwood, Ph.D. Dr. Smallwood's comments and CV are attached as Exhibit A.

SAFER reserves the right to supplement this comment throughout the administrative process. *Galante Vineyards v. Monterey Peninsula Water Management Dist*., 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Kylah Staley
Lozeau Drury LLP

EXHIBIT A

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Ryan Leonard, Senior Planner
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345

8 September 2025

RE: Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project

Dear Mr. Leonard,

I write to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) that was prepared for the proposed Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project (City of Hesperia 2025), specifically on potential impacts to biological resources (UltraSystems 2022). I understand the project would add two truck warehouses and parking lots for a total 502,724 square-feet of development, all on 20.32 acres at the southeast corner of Poplar St. and Three Flags Ave. in Hesperia, California. My comments that follow address my concerns that the IS/MND mischaracterizes the existing environmental setting, and that its impacts analysis is flawed and its mitigation measures are inadequate.

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

THE WILDLIFE COMMUNITY AS A BIOLOGICAL RESOURCE

Most environmental reviews pursuant to the California Environmental Quality Act (CEQA) focus on special-status species because CEQA's Checklist Evaluation of Environmental Impacts specifies that such evaluation includes potential impacts to special-status species. However, an important policy of CEQA is "to prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history." Pub. Res. Code § 21001(c). This policy is not restricted to special-status species, but it also applies to wildlife populations and plant

and animal communities. In fact, the CEQA Guidelines Section 21155.1 defines wildlife habitat as "the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection." This definition is consistent with the scientific definition of habitat, which is that portion of the environment that is used by members of a species for survival and reproduction (Hall et al. 1997). An essential portion of the environment used by any special-status species is composed of the collection of other species of plants and wildlife, because these species are forage, provisioners of refugia and nest substrates, and ecological mutualists; no special-status species can exist in a vacuum of other wildlife. The CEQA Checklist Evaluation assigns priority to special-status species to balance information and cost, but it does not exclude the need to evaluate environmental impacts to other species, which, after all, are members of the very communities within which special-status species inter-depend for survival and reproduction.

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

What follows is a summary of a site visit to detect as many of the species of wildlife as possible within the short time available. The survey was also intended to detect as many of the special-status species as possible, but with the understanding that most special-status species are less readily detectable due to rarity and crypticity. Nonetheless, the species detected can indicate the ecological integrity of the site and thus the likelihood of occurrence of special-status species not yet detected.

SITE VISIT

On my behalf, Noriko Smallwood, a wildlife biologist with a Master of Science Degree from California State University Los Angeles, visited the site of the proposed project for 3.2 hours from 06:25 to 09:37 hours on 27 August 2025, and for 2 hours of diurnal survey from 17:39 to 19:39 hours and 2.78 hours of nocturnal survey from 19:11 to 21:58 hours on 28 August 2025. During daylight, Noriko walked the site's perimeter where accessible, stopping to scan for wildlife with use of binoculars. At night, Noriko strapped a Pettersson M500 acoustic bat detector to a 30-foot pole, and cabled the detector to her computer, which ran Sonobat Live. Sonobat Live identifies bats to species based on the bats' sonograms that are detected by the M500. Noriko recorded all species of vertebrate wildlife she detected, including those whose members flew over the site or were seen just off the site. Animals of uncertain species identity were either recorded to the Genus or higher taxonomic level.

Conditions were sunny with 4 MPH south wind and temperatures of 65-79° F on 27 August 2025. On 28 August 2025, conditions were mostly cloudy with 10 MPH south wind and temperatures of 78-72° F during the diurnal survey, and clear with 9 MPH south wind and temperatures of 72-68° F during the nocturnal survey. The site shows evidence of disturbance in the past (e.g. mowing or discing) but contains one California juniper and multiple Joshua trees. A large warehouse was under construction at the site north of the project during the time of the surveys (Photos 1, 2, and 3).

Noriko saw red-tailed hawk and common raven (Photos 4 and 5), American kestrel (Photo 6), California horned lark (Photos 7, 8, and 9), greater roadrunner (Photo 10), house sparrow (Photo 11), house finch (Photo 12), California ground squirrel (Photos 13 and 14), among the other species listed in Table 1. Noriko detected 13 species of vertebrate wildlife at or adjacent to the project site, including four species with special status (Table 1).

Photos 1, 2, and 3. *Views of the project site, 27 August 2025. Photos by Noriko Smallwood. The middle photo shows the construction of a warehouse north of the project.*

Photo 4. *Common raven harassing a red-tailed hawk just off of the project site, 27 August 2025. Photo by Noriko Smallwood.*

Photos 5 and 6. *Common raven on the project site (left), and American kestrel just off the project site (right), 27 and 28 August 2025. Photos by Noriko Smallwood.*

Photos 7, 8, and 9. *California horned larks on the project site (top), and just off the project site (bottom), 27 August 2025. Photos by Noriko Smallwood.*

Photo 10. *Greater roadrunner just off the project site, 27 August 2025. Photo by Noriko Smallwood.*

Photo 11. *House sparrows perched on a Joshua tree on the project site, 27 August 2025. Photo by Noriko Smallwood.*

Photo 12. *House finches perched on a Joshua tree on the project site, 28 August 2025. Photo by Noriko Smallwood.*

Photos 13 and 14. *California ground squirrels on the project site, 27 and 28 August 2025. Photos by Noriko Smallwood.*

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

Noriko Smallwood

Table 1a. *Species of wildlife Noriko observed during 3.2 hours of diurnal survey on 27 August 2025, and during 2 hours of diurnal survey and 2.78 hours of nocturnal survey on 28 August 2025*

Common name	***Species name***	**Status**[1]	**Notes**
Rock pigeon	*Columba livia*	Non-native	
Mourning dove	*Zenaida macroura*		
Greater roadrunner	*Geococcyx californianus*		Foraged just off site
Red-tailed hawk	*Buteo jamaicensis*	BOP	Soared and harassed by CORA just off site
American barn owl	*Tyto furcata*	BOP	Flew over and called during nocturnal survey
American kestrel	*Falco sparverius*	BOP	Perched on California juniper just off site
Common raven	*Corvus corax*		Harassed RTHA, foraged on site
California horned lark	*Eremophila alpestris actia*	WL	Many flocks, foraged and flew over
European starling	*Sturnus vulgaris*	Non-native	
House sparrow	*Passer domesticus*	Non-native	Many, foraged and perched on Joshua trees
House finch	*Haemorphous mexicanus*		Foraged and perched on Joshua trees
Desert cottontail	*Sylvilagus audubonii*		Scat
California ground squirrel	*Otospermophilus beecheyi*		Observed 5 on site, likely more present on site

[1] Listed as WL = CDFW's Taxa to Watch List; BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors).

Table 1b. *Species of wildlife Noriko observed during multiple surveys for a total of 22.27 hours at the project site and at sites within 1.5 miles of the project site.*

Common name	***Species name***	**Status[1]**	**Steeno 2020, 2023**	**Pixior 2021**	**US Cold Storage 2021**	**Cargo Solutions 2025**
Southern alligator lizard	*Gerrhonotus multicarinatus*		X			
Lizard sp.			X			
Snake sp.				X		
Mallard	*Anas platyrhynchos*			X		
California quail	*Callipepla californica*				X	
Rock pigeon	*Columba livia*	Non-native	X	X		X
Mourning dove	*Zenaida macroura*		X	X	X	X
Greater roadrunner	*Geococcyx californianus*			X		X
Hummingbird sp.	*Trochilidae*		X			
Anna's hummingbird	*Calypte anna*				X	
Costa's hummingbird	*Calypte costae*	BCC		X		
Allen's hummingbird	*Selasphorus sasin*	BCC		X		
Red-tailed hawk	*Buteo jamaicensis*	BOP		X	X	X
American barn owl	*Tyto furcata*	BOP				X
Great horned owl	*Bubo virginianus*	BOP			X	
Northern flicker	*Colaptes auratus*				X	
American kestrel	*Falco sparverius*	BOP			X	X
Cassin's kingbird	*Tyrannus vociferans*				X	
Western kingbird	*Tyrannus verticalis*		X			
Say's phoebe	*Sayornis saya*				X	
Loggerhead shrike	*Lanius ludovicianus*	SSC2			X	
American crow	*Corvus brachyrhynchos*				X	
Common raven	*Corvus corax*		X	X	X	X
California horned lark	*Eremophila alpestris actia*	WL	X	X	X	X
Bushtit	*Psaltriparus minimus*			X		
Cactus wren	*Campylorhynchus brunneicapillus*		X	X	X	
Northern mockingbird	*Mimus polyglottos*				X	
European starling	*Sturnus vulgaris*	Non-native		X	X	X

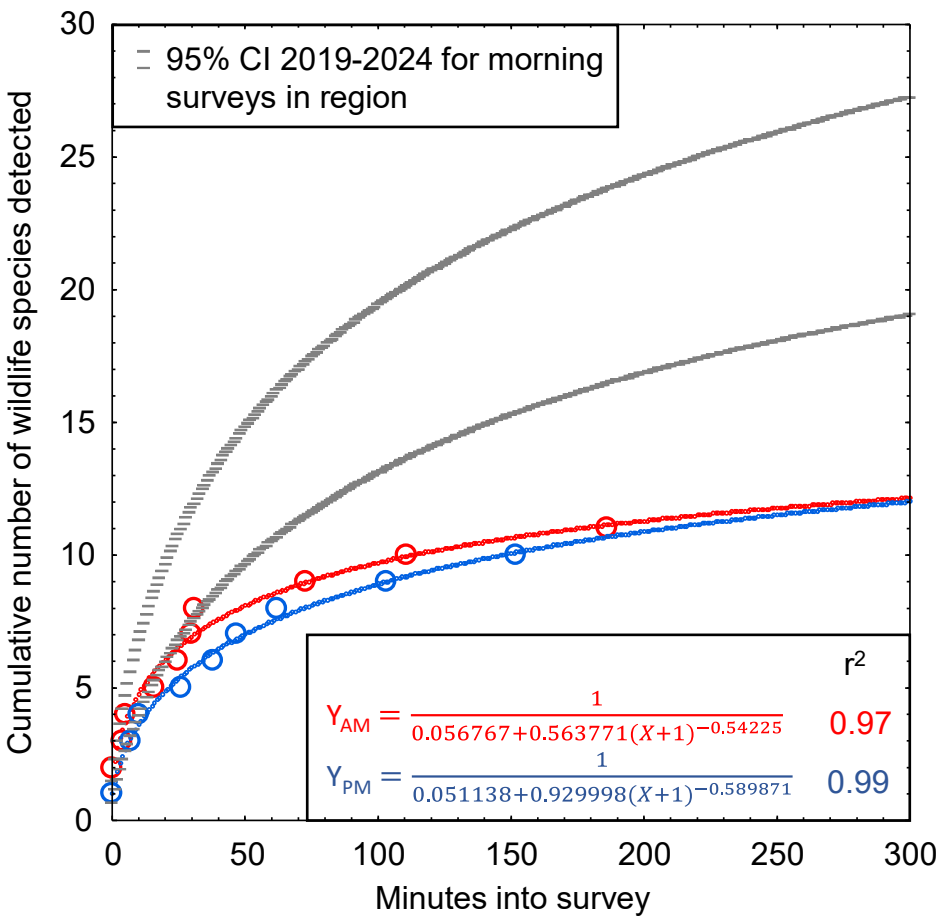
Common name	*Species name*	Status[1]	Steeno 2020, 2023	Pixior 2021	US Cold Storage 2021	Cargo Solutions 2025
House sparrow	*Passer domesticus*	Non-native	X	X		X
House finch	*Haemorphous mexicanus*		X	X		X
Purple finch	*Haemorhous purpureus*			X		
Lesser goldfinch	*Spinus psaltria*				X	
White-crowned sparrow	*Zonotrichia leucophrys*				X	
Bell's sparrow	*Amphispiza b. belli*	WL			X	
Western meadowlark	*Sturnella neglecta*				X	
Orange-crowned warbler	*Oreothlypis celata*			X		
Yellow-rumped warbler	*Setophaga coronata*				X	
Black-tailed jackrabbit	*Lepus californicus*		X		X	
Desert cottontail	*Sylvilagus audubonii*				X	X
California ground squirrel	*Otospermophilus beecheyi*		X	X		X
White-tailed antelope squirrel	*Ammospermophilus leucurus*			X	X	
Coyote	*Canis latrans*			X	X	
Western harvest mouse	*Reithrodontomys megalotis*			X		
Kangaroo rat	*Dipodomys sp.*				X	
Merriam's kangaroo rat	*Dipodomys merriami*			X		
California vole	*Microtus californicus*			X		

[1] Listed on CDFW's Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID =109406) as FC = federal candidate for listing; BCC = U.S. Fish and Wildlife Service's Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); SSC = California Species of Special Concern, and SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively); WL = CDFW's Taxa to Watch List; WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors).

ANALYSIS OF RECONNAISSANCE SURVEY DATA

Noriko detected 13 species of vertebrate willdife, which was a smaller number for the region and for her survey effort. The likely reason for the smaller number of species detections was the ongoing construction activity next to the project site. Nonetheless, the species of wildlife Noriko detected at the project site were not the only species that were present during her surveys, as there are always species that are not detected. To demonstrate this, I fit nonlinear regression models to Noriko's cumulative numbers of vertebrate species detected with time into her daytime surveys to predict the number of species that she would have detected with longer surveys or perhaps with additional biologists available to assist her. The type of model is a logistic growth model, which reaches an asymptote that corresponds with the theoretical maximum number of vertebrate wildlife species that could have been detected during the survey. The models fit to Noriko's survey data from 27 and 28 August predict 18 and 20 species of vertebrate wildlife were available to be detected in each respective survey, or 7 and 10 more species than she detected (Figure 1).

Figure 1. *Actual and predicted relationships between the numbers of vertebrate wildlife species detected and the elapsed survey time based on Noriko's visual-scan surveys on 27 and 28 August 2025.*



Unknown are the identities of the species Noriko missed, but the species that Noriko did and did not detect on 27 and 28 August 2025 composed only a fraction of the species that would occur at the project site over the period of a year or longer. This is because

many species are seasonal in their occurrence, some require more survey effort because they are highly cryptic, and the members of other species would visit the site only periodically while patrolling large home ranges. A survey on only two days cannot possibly detect all of the species of the local wildlife community.

At least a year's worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only have Noriko's two surveys. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely make use of the site over the longer term. This analytical bridge draws inference from the pattern of species detections more than it does from the research site, and I note that the pattern, i.e., rate, of species detections is consistent from site to site.

As part of my research, I completed a much larger survey effort across 167 km² of annual grasslands of the Altamont Pass Wind Resource Area, where from 2015 through 2019 I performed 721 1-hour visual-scan surveys, or 721 hours of surveys, at 46 stations. I used binoculars and otherwise the methods were the same as the methods I and other consulting biologists use for surveys at proposed project sites. At each of the 46 survey stations, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\hat{R} = \frac{1}{1/a+b\times(Hours)^c}$, where $\hat{R}$ represented cumulative species richness detected. The coefficients of determination, r^2, of the models ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations of my research site. I also averaged model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 2). On average I would have detected 17.7 species over my first 5.2 hours of diurnal surveys at my research site in the Altamont Pass (5.2 hours to match the 5.2 hours Noriko surveyed during daylight hours at the project site), which composed 31% of the predicted total number of species I would detect with a much larger survey effort at the research site. Given the example illustrated in Figure 2, the 13 diurnally active species Noriko detected after her 5.2 hours of daylight survey at the project site likely represented 31% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, Noriko would likely detect $13/0.31 = 42$ species of diurnally active vertebrate wildlife at the site. Assuming Noriko's ratio of special-status to non-special-status species was to hold through the detections of all 42 predicted species, then continued surveys would eventually detect 13 special-status species of diurnally active vertebrate wildlife.

Because my prediction of 42 species of vertebrate wildlife, including 13 special-status species, is derived from daytime visual-scan surveys, and would detect few nocturnal mammals such as bats, the true number of species composing the wildlife community of the site must be larger. Noriko's reconnaissance surveys should serve only as a starting point toward characterization of the site's wildlife community, but it certainly cannot alone inform of the inventory of species that use the site. More surveys are needed than her two surveys to produce an inventory the project site's wildlife community, and specialized surveys such as nocturnal acoustic detection and live-trapping would be needed. Nevertheless, the large number of species I predict at the project site is indicative of a relatively species-rich wildlife community that warrants a serious survey effort.

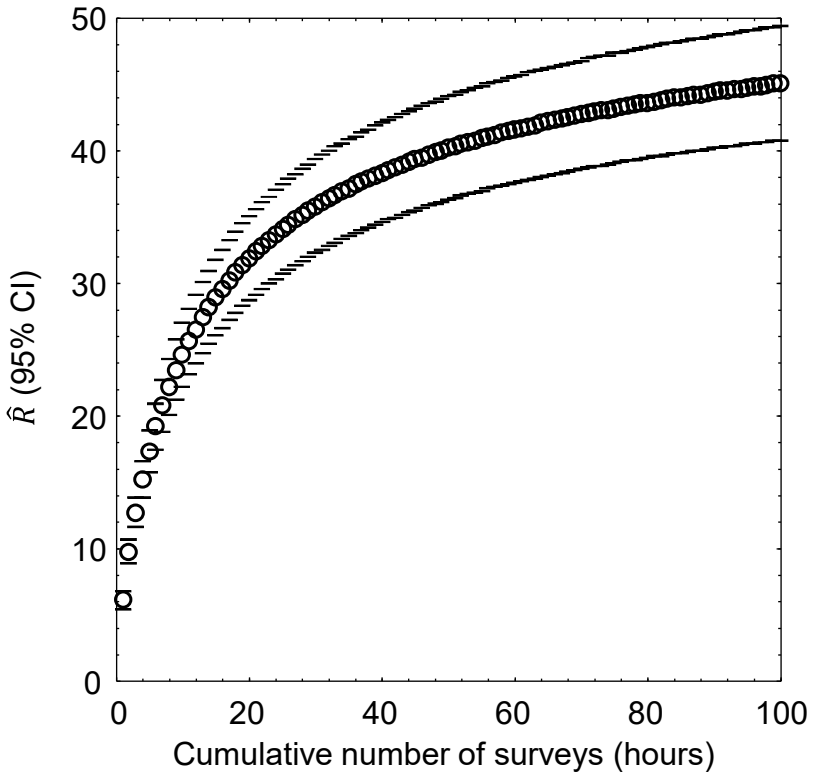


Figure 2. *Mean (95% CI) predicted wildlife species richness, $\hat{R}$, as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019. Note that the location of the study is largely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

EXISTING ENVIRONMENTAL SETTING

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

species. In the case of the proposed project, these required steps remain incomplete and misleading.

Environmental Setting informed by Field Surveys

To the CEQA's primary objective to disclose potential environmental impacts of a proposed project, the analysis should be informed of which biological species are known to occur at the proposed project site, which special-status species are likely to occur, as well as the limitations of the survey effort directed to the site. Analysts need this information to characterize the environmental setting as a basis for opining on, or predicting, potential project impacts to biological resources. In the case of this project, however, no analysts obtained the information needed to accurately predict impacts to wildlife.

A biologist from UltraSystems (2022) conducted a reconnaissance survey in pursuit of the following objectives: Habitat assessment and land cover type mapping, Sensitive plant community assessment, General plant survey, General wildlife survey, Jurisdictional waters/wetlands assessment, Wildlife movement evaluation, Step-1 Burrowing owl and desert tortoise habitat assessment, evaluate the initial results of the literature review, and collect additional data on existing site conditions. I count 11 objectives in this list, and all these objectives were pursued simultaneously over a survey that lasted a mere 1.25 hours. It was highly unlikely that any of the 11 objectives were satisfactorily achieved in a 1.25-hour survey. A 1.25-hour survey qualifies as a de minimis survey effort, and it was therefore unlikely to detect more than only a few species of wildlife.

In fact, UltraSystems (2022) reports that its biologist detected only three species of vertebrate wildlife, none of which was a special-status species. In comparison, Noriko Smallwood detected 3.25 times the number of species, including four with special status. The extremely brief survey by the UltraSystems biologist likely explains part of the difference in survey outcome, but two additional explanations would be the large number of objectives pursued by the UltraSystems biologist and the start time of 14:45 hours. The middle of the afternoon is when wildlife activity is least, and this pattern would have been magnified by the survey date in late August (24 August 2022) in the desert. UltraSystems could not have selected a worse time to begin a wildlife survey.

If I did not know better, the disparity in survey findings is large enough to question whether Noriko and the UltraSystems biologist surveyed the same wildlife community. The UltraSystems biologist detected no species that Noriko did not, and Noriko detected 10 species that the UltraSystems biologists did not. Applying the Sørensen *Index of* $Similarity = \frac{2c}{a+b}$ (Sørensen 1948), where a is the number of species found by UltraSystems (2022), b is the number of species found by Noriko, and c is the number of species found by both UltraSystems and Noriko, the Index of Similarity of the two wildlife communities is only 0.375 on a scale that ranges 0 to 1. For perspective, the mean Index of Similarity among 40 comparisons of surveys I completed over the same time periods and at the same place in Rancho Cordova, California, but on different days over three years 2020-2023, was 0.755 with a high value of 0.90. An Index value of

0.375 is low – one of the lowest I have calculated between the survey outcomes of consultants and either Noriko or myself.

The survey by UltraSystems (2022) did not meet the minimum standards of CDFW's (2018) survey guidelines for rare plants. No evidence was reported that would suggest that the surveys were timed to overlap the blooming periods of potentially occurring rare plants. No reference sites were surveyed. And most of the standards of stating qualifications, of preparation, of survey conduct, and of reporting were not met in UltraSystems (2022).

UltraSystems (2022) reports on no live-trapping for small mammals and no surveys for bats, even though multiple special-status species of small mammals and bats are known to the project area. UltraSystems completed no surveys consistent with the CDFW (2022) survey protocol for special-status species of bumble bees. Nor did UltraSystems complete the needed detection surveys for burrowing owl, which is a candidate for listing under the California Endangered Species Act. Due to its candidate status, the CDFW's (2012) survey guidelines need to be implemented.

For the burrowing owl, there are three types of surveys recommended and described in the CDFW's (2012) survey and mitigation guidelines: (1) Habitat assessment, (2) Detection surveys, and (3) Preconstruction survey. The habitat assessment is intended to evaluate the likelihood that the site supports burrowing owls, and to decide whether detection surveys should be performed. The detection survey, otherwise described as either or both breeding-season or non-breeding-season survey, is intended to detect whether the site truly supports burrowing owls, and if so, where and how many. The preconstruction survey, otherwise known as a take-avoidance survey, is intended to determine whether burrowing owls immigrated to the site since completion of the detection survey, or whether they returned to the site since passive or active relocations were performed as mitigation. The three types of survey carry distinct but inter-related purposes, and CDFW (2012) intends them to be completed in chronological order as numbered above.

The first two types of survey support impacts analysis, whereas the third type of survey is a mitigation measure. Burrowing owls can be determined absent based on evidence derived from the habitat assessment or detection survey, but only if the surveys achieved the minimum standards of CDFW (2012). Whereas an absence determination naturally follows from the negative findings of properly performed detection surveys, the following three questions must be answered negatively to determine absence based on the habitat assessment:

A) Are there occurrence records nearby the project site?
B) Is the site's vegetation cover and height typical of where burrowing owls are found?
C) Are there fossorial mammals present which typically construct burrows useable by burrowing owls, or are there surrogate cavities that can serve as nest sites?

If the answers to these questions are compellingly negative, then detection surveys are not necessary, but they could be implemented to make certain that burrowing owls are

absent on the project site. If the answers to these questions are affirmative or not compellingly negative, then it should be assumed that burrowing owl habitat exists on the site until detection surveys prove otherwise.

To question A, the nearest burrowing owl occurrence record are within 1.5 miles of the project site, and Noriko and I have detected burrowing owls only 9 km from the site. Moreover, UltraSystems (2022) determines that the occurrence likelihood of burrowing owls is high.

To question B, the vegetation on site is typical of the area, and it is typical of vegetation often used by burrowing owls. The answer to question B is affirmative, and so this part of the habitat assessment warrants a detection survey effort.

To question C, ground squirrels are known to occur on the project site. Ground squirrels were detected on site by both Noriko Smallwood and by UltraSystems (2022). Ground squirrels construct burrows used by burrowing owls, and these two species mutually alarm-call for predators and survive better together (K. S. Smallwood, unpublished data). The answer to question C is affirmative, and so this part of the habitat assessment warrants a detection survey effort.

The answers to all three questions are affirmative. Therefore, breeding-season detection surveys are needed, and these surveys are not to be confused with preconstruction take-avoidance surveys. Breeding-season detection surveys are needed to publicly disclose potential impacts on the burrowing owl. Moreover, the applicant needs to consult with the CDFW for the purpose of obtaining an incidental take permit.

On the whole, the field surveys are incomplete. Detection survey protocols have not been implemented for rare plants or for special-status species of wildlife. Without an adequate survey effort, the wildlife community remains incompletely and inaccurately characterized, and the basis for predicting impacts on wildlife remains unsound. At least a fair argument can be made for the need to prepare an EIR to appropriately characterize the wildlife community as part of the existing environmental setting, and for the purpose of predicting project impacts and formulating appropriate mitigation strategies.

Environmental Setting informed by Desktop Review

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

UltraSystems (2022) queried the California Natural Diversity Data Base (CNDDB) for occurrence records of special-status species within 10 miles of the project site. By

querying the CNDDB to establish the pool of special-status species for analysis of occurrence likelihoods, UltraSystems (2022) screened out many special-status species from further consideration in the characterization of the wildlife community as part of the existing environmental setting. The CNDDB is not designed to support absence determinations or to screen out species from characterization of a site's wildlife community. As noted by the CNDDB, "*The CNDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present*." UltraSystems (2022) and hence the IS/MND misused the CNDDB.

The CNDDB relies entirely on volunteer reporting from biologists who were allowed access to whatever properties they report from. Many properties have never been surveyed by biologists. Many properties have been surveyed, but the survey outcomes never reported to the CNDDB. Many properties have been surveyed multiple times, but not all survey outcomes reported to the CNDDB. Furthermore, the CNDDB is interested only in the findings of special-status species, which means that species more recently assigned special status will have been reported many fewer times to the CNDDB than were species assigned special status since the inception of the CNDDB. Therefore, occurrence records in the CNDDB are most abundant for species assigned special status decades ago, but fewest for species only recently assigned special status. And because negative findings are not reported to the CNDDB, the CNDDB is also inappropriate as a basis for weighting occurrence likelihoods such as absent, not expected, unlikely, low, moderate or high. Whereas the CNDDB can be confirmatory of species presence, it cannot support absence determinations or assignments of low likelihood of occurrence. And again, the screening out of a species due to lack of occurrence records in the CNDDB is the same as an absence determination, and this step is being taken without adequate support of field surveys.

In my assessment based on a database review and site visits, 113 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence potential (Table 2). Of these 113 species, 4 were recorded on or just off the project site, and another 13 (12%) species have been documented within 1.5 miles of the site (Very close), another 13 (12%) within 1.5 and 4 miles (Nearby), and another 73 (65%) within 4 to 30 miles (In region). One quarter of the species in Table 2 have been reportedly seen within 4 miles of the project site. The site therefore supports at least seven special-status species of wildlife and carries the potential for supporting many more special-status species of wildlife based on the proximities of recorded occurrences.

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

Common name	***Species name***	**Status[1]**	**Occurrence potential**		
			UltraSystems		**Data base records, Site visits**
			2022	**App.**	
Monarch	*Danaus plexippus*	FC		None	In region
Crotch's bumble bee	*Bombus crotchii*	CCE	Low	Low	In region
Southwestern pond turtle	*Actinemys pallida*	FC, SSC		None	In region
Mojave desert tortoise	*Gopherus agassizii*	FT, CE	Low	Low	In region
Blainville's horned lizard	*Phrynosoma blainvillii*	SSC	Low	Low	In region
Brant	*Branta bernicla*	SSC2			In region
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL			In region
Redhead	*Aythya americana*	SSC2			In region
Barrow's goldeneye	*Bucephala islandica*	SSC			In region
Western grebe	*Aechmophorus occidentalis*	BCC			Nearby
Clark's grebe	*Aechmophorus clarkii*	BCC			In region
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, CE		None	In region
Black swift	*Cypseloides niger*	SSC3, BCC			In region
Vaux's swift	*Chaetura vauxi*	SSC2			In region
Costa's hummingbird	*Calypte costae*	BCC			Nearby/**Very close**
Calliope hummingbird	*Selasphorus calliope*	BCC			In region
Rufous hummingbird	*Selasphorus rufus*	BCC			In region
Allen's hummingbird	*Selasphorus sasin*	BCC			In region/**Very close**
American avocet	*Recurvirostra americana*	BCC			In region
Mountain plover	*Charadrius montanus*	SSC2, BCC			In range
Snowy plover	*Charadrius nivosus*	BCC			In region
Western snowy plover	*Charadrius nivosus nivosus*	FT, SSC			In range
Long-billed curlew	*Numenius americanus*	WL			In region
Marbled godwit	*Limosa fedoa*	BCC			In region
Pectoral sandpiper	*Calidris melanotos*	BCC			In region

Common name	*Species name*	Status[1]	Occurrence potential		
			UltraSystems		Data base records, Site visits
			2022	App.	
Short-billed dowitcher	*Limnodromus griseus*	BCC			In region
Lesser yellowlegs	*Tringa flavipes*	BCC			In region
Willet	*Tringa semipalmata*	BCC			In region
Franklin's gull	*Leucophaeus pipixcan*	BCC			In region
Heermann's gull	*Larus heermanni*	BCC			In region
California gull	*Larus californicus*	BCC, WL			Very close
California least tern	*Sternula antillarum browni*	FE, CE, CFP			In region
Black tern	*Chlidonias niger*	SSC2, BCC			In region
Common loon	*Gavia immer*	SSC			In region
Double-crested cormorant	*Phalacrocorax auritus*	WL			Very close
American white pelican	*Pelacanus erythrorhynchos*	SSC1			Nearby
Least bittern	*Ixobrychus exilis*	SSC2			In region
White-faced ibis	*Plegadis chihi*	WL			In region
Turkey vulture	*Cathartes aura*	BOP			Very close
Osprey	*Pandion haliaetus*	WL, BOP			Nearby
White-tailed kite	*Elanus luecurus*	CFP, BOP			In region
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP, WL		None	Nearby
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP		None	In region
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP			Nearby
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Low	Low	Nearby
Bald eagle	*Haliaeetus leucocephalus*	CE, BGEPA, BOP		None	In region
Red-shouldered hawk	*Buteo lineatus*	BOP			In region
Swainson's hawk	*Buteo swainsoni*	CT, BOP	Low	Low	Very close
Red-tailed hawk	*Buteo jamaicensis*	BOP			Very close/**Adjacent**
Ferruginous hawk	*Buteo regalis*	WL, BOP			In region
Zone-tailed hawk	*Buteo albonotatus*	BOP			In region
Rough-legged hawk	*Buteo lagopus*	BOP			In region
American barn owl	*Tyto furcata*	BOP			Nearby/**On site**

Common name	*Species name*	Status[1]	Occurrence potential		
			UltraSystems		Data base records, Site visits
			2022	App.	
Western screech-owl	*Megascops kennicotti*	BOP			In region
Great horned owl	*Bubo virginianus*	BOP			Nearby/**Very close**
Burrowing owl	*Athene cunicularia*	BCC, CCE, SSC2, BOP	High	High	Very close
Long-eared owl	*Asio otus*	BCC, SSC3, BOP		None	In region
Short-eared owl	*Asia flammeus*	BCC, SSC3, BOP			In region
Lewis's woodpecker	*Melanerpes lewis*	BCC			In region
Nuttall's woodpecker	*Picoides nuttallii*	BCC			Nearby
American kestrel	*Falco sparverius*	BOP			Very close/**Adjacent**
Merlin	*Falco columbarius*	WL, BOP			Very close
Peregrine falcon	*Falco peregrinus*	BOP			Nearby
Prairie falcon	*Falco mexicanus*	WL, BOP	Low	Low	Very close
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2			In region
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, CE		None	In region
Brown-crested flycatcher	*Myiarchus tyrannulus*	WL			In region
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2			In region
Least Bell's vireo	*Vireo bellii pusillus*	FE, CE		None	In region
Gray vireo	*Vireo vicinior*	SSC2		None	In region
Loggerhead shrike	*Lanius ludovicianus*	SSC2	Moderate	Moderate	Very close/**Very close**
Oak titmouse	*Baeolophus inornatus*	BCC			Nearby
Verdin	*Auriparus flaviceps*	BCC			Very close
California horned lark	*Eremophila alpestris actia*	WL			Very close/**On site**
Bank swallow	*Riparia riparia*	CT			In region
Purple martin	*Progne subis*	SSC2			In region
Wrentit	*Chamaea fasciata*	BCC			In region
Black-tailed gnatcatcher	*Polioptila melanura*	WL			In region
Bendire's thrasher	*Toxostoma bendirei*	SSC3, BCC			In region
California thrasher	*Toxostoma redivivum*	BCC			Nearby

Common name	*Species name*	Status[1]	Occurrence potential		
			UltraSystems		Data base records, Site visits
			2022	App.	
LeConte's thrasher	*Toxostoma lecontei*	SSC1, BCC		None	Nearby
Cassin's finch	*Haemorhous cassinii*	BCC			In region
Lawrence's goldfinch	*Spinus lawrencei*	BCC			Nearby
Black-chinned sparrow	*Spizella atrogularis*	BCC			In region
Gray-headed junco	*Junco hyemalis caniceps*	WL			In region
Bell's sparrow	*Amphispiza b. belli*	WL			In region/**Very close**
Oregon vesper sparrow	*Pooecetes gramineus affinis*	SSC2			In range
Southern California rufous-crowned sparrow	*Aimophila ruficeps canescens*	WL			In region
Yellow-breasted chat	*Icteria virens*	SSC3		None	In region
Yellow-headed blackbird	*X. xanthocephalus*	SSC3			In region
Bullock's oriole	*Icterus bullockii*	BCC			Nearby
Tricolored blackbird	*Agelaius tricolor*	CT, BCC, SSC1			In region
Lucy's warbler	*Leiothlypis luciae*	SSC3			In region
Virginia's warbler	*Leiothlypis virginiae*	WL, BCC			In region
Yellow warbler	*Setophaga petechia*	SSC2		None	In region
Summer tanager	*Piranga rubra*	SSC1		None	In region
California myotis	*Myotis californicus*	WBWG:L			In region
Small-footed myotis	*Myotis ciliolabrum*	WBWGM			In region
Canyon bat	*Parastrellus hesperus*	WBWG: M			In region
Big brown bat	*Episticus fuscus*	WBWG:L			In region
Silver-haired bat	*Lasionycteris noctivagans*	WBWG:M			In range
Hoary bat	*Lasiurus cinereus*	WBWG:M		None	In range
Spotted bat	*Euderma maculatum*	SSC, WBWG:H			In range
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC, WBWG:H			In region
Pallid bat	*Antrozous pallidus*	SSC, WBWG:H	Low		In range
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG:L			In region
Western mastiff bat	*Eumops perotis*	SSC, WBWG:H			In range
Desert kit fox	*Vulpes macrotis macrotis*	CCR Title 14		Low	In region

Common name	*Species name*	Status[1]	Occurrence potential		
			UltraSystems		Data base records, Site visits
			2022	App.	
Mohave ground squirrel	*Xerospermophilus mohavensis*	CT	Low	Low	In region
Pallid San Diego pocket mouse	*Chaetodipus fallax pallidus*	SSC		None	In range
Los Angeles pocket mouse	*Perognathus longimembris brevinasus*	SSC			In region
Southern grasshopper mouse	*Onychomys torridus ramona*	SSC			In range
American badger	*Taxidea taxus*	SSC		None	In region

[1] Listed on CDFW's Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FT or FE = federal threatened or endangered; FC = federal candidate for listing; BGEPA = Bald and Golden Eagle Protection Act; CT or CE = California threatened or endangered; CCT or CCE = Candidate California threatened or endangered; CFP = California Fully Protected (California Fish and Game Code 3511); SSC = California Species of Special Concern, and SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively); WL = CDFW's Taxa to Watch List; WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); BCC = U.S. Fish and Wildlife Service's Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); and BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors); CCR Title 14 = California Code of Regulations Title 14, §460, protection against any take (https://govt.westlaw.com/calregs/Document/I1350BAF65B4D11EC976B000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

UltraSystems (2022) assesses the occurrence likelihoods of only 28 (24.7%) of the special-status species listed in Table 2. Of these, one (burrowing owl) is given high potential to occur, one (loggerhead shrike) is given moderate potential to occur, and the rest are given either low potential or no potential to occur. The two special-status species given moderate and high likelihoods of occurrence comport with site conditions and the occurrence records, but the 26 special-status species given low to no occurrence likelihoods do not comport so well with site conditions or the occurrence records. Two of these species have been recorded within 1.5 miles of the site, three more have been recorded between 1.5 and 4 miles of the site, and 16 have been recorded between 4 and 30 miles from the site, which in desert environments is not far. Most of the 28 special-status species analyzed by UltraSystems have been detected close enough to the project site to consider them likely to occur. The UltraSystems analysis is unlikely to be accurate, and it errs on the side of incaution.

On the Presence of Special-status Species of Wildlife

There is no doubt that at least four special-status species of wildlife occur on the project site. Modeling the rate of species detections during Noriko's surveys, and analytically bridging Noriko's survey results to a larger research effort, predicts 13 special-status species of vertebrate wildlife should be detectable on the project site after a larger survey effort conducted over the period of a year or longer. Indeed, species occurrence records reveal that 17 special-status species of vertebrate wildlife have been detected within 1.5 miles of the site, and 30 special-status species of vertebrate wildlife have been detected within four miles of the site. The evidence is overwhelming that the project site provides habitat to multiple special-status species of wildlife.

Considering Noriko's observations of at least four special-status species, and the occurrence records of multiple other special-status species very close to the project site the project site is habitat as defined in the scientific literature (Hall et al. 1997). These species are using the site for migration stopover, survival, and likely for reproduction. These species are members of a larger wildlife community, the entire composition of which has yet to be characterized but which undoubtedly adds to the habitat value of the project site.

BIOLOGICAL IMPACTS ASSESSMENT

The impacts analysis involves prediction. Predictions are necessary because measuring the impacts directly could not happen until after the impacts occur, and this type of measurement would prevent the formulations of avoidance and minimization mitigation strategies that are prioritized by the CEQA. Impact predictions are necessary as part of the environmental review. The accuracy of the predictions of impacts and their significance ultimately relies on the degree of accuracy in the characterization of the existing environmental setting (Figure 3).

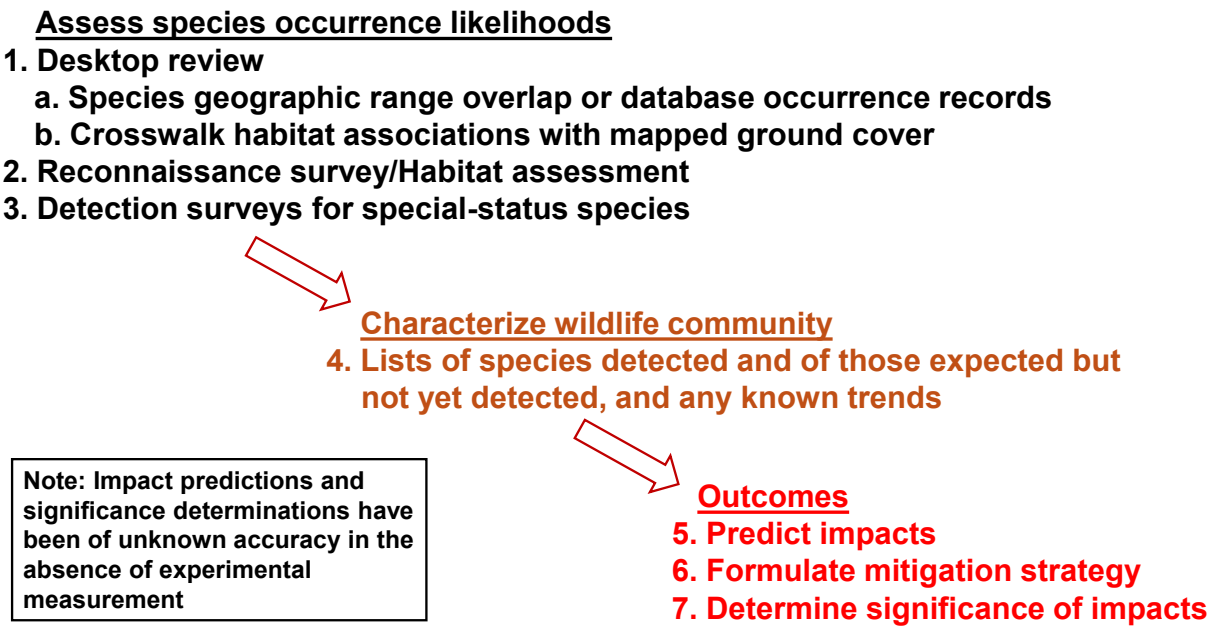


Figure 3. *General flow of information from the gathering stage through the characterization of the existing environment to predictions of impacts and their significance.*

Impact predictions can derive from speculation or from some level of experience (Figure 4). Speculation is repeatedly discouraged in the CEQA Guidelines, and for good reason because prediction accuracy improves with experience. But the experience that can be brought to bear on impact predictions ranges from anecdotes to careful use of scientific inference. Any type of experience is usually better than relying on speculation, but careful scientific inference, especially inference drawn from experiments, has proven most effective. An analogy would be predicting the boiling temperature of water at a certain place with a known atmospheric pressure after having measured it hundreds of times at other places under various atmospheric pressures. The experience of measuring the boiling temperature at all these other places would certainly result in a more accurate prediction of the boiling point as compared to a speculative prediction. We know that use of inference in this example is certainly more predictive, and not potentially more predictive, because we have a long successful history with the application of this type of experimentation to draw predictive inference.

In the following, I analyze several types of impacts likely to result from the project, none of which are analyzed by the City of Hesperia.

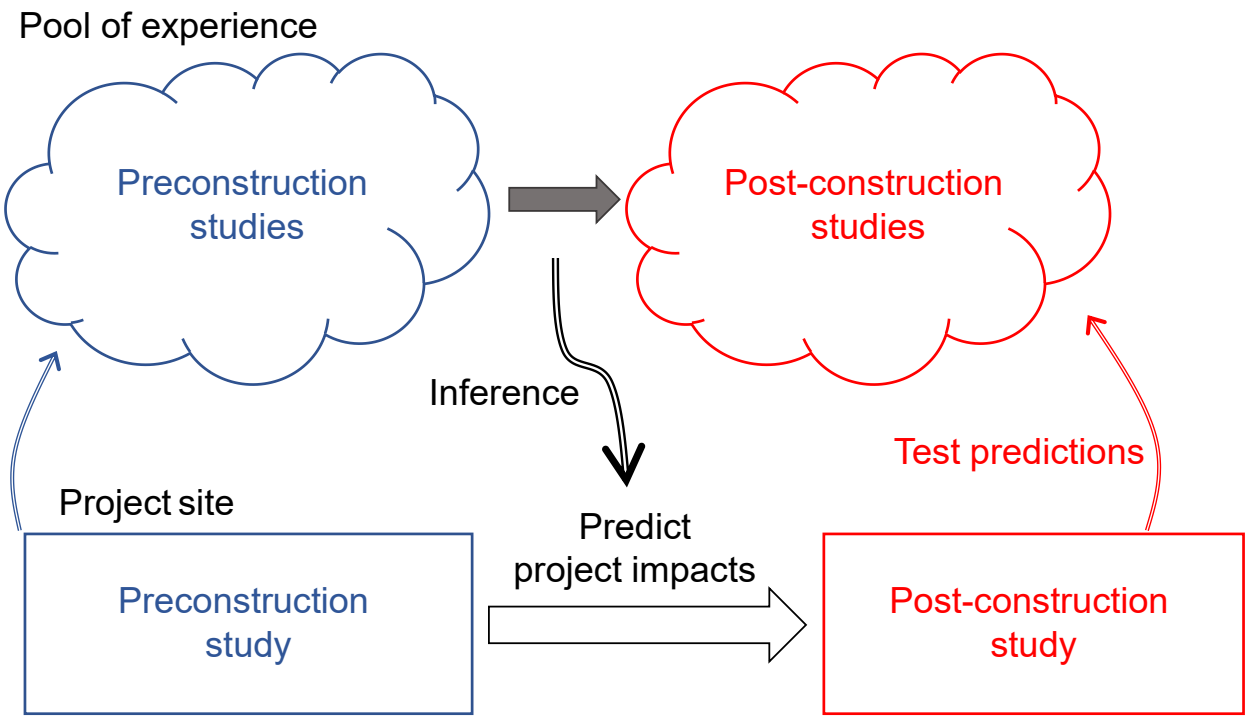


Figure 4. *A framework for arriving at predicted project impacts based on experience with other project sites. Ideally, there is a pool of similar projects in similar circumstances where predicted impacts were compared to realized impacts, and into which the proposed project can also contribute to experience.*

REDUCED PRODUCTIVE CAPACITY FROM HABITAT LOSS

Habitat loss results in a reduced productive capacity of affected wildlife species. The site is proven to serve as habitat to at least 13 species of vertebrate wildlife which Noriko observed on the site, but the number of avian nest sites remains unknown. Because Noriko's survey was only a reconnaissance survey and therefore unsuitable for detecting all bird nests on the site, estimating total nest density of birds was not possible. The alternative method would be to infer productive capacity from estimates of total nest density elsewhere. Noriko has completed several studies to estimate total avian nest density in similar environments in the local area.

Noriko estimated 5.56 nests/acre on a 3.6-acre site of ruderal grassland bordering a woodland strip in Murrieta, and 1.86 nests/acre on another 4.83-acre grassland site bordering a strip of woodland in Murietta. The average of the above two estimates is 3.71 nests/acre. This density applied to the 20.32 acres of the project site would predict 75.4 nest sites. Assuming 1.39 broods per nest site based on a review of 322 North American bird species, which averaged 1.39 broods per year, then I estimate 105 nest attempts per year on the project site. Assuming Young's (1948) study site typifies bird productivity of 2.9 fledged birds per nest attempt, then I predict 305 fledglings/year at the project site.

The loss of 75.4 nest sites and 105 nest attempts per year would qualify as significant impacts that have not been analyzed by the City of Hesperia. But the impacts would not end with the immediate loss of nest sites. The reproductive capacity of the site would be lost. The project would prevent the production of 305 fledglings per year. Assuming an average bird generation time of 4 years, the lost capacity of both breeders and annual fledgling production can be estimated from an equation in Smallwood (2022): {(nests/year × chicks/nest × number of years) + (2 adults/nest × nests/year) × (number of years ÷ years/generation)} ÷ (number of years) = 343 birds per year denied to California.

The loss of 343 birds per year would be a loss of significant habitat value that is currently provided by the project site. Most if not all these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which are intended to most strongly protect breeding migratory birds. The loss of 343 birds per year would easily qualify as an unmitigated significant impact.

INTERFERENCE WITH WILDLIFE MOVEMENT

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would interfere with wildlife movement in the region. The species Noriko detected on the project site had at some point moved to the site, and in fact members of some of these species were in flight when she detected them. At minimum, the project site provides wildlife with stopover opportunities during migration or dispersal of young. However, the City of Hesperia provides only a cursory, flawed analysis of whether and how the project would interfere with wildlife movement in the region.

As part of its analysis of wildlife movement impacts, UltraSystems (2022:41) speculates that wildlife seen on the project site are only resident animals that do not move to or from the project site: "UltraSystems biologist Dr. Tuma observed California ground squirrels during the field survey. These sightings of fossorial mammals and their burrows indicate that there may be resident populations of these species onsite. Thus, it is likely that fossorial mammal species give birth and raise young within the burrow complexes located onsite." This speculation, however, is at odds with more than a century of scientific study of metapopulation dynamics. Animal populations are not static, and they naturally shift locations every several generations or so (Taylor and Taylor 1979). Neither are individual animals static. In my own studies I have documented animals moving great distances in a single day. Animals patrol home ranges, disperse, reconnoiter, and migrate. The animals seen by Noriko Smallwood are also prone to large-distance movements. I can assure that the red-tailed hawk she saw on the site was not a resident to the project site, but rather only visiting the project site as part of the hawk's daily home range patrol and foraging circuit. Neither would any common raven or greater roadrunner be static residents of the site. UltraSystems' speculation on this matter lacks scientific foundation and credibility.

The analysis in the IS/MND is flawed by focusing entirely on whether the project site included a corridor or was situated within a corridor. According to UltraSystems

(2022:13), “To determine the potential for the BSA to contain wildlife corridors, UltraSystems biologists reviewed the USGS 7.5-Minute Topographic Map *Baldy Mesa* Quadrangle and viewed aerial imagery to search for physical features that might serve as a wildlife corridor. Biologists also used the BIOS Habitat Connectivity Viewer to search for CDFW Essential Connectivity Areas …” However, the CEQA Checklist question that goes to potential project interference with wildlife movement in the region only mentions corridors as an example of how to address the question. The Checklist question is not just about corridors.

The IS/MND itself adds another speculative take on the potential impact, where it offers the following conclusory argument: “The areas adjacent to the project to the south and west are developed with structures intended for commercial use. Although the project area and its surroundings contain undeveloped areas that could function as a local wildlife movement corridor, the proposed project will be constructed in an area that would not result in significant new habitat fragmentation, and would not significantly impede the passage of wildlife because there will still be available local movement corridors in the vicinity after construction of the project, therefore resulting in less than significant impact.” However, the IS/MND provides no evidence that the project’s development would avoid significant new habitat fragmentation. In fact, evidence in the IS/MND suggests the opposite. The project site currently connects open space to the north and south, and it provides pathways to two substantial geographic features that can channel wildlife movement (Figure 5). I have observed wildlife using the large northeast-southwest feature to the west of the project site, so I have no doubt that that feature is important to wildlife movement in the region. However, the project, along with the planned or approved additional projects, would cumulatively – through the process of habitat fragmentation –eliminate the available movement pathways across the site (Figure 6). The IS/MND is inaccurate in its analysis.

UltraSystems does not consider wildlife movement other than as affected by a corridor, and in my experience most wildlife is not channelized by corridors. In fact, the most common scientific description of wildlife movement corridors is of narrow bands of open space that are left by the process of habitat fragmentation (Smallwood 2015). UltraSystems reportedly searched for topographic features it assumes channelizes wildlife movement, but no evidence is provided in support of its assumption, and no effort is directed to understanding wildlife movement in the region that has nothing to do with corridors.

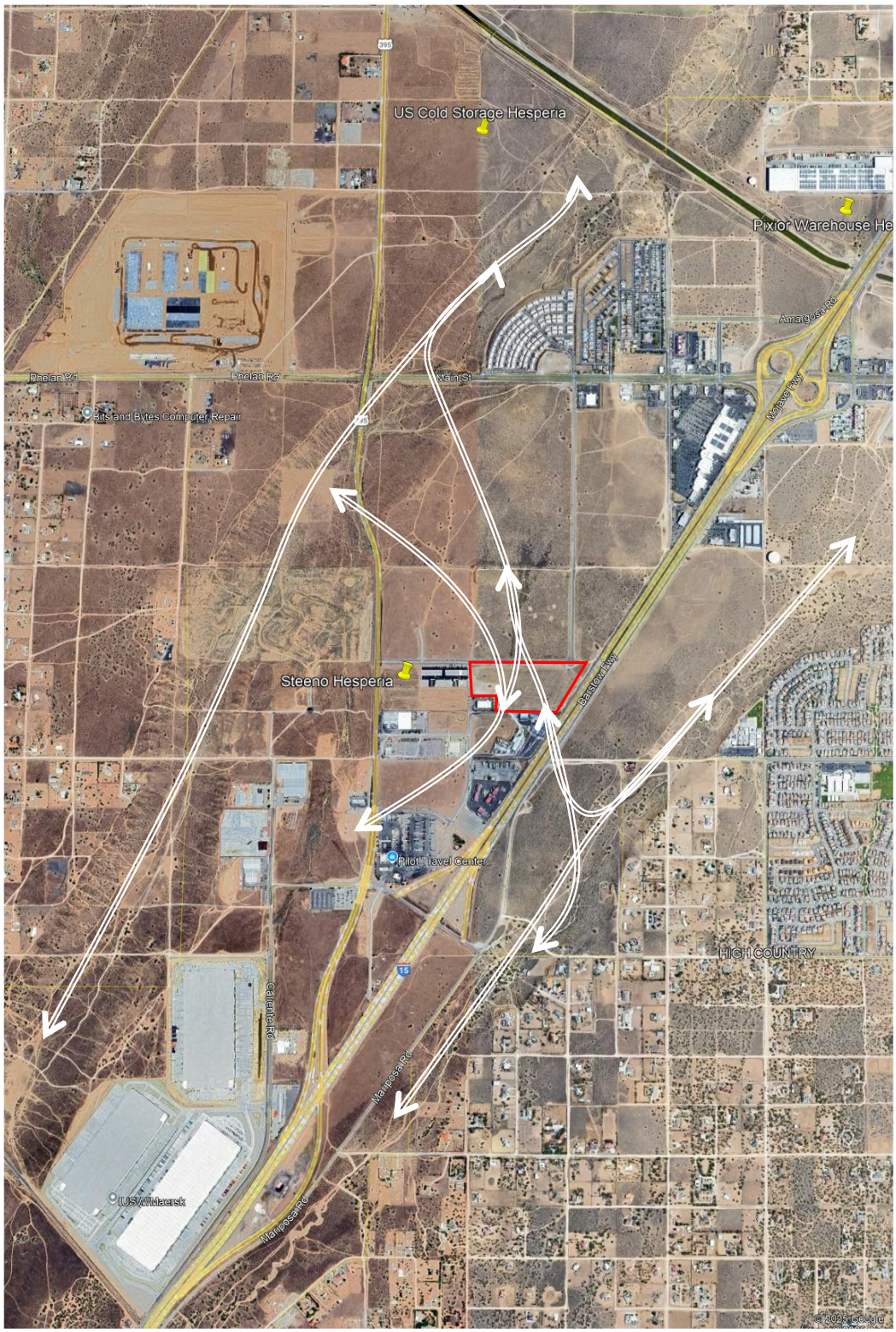


Figure 5. *Example pathways (white arrows) across the available open space of the existing project site (red polygon) and its surrounds, linking to two nearby geographic features that naturally channel wildlife movement in the region.*

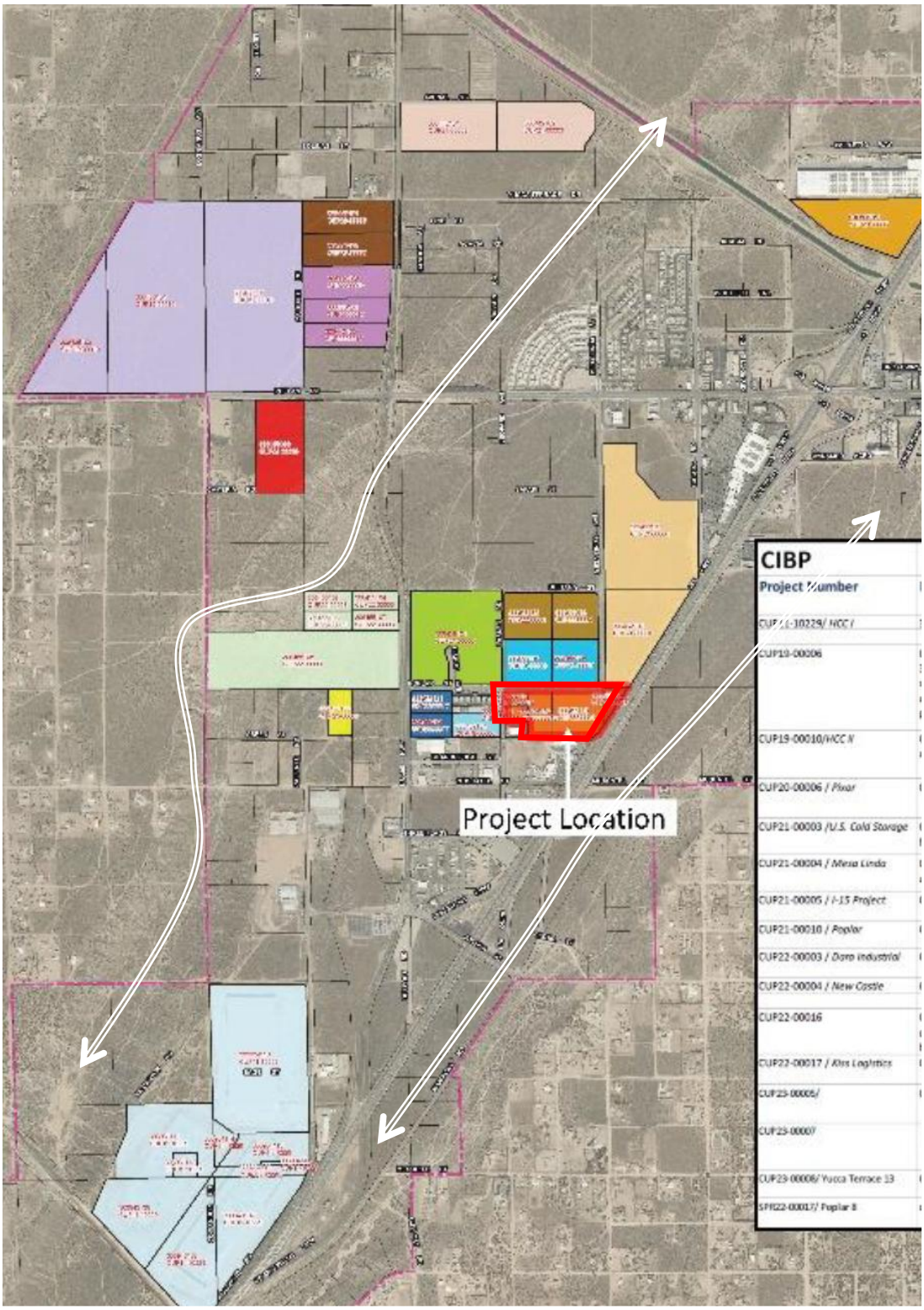


Figure 6. *Example pathways (white arrows) that would remain after the massive level of habitat fragmentation from cumulative buildout of the project (red polygon) and its surrounds, which would eliminate links between two nearby geographic features that naturally channel wildlife movement in the region.*

TRAFFIC IMPACTS ON WILDLIFE

Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic to get to and from the project site (Photos 15—19), including along roads far from the project footprint. Vehicle collisions have accounted for the deaths of many thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to 8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

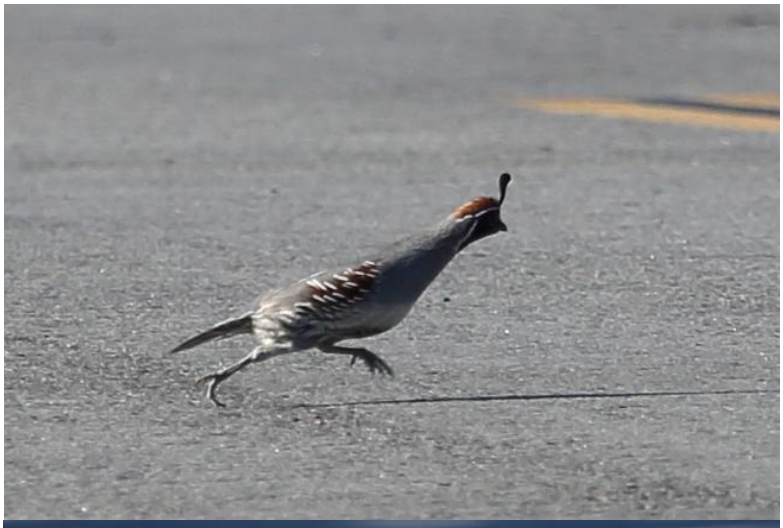


Photo 15. *A Gambel's quail dashes across a road* on *3 April 2021. Such road crossings are usually successful, but too often prove fatal to the animal. Photo by Noriko Smallwood.*

Photo 16. *Desert cottontail dashing across a Riverside County road in 2021. Another lay dead in the road nearby.*

Photo 17. *California kingsnake killed on an El Dorado County road in 2024.*

Photo 18. *Mourning dove killed by vehicle on a California road. Photo by Noriko Smallwood, 21 June 2020.*

Photo 19. *Raccoon killed on Road 31 just east of Highway 505 in Solano County. Photo taken on 10 November 2018.*

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

comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 188,191 animals killed per 100 km of road per year, or 22 times that of Loss et al.'s (2014) upper bound estimate and 53 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project site would similarly result in local impacts on wildlife.

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

Predicting project-generated traffic impacts to wildlife

The City's IS/MND predicts 850,912 annual VMT. During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars and trucks × 2.5 miles × 365 days/year × 1.25 years = 22,242,187.5 vehicle miles per 9,462 wildlife fatalities, or 2,351 vehicle miles per fatality. This rate divided into the predicted annual VMT would predict 362 vertebrate wildlife fatalities per year.

Based on my analysis, the project-generated traffic would cause substantial, significant impacts to wildlife. The City does not analyze this potential impact, nor does it propose to mitigate it. Mitigation measures to improve wildlife safety along roads are available and are feasible, and they need exploration for their suitability with the proposed project. Given the predicted level of project-generated, traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts. At least a fair argument can be made for the need to prepare an EIR to appropriately analyze the potential impacts of project-generated automobile traffic on wildlife.

CUMULATIVE IMPACTS

The cumulative impacts analysis is fundamentally flawed. The IS/MND includes a map of cumulative projects, although no details are legibly provided of the mapped project areas (Some details appear in the map of Figure 4.21-1, but they are illegible). Without mentioning biological resources, the text that cites this map includes the following

premise and conclusion: “as analyzed throughout this document, the proposed project would create less than significant impacts with mitigation incorporated. Therefore, the project would not significantly contribute to cumulative impacts in the area with mitigation incorporated.” The premise is that mitigation of individual direct impacts negates cumulative impacts, contrary to how the CEQA Guidelines define cumulative impacts. Essentially, the IS/MND’s premise is that cumulative impacts are really just residual impacts of incomplete or inadequate mitigation. But this is not the case.

I have often seen the IS/MND’s claim of no cumulative impacts to wildlife due to the project’s adequate mitigation of direct impacts and its compliance with existing laws, regulations, policies, pr programs, and so I decided to test the veracity of this frequent claim. In collaboration with Noriko Smallwood, I measured the impacts – inclusive of cumulative impacts – of wildlife habitat loss that was caused by mitigated development projects. We revisited 80 sites of proposed projects that we had originally surveyed in support of comments on the CEQA review documents (Smallwood and Smallwood 2023). We revisited the sites to repeat the survey methods at the same time of year, the same start time in the day, and the same methods and survey duration to measure the effects of mitigated development on wildlife. We structured the experiment in a before-after, control-impact experimental design, as some of the sites had been developed since our initial survey and some had remained undeveloped. We found that mitigated development resulted in a 66% loss of species on site, and 48% loss of species in the project area. Counts of vertebrate animals declined 90%. “Development impacts measured by the mean number of species detected per survey were greatest for amphibians (-100%), followed by mammals (-86%), grassland birds (-75%), raptors (-53%), special-status species (-49%), all birds as a group (-48%), non-native birds (-44%), and synanthropic birds (-28%). Our results indicated that urban development substantially reduced vertebrate species richness and numerical abundance, even after richness and abundance had likely already been depleted by the cumulative effects of loss, fragmentation, and degradation of habitat in the urbanizing environment,” and despite all the mitigation measures per existing laws, policies and regulations. We also specifically tested for the cumulative effects of projects on wildlife in neighboring habitats, and we found significant decreases in species richness and overall abundance in those areas as well. The proposed project would cause the same declines in wildlife abundance and species richness, and based on what I see in the IS/MND, these would qualify as significant unmitigated cumulative impacts.

MITIGATION

The IS/MND requires four mitigation measures, but these measures are either inappropriate or inadequate.

MM BIO-1: §**2081 FGC Incidental Take Permit** *Western Joshua trees … will require a§ 2081 FGC Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of* ***MM BIO-6****. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not*

apply to western Joshua tree in any manner. For projects where take is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW.

Obtaining an ITP is not a mitigation measure unless the issuance of the ITP requires mitigation. The IS/MND discusses the ITP as if it is certain to be issued, but the IS/MND provides no evidence in support of its certainty.

MM BIO-2: Focused Burrowing Owl Survey *Although BUOW was not observed on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future.*

Here the IS/MND is misleading, because it implies burrowing owls were absent from the project site during UltraSystems' reconnaissance survey. The reconnaissance survey could not have provided sufficient evidence of absence, because it was not a protocol-level detection survey as recommended by CDFW (2012). Moreover the single survey was conducted in late August in hot temperatures and in simultaneous pursuit of 11 objectives over a mere 1.25 hours; in other words, it was in no way consistent with the recommendations of CDFW (2012). While it might be true that the biologist who surveyed the site did not observe burrowing owls, it is not true that burrowing owls were necessarily absent from the project site.

MM BIO-2: Focused Burrowing Owl Survey *A qualified biologist would conduct a focused BUOW survey in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW, 2012).*

This part of the mitigation measure is also misleading because it would be impossible to conduct a focused survey consistent with CDFW (2012) after certification of the IS/MND. As I commented earlier, there are three types of survey that are intended by CDFW (2012) to be implemented in sequence, the first two types of survey to precede the public circulation of the environmental review document. The focused survey, otherwise known as a detection survey, needed to have been completed already. A preconstruction take-avoidance survey, which is the type of survey the IS/MND seems to require here, is not a detection survey, and requiring this type of survey as a substitute to a detection survey would be inconsistent with CDFW (2012) and inappropriate.

MM BIO-2: Focused Burrowing Owl Survey *If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required.*

Because the burrowing owl is a candidate for listing under CESA, consultation with the CDFW needs to begin before any surveys are conducted. Considering the City's lack of understanding of CDFW (2012), this timely consultation is all the more important.

MM BIO-2: Focused Burrowing Owl Survey *If BUOW or signs of BUOW are observed during the survey, the site would be considered occupied. The biologist would implement mitigation measure* ***BIO-2*** *and contact the City of Hesperia, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures, prior to commencing project activities. The list of potential measures to avoid and minimize impacts to BUOWs described below would be implemented.*

Again, because the burrowing owl is a candidate for listing under CESA, consultation with the CDFW needs to begin before any surveys are conducted. Even if no burrowing owls are detected, the loss of foraging habitat would need to be mitigated. Also, CDFW (2012) warns that passive or active translocation of burrowing owls can be interpreted as take. Take of a candidate species is not allowed.

MM BIO-3: Pre-Construction General Wildlife Survey *The following measures will be implemented to minimize impacts to these species which include but are not limited to: Blainville's horned lizard and desert kit fox. The measures below will help to reduce direct and indirect impacts caused by construction on various sensitive species to less than significant levels. • A qualified biologist will conduct a pre-construction general wildlife survey for sensitive wildlife and potential nesting sites such as open ground, shrubs, and burrows within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, … • If any sensitive wildlife species are observed within the project site during the preconstruction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. …*

I concur with MM BIO-3 should the project go forward, but it needs to be understood that the conservation benefits of salvaging a few animals would be trivial relative to the project impacts to all wildlife that occur on the project site. The benefits would be realized only at the time of implementation of the measure, whereas the loss of productive capacity of the site would be permanent.

MM BIO-4: Loggerhead Shrike Survey and Protection Measures *If activities occur during the breeding/nesting period, a wildlife survey will be completed by a qualified biologist to identify potential loggerhead shrike activity in the area of the project activities. Additional species surveys to determine presence/absence of birds prior to disturbances, from May 1 until the work start date, if the work start date is prior to August 31. Surveys are to occur weekly in May, every other week in June, and once per month in July and August (assuming no loggerhead shrike are observed). Incidental occurrences of other sensitive avian species such as Swainson's hawk, prairie falcon, and Cooper's hawk should also be recorded during the survey.*

The measure would avoid multiple deficiencies by requiring that project construction takes place outside the avian breeding season. With a restriction against construction during the breeding season, the uncertainties could be eliminated over (1) the biologists' ability to identify and salvage active nests, and (2) the sufficiency of no-disturbance

buffers that a biologist would establish to avoid disturbance to the nest, and any adjustments that would be warranted in response to the biologist's determination over whether construction activities are disturbing the nest.

Whereas the preconstruction survey might result in the salvage one or a few nests, the nests that are salvaged would be only those detected during the preconstruction survey of the year when the survey occurs. Birds would never again be capable of nesting on the project site.

MM BIO-5: Pre-Construction Breeding Bird Survey *…Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts to migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, … • If project activities cannot be avoided during February 15 through September 15, a qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. … If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities…*

Regarding the start of construction outside the breeding season, unless doing so "cannot be avoided," this avoidance measure is not a requirement, but rather a condition for implementing a preconstruction survey. Moreover, its implementation would not prevent the permanent loss of the avian productive capacity that I predict in my letter herein.

Preconstruction, take-avoidance surveys consist of two steps, both of which are very difficult. First, the biologist(s) performing the survey must identify birds that are breeding. Second, the biologist(s) must locate the breeding birds' nests. The first step is typically completed by observing bird behaviors such as food deliveries and nest territory defense. To be successful these types of observations typically require many surveys on many dates spread throughout the breeding season even for a single species. To identify and locate the birds of all species nesting on a site requires a much greater survey effort. Even assuming all the predicted 75 nest sites could be found (not likely), the mitigation measure would apply only to the breeding season of the survey. After the breeding season of the preconstruction survey, California would be denied the production of birds from the project site during every subsequent year. The impacts of the project on birds would be permanent and of large magnitude (see my prediction, above, of the lost productive capacity of breeding birds).

Finally, the mitigation language allows a single individual to make a subjective decision, outside the public's view, to determine the buffer area for any given species. This measure lacks objective criteria, and it is therefore unenforceable.

MM BIO-6: Native Desert Vegetation Survey and Protected Plant Preservation Plan *A Preservation Plan will be prepared and submitted to the City, which is required by City Municipal Code. A native desert vegetation survey must be conducted to produce findings that will guide the formation of this plan. …*

While I concur that the findings of a native desert vegetation survey are needed to guide the formulation of the Preservation Plan (including for Joshua trees), these findings were needed for inclusion in the environmental review document. They survey should have been completed already. Without the survey, there is insufficient disclosure of which sensitive plants occur on the site, where they occur, their condition, and whether there are options to mitigate project impacts to them. The measure defers the survey needed to formulate appropriate mitigation.

The IS/MND needs to be removed from public circulation, and a rare plant survey completed to the standards recommended in CDFW (2018).

NEEDED MITIGATION MEASURES

Habitat loss: Should the project go forward, compensatory mitigation is needed for the loss of habitat. Habitat of equal or greater area should be protected as close to the project site as feasible.

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

Landscaping: If the project goes forward, California native plant landscaping (i.e., grassland and locally appropriate scrub plants) should be considered to be used as opposed to landscaping with lawn and exotic shrubs and trees. Native plants offer more structure, cover, food resources, and nesting substrate for wildlife than landscaping with lawn and ornamental trees. Native plant landscaping has been shown to increase the abundance of arthropods which act as important sources of food for wildlife and are crucial for pollination and plant reproduction (Narango et al. 2017, Adams et al. 2020, Smallwood and Wood 2022.). Further, many endangered and threatened insects require native host plants for reproduction and migration, e.g., monarch butterfly. Around the world, landscaping with native plants over exotic plants increases the abundance and diversity of birds, and it is particularly valuable to native birds (Lerman and Warren 2011, Burghardt et al. 2008, Berthon et al. 2021, Smallwood and Wood 2022). Landscaping with native plants is a way to maintain or to bring back some of the natural habitat and lessen the footprint of urbanization by acting as interconnected patches of habitat for wildlife (Goddard et al. 2009, Tallamy 2020). Lastly, not only does native

plant landscaping benefit wildlife, it requires less water and maintenance than traditional landscaping with lawn and hedges.

Thank you for your consideration,

Shawn Smallwood, Ph.D.

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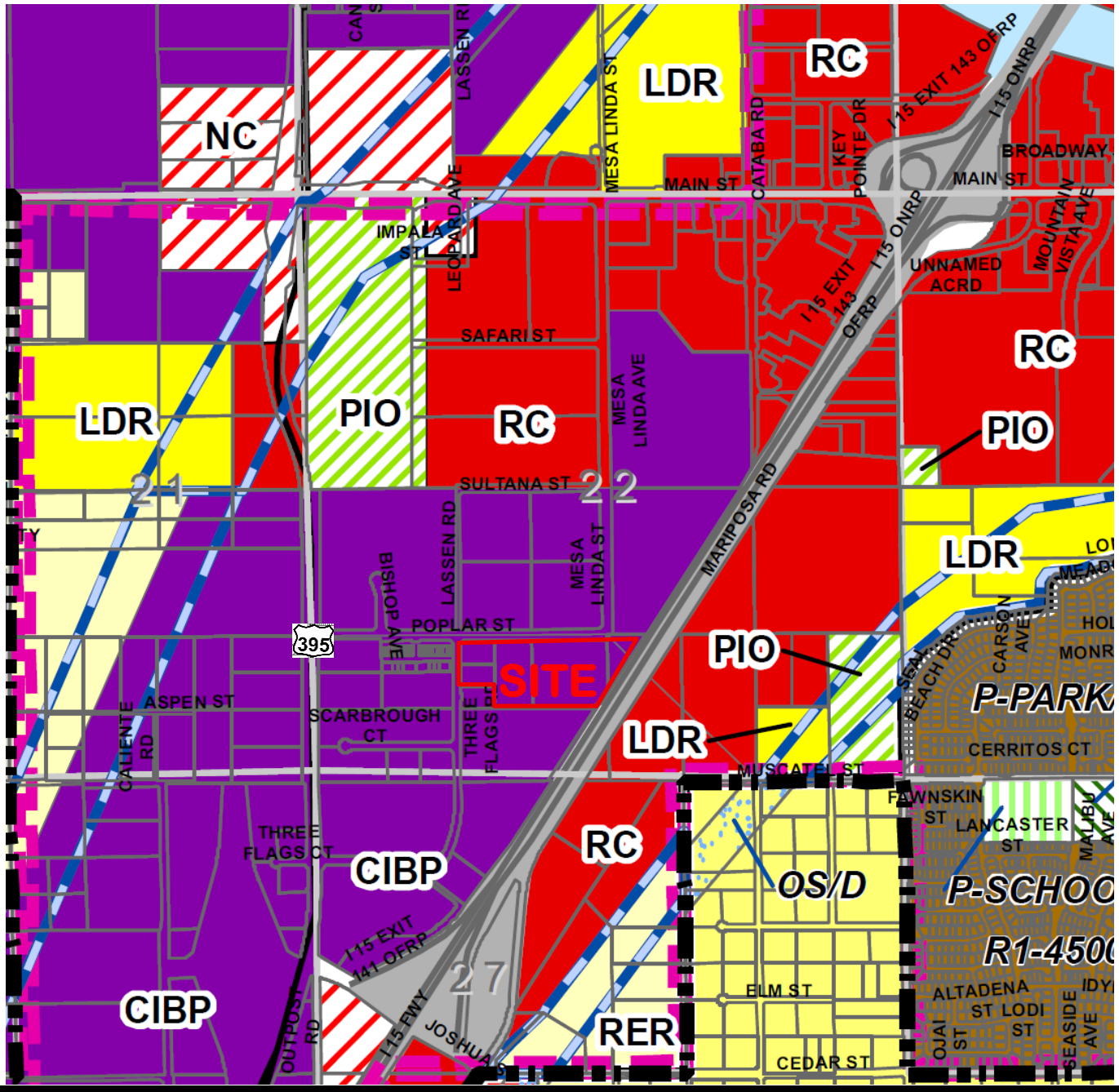
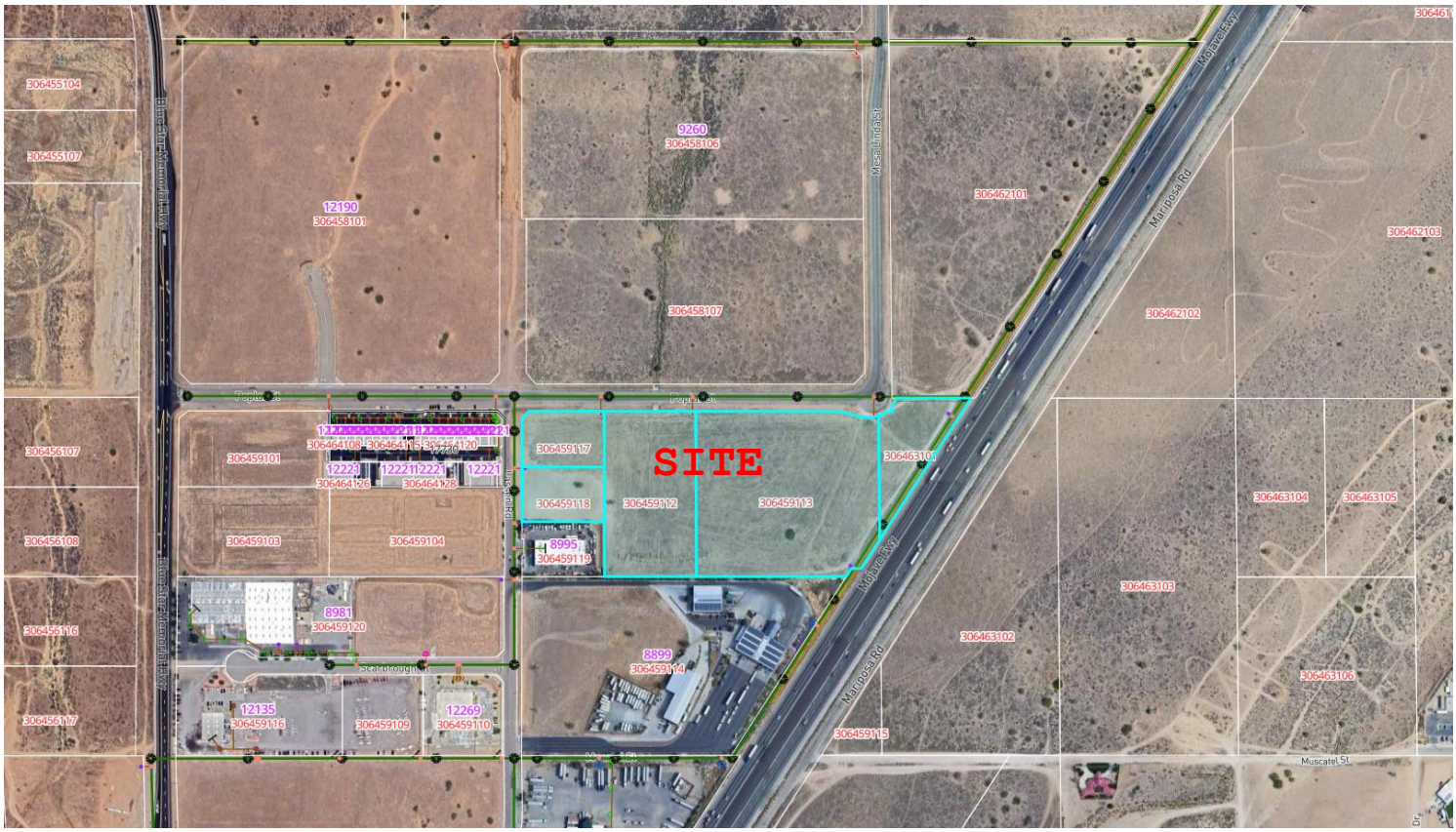
ATTACHMENT 3



APPLICANT(S): CARGO SOLUTIONS EXPRESS	**FILE NO(S):** CUP22-00016 & TPM24-00003
LOCATION: SOUTHEAST CORNER OF THREE FLAGS ROAD AND POPLAR STREET.	**APNs:** 3064-591-12,13,17,18, and 3064-631-01
PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP22-00016 TO CONSTRUCT TWO 75,894 SQUARE FOOT WAREHOUSES WITH ONSITE TRUCK STORAGE AND TRACTOR STALLS ON 20.3 GROSS ACRES IN CONJUNCTION WITH TENATIVE PARCEL MAP NO. 20883 (TPM24-00003) TO CONSOLODTE 5 PARCELS INTO TWO PARCELS WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN	N ↑

GENERAL PLAN AND ZONING MAP

ATTACHMENT 4



APPLICANT(S): CARGO SOLUTIONS EXPRESS	**FILE NO(S):** CUP22-00016 & TPM24-00003
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AERIAL

Attachment 5

CARGO SOLUTIONS TRUCK WAREHOUSES HESPERIA PROJECT
Initial Study and Mitigated Negative Declaration (IS/MND)

CEQA Analysis Prepared for:

City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
Attn: Ryan Leonard, Senior Planner

Prepared by:

UltraSystems Environmental Inc.
16431 Scientific Way
Irvine, CA 92618-4355
Telephone: 949-788-4900
FAX: 949/788-4901

June 2025

Project No. 7187

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PROJECT INFORMATION SHEET

1. Project Title	Cargo Solutions Truck Warehouses Hesperia Project
2. CEQA Lead Agency	**City of Hesperia** 9700 Seventh Avenue Hesperia, CA 92345 Ryan Leonard, Senior Planner (760) 947-1651 E: rleonard@cityofhesperia.us
3. Project Applicant	Bobby Kang, Owner **Cargo Solutions Express** 14587 Valley Boulevard Fontana, CA 92335 T: 909/263-6902 E: bobby@cargosolutionexpress.com
4. Project Location	
5. Assessor's Parcel Numbers	APNs 3064-591-17, 3064-591-18, and 3064-591-12
6. Project Site General Plan Designation(s)	Current: Com/Ind Business Park (CIBP)
7. Project Site Zoning Designation(s)	Current: Main Street and Freeway Corridor Specific Plan
8. Surrounding Land Uses and Setting	The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west.
9. Description of Project	The project proposes development of two truck warehouse buildings with associated surface parking lots.
10. Selected Agencies whose Approval is Required	City of Hesperia
11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code § 21080.3.1? If so, has consultation begun?	Letters were sent by the City of Hesperia (the Lead Agency) per Public Resources Code § 21074 to three local Native American tribes asking if they wished to participate in AB 52 consultation concerning the proposed project in the City of Hesperia. Native American Tribes have up to 30 days in which to respond to notification relating to

	this proposed project. The San Manuel Band of Mission Indians (Yuhaaviatam of San Manuel) was the only tribe requesting consultation. This was conducted October and November 2022, and concluded November 3, 2022.
12. Other Public Agencies	Agencies that will review the proposed project include the following: • California Regional Water Quality Control Board – Lahontan • South Coast Air Quality Management District • San Bernardino County Fire Department

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ACRONYMS AND ABBREVIATIONS

Acronym/Abbreviation	Term
AAQS	ambient air quality standards
AB 32	California Global Warming Solutions Act of 2006 (Assembly Bill 32)
AB 52	Assembly Bill 52
ACM(s)	Asbestos-Containing Material(s)
ADA	Americans with Disabilities Act
AFY	Acre-feet per year
AIA	Airport Influence Area
AMI	Area Median Income
amsl	above mean sea level
APE	Area of Potential Effect
APN	Assessor's Parcel Number
AQA	Air Quality Analysis
AQMP	Air Quality Management Plan
AR4	Fourth Assessment Report
ARB	California Air Resources Board
BAU	business as usual
BIOS	Biogeographic Information and Observation System
BMPs	Best Management Practices
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
CAL FIRE	California Department of Forestry and Fire Protection
CAL Green	California Green Building Standards
Caltrans	California Department of Transportation
CAO(s)	Cleanup and Abatement Order(s)
CAPCOA	California Air Pollution Control Officers Association
CASGEM	California Statewide Groundwater Elevation Monitoring
CAT	Climate Action Team
CBC	California Building Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDO(s)	Cease and Desist Order(s)
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFGC	California Fish and Game Code
cfs	cubic feet per second
CGS	California Geological Survey
CH4	methane
CHRIS	California Historic Resources Inventory System
City	City of Hesperia
CMP	Congestion Management Program
CMP	corrugated metal pipe

Acronym/Abbreviation	Term
CMPHS	CMP Highway System
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO2	carbon dioxide
CO2e	carbon dioxide equivalent
CRC	California Residential Code
CWA	Clean Water Act
DAMP	Drainage Area Management Plan
dB	decibel
dBA	A-weighted decibel scale
DOC	California Department of Conservation
DOSH	California Division of Safety and Health
DTSC	Department of Toxic Substances Control
du/ac	Dwellling units per acre
DWR	Department of Water Resources
EIR	Environmental Impact Report
EMS	Emergency Medical Services
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
ESA	Environmental Site Assessment
ESRL	Earth System Research Laboratory
EV	electric vehicle
EVCS	electric vehicle charging station
°F	degrees Fahrenheit
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zones
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHG	greenhouse gases
GIS	Geographic Information System
GPCD	gallons per capita per day
gpd	gallons per day
GWP	global warming potential
HABS	Historic American Building Survey
HCP	Habitat Conservation Plan
HFCs	hydroflourocarbons
HU	Hydrologic Unit
HVAC	heating, ventiliation and air conditioning
IPCC	Intergovernmental Panel on Climate Change
ISA	International Society of Arboriculture
IS/MND	Initial Study/Mitigated Negative Declaration
ITE	Institute of Transportation Engineers
L90	noise level that is exceeded 90% of the time

Acronym/Abbreviation	Term
Leq	equivalent noise level
LBP	Lead-Based Paint
LID	Low Impact Development
Lmax	root mean square maximum noise level
LOS	Level of Service
LRA	Local Responsibility Area
LSTs	Localized Significance Thresholds
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
mgd	million gallons per day
MLD	Most Likely Descendant
MM(s)	mitigation measure(s)
MMRP	Mitigation Monitoring and Reporting Program
MMTCO2e	million metric tons of CO2e
MND	Mitigated Negative Declaration
MPAH	Master Plan of Arterial Highways
MRZ	Mineral Resource Zone
MS4	Municiple Separate Storm Sewer permit
MT	Metric tons
N2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
National Core	National Community Renaissance
NASA	National Aeronautics and Space Administration
NCCP	Natural Communities Conservation Plan
ND	Negative Declaration
NO	nitric oxide
NOx	nitrogen oxides
NO2	nitrogen dioxide
NPDES	National Pollutant Discharge Elimination System
O3	Ozone
OPR	Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration
Pb	lead
PCB	polychlorinated biphenyl
PFCs	perfluorocarbons
PM	particulate matter
PM10	respirable particulate matter
PM2.5	fine particulate matter
ppm	parts per million
PPV	peak particle velocity
R-1	Single-family Residential zoning designation
R-3	High Density Residential zoning designation
RCRA	Resource Conservation and Recovery Act
RECs	Recognized Environmental Condition(s)
R-G	Medium Density Residential zoning designation

Acronym/Abbreviation	Term
RHNA	Regional Housing Needs Allocation
RMS	root mean square
ROG	Reactive organic gases
ROW	Right-of-way
RPS	Renewables Portfolio Standard
RWQCB	Regional Water Quality Control Board
§	section
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SCE	Southern California Edison Company
SF6	sulfur hexafluoride
SIP	State Implementation Plan
SLF	Sacred Lands File
SMARA	Surface Mining and Reclamation Act
SO2	sulfur dioxide
SoCalGas	Southern California Gas Company
SR-55	State Route 55
SR-91	State Route 91
SRA	State Responsibility Area
SRAs	source receptor areas
SRRE	Source Reduction and Recycling Element
STIP	Statewide Transportation Improvement Program
SUSMP	Standard Urban Stormwater Mitigation Plan
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAPs	Transportation Assembly Points
T-C	Town Center zoning designation
TCRs	Tribal Cultural Resources
TMP	Traffic Management Plan
UFPO	Urban Forest Protection Ordinance
UEI	Ultrasystems Environmental, Inc.
U.S.	United States
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
VdB	vibration decibels
VCP	vitrified clay pipe
VHFHSZ(s)	very high fire hazard severity zone(s)
VMT	vehicle miles traveled
VOC	volatile organic compound
WEG	wind erodibility group
WQMP	Water Quality Management Plan
WRI	World Resources Institute
ybp	years before present

1.0 INTRODUCTION

1.1 Proposed Project

The City of Hesperia (City) is processing a request to implement a series of discretionary actions that would ultimately allow for the development of two truck warehouses with associated parking lots (project) at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, -13, and 3064-631-01). The project proposes development of two truck warehouse buildings with an associated surface parking lot on an approximately 20.32-acre site.

1.1.1 Project Components

The proposed project would develop two truck warehouse buildings with associated surface parking lots. Refer to **Section 3.0**, Project Description, of this document for additional details.

1.1.2 Estimated Construction Schedule

Construction of the proposed project would be conducted in one phase. Construction is estimated to be from June 2025 to July 2026. Refer to **Section 3.0** for details.

1.2 Lead Agencies – Environmental Review Implementation

The City of Hesperia is the Lead Agency for the proposed project. Pursuant to the California Environmental Quality Act (CEQA) and its implementing regulations,[1] the Lead Agency has the principal responsibility for implementing and approving a project that may have a significant effect on the environment.

1.3 CEQA Overview

1.3.1 Purpose of CEQA

All discretionary projects within California are required to undergo environmental review under CEQA. A Project is defined in CEQA Guidelines § 15378 as the whole of the action having the potential to result in a direct physical change or a reasonably foreseeable indirect change to the environment and is any of the following:

> An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements.
>
> An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies. An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

1 Public Resources Code §§ 21000 - 21177 and California Code of Regulations Title 14, Division 6, Chapter 3.

CEQA Guidelines § 15002 lists the basic purposes of CEQA as follows:

Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.

Identify the ways that environmental damage can be avoided or significantly reduced.

Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures (MMs) when the governmental agency finds the changes to be feasible.

Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

1.3.2 Authority to Mitigate under CEQA

CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible. Under CEQA Guidelines § 15041 a Lead Agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the "nexus"[2] and "rough proportionality"[3] standards.

CEQA allows a Lead Agency to approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effect. In such cases, the Lead Agency must specifically identify expected benefits and other overriding considerations from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project.

1.4 Purpose of Initial Study

The CEQA process begins with a public agency making a determination as to whether the project is subject to CEQA at all. If the project is exempt, the process does not need to proceed any farther. If the project is not exempt, the Lead Agency takes the second step and conducts an Initial Study to determine whether the project may have a significant effect on the environment.

The purposes of an Initial Study as listed in § 15063(c) of the CEQA Guidelines are to:

Provide the Lead Agency with information necessary to decide if an Environmental Impact Report (EIR), Negative Declaration (ND), or Mitigated Negative Declaration (MND) should be prepared.

Enable a Lead Agency to modify a project to mitigate adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a ND or MND.

Assist in the preparation of an EIR, if required, by focusing the EIR on adverse effects determined to be significant, identifying the adverse effects determined not to be significant, explaining the reasons for determining that potentially significant adverse effects would not be

2 A nexus (i.e., connection) must be established between the mitigation measure and a legitimate governmental interest.

3 The mitigation measure must be "roughly proportional" to the impacts of the Project.

significant, and identifying whether a program EIR, or other process, can be used to analyze adverse environmental effects of the project.

Facilitate an environmental assessment early during project design.

Provide documentation in the ND or MND that a project would not have a significant effect on the environment.

Eliminate unnecessary EIRs.

Determine if a previously prepared EIR could be used for the Project.

In cases where no potentially significant impacts are identified, the Lead Agency may issue a ND, and no MMs would be needed. Where potentially significant impacts are identified, the Lead Agency may determine that MMs would adequately reduce these impacts to less than significant levels. The Lead Agency would then prepare a MND for the proposed project. If the Lead Agency determines that individual or cumulative effects of the proposed project would cause a significant adverse environmental effect that cannot be mitigated to less than significant levels, then the Lead Agency would require an EIR to further analyze these impacts.

1.5 Review and Comment by Other Agencies

Other public agencies are provided the opportunity to review and comment on the IS/MND. Each of these agencies is described briefly below.

A Responsible Agency (14 CCR § 15381) is a public agency, other than the Lead Agency, that has discretionary approval power over the Project, such as permit issuance or plan approval authority.

A Trustee Agency[4] (14 CCR § 15386) is a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California.

Agencies with Jurisdiction by Law (14 CCR § 15366) are any public agencies who have authority (1) to grant a permit or other entitlement for use; (2) to provide funding for the project in question; or (3) to exercise authority over resources which may be affected by the project. Furthermore, a city or county will have jurisdiction by law with respect to a project when the city or county having primary jurisdiction over the area involved is: (1) the site of the project; (2) the area in which the major environmental effects will occur; and/or (3) the area in which reside those citizens most directly concerned by any such environmental effects.

1.6 Impact Terminology

The following terminology is used to describe the level of significance of potential impacts:

A finding of ***no impact*** is appropriate if the analysis concludes that the project would not affect the particular environmental threshold in any way.

An impact is considered ***less than significant*** if the analysis concludes that the project would cause no substantial adverse change to the environment and requires no mitigation.

An impact is considered ***less than significant with mitigation incorporated*** if the analysis concludes that the project would cause no substantial adverse change to the environment

4 The four Trustee Agencies in California listed in CEQA Guidelines § 15386 are California Department of Fish and Wildlife, State Lands Commission, State Department of Parks and Recreation, and University of California.

with the inclusion of environmental commitments, or other enforceable measures, that would be adopted by the lead agency.

An impact is considered potentially significant if the analysis concludes that the project could have a substantial adverse effect on the environment.

An EIR is required if an impact is identified as ***potentially significant***.

1.7 Organization of Initial Study

This document is organized to satisfy CEQA Guidelines § 15063(d), and includes the following sections:

Section 1.0 - Introduction, which identifies the purpose and scope of the IS/MND.

Section 2.0 - Environmental Setting, which describes location, existing site conditions, land uses, zoning designations, topography, and vegetation associated with the project site and surroundings.

Section 3.0 - Project Description, which provides an overview of the project, a description of the proposed development, project phasing during construction, and discretionary actions for project approval.

Section 4.0 - Environmental Checklist, which presents checklist responses for each resource topic to identify and assess impacts associated with the proposed project, and proposes MMs, as needed, to reduce potential environmental impacts to less than significant.

Section 5.0 - References, which includes a list of documents cited in the IS/MND.

Section 6.0 - List of Preparers, which identifies the primary authors and technical experts that prepared the IS/MND.

Technical studies and other documents, which include supporting information or analyses used to prepare the IS/MND, are included in the following appendices:

Appendix A	Project Plans
Appendix B	CalEEMod Input and Results for Air Quality Analysis and Greenhouse Gas Emissions Analysis
Appendix C1	Biological Resources Evaluation
Appendix C2	Species Occurrence Potential Evaluation
Appendix D1	Cultural Resources Report
Appendix D2	Paleontological Records Search
Appendix E	Custom Soils Report
Appendix F	Rec Check Report
Appendix G	Water Quality Management Plan
Appendix H	Noise Data
Appendix I	Traffic Impact Analysis
Appendix J	Fuel Consumption

1.8 Findings from the Initial Study

1.8.1 No Impact or Impacts Considered Less than Significant

Based on IS findings, the project would have no impact or a less than significant impact on the following environmental categories listed from Appendix G of the CEQA Guidelines.

Aesthetics
Agriculture and Forestry Resources
Air Quality
Greenhouse Gas Emissions
Hydrology and Water Quality
Land Use and Planning
Mineral Resources
Noise
Population and Housing
Public Services
Recreation
Utilities and Service Systems
Wildfire

1.8.2 Impacts Considered Less than Significant with Mitigation Measures

Based on IS findings, the project would have a less than significant impact on the following environmental categories listed in Appendix G of the CEQA Guidelines when proposed MMs are implemented.

Biological Resources
Cultural Resources
Geology and Soils
Hazards and Hazardous Materials
Transportation and Traffic
Tribal Cultural Resources
Mandatory Findings of Significance

2.0 ENVIRONMENTAL SETTING

2.1 Project Location

The proposed Cargo Solutions Truck Warehouses Hesperia Project is located at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, -13, and 3064-631-01). Refer to **Figure 2.1-1,** which shows the project's location in a regional context. **Figure 2.1-2** depicts an aerial photo of the project site and the surrounding land.

2.2 Project Setting

The project site is currently undeveloped (Google Earth Pro, 2024). The project proposes two truck warehouse buildings with associated surface parking lots. See **Figure 2.2-1**, which depicts the topography of the site and surrounding area. Topography within the project site is relatively flat (Google Earth, 2024). Site photographs are provided in **Figure 2.2-2**.

2.2.1 Land Use and Zoning

The land use and zoning designations and existing development of the project site and its immediate vicinity are listed in **Table 2.2-1**. The City's General Plan Land Use and Zoning designations for the project site are Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan (City of Hesperia, 2023; City of Hesperia, 2010).

Table 2.2-1
SUMMARY OF EXISTING LAND USE, ZONING AND SPECIFIC PLAN DESIGNATIONS

Location	General Plan Designation	Zoning Designation	Existing Development
Project Site	Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan (MSFCSP)	Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan (MSFCSP)	Undeveloped land
North	CIBP under the MSFCSP	CIBP under the MSFCSP	Undeveloped land
South	CIBP under the MSFCSP	CIBP under the MSFCSP	Industrial and commercial land uses, and undeveloped land
East	CIBP under the MSFCSP	CIBP under the MSFCSP	Interstate-15 freeway, undeveloped land
West	CIBP under the MSFCSP	CIBP under the MSFCSP	Commercial and undeveloped land

Source: City of Hesperia, 2023; City of Hesperia, 2010; Google Earth Pro, 2024.

Figure 2.1-1
REGIONAL LOCATION

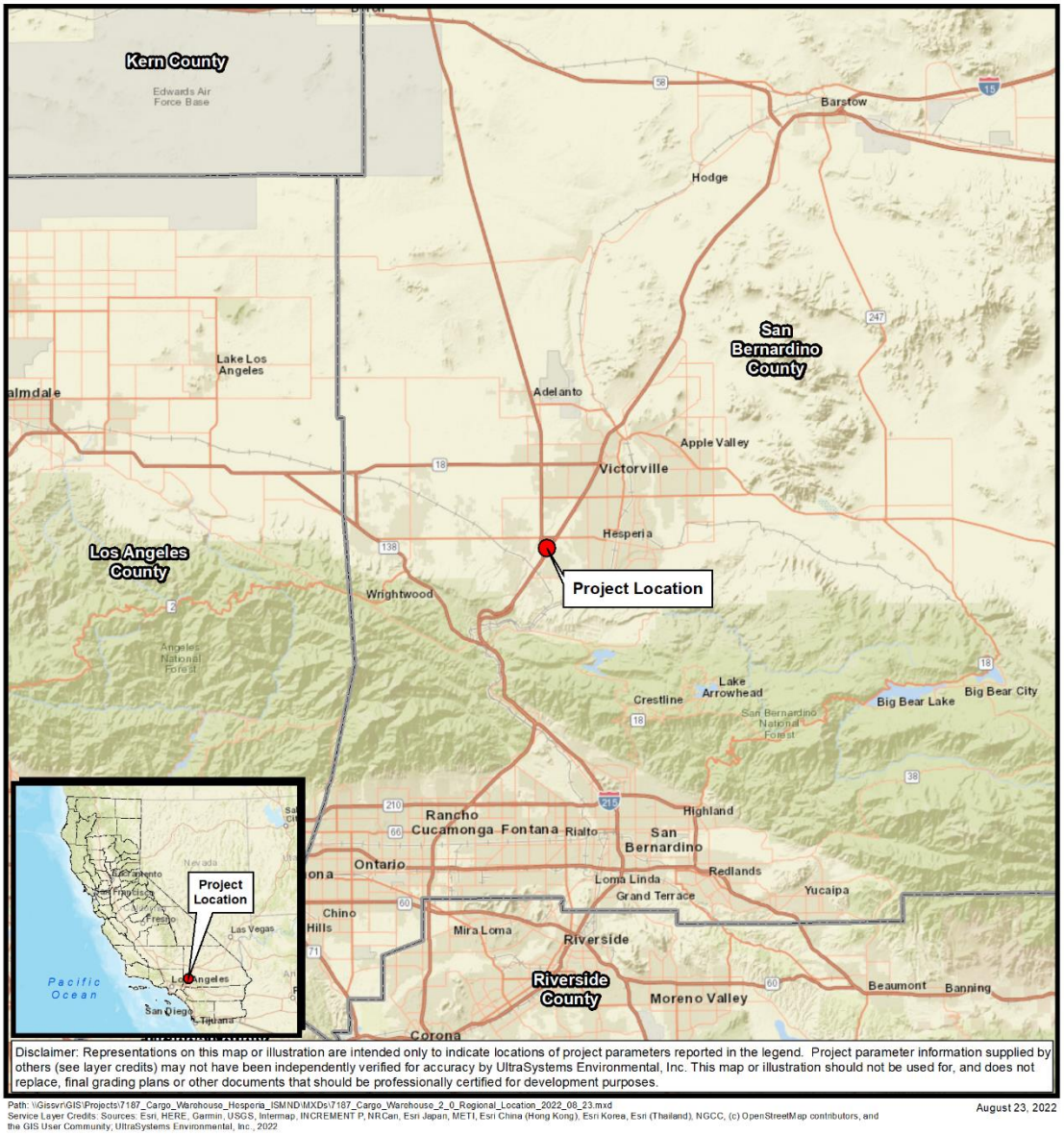


Figure 2.1-2
PROJECT LOCATION

Figure 2.2-1
TOPOGRAPHIC MAP

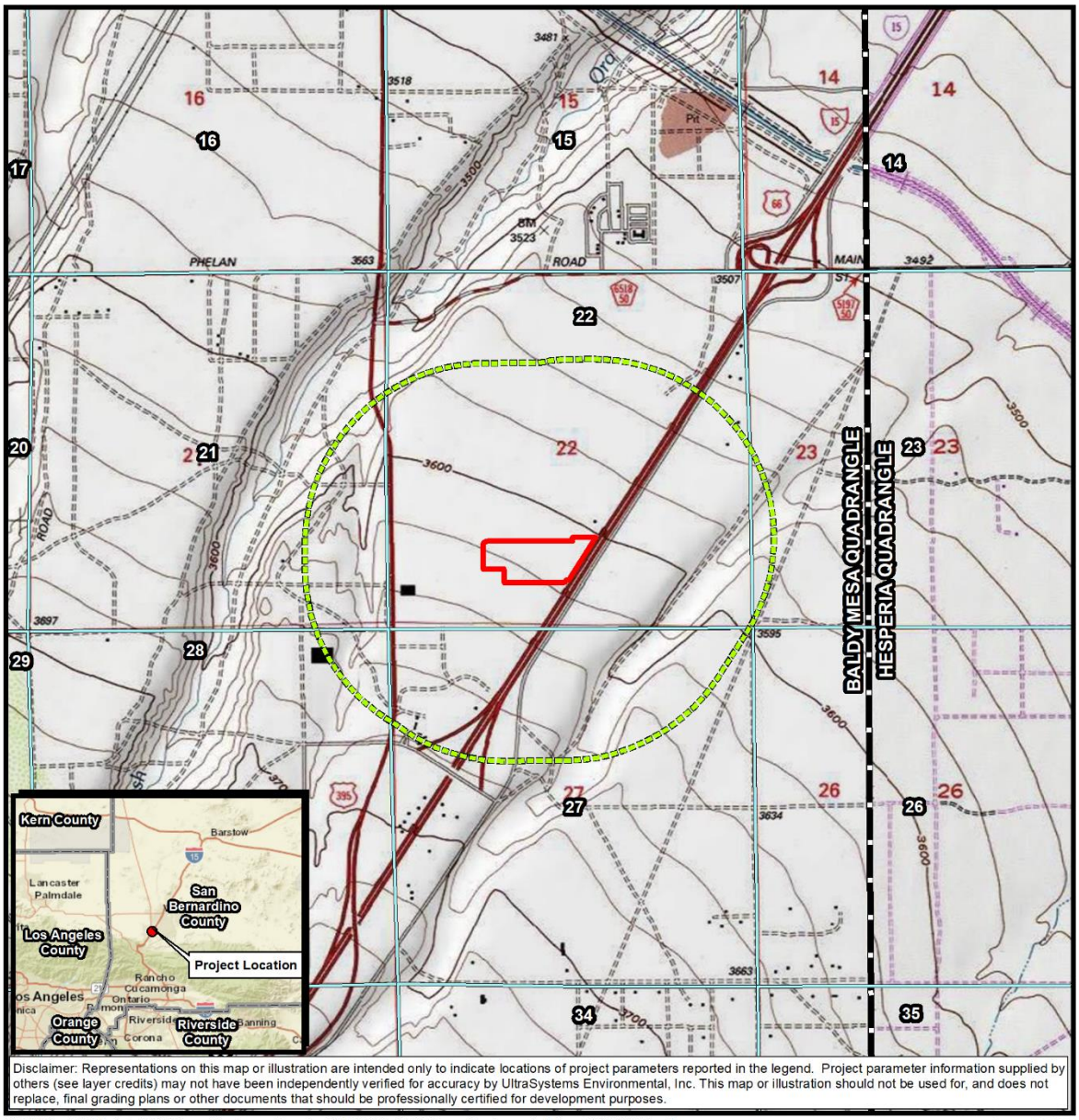


Figure 2.2-2
PROJECT SITE PHOTOGRAPHS

PHOTO 1: View looking at the southern portion of the project site along Poplar Street

PHOTO 2: View looking at the northern portion of project site from Three Sisters Truck Wash

PHOTO 3: View looking at the western portion of the project site along Three Flags Avenue

PHOTO 4: View looking at the southwestern portion of the project site along Poplar Street

Source: UltraSystems Environmental, 2022

2.3 Existing Characteristics of the Site

2.3.1 Climate and Air Quality

The project site is located within the Mojave Desert Air Basin (MDAB), which encompasses the desert portions of Kern, Los Angeles, Riverside and San Bernardino counties. The MDAB is classified as a dry-hot desert (BWh), with portions classified as dry-very hot desert (BWhh), to indicate that at least three months have maximum average temperatures over 100.4°F (MDAQMD, 2020a, p. 6-7). The MDAB is currently in federal nonattainment for ozone and $PM_{2.5}$ and state nonattainment for ozone and $PM_{10.}$

2.3.2 Geology and Soils

Topography within the project site is relatively flat. The existing surface elevation at the proposed project site ranges from approximately 3,267 feet to 3,297 feet above mean sea level. Surface topography is generally flat to slightly sloping with the highest elevations in the southwest corner of the site and the lowest surface elevations across the northeast corner of the site (Google Earth Pro, 2024). The project site is not located within an Alquist-Priolo Earthquake Fault Zone (A-P Fault Zone). The closest active fault system to the project site, the North Frontal fault system (within the Ord Mountain A-P fault zone), is approximately eight miles to the east.

2.3.3 Hydrology

The project is located within the Mojave River Watershed (USGS HU code 18090208), which encompasses approximately 4,500 square miles. The Mojave River Watershed drains the northern areas of the San Bernardino Mountains (USEPA, 2022; Google Earth Pro, 2024). The project site is located on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for San Bernardino County, California and Incorporated Areas (Map Number 06071C6495H, effective August 28, 2008); the site is located in Flood Hazard Zone X, defined on this FIRM as *Areas of minimal flood hazard* (FEMA, 2008).

2.3.4 Biology

The climate of Hesperia is arid and characteristic of the regional Mojave Desert. In the vicinity of Hesperia, the Mojave Desert receives on average 8.5 inches per year. Summers are typically dry with occasional and scattered monsoon rain events that originate in the Gulf of California, whereas winter precipitation events are more significant and originate from the jet stream off the Pacific Ocean. The Mojave Desert exhibits a dry season extending from April through October, with an average of 0.1 inch of rain per month, and a wetter season between November through March, with an average of 0.5 inch of rain per month. Summers (June through September) are very hot, with an average high of 94 degrees Fahrenheit (°F) and low of 65°F. Winters (November through March) are cooler, with an average high of 57°F and low of 35°F (WRCC, 2022a).

The project site is currently undeveloped and contains disturbed California juniper woodlands. However, there is evidence that the project site has seen frequent disturbances resulting from grading, vehicle use, and other events. Therefore, the project site does not offer optimal habitat to support a diverse array of special-status species. Due to development and disturbances in the area, just a small diversity of native and non-native plant species were observed within the BSA. Species observed included non-native, ornamental species in developed areas, non-native, weedy species in disturbed areas, and remnants of California juniper woodland community including one California

juniper and several western Joshua trees. During the field survey, five wildlife species were observed; no special-status plants or wildlife were observed during the field survey. There were also suitable burrows observed that were likely created by fossorial mammals such as ground squirrels, which were also observed. Further details about biology on the project site are in **Section 4.4**.

2.3.5 Public Services

Police

The San Bernardino County Sheriff's Department provides police protection and crime prevention services for the City of Hesperia and its sphere of influence on a contractual basis (Michael Brandman Associates, 2010, p. 3.13-1). The Hesperia Police Department is comprised of 58 sworn law enforcement personnel including one captain, one lieutenant, seven sergeants, five detectives, and 44 deputy sheriffs (City of Hesperia, 2022a).

Fire

The City of Hesperia and the sphere of influence are served by the San Bernardino County Fire Department (Michael Brandman Associates, 2010, p. 3.13-1). The city has three fire stations within city boundaries – Fire Stations 302, 304, and 305 (City of Hesperia, 2022b).

Schools

The Hesperia Unified School District (HUSD) provides school services to the City of Hesperia (Michael Brandman Associates, 2010, p. 3.13-2). The HUSD has 15 elementary schools, three middle schools, and six high schools (HUSD, 2022).

Libraries

The County of San Bernardino Library operates the Hesperia Branch Library located in Civic Center Plaza, at 9650 Seventh Avenue in the City of Hesperia. This state-of-the-art 20,000 square foot facility, constructed in 2006, provides library services for the City of Hesperia and its Sphere of Influence (Michael Brandman Associates, 2010a, p. 3.13-5).

Parks

The Hesperia Recreation and Park District (HRPD) provides park and recreational amenities to the city (Michael Brandman Associates, 2010a, p. 3.13-5). HRPD has 15 different parks and recreational centers to serve the city (HRPD, 2022).

2.3.6 Utilities

Water

The City of Hesperia is served by the Hesperia Water District (HWD), which manages the City's potable water system (Michael Brandman Associates, 2010a, p. 3.16-2).

Water Reclamation

The Victor Valley Wastewater Reclamation Authority (VVWRA) provides the treatment and distribution of reclaimed water within the City of Hesperia. During peak demand, recycled water is used to irrigate landscaping, offsetting potable water demands. During low water demand, the recycled water is used to recharge the groundwater basin (Michael Brandman Associates, 2010a, p. 3.16-4 to 3.16-5).

Sewer

Wastewater services are also provided by the VVWRA (Michael Brandman Associates, 2010a, p. 3.16-6).

Solid Waste

Advance Disposal Company currently provides residential and commercial waste collection and recycling programs under a franchise agreement with the City (Michael Brandman Associates, 2010a, p. 3.16-8).

Electricity

Electrical power is provided by Southern California Edison (SCE) (Michael Brandman Associates, 2010a, p. 3.16-9).

Natural Gas

Natural gas services to the City would be provided by SoCalGas (SoCalGas, 2022).

3.0 PROJECT DESCRIPTION

3.1 Project Background

The City of Hesperia (City) is processing a request to implement a series of discretionary actions that would ultimately allow for the development of two truck warehouses (project) on an approximately 20.32-acre site located at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, -13, and 3064-631-01). The project proposes to develop Truck Warehouse Building 1 with an associated parking lot on the western portion of the project site on an approximately 10.52-acre lot, and Truck Warehouse Building 2 with an associated parking lot on the eastern portion of the project site on an approximately 9.8-acre lot. The City is the Lead Agency for the purposes of the CEQA.

The entire approximately 20.32-acre project site is currently undeveloped land. The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west (Google Earth Pro, 2024).

The City's General Plan Land Use and zoning designation for the project site is Com/Ind Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan (City of Hesperia, 2023; City of Hesperia, 2010). The CIBP zoning designation is to create employment-generating uses in a business park setting. This zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings, which will produce only a small environmental impact, such as noise, vibration, air pollution, glare or waste disposal. Permitted uses include commercial storage facilities, manufacturing, offices, repair shops, warehousing and wholesale distribution centers, and other similar uses (The Arroyo Group, 2021, p. 196-197). Additional details on the land use and planning can be found in **Section 4.11** of this document.

3.2 Project Overview

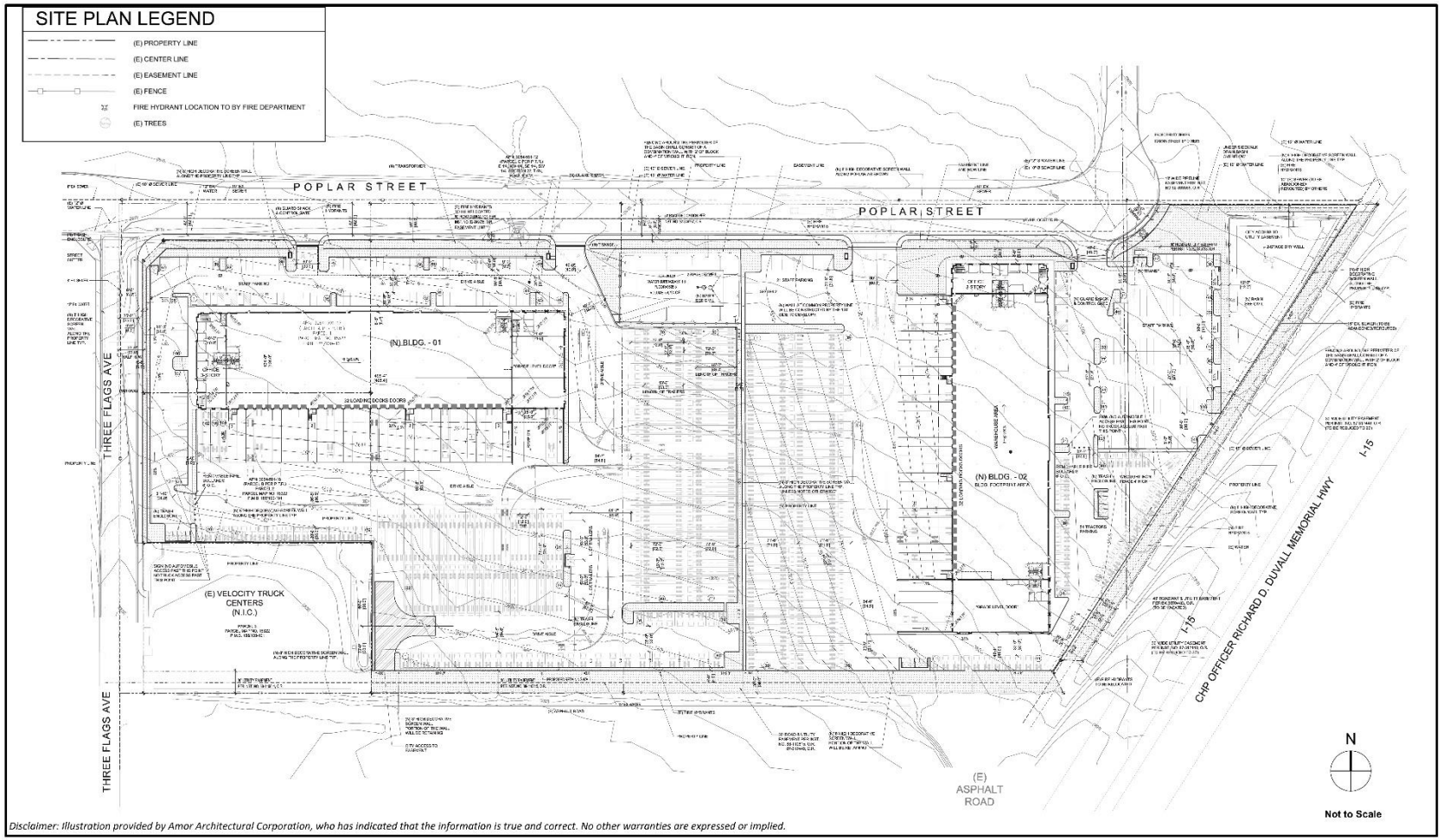
The project would consist of: (1) utility improvements; (2) construction of both truck warehouse buildings; (3) construction of a surface parking lot; and (4) landscaping. **Figure 3.2-1** is a site plan depicting the layout of the proposed project. **Table 3.2-1** summarizes the proposed project features.

Table 3.2-1
PROJECT SUMMARY

New Construction	Proposed Uses/Features	Square Feet	No. of Stories	Approximate Building Height (feet)
Truck Warehouse Building 1	Warehouse, office, and grade level doors	75,894	3	42
Surface Parking Lot for Truck Warehouse Building 1	Passenger vehicle and truck/trailer parking	121,975	N/A	N/A
Landscaping	Landscaping	26,864	N/A	N/A
Total Developed Area for Truck Warehouse 1		**224,733**	**N/A**	**N/A**
Truck Warehouse Building 2	Warehouse, office, and grade level warehouse space	75,894	3	42
Surface Parking Lot for Truck Warehouse Building 2	Passenger vehicle and truck/trailer parking	143,708	N/A	N/A
Landscaping	Landscaping	58,389	N/A	N/A
Total Developed Area for Truck Warehouse 2		**277,991**	**N/A**	**N/A**

Source: Amor Architectural Corporation, 2024

Figure 3.2-1
SITE PLAN



Disclaimer: Illustration provided by Amor Architectural Corporation, who has indicated that the information is true and correct. No other warranties are expressed or implied.

Source: Amor Architectural Corporation, July 24, 2024.

Cargo Solutions
Truck Warehouse
Site Plan

UltraSystems
environmental • management • planning

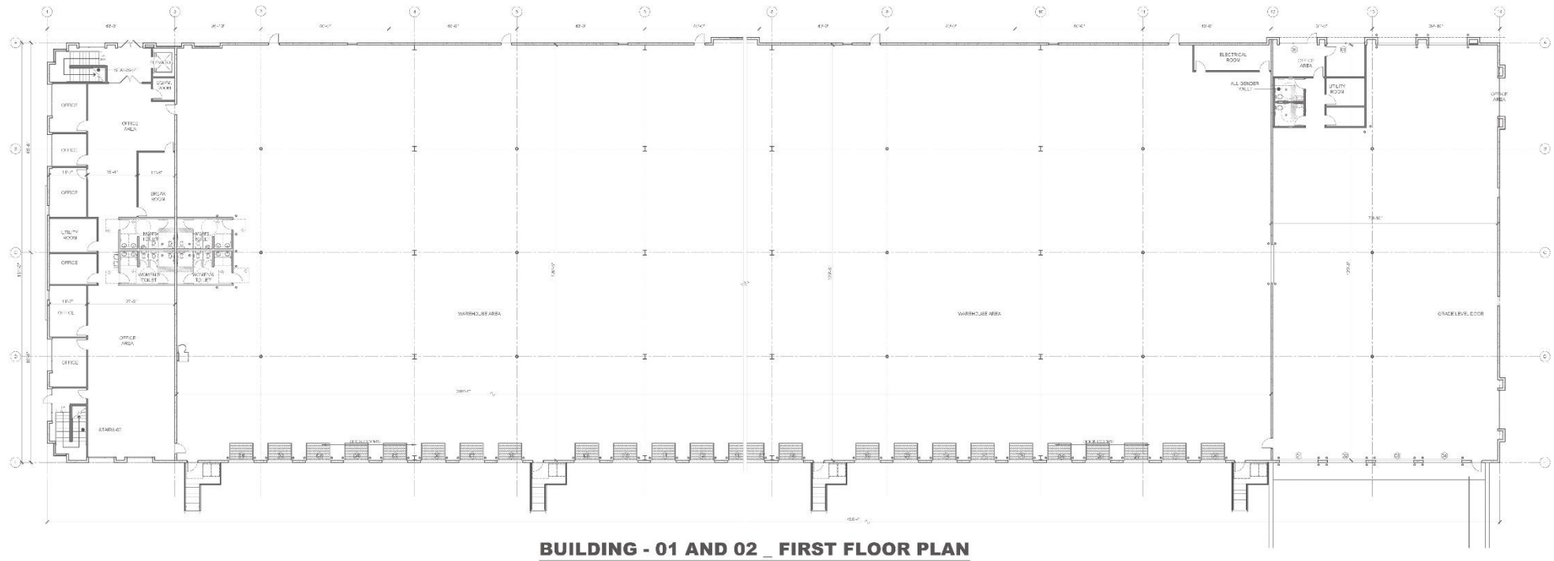
3.3 Proposed Project Features

3.3.1 New Construction

3.3.1.1 Truck Warehouse Buildings

The proposed truck warehouse buildings would be identical. Each truck warehouse building would be approximately 42 feet tall with three stories of office space overlooking an open warehouse floor and grade level warehouse space. Truck Warehouse Building 1 would be located on the west side of the project site and Truck Warehouse Building 2 would be located on the east side of the project site. **Figures 3.3-1** to **3.3-2** depict floor plans and elevations of the proposed truck warehouse buildings. Complete plans of the project can be found in **Appendix A**.

Figure 3.3-1
TRUCK WAREHOUSE BUILDINGS FLOOR PLAN

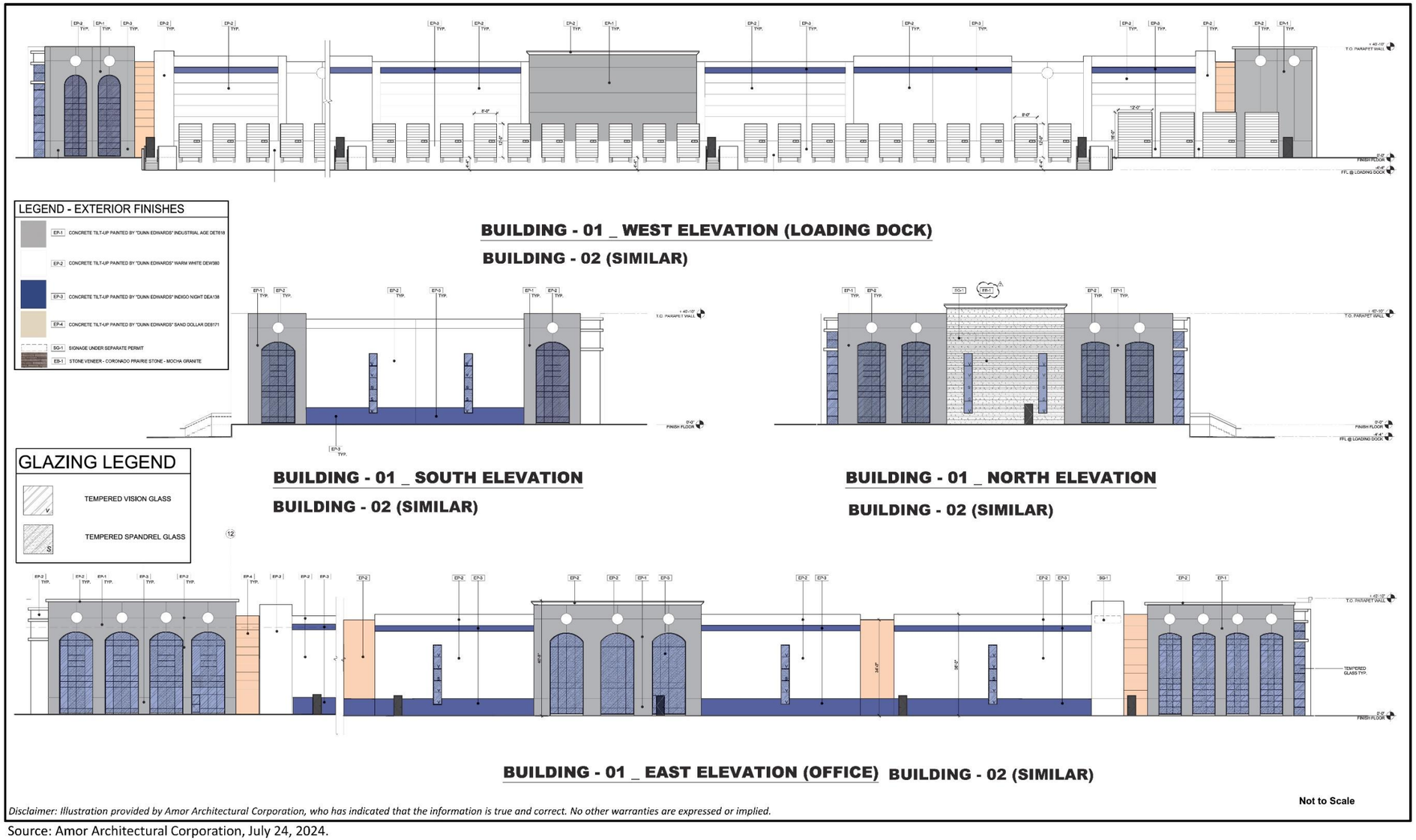


Disclaimer: Illustration provided by Amor Architectural Corporation, who has indicated that the information is true and correct. No other warranties are expressed or implied.

Source: Amor Architectural Corporation, July 24, 2024.

Cargo Solutions
Truck Warehouse
Buildings 1 and 2 Floor Plans

Figure 3.3-2
TRUCK WAREHOUSE BUILDINGS ELEVATIONS



Source: Amor Architectural Corporation, July 24, 2024.

Cargo Solutions
Truck Warehouse
Buildings 1 and 2 Elevations

3.3.2 Parking

Based on the § 16.20.080, Parking Requirements of the City's Municipal Code, the proposed truck warehouses would be required to have 238 auto parking stalls (City of Hesperia Municipal Code, 2024). The project proposes to develop 264 auto parking stalls that would consist of 123 auto parking stalls for Truck Warehouse Building 1 and 141 auto parking stalls for Truck Warehouse Building 2. Additionally, the project would provide tractor/trailer, tractor only parking, and dock door parking for each proposed building. Parking for each proposed building is detailed in **Table 3.3-1**.

Table 3.3-1
PROJECT PARKING SUMMARY

Proposed Building	Type of Parking	Number of Parking Stalls
Truck Warehouse Building 1	Auto parking	123
	Tractor/trailer parking	101
	Tractor only parking	59
	Dock door parking	32
	Total Parking	**315**
Truck Warehouse Building 2	Auto parking	141
	Tractor/trailer parking	76
	Tractor only parking	51
	Dock door parking	32
	Total Parking	**300**

3.3.3 Site Access and Circulation

The project site would have four driveways along Poplar Street for project ingress and egress. Each of the buildings would have two driveways. Circulation within the project site would be along the surface parking lot shown in the project site plan, **Figure 3.2-1**.

3.3.4 Exterior Lighting

The project proposes lighting throughout the site for safety and security purposes. Lighting for the project would comply with the requirements of the City's Municipal Code. Specifically, the project would be required to comply with § 16.16.410, Industrial Design Standards and Guidelines, which would ensure exterior lighting would not cause significant lighting and glare impacts (City of Hesperia Municipal Code, 2024).

3.3.5 Perimeter Fencing and Exterior Walls

The project site would be surrounded by an eight-foot-tall decorative screen wall with gates at entry ways. An approximately eight-foot-tall wrought iron fence would separate both truck warehouse buildings one and two.

3.3.6 Utilities

The project would require a sewer, domestic water, fire water, irrigation, gas and dry utilities connections to existing utility infrastructure in Poplar Street and Three Flags Avenue.

Sanitary Sewer - The project proposes two eight-inch sewer lateral connecting to an existing sewer in Poplar Street.

Domestic Water - The City of Hesperia is served by the Hesperia Water District (HWD), which manages the City's potable water system. New domestic water meters would be installed as required to meet project demands in compliance with the requirements of the city's Public Works Department. Construction would need to occur in the public right-of-way during installation of domestic water lines from the an existing main in Poplar Street to the project site.

Fire Water - The project proposes construction of a new six-inch fire water line from Poplar Street to the project site.

Dry Utilities - Southern California Edison (SCE) would provide electricity to the project site. Electrical utilities would be underground. Construction would need to occur in the public right-of-way during installation of a new utility connections to the project site.

Stormwater - The proposed site development and its drainage system would be comprised of storm drain pipe, concrete channel, onsite grate inlets with filtration device, and the infiltration/retention basin-1. The infiltration/retention basin-1 is sized to qualify for both WQMP volume as well as the detention volume for the proposed developed site. Detention volume has been calculated based upon the City of Hesperia "13.5-cf of retention per 100-sf of impervious area" rule (Allard Engineering, 2024).

Trash Service - Advance Disposal Company currently provides residential and commercial waste collection and recycling programs under a franchise agreement with the City (Michael Brandman Associates, 2010, p. 3.16-8).

Gas – Southern California Gas (SoCalGas) would provide gas service to the project site. Gas utilities would be installed underground to a gas service riser and meter at each building to be used for the AC units.

3.3.7 Security Features

The project site would be surrounded by a combination of eight-foot-tall decorative wall and gates at entry ways. Additionally, there would be 24-hour security cameras on the project site.

3.4 Offsite Improvements

The proposed project would widen the streets of Three Flags Avenue and Poplar Street to include AC pavement, curb and gutter, sidewalks, and connection to existing utility lines.

3.5 Project Operations

The truck warehouses would operate 24 hours per day, 7 days a week. Each truck warehouse is estimated to have approximately 224 total employees, resulting in a total of approximately 448 employees.

3.6 Construction Activities

Construction of the proposed project would be conducted in one phase. Construction is estimated to take place from October 2025 to November 2026. Further construction details for each construction phase are shown in **Table 3.6-1**.

For safety reasons, temporary barricades would be used to limit access to the site during project construction and maintain safe access for construction workers. Construction would occur during daylight and during regular business hours. Lighting for the construction site would be limited to the minimum amount of light needed for safety and security.

After site preparation is completed, infrastructure such as sewer laterals and storm drains would be installed and/or connected to existing facilities. The building foundations would be poured and framing of the buildings would begin. The final steps of construction would involve interior furnishings, detail work, and completion of common areas and outside landscaping.

The only offsite improvements would be installation of utility laterals and connections of laterals to mains. The construction contractor would use heavy equipment during grading; estimated numbers and types of equipment per construction phase are identified below in **Table 3.6-1**. Construction staging would be limited to the project site; no offsite areas would be used.

Construction Employees

Project construction workers would park their vehicles on the project site. Below is the anticipated number of construction employees by construction phase:

- **Grading:**
  - 30-40 employees
- **Offsite Phase:**
  - 20-30 employees
- **Vertical / Sitework Phase:**
  - 20-30 employees

Table 3.6-1
CONSTRUCTION PHASING AND EQUIPMENT DETAILS

Phase Name	Equipment Type	Number per Day	Hours Per Day	Horsepower	Load Factor
Grading Phase (2 months)	Graders	1	8	148	0.41
	Tractors/Loaders/Backhoes	1	8	84	0.37
	Scrapers	4	8	423	0.48
Off-Site Phase (2 months)	Excavators	2	8	36	0.38
	Tractors/Loaders/Backhoes	2	8	84	0.37
Vertical/Site Work Phase- Building Construction (7 months)	Rough Terrain Forklifts	4	8	96	0.4
	Tractors/Loaders/Backhoes	2	7	84	0.37
	Skid Steer Loaders	4	8	46	0.45
Vertical/Site Work Phase- Paving (1month)	Pavers	2	8	81	0.42
	Paving Equipment	2	8	89	0.36
	Rollers	2	8	36	0.38
Vertical/Site Work Phase- Architectural Coating (1 month)	Air Compressors	1	6	37	0.48

Source: Amor Architectural Corporation, 2024

3.7 Discretionary Actions

The proposed project includes applications for the following discretionary approvals by the City of Hesperia:

- Building permits
- Engineering permits
- Site Design

3.7.1 Other Permits and Approvals

Following the City's approval of the Initial Study/Mitigated Negative Declaration, the following permits/approvals, as shown in **Table 3.7-1,** would be required prior to construction.

Table 3.7-1
PERMITS AND APPROVALS

Agency	Permit or Approval
City of Hesperia Building & Safety Division	Site Plan review and approval and Grading and Building Permits
City of Hesperia Planning Division	Conditional Use Permit Design Review
San Bernardino County Fire Protection District	Building plan check and approval. Review for compliance with the current California Fire Code, current California Building Code, California Health & Safety Code and City of Hesperia Municipal Code. Plans for fire detection and alarm systems, and automatic sprinklers.
Lahontan Regional Water Quality Control Board (Region 6)	Water quality permits

4.0 ENVIRONMENTAL CHECKLIST

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or as a "Potentially Significant Unless Mitigation Incorporated," as indicated by the checklist on the following pages.

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

Determination (To Be Completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

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

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

Signature

6/16/2025
Date

Ryan Leonard, Senior Planner
Printed Name

City of Hesperia

Evaluation of Environmental Impacts

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Once the lead agency has determined that a particular physical impact may occur then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

"Negative Declaration: Less than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to less than significant level.

Earlier analyses may be use where, pursuant to the tiering, Program EIR, or other CEQA process, an affect has been adequately analyzed in an earlier EIR or negative declaration. (See Section 15063(c)(3)(D) of the CEQA Guidelines. In this case, a brief discussion should identify the following:

Earlier Analyses Used. Identify and state where the earlier analysis available for review.

Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached and other sources used or individuals contacted should be cited in the discussion.

Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

The explanation of each issue should identify:

The significance criteria or threshold, if any, used to evaluate each question; and

The mitigation measure identified, if any, to reduce the impact to less than significant.

4.1 Aesthetics

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			**X**	
b) Substantially damage scenic resources, including, but not limited to, trees, outcroppings, and historic buildings within a state scenic highway?			**X**	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			**X**	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			**X**	

A "visual environment" includes the built environment (development patterns, buildings, parking areas, and circulation elements) and natural environment (such as hills, vegetation, rock outcroppings, drainage pathways, and soils) features. Visual quality, viewer groups and sensitivity, duration, and visual resources characterize views. Visual quality refers to the general aesthetic quality of a view, such as vividness, intactness, and unity. Viewer groups identify who is most likely to experience the view. High-sensitivity land uses include residences, schools, playgrounds, religious institutions, and passive outdoor spaces such as parks, playgrounds, and recreation areas. Duration of a view is the amount of time that a particular view can be seen by a specific viewer group. Visual resources refer to unique views, and views identified in local plans, from scenic highways, or of specific unique structures or landscape features.

a) Would the project have a substantial adverse effect on a scenic vista?

Less than Significant Impact

Scenic vistas generally include extensive panoramic views of natural features, unusual terrain, or unique urban or historic features, for which the field of view can be wide and extend into the distance, and focal views that focus on a particular object, scene or feature of interest. The city's General Plan Open Space Element contains scenic vistas including Mojave River to the east, the San Bernardino and San Gabriel Mountain ranges to the south and the surrounding Victor Valley, along with neighboring hillsides and the natural desert environment. These scenic resources provide a visual

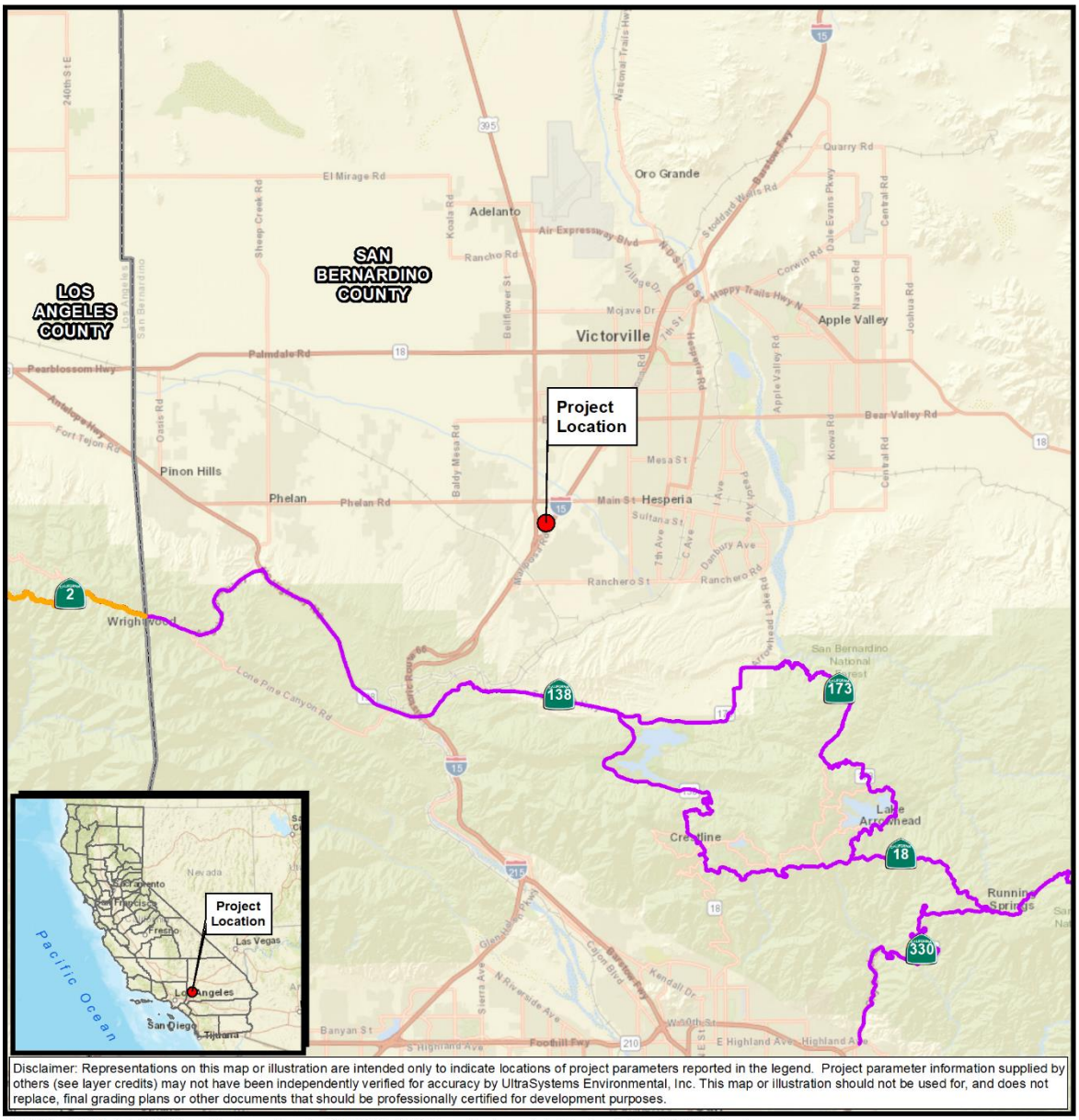
relief from the man-made structures in the city and also connect its residents to the natural environment (City of Hesperia, 2019a, p. OS-13). The project site is located in a semi-rural portion of the city and would not impact hillsides and natural desert environment. The Mojave River runs along the city's eastern border (Michael Brandman Associates, 2010a, p. 2-1). However, the project site is located on the western portion of the city, and has intervening developments that block views of the Mojave River. There are partial views of the San Bernardino and San Gabriel Mountains at the existing project site from the surrounding developments adjacent to the project site. The proposed project would develop buildings up to a height of approximately 42 feet tall, which would adhere to the project site's allowable maximum building height of 60 feet (The Arroyo Group, 2021, p. 198), and would be similar to the approximately 20- to 30-foot-tall industrial and commercial buildings surrounding the project site. Additionally, the project area does not have sensitive receivers such as residences adjacent to the site where views of the mountains would be permanently blocked. Viewers of the area would likely be people driving through the project area. The project area is largely vacant and viewers would have undisrupted views of the mountains continuing along Poplar Street or Three Flags Avenue. Therefore, the proposed project would not significantly impact views of scenic vistas compared to the existing setting, and impacts would be less than significant.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact

The California Department of Transportation (Caltrans) provides information regarding officially designated or eligible state scenic highways, designated as part of the California Scenic Highway Program. As shown in **Figure 4.1-1**, the closest officially designated state scenic highway to the project site is a portion of the State Route 2 (SR-2), which is approximately 15.1 miles southwest; portions of SR-138, which is eligible for designation but not officially designated, are approximately 6.7 miles south of the site (Caltrans, 2024). Due to the large distance between the project site and these highways, construction and implementation of the project would have no impacts on state scenic highways. Therefore, the project would have no impacts on trees, rock outcroppings and historic buildings within a state scenic highway.

Figure 4.1-1
STATE SCENIC HIGHWAYS



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

Less than Significant Impact

The project site is located within an emerging semi-rural portion of the city characterized by commercial, industrial and undeveloped land uses as shown in **Figure 4.1-2**. **Table 4.1-1** details the existing visual character and land uses of the project site and surrounding area**. Table 4.1-2** details applicable scenic quality goals and regulations, and how the proposed project would adhere to them.

Figure 4.1-2
VIEWS FOR SURROUNDING LAND USES IN THE PROJECT AREA

PHOTO 1: View looking north of the project site along Poplar Street.

PHOTO 2: View looking south from Three Flags Avenue and Poplar Street.

PHOTO 3: View looking southwest from Three Flags Avenue and Poplar Street to Stepping Stone Industrial Park.

PHOTO 4: View looking south to Little Sisters Truck Wash from southeastern section of project site.

Source: UltraSystems Environmental, 2022. Google Earth, 2019

Table 4.1-1
EXISTING VISUAL CHARACTER AND LAND USES IN THE PROJECT AREA

Location	General Characteristics	Existing Lighting	Building Height & Design	Landscaping
Project Site	Undeveloped	None	None	Undeveloped
Surrounding Areas				
North	Undeveloped	None	None	Undeveloped
South	Industrial (Truck repair shop)/commercial (truck car wash)	Exterior lighting for security purposes	Approximately 20-to 30-feet tall buildings with plastered concrete tilt-up exterior walls in varying colors.	Ornamental
East	Undeveloped	None	None	Undeveloped
West	Industrial Park and Business	Exterior lighting for security purposes	Approximately 20 feet tall buildings with plastered concrete tilt-up exterior walls in varying colors.	Ornamental
Source: Google Earth Pro, 2024 and UltraSystems Environmental, 2022.				

Construction

Construction of the proposed project would include views associated with construction activities, construction staging areas, grading, excavation, construction equipment, material storage areas, construction debris, exposed trenches, etc. Construction elements would be inconsistent with the visual character of the project vicinity. Project construction could temporarily degrade the existing visual character of the project area and its immediate surroundings. However, this impact would be short term and these elements would be removed following construction. Therefore, impacts in regard to construction would be less than significant.

Operation

The proposed project would develop two truck warehouses with associated surface parking lot and ornamental landscaping. The proposed project would be designed to adhere to the City's design guidelines to complement the existing buildings and architecture surrounding the project site. Additionally, the project area is part of the Main Street Freeway Corridor Specific Plan, which plans to develop the project area with similar industrial developments such as the proposed project due to its prime regional location to transportation corridors (The Arroyo Group, 2021, p. 196). Therefore, the project would not significantly impact the characteristics of the project area or public views. Impacts would be less than significant and no mitigation is required.

Table 4.1-2
PROJECT COMPLIANCE WITH SCENIC REGULATIONS IN REGARDS TO THE CITY OF HESPERIA MAIN STREET FREEWAY CORRIDOR SPECIFIC PLAN

Policy	Compliance
Goal UD-1: Strengthen the identity of the City of Hesperia and the Specific Plan area by building upon the surrounding natural resources and amenities, and create a new image for Main Street and the Freeway Corridor that expresses an attractive, inviting, high quality character and commercial vitality.	
Policy UD-1.4: Preserve views of the mountains – San Gabriel Mountains to the southwest and San Bernardino National Forest to the southeast	As detailed in **Section 4.1a)**, the project's buildings would adhere to the Com/Ind Business Park (CIBP) height requirements. Additionally, the proposed buildings would conform to the height requirements of the general plan and zoning, and be similar to surrounding developments. Therefore, views of the mountains would not be significantly impacted by the project, and the project would be consistent with this policy.
Goal UD-2: Create distinctive and attractive communities with a strong sense of place (Smart Growth principle).	
Policy UD-2.1: Establish development and design standards that encourage high quality of construction and lead to the creation of attractive developments.	The project site is currently an undeveloped lot with no significant aesthetic resources. The proposed project would adhere to the Com/Ind Business Park (CIBP) development requirements, which would create a high-quality development to the Specific Plan area. Therefore, the project would be consistent with this policy.
Goal UD-5: Encourage good design, and high-quality development within the Specific Plan area.	
Policy UD-5.3: Through design review, ensure that new development enhances the character of the Specific Plan area by requiring design qualities and elements that contribute to an active pedestrian environment, where appropriate, and ensuring that architectural elements support high-quality development.	The proposed project would adhere to the Com/Ind Business Park (CIBP) development requirements, which would create a high-quality development that would enhance character of the Specific Plan area. Therefore, the project would be consistent with this policy.

Source: City of Hesperia, 2021, p. 25 to 27

As shown above, the project would adhere to all applicable scenic regulations. Therefore, impacts would be less than significant and no mitigation is required.

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

Less Than Significant Impact

Project construction and operation would adhere to the Main Street Freeway Corridor Specific Plan (MSFCSP) site design standards and guidelines, which would ensure that exterior light and glare would not significantly impact surrounding land uses or nighttime skies (The Arroyo Group, 2021, p. 268). Therefore, impacts would be less than significant.

4.2 Agriculture and Forestry Resources

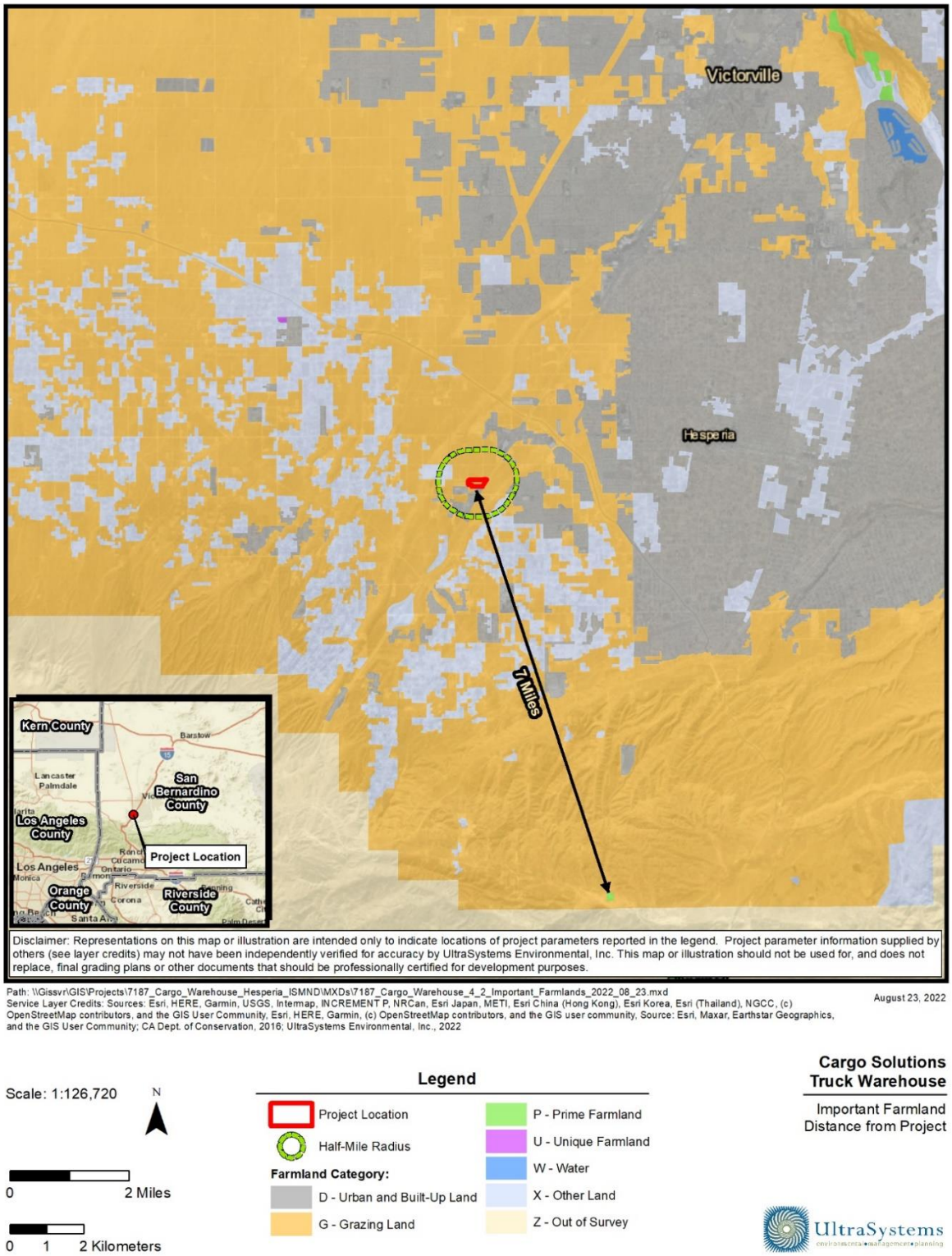
Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				**X**
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				**X**
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220(g)), timberland (as defined by Public Resources Codes § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?				**X**
d) Result in the loss of forest land or conversion of forest land to non-forest use?				**X**
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				**X**

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

No Impact

The project site is designated by the Division of Land Resource Protection (DLRP) as Grazing Land, which is not farmland (DOC, 2018) (see **Figure 4.2-1** below). Grazing Land is land on which the existing vegetation is suited to the grazing of livestock (DOC, 2019). Therefore, no farmland would be converted to non-agricultural use and no impacts would occur.

Figure 4.2-1
IMPORTANT FARMLAND CATEGORIES



b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact

The project site is zoned Commercial/Industrial Business Park (CIBP (City of Hesperia, 2020), and is not zoned for agricultural use. Williamson Act contracts are made only on land within agricultural reserves, and the project site is not within an agricultural reserve. Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract. No impact would occur.

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

No Impact

The project site is zoned Commercial/Industrial Business Park (CIBP) (City of Hesperia, 2020). The site is not zoned for forest, timberland, or timberland production use. Therefore, project development would not conflict with zoning for forest land or timberland, and no impact would occur.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact

The project site is currently undeveloped and does not have forest land. Therefore, project development would not result in the loss of forest land or conversion of forest land to non-forest use, and no impact would occur.

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

No Impact

The project site is undeveloped and has a zoning designation of Commercial/Industrial Business Park (CIBP) (City of Hesperia, 2020). No important farmland is near the project site; the nearest such farmland is Unique Farmland approximately seven miles southeast. No forest land is present on or near the project site. Therefore, project development would not cause conversion of farmland to non-agricultural use or conversion of forest land to non-forest use, and no impacts would occur.

4.3 Air Quality

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			**X**	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?			**X**	
c) Expose sensitive receptors to substantial pollutant concentrations?			**X**	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			**X**	

4.3.1 Pollutants of Concern

Criteria pollutants are air pollutants for which acceptable levels of exposure can be determined and an ambient air quality standard has been established by the U.S. Environmental Protection Agency (USEPA) and/or the California Air Resources Board (ARB). The criteria air pollutants of concern are nitrogen dioxide (NO_2), carbon monoxide (CO), particulate matter (PM_{10} and $PM_{2.5}$), sulfur dioxide (SO_2), lead (Pb), and ozone, and their precursors, such as reactive organic gases (ROG) (which are ozone precursors). Presented below is a description of the air pollutants of concern and their known health effects.

The project is in the southwestern San Bernardino County portion of the Mojave Desert Air Basin (MDAB), for which the Mojave Desert Air Quality Management District (MDAQMD) is substantially responsible for air pollution control. The MDAB is classified as a dry-hot desert (BWh), with portions classified as dry-very hot desert (BWhh), to indicate that at least three months have maximum average temperatures over 100.4°F (MDAQMD, 2020a, p. 6-7). **Table 4.3-1** shows the attainment status of the MDAB for each criteria pollutant for both the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). Presented below is a description of the air pollutants of concern and their known health effects.

Nitrogen oxides (NO_X) serve as integral participants in the process of photochemical smog production and are precursors for certain particulate compounds that are formed in the atmosphere, and for ozone. A precursor is a directly emitted air contaminant that, when released into the atmosphere, forms, causes to be formed, or contributes to the formation of a secondary air contaminant for which an ambient air quality standard (AAQS) has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more AAQSs. When NO_X and ROG are released into the atmosphere, they can chemically react with one another in the presence of sunlight

to form ozone. The two major forms of NO_X are nitric oxide (NO) and NO_2. NO is a colorless, odorless gas formed from atmospheric nitrogen and oxygen when combustion takes place under high temperature and/or high pressure. NO_2 is a reddish-brown pungent gas formed by the combination of NO and oxygen. NO_2 acts as an acute respiratory irritant and eye irritant and increases susceptibility to respiratory pathogens (USEPA, 2011).

Table 4.3-1
FEDERAL AND STATE ATTAINMENT STATUS

Pollutants	Federal Classification	State Classification
Ozone (O_3) – 1-hour standard	No Federal Standard	Nonattainment
Ozone (O_3) – 8-hour standard	Nonattainment	
Particulate Matter (PM_{10})	Attainment	Nonattainment
Fine Particulate Matter ($PM_{2.5}$)	Nonattainment	Attainment
Carbon Monoxide (CO)	Unclassified/Attainment	Attainment
Nitrogen Dioxide (NO_2)	Unclassified/Attainment	Attainment
Sulfur Dioxide (SO_2)	Unclassified/Attainment	Attainment
Sulfates	No Federal Standards	Attainment
Lead (Pb)	Unclassified/Attainment	Attainment
Hydrogen Sulfide (H_2S)	Unclassified	
Visibility Reducing Particles		

Sources: ARB, 2020a; USEPA, 2022a.

Carbon monoxide (CO) is a colorless, odorless non-reactive pollutant produced by incomplete combustion of fossil fuels. CO is emitted almost exclusively from motor vehicles, power plants, refineries, industrial boilers, ships, aircraft, and trains. In urban areas, automobile exhaust accounts for most CO emissions. CO is a non-reactive air pollutant that dissipates relatively quickly; therefore, ambient CO concentrations generally follow the spatial and temporal distributions of vehicular traffic. CO concentrations are influenced by local meteorological conditions – primarily wind speed, topography, and atmospheric stability. CO from motor vehicle exhaust can become locally concentrated when surface-based temperature inversions are combined with calm atmospheric conditions, a typical situation at dusk in urban areas between November and February. The highest levels of CO typically occur during the colder months of the year when inversion conditions are more frequent. In terms of health, CO competes with oxygen, often replacing it in the blood, thus reducing the blood's ability to transport oxygen to vital organs. The results of excess CO exposure can be dizziness, fatigue, and impairment of central nervous system functions. High concentrations are lethal (USEPA, 2010).

Particulate matter (PM) consists of finely divided solids or liquids, such as soot, dust, aerosols, fumes and mists. Primary PM is emitted directly into the atmosphere from activities such as agricultural operations, industrial processes, construction and demolition activities, and

entrainment of road dust into the air. Secondary PM is formed in the atmosphere from predominantly gaseous combustion by-product precursors, such as sulfur oxides, NO_X, and ROGs.

Particle size is a critical characteristic of PM that primarily determines the location of PM deposition along the respiratory system (and associated health effects) as well as the degradation of visibility through light scattering. In the United States, federal and state agencies have focused on two types of PM. PM_{10} corresponds to the fraction of PM no greater than 10 micrometers in aerodynamic diameter and is commonly called respirable particulate matter, while $PM_{2.5}$ refers to the subset of PM_{10} of aerodynamic diameter smaller than 2.5 micrometers, which is commonly called fine particulate matter.

PM_{10} and $PM_{2.5}$ deposition in the lungs results in irritation that triggers a range of inflammation responses, such as mucus secretion and bronchoconstriction, and exacerbates pulmonary dysfunctions, such as asthma, emphysema, and chronic bronchitis. Sufficiently small particles may penetrate the bloodstream and impact functions such as blood coagulation, cardiac autonomic control, and mobilization of inflammatory cells from the bone marrow. Individuals susceptible to higher health risks from exposure to PM_{10} airborne pollution include children, the elderly, smokers, and people of all ages with low pulmonary/cardiovascular function. For these individuals, adverse health effects of PM_{10} pollution include coughing, wheezing, shortness of breath, phlegm, bronchitis, and aggravation of lung or heart disease, leading, for example, to increased risks of hospitalization and mortality from asthma attacks and heart attacks (USEPA, 2022a).

Reactive organic gases (ROG) are defined as any compound of carbon, excluding CO, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. It should be noted that there are no state or national ambient air quality standards for ROG because ROGs are not classified as criteria pollutants. They are regulated, however, because a reduction in ROG emissions reduces certain chemical reactions that contribute to the formation of ozone. ROGs are also transformed into organic aerosols in the atmosphere, which contribute to higher PM_{10} and lower visibility. The term "ROG" is used by the ARB for this air quality analysis and is defined the same as the federal term "volatile organic compound" (VOC).

Ozone is a secondary pollutant produced through a series of photochemical reactions involving ROG and NO_X. Ozone creation requires ROG and NO_X to be available for approximately three hours in a stable atmosphere with strong sunlight. Because of the long reaction time, peak ozone concentrations frequently occur downwind of the sites where the precursor pollutants are emitted. Thus, ozone is considered a regional, rather than a local, pollutant. The health effects of ozone include eye and respiratory irritation, reduction of resistance to lung infection and possible aggravation of pulmonary conditions in persons with lung disease. Ozone is also damaging to vegetation and untreated rubber (USEPA, 2020c).

4.3.2 Climate/Meteorology

Air quality is affected by both the rate and location of pollutant emissions, and by meteorological conditions that influence movement and dispersal of pollutants. Atmospheric conditions such as wind speed, wind direction, and air temperature gradients, along with local topography, provide the link between air pollutant emissions and air quality.

The Project site is located within the Mojave Desert portion of the Mojave Desert Air Basin (MDAB), which is bordered in the southwest by the San Bernardino Mountains, which are separated from the

San Gabriel Mountains by the Cajon Pass (4,200 feet elevation). The MDAB is an assemblage of mountain ranges interspersed with long broad valleys that often contain dry lakes. Many of the lower mountains which dot the vast terrain rise from 1,000 to 4,000 feet above the valley floor. Prevailing winds in the MDAB are out of the west and southwest. These prevailing winds are due to the proximity of the MDAB to coastal and central regions and the blocking nature of the Sierra Nevada Mountains to the north; air masses pushed onshore in Southern California by differential heating are channeled through the MDAB (MDAQMD, 2020).

The nearest meteorological station is the Hesperia station (#043935, latitude 34.41667°, longitude: - 117.3°) (WRCC, 2022a), which is approximately 5.1 miles west of the project site, with a period of record from January 1, 1910 to June 30, 1977. However, data from another station near the project site, Victorville Pump Pt meteorological station (#049325; latitude 34.5350°, longitude: - 117.3058°) (WRCC, 2022b), approximately 9.5 miles north of the project site, were used because the period of record (November 1931 – November 2008) is more recent. The average high and low temperatures recorded there are 77.5°F and 43.9°F, respectively. Average winter (December, January, and February) high and low temperatures are approximately 60.1°F and 30.7°F, respectively, and average summer (June, July, and August) high and low temperatures are approximately 95.6°F and 58.4°F, respectively. The annual average of total precipitation is approximately 5.52 inches, which occurs mostly during the winter and relatively infrequently during the summer. Monthly precipitation averages approximately 0.93 inch during the winter (December, January, and February), approximately 0.43 inch during the spring (March, April, and May), approximately 0.35 inch during the fall (September, October, and November), and approximately 0.13 inch during the summer (June, July, and August).

4.3.3 Local Air Quality

The project site is served by the MDAQMD's Hesperia-Olive Street air monitoring site (ARB Number 36201), 6.0 miles east at 17288 Olive Street in Hesperia. This station monitors ozone and PM_{10}. The nearest station that monitors $PM_{2.5}$ and NO_2 is Victorville-14306 Park Avenue at 14306 Park Avenue in Victorville (ARB Number: 36306), about 4.4 miles north of the project. The ambient air quality data in the project vicinity as recorded from 2021 through 2023, along with applicable standards, are shown in **Table 4.3-2.**

Table 4.3-2
AMBIENT AIR QUALITY MONITORING DATA

Air Pollutant	Standard/Exceedance	2021	2022	2023
Ozone – Hesperia-Olive Street	Max. 1-hour Concentration (ppm) Max. 8-hour Concentration (ppm) # Days > Federal 8-hour Std. of 0.070 ppm # Days > California 1-hour Std. of 0.09 ppm # Days > California 8-hour Std. of 0.070 ppm	0.114 0.101 55 9 60	0.108 0.090 49 11 52	0.110 0.098 53 11 54
PM_{10} - Hesperia-Olive Street	Max. 24-hour Concentration (µg/m^3) Est. # Days > Fed. 24-hour Std. of 150 µg/m^3 Federal Annual Arithmetic Mean (12 µg/m^3)	426.5 1 28.7	135.0 0 27.2	176.2 1 27.9
$PM_{2.5}$ - Victorville-14306 Park Avenue	Max. 24-hour Concentration (µg/m^3) # Days > Fed. 24-hour Std. of 35 µg/m^3 State Annual Average (12 µg/m^3)	87.1 1 10.2	24.6 0 9.0	25.6 0 7.8
NO_2 – Victorville-14306 Park Avenue	Max. 1-hour Concentration (ppm) State Annual Average (0.030 ppm) # Days > California 1-hour Std. of 0.18 ppm	0.060 0.012 0	0.060 0.012 0	0.060 0.010 0

Source: ARB, 2022a.

4.3.4 Air Quality Management Plan (AQMP)

The MDAQMD's jurisdiction comprises the Mojave Desert Air Basin, which encompasses the desert portions of Kern, Los Angeles, Riverside and San Bernardino counties. The MDAQMD is required to produce plans to show how air quality would be improved in the region. The California Clean Air Act (CCAA) requires that these plans be updated triennially to incorporate the most recent available technical information.[5]

The Project is located in the jurisdiction of the MDAQMD. Under the Federal Clean Air Act the MDAQMD has adopted a variety of attainment plans for a variety of nonattainment pollutants. The District has primary responsibility for regulating stationary sources of air pollution located within its jurisdictional boundaries. It implements air quality programs required by state and federal mandates, enforces rules and regulations based on air pollution laws and educates businesses and residents about their role in protecting air quality and the risks of air pollution (MDAQMD, 2022).

The 1995 Final Mojave Desert Planning Area, Federal Particulate Matter (PM10) Attainment Plan (MDAQMD, 1995) was adopted by the MDAQMD board on July 31, 1995. A Certification of District Measures to Reduce PM Pursuant to Former Health & Safety Code §39614(d) was received and filed by the ARB on January 27, 2020 (MDAQMD, 2020a). The 2008 MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area) was adopted by the MDAQMD board. The USEPA designated the Western Mojave Desert area as non-attainment for the 8-hour ozone National Ambient Air Quality Standard (NAAQS) pursuant to the provisions of the Federal Clean Air Act (FCAA). A portion of the Mojave Desert Air Quality Management District (MDAQMD) is included in the Western Mojave Desert non-attainment area. The most recent attainment plan that was approved by USEPA is the MDAQMD 2008 Ozone Attainment Plan adopted in 2008. The most recently

5 CCAA of 1988.

adopted State plan is the 1996 Triennial Revision to the 1991 Air Quality Attainment Plan (MDAQMD, 2008).

4.3.5 Sensitive Receptors

Some people, such as individuals with respiratory illnesses or impaired lung function because of other illnesses, persons over 65 years of age, and children under 14, are particularly sensitive to certain pollutants. Facilities and structures where these sensitive people live or spend considerable amounts of time are known as sensitive receptors. For the purposes of a CEQA analysis, the MDAQMD considers a sensitive receptor to be a receptor such as a residence, schools, daycare centers, playgrounds and medical facilities. The following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated with a health risk assessment (MDAQMD, 2020a):

- Any industrial project within 1,000 feet.
- A distribution center (40 or more trucks per day) within 1,000 feet.
- A major transportation project (50,000 or more vehicles per day) within 1,000 feet.
- A dry cleaner using perchloroethylene within 500 feet.
- A gasoline dispensing facility within 300 feet.

The proposed project's distance from the nearest sensitive receptor exceeds all these threshold distances. Therefore, a health risk assessment is not needed.

4.3.6 Applicable Mojave Desert Air Quality Management District Rules

Rule 403 (Fugitive Dust Control Rule)

During construction, the project would be subject to MDAQMD Rule 403 (fugitive dust control) (MDAQMD, 2020c). The general requirement prohibits a person from causing or allowing emissions of fugitive dust from construction (or other fugitive dust source) such that the presence of such dust remains visible in the atmosphere beyond the property line of the emissions source, except during high winds. MDAQMD Rule 403 also prohibits construction activity from causing incremental PM_{10} concentrations to exceed 100 micrograms per cubic meter when determined as the difference between upwind and downwind samples collected on federal reference method samplers at the property line for a minimum of five hours, except during high winds.

Rule 1113 (Architectural Coatings)

Construction of this project will include the application of architectural coatings and be subject to MDAQMD Rule 1113 (Architectural Coatings). Among other applicable entities, Rule 1113 requires anyone who supplies, sells, offers for sale, manufactures, blends or repackages any architectural coating for use within the MDAQMD, as well as any person who applies or solicits the application of any architectural coating within the District, o use coatings that contain VOC less than or equal to the VOC limits specified in Table 1 of the rule.

4.3.7 Impact Analysis

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact

The proposed project site is located in the western portion of the City of Hesperia, within the jurisdiction of the MDAQMD. The project is compatible with the general plan land use and zoning discussed in detail in **Section 4.11**. The air quality plans are based upon existing and projected land uses in the planning area. The most recent air quality plan is the MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area), which was adopted on June 9, 2008. The project is compatible with the air quality plan.

The MDAQMD has developed criteria in the form of emissions thresholds for determining whether emissions from a project are regionally significant. They are useful for estimating whether a project is likely to result in a violation of the NAAQS and/or whether the project is in conformity with plans to achieve attainment. **Table 4.3-3** shows MDAQMD CEQA significance thresholds for both construction and operation. A project is considered to have a regional air quality impact if emissions from its construction and/or operational activities exceed the corresponding MDAQMD significance thresholds.

Table 4.3-3
MDAQMD THRESHOLDS OF SIGNIFICANCE FOR CRITERIA POLLUTANTS

Pollutant	Emission Threshold (lbs/day)	Emission Threshold (short tons/year)
Volatile Organic Compounds (VOC)	137	25
Nitrogen Oxides (NO_x)	137	25
Carbon Monoxide (CO)	548	100
Sulfur Oxides (SO_x)	137	25
Particulate Matter (PM_{10})	82	15
Fine Particulate Matter ($PM_{2.5}$)	65	12

Source: MDAQMD, 2020a, Table 6.

Estimated criteria pollutant emissions from the project's onsite and offsite project activities were calculated using the California Emissions Estimator Model (CalEEMod), Version 2022.1.1.29. CalEEMod (CAPCOA, 2023) is a planning tool for estimating emissions related to land use projects.

The construction emissions accounted for the wall construction, while operational emissions did not consider the wall as an emission source. To ensure accuracy, two separate CalEEMod analyses were conducted—one for construction emissions and another for operational emissions. Model-predicted project emissions are compared with applicable thresholds to assess regional air quality impacts. The project traffic study (RK Engineering, 2024) provided the vehicle miles traveled and number of trips for the operational emissions. It was also assumed that the construction contractor would comply

with all pertinent MDAQMD rules. CalEEMod inputs and detailed results are provided in **Appendix B**.

Table 4.3-4 shows the project schedule used for the air quality analysis. The proposed project would be built in one phase. Construction is estimated to take place in five subphases from October 2025 to November 2026:

- Grading
- Off-Site Trenching
- Vertical/Site Work- Building Construction
- Vertical/Site Work- Paving
- Vertical/Site Work- Architectural Coating

Details for each construction subphase are shown in **Table 4.3-4**.

Table 4.3-4
CONSTRUCTION SCHEDULE

Construction Subphase	Start Date	End Date
Grading	October 1, 2025	November 28, 2025
Off-site Trenching	November 29, 2025	February 13, 2026
Vertical/Site Work- Building Construction	February 14, 2026	September 17, 2026
Vertical/Site Work- Paving	September 18, 2026	October 20, 2026
Vertical/Site Work- Architectural Coating	October 21, 2026	November 16, 2026

Source: Calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).

These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the project site) would primarily generate NO_X emissions. The quantity of emissions generated daily would vary, depending on the amount and types of construction activities occurring at the same time.

As shown in **Table 4.3-5**, the project's annual emissions would not exceed Mojave Desert Air Quality Management District significance thresholds for any criteria pollutant during construction.

Table 4.3-5
MAXIMUM ANNUAL REGIONAL CONSTRUCTION EMISSIONS

Year	Maximum Emissions (Tons/year)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Maximum Annual Emissions, 2025	0.08	0.73	0.70	0.08	0.03
Maximum Annual Emissions, 2026	0.51	1.09	1.87	0.11	0.05
MDAQMD Significance Thresholds (short tons per year)	*25*	*25*	*100*	*15*	*12*
Significant (Yes or No)	**No**	**No**	**No**	**No**	**No**

Source: Calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).

As shown in **Table 4.3-6** maximum daily construction emissions would not exceed MDAQMD regional thresholds. Therefore, the project's short-term regional air quality impacts would be less than significant**.**

Table 4.3-6
MAXIMUM DAILY REGIONAL CONSTRUCTION EMISSIONS

Construction Activity	Maximum Emissions (lbs/day)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Maximum Daily Emissions, 2025	3.47	31.79	29.02	3.38	1.43
Maximum Daily Emissions, 2026	41.10	12.14	22.34	1.28	0.50
MDAQMD Significance Thresholds	*137*	*137*	*548*	*82*	*65*
Significant? (Yes or No)	**No**	**No**	**No**	**No**	**No**

Source: Calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).

Regional Operational Emissions

The project proposes to develop Truck Warehouse Building 1 with an associated parking lot on the western portion of the project site, and Truck Warehouse Building 2 with an associated parking lot on the eastern portion of the project site. Operational emissions generated by area sources, motor vehicles, and energy demand would result from normal day-to-day activities of the project. The results of these calculations are presented in **Table 4.3-7** and **Table 4.3-8**. As seen in the tables, for each criteria pollutant, operational emissions would be below the pollutant's MDAQMD significance threshold. Therefore, regional operational emissions would be less than significant.

Table 4.3-7

MAXIMUM ANNUAL PROJECT OPERATIONAL EMISSIONS

Operational Emission Source	Pollutant (short tons/year)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Area Source Emissions	0.73	0.01	0.59	<0.005	<0.005
Energy Source Emissions	0.01	0.15	0.13	0.01	0.01
Mobile Source Emissions	0.08	0.61	0.78	0.33	0.09
Maximum Annual Operational Emissions	**0.82**	**0.77**	**1.5**	**0.34**	**0.1**
MDAQMD Significance Thresholds (short tons per year)	*25*	*25*	*100*	*15*	*12*
Significant? (Yes or No)	**No**	**No**	**No**	**No**	**No**

Source: Calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).

Table 4.3-8
MAXIMUM DAILY PROJECT OPERATIONAL EMISSIONS

Emission Source	Pollutant (lbs/day)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Area Source Emissions	4.57	0.06	6.6	0.01	0.01
Energy Source Emissions	0.05	0.85	0.71	0.06	0.06
Mobile Source Emissions	0.47	3.34	5.0	1.8	0.5
Total Operational Emissions	**5.09**	**4.25**	**12.31**	**1.87**	**0.57**
MDAQMD Significance Thresholds	*137*	*137*	*548*	*82*	*65*
Significant? (Yes or No)	**No**	**No**	**No**	**No**	**No**

Source: Calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impact

Since the MDAB is currently in federal nonattainment for ozone and $PM_{2.5}$ and state nonattainment for ozone and PM_{10}, related projects may exceed an air quality standard or contribute to an existing or projected air quality exceedance. However, as discussed above, the mass daily and annual

construction and operational emissions generated by the project would not exceed any of the MDAQMD's significance thresholds. Therefore, the project would not contribute a cumulatively considerable increase in emissions of the pollutants for which the MDAB is in nonattainment. Thus, cumulative air quality impacts associated with the project would be less than significant.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact

Construction of the project would generate short-term and intermittent emissions. Following the MDAQMD's CEQA Guidelines (MDAQMD, 2020a), residences, schools, daycare centers, playgrounds, and medical facilities are considered sensitive land uses. The nearest sensitive receptor is a single-family residence 1,114 feet southeast of the project boundary.

The following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated:

- Any industrial project within 1,000 feet.
- A distribution center (40 or more trucks per day) within 1,000 feet.
- A major transportation project (50,000 or more vehicles per day) within 1,000 feet.
- A dry cleaner using perchloroethylene within 500 feet.
- A gasoline dispensing facility within 300 feet.

The project proposes to develop to develop Truck Warehouse Building 1 with the associated parking lot on the western portion of the project site, and Truck Warehouse Building 2 with the associated parking lot on the eastern portion of the project site. It does not meet the criteria listed above. Thus, the impacts on sensitive receptors would be less than significant.

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

Less than Significant Impact

A project-related significant adverse effect could occur if the construction or operation of the proposed project would result in the generation of odors that would be perceptible in adjacent sensitive areas. Potential odor sources associated with the Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction associated with the proposed project's long-term operational uses. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the construction and are thus considered less than significant. Therefore, the project would not create substantial objectionable odors and this impact would be less than significant.

4.4 Biological Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		**X**		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		**X**		
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				**X**
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native nursery sites?			**X**	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		**X**		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				**X**

4.4.1 Methodology

This section is based on the biological surveys, research, and analyses conducted for the Biological Resources Evaluation (BRE; UltraSystems, 2022), provided in **Appendix C1** of this document.

UltraSystems biologists researched readily available information, including relevant literature, databases, agency web sites, various previously completed reports and management plans, GIS data, maps, aerial imagery from public domain sources, and in-house records to identify the following: 1) habitats, special-status plant and wildlife species, jurisdictional waters, critical habitats, and wildlife

corridors that may occur in and near the project site; and 2) local or regional plans, policies, and regulations that may apply to the project. Plant and wildlife species protected by federal agencies, state agencies, and nonprofit resource organizations, such as the California Native Plant Society (CNPS), are collectively referred to as *special-status species*. Some of these plant and wildlife species are afforded special legal or management protection because they are limited in population size, and typically have a limited geographic range and/or habitat. The following data sources were accessed by UltraSystems for synthesis of data within this report.

- Information on California plants for education, research and conservation, provided by Calflora (Calflora, 2022)
- California Department of Fish and Wildlife California Wildlife Habitat Relationships (CWHR) Life History Accounts and Range Maps (CDFW, 2022a)
- California Department of Fish and Wildlife BIOS Habitat Connectivity Viewer (CDFW, 2022b).
- U. S. Geological Survey (USGS) 7.5-Minute Topographic Map *Baldy Mesa* Quadrangle (USGS, 2015) and current aerial imagery (Google Earth, 2022).
- The Web Soil Survey, provided by the U. S. Department of Agriculture (USDA) Natural Resources Conservation Service (Soil Survey Staff, 2022).
- California Natural Diversity Database (CNDDB), provided by the California Department of Fish and Wildlife (CNDDB, 2022a).
- Information, Planning and Conservation (IPaC), provided by the U.S. Fish and Wildlife Service (USFWS; USFWS, 2022a).
- Critical Habitat Portal, provided by the USFWS (USFWS, 2022b).
- Inventory of Rare and Endangered Plants of California, 8th Edition, provided by the California Native Plant Society (CNPS, 2022a).
- National Hydrography Dataset, provided by the USGS (USGS, 2022c).
- National Wetlands Inventory (NWI), provided by the USFWS (USFWS, 2022c).
- Sawyer, J.O., T. Keeler-Wolf, J.M. Evens, 2009. A Manual of California Vegetation, Second Edition, provided by California Native Plant Society Press.
- EPA Waters GeoViewer, provided by U. S. Environmental Protection Agency (USEPA; USEPA, 2022h).

4.4.2 Discussion of Impacts

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status

species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less Than Significant with Mitigation Incorporated

Plant and wildlife species listed under the federal Endangered Species Act (ESA) or under the California Endangered Species Act (CESA) are referred to collectively as *listed species* in this section. Plant and wildlife species not listed under ESA or CESA but still protected by federal agencies, state agencies, local or regional plans, and/or nonprofit resource organizations, such as the California Native Plant Society (CNPS), are collectively referred to as *sensitive species* in this section. The *term special-status species* is used when collectively referring to both listed and sensitive species.

Environmental Setting

The City of Hesperia is located in southwestern San Bernardino County, California. The biological study area (BSA) is surrounded by primarily vacant land with some commercial developments, as shown in **Figure 4.4-1**. The BSA may potentially provide some suitable habitat for special status plant and wildlife species, although not optimal. The project site itself has a relatively flat topography. Elevations in the BSA range from 3,606 to 3,620 feet above mean sea level (amsl). The project site is currently undeveloped. Stormwater runoff generated on the project site is discharged as sheet flow in a northeast direction to Poplar Street.

Habitat Assessment Survey

UltraSystems Environmental, Inc (UltraSystems) biologist Dr. Michael Tuma conducted a habitat assessment survey on March 4, 2022 and staff biologist Matthew Sutton completed the survey on August 24, 2022 to assess the habitats, plants and wildlife that occur within the BSA. Three land cover types were mapped within the BSA, and are described later in this section (see **Figure 4.4-2**). Disturbed California juniper covers nearly 100 percent of the project site (see **Appendix C2** Figure 6, *Land Cover Types*). The BSA is comprised of developed/ornamental and disturbed California juniper woodlands. Six living Joshua trees (State Candidate Threatened, or SCT) and one California juniper were observed on the project site; however, the project site is dominated by ruderal species such as red brome and prickly Russian thistle. There is evidence that the project site was formerly vegetated with Joshua tree/juniper woodlands, but past significant disturbances have occurred that have resulted in compacted soils and dominance by ruderal species. Plant and wildlife species that were recorded during the habitat assessment survey can be accessed in **Appendix C2**, *Plant and Wildlife Species Recorded During the Field Surveys*.

Figure 4.4–1
PROJECT LOCATION AND BIOLOGICAL STUDY AREA

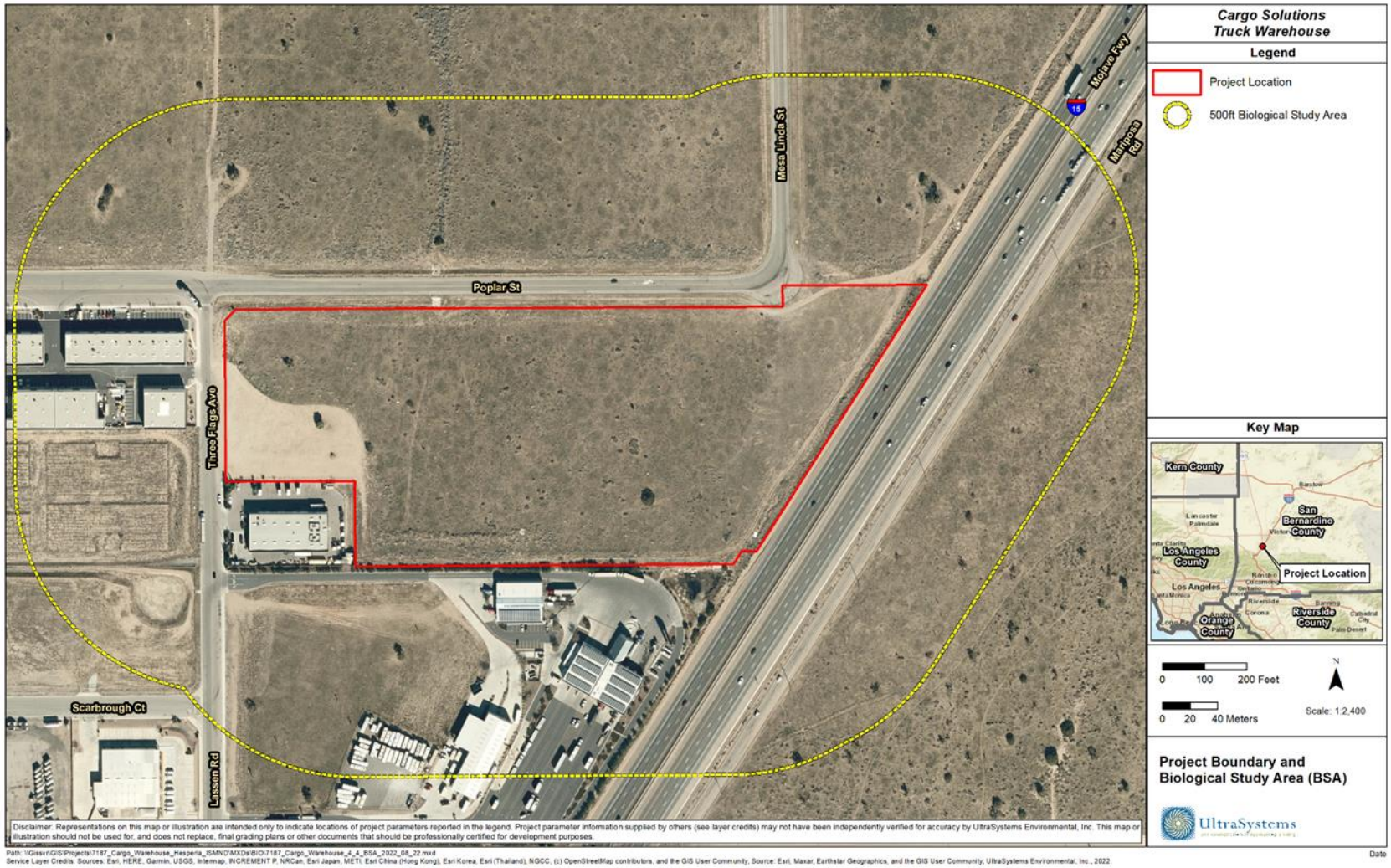
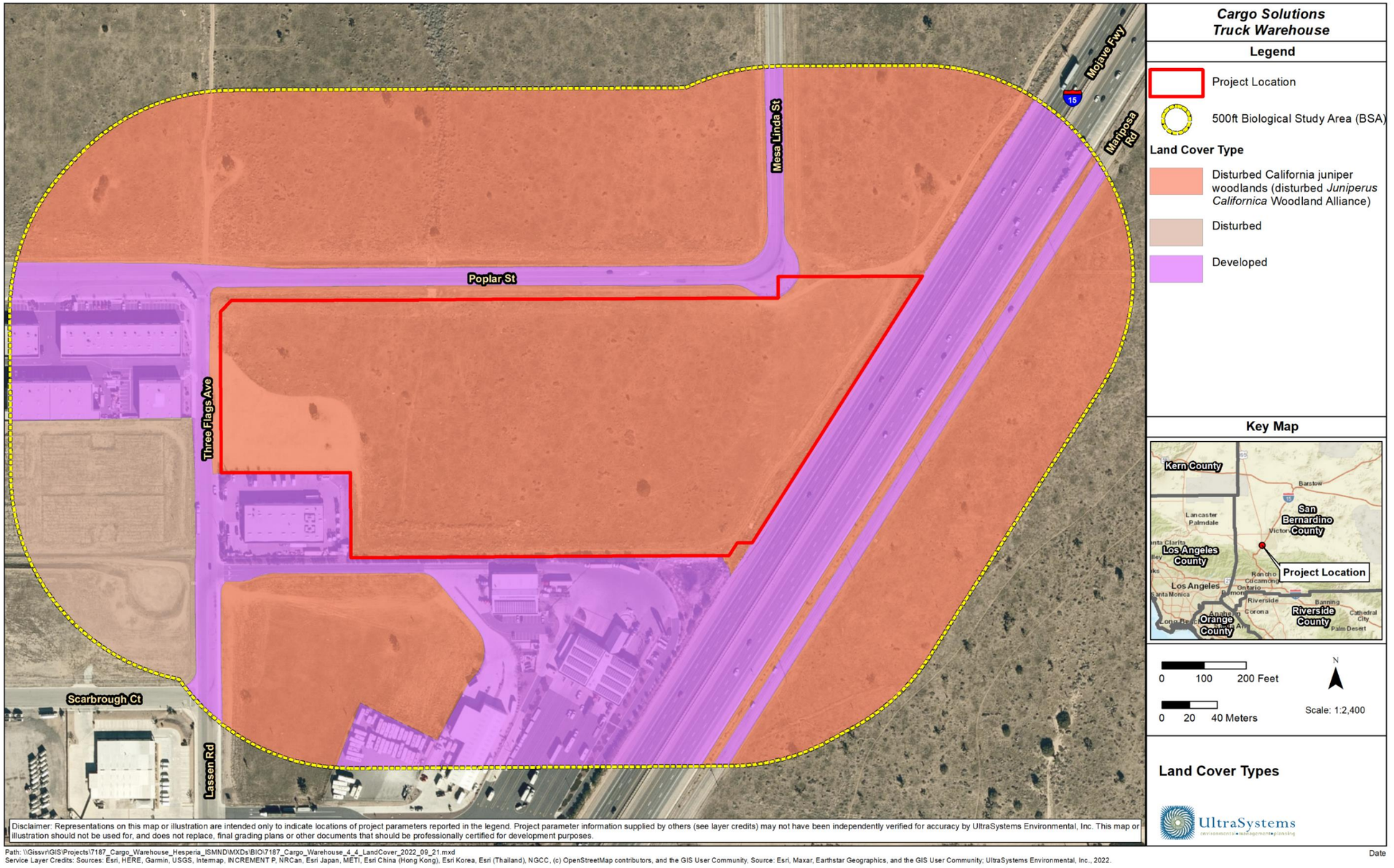


Figure 4.4–2
LAND COVER MAP



Impacts to Special Status Plants

One western Joshua tree (SCT) was observed on the project site. The literature review and field surveys concluded that the remaining plant species in the plant inventory have no more than a low potential to occur within the BSA due to a lack of suitable habitat, soils, and/or other factors to support them; these species are not anticipated to be significantly impacted as a result of the project.

Direct and indirect impacts to western Joshua tree are anticipated as a result of project construction. Therefore, acquisition of a California Fish and Game Code (FGC) § 2081 Incidental Take Permit (ITP), which is discussed below, will be required. The ITP may require on- or offsite mitigation, as well as a monitoring plan. Additionally, mitigation will be required to maintain compliance with the native desert vegetation protection as provided in the City of Hesperia Municipal Code.

Based on a literature review of publicly available databases (hereafter, plant inventory; USFWS 2022a, CNDDB 2022a, CNPS, 2022a) for reported observations within a ten-mile radius of the project site, one listed and seven sensitive plant species identified by one of the following means: of those eight total plant species, six sensitive plant species were determined to have a low potential to occur in the BSA, including within the project site, due to one or more of the following reasons: species were reported by the CNDDB or IPaC in the plant inventory, were recognized as occurring based on previous surveys or knowledge of the area, or were observed during the habitat assessment survey or other surveys (see **Figure 4.4-3)**. In addition, Joshua tree was observed on the project site during the field surveys. Joshua tree is a state candidate for listing as a threatened species (CNDDB, 2022b). These species and the remaining species determined to be unlikely to occur within the BSA are identified in **Appendix C2**, *Special-Status Species Inventory and Potential Occurrence Determination*. The project site contains low-quality suitable habitat for six of the seven sensitive plant species documented in the plant inventory, and therefore these six species were determined to have a low potential to occur in the BSA. No other special-status plant species were observed during the surveys, including the remaining seven sensitive plant species determined to have a low potential to occur. Joshua tree was observed during the field survey and, it is anticipated that construction of the project will result in significant impacts to listed plant species within the BSA. Therefore, mitigation is required.

Impacts to Special-Status Wildlife

Literature Review Results and Discussion

Based on a literature review of publicly available databases (hereafter, wildlife inventory; USFWS 2022a, CNDDB 2022a) for reported observations within a ten-mile radius of the project site, 16 listed and 20 sensitive wildlife species were reported within a 10-mile radius of the BSA because they were either reported in the wildlife inventory, recognized as occurring based on previous surveys or knowledge of the area, or observed during the habitat assessment survey or other surveys (see **Figure 4.4-4,** which displays species identified in the CNDDB wildlife inventory within a two-mile radius of the BSA). Of those 36 total species, four listed and 13 sensitive wildlife species were determined to have a low potential to occur, and 19 special-status wildlife species were determined to be unlikely to occur or are not expected to occur because the BSA lacks suitable habitat or is outside of the geographic range of these species. All species that were evaluated and their occurrence potential determinations are provided in **Appendix C2**, *Special-Status Species Inventory and Potential Occurrence Determination*. Nine special-status wildlife species were determined to have a low potential to occur in the BSA and it is anticipated that construction of the project will have less than a significant impact to these nine wildlife species.

High Potential to Occur in the BSA

Burrowing Owl

The burrowing owl (BUOW) is a small, crepuscular (active at dusk and dawn), ground-inhabiting owl that is found largely throughout the southern United States. Typical BUOW habitat is open, dry, flat ground or low rolling hills with sparse vegetation and available burrows (Gallagher, 1997). BUOWs spend most of their time on the ground or on low perch sites such as fence posts and dirt mounds. They are generally found in open country, where tree or shrub canopies cover less than 30 percent of the habitat (Center for Biological Diversity et al., 2003). Typical habitat includes annual and perennial grasslands, shortgrass prairies, open agricultural areas (particularly rangelands), desert floors, and vacant lots in residential areas and university campuses. Other habitat includes oak savannah; grass, forb, and open shrub stages of pinyon-juniper and ponderosa pine habitat; sandy beaches and coastal dunes; and river bottom lands (Center for Biological Diversity et al., 2003). BUOWs inhabiting urban landscaped areas may live in vacant fields/lots, pastures, airports, athletic fields, golf courses, cemeteries, city parks, road shoulders, drainage sumps, railroad beds, irrigation ditches, and road cuts (Center for Biological Diversity et al., 2003). The BUOW is primarily a dry grassland species, but it persists and can even thrive in some landscapes that are highly altered by human activity, such as agricultural areas in the Central and Imperial Valleys (Shuford et al., 2008). They require large open expanses of sparsely vegetated areas on gently rolling or level terrain with an abundance of active small mammal burrows (Shuford et al., 2008). Vegetation cover and height that prevents the owl from observing approaching predators places the BUOW at a severe disadvantage (Center for Biological Diversity et al., 2003). They are the only small owl likely to be seen perched in the open daylight (Sibley, 2000).

Suitable BUOW habitat must also support the primary prey items for BUOWs, such as insects and small mammals. BUOWs are opportunistic predators preying primarily on a broad array of arthropods (centipedes, spiders, beetles, crickets, and grasshoppers), and small rodents, but they also eat birds, amphibians, reptiles, and carrion. They may hunt from a perch, hover, hawk, run, walk, dive or hop after prey.

There is suitable nesting, sheltering, and foraging habitat within the BSA for BUOW. The project site contains sparse shrub cover and friable soils which are preferred conditions for BUOW. Furthermore, burrowing owl are generally adaptive to disturbances and the frequent grading of the project site would not necessarily deter this species from establishing there. It is anticipated that construction of the project could have a significant impact to BUOW and therefore mitigation is proposed.

Moderate Potential to Occur in the BSA

Loggerhead shrike

The loggerhead shrike (*Lanius ludovicianus*) is a California Department of Fish and Wildlife (CDFW) Species of Special Concern, which is a species, subspecies, or distinct population of an animal (fish, amphibian, reptile, bird and mammal) native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria: is extirpated from the state or, in the case of birds, in its primary seasonal or breeding role; is listed as federally-, but not state-, threatened or endangered; meets the state definition of threatened or endangered, but has not formally been listed; is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for state threatened or endangered status; has naturally small populations exhibiting high susceptibility to risk from any

factor(s), that if realized, could lead to declines that would qualify it for state threatened or endangered status. Loggerhead shrike is also a USFWS Bird of Conservation Concern (BCC), which is a bird species listed in the USFWS 2008 Birds of Conservation Concern report. The report identifies species, subspecies, and populations of all migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that, without additional conservation actions, are likely to become candidates for listing under the ESA. While all of the bird species included in the report are priorities for conservation action, the list makes no finding with regard to whether they warrant consideration for ESA listing.

Loggerhead shrike is a common resident and winter visitor in lowlands and foothills throughout California. This species inhabits areas with scattered shrubs, trees, posts, fences, utility lines, or other hardwood – conifer, valley foothill riparian, pinyon-juniper, juniper, desert riparian, and Joshua tree habitats. The BSA is in the known distributional range of the species and contains potentially suitable nesting and foraging habitat (open habitat, Joshua trees). Due to these factors, there is moderate potential for the species to occur in the BSA. Construction of the project would involve grading of the entire project site and the Joshua trees and juniper would be significantly impacted as a result. Although there is suitable habitat for loggerhead shrike on the project site, the area of suitable habitat that would be destroyed by grading activities is relatively small and does not represent an expansive area of suitable habitat for this species. Therefore, the loss of this area would not have a substantial effect on the availability of loggerhead shrike habitat or population levels statewide. These impacts do not meet the threshold of significance set forth in § 15065 of the California Environmental Quality Act (CEQA) Guidelines. Therefore, construction of the project would have a less than significant impact to loggerhead shrike.

Figure 4.4-3
CNDDB KNOWN OCCURRENCES PLANT SPECIES AND HABITATS

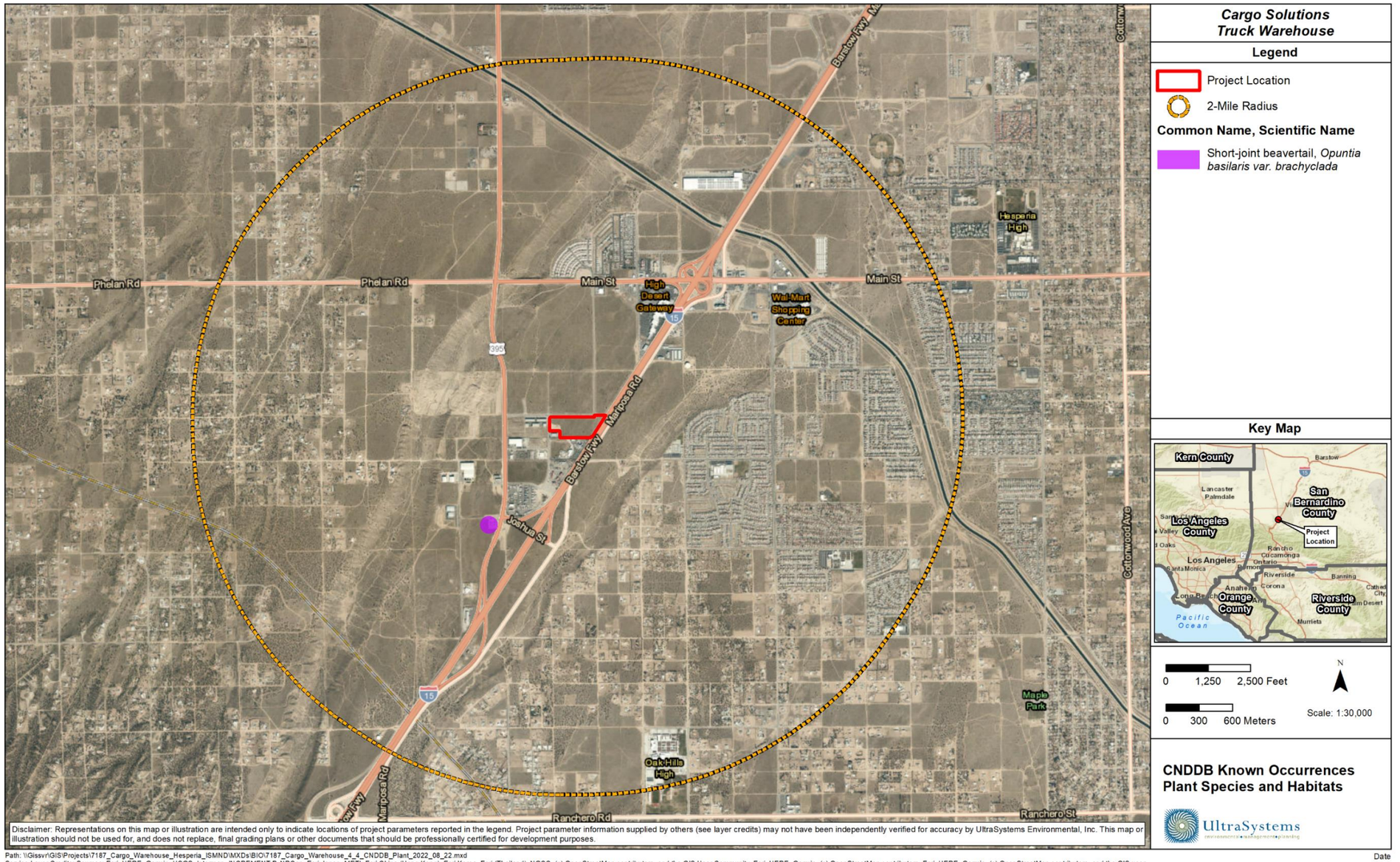
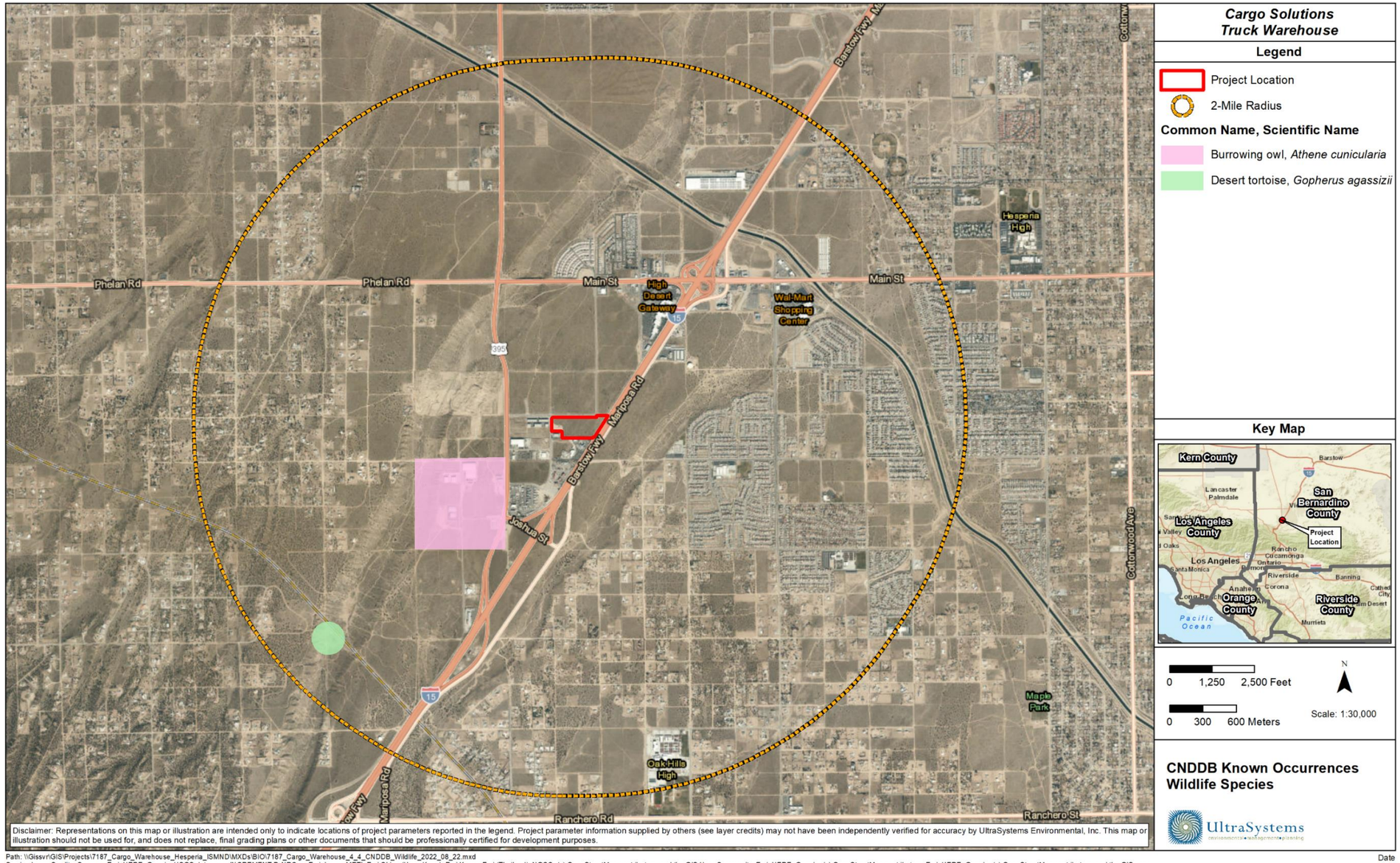


Figure 4.4-4
CNDDB KNOWN OCCURRENCES WILDLIFE SPECIES



General Wildlife Surveys Results and Discussion

Due to frequent disturbances within the BSA, including regular vegetation clearance, frequent traffic noise, and human activity levels, it is not likely that a diverse array of special-status species would establish in or utilize the BSA. It is unlikely that raptors would build nests within the BSA. The BSA lacks dense stands of trees with contiguous canopies to provide good cover for raptor nests.

No listed wildlife species were observed within the BSA during the biological surveys. The results of the literature review and field surveys concluded that the following sensitive wildlife species have a low potential to occur within the BSA: quino checkerspot butterfly, Crotch's bumble bee, Mohave ground squirrel, and desert tortoise. All of the listed wildlife species in the wildlife inventory were determined to have no more than a low potential to occur. Therefore, no direct impacts to listed endangered, threatened, or candidate wildlife are anticipated as a result of construction of the project.

No special-status wildlife species were observed within the BSA during the biological surveys. The results of the literature review and field surveys concluded that the following sensitive wildlife species have low potential to occur within the BSA: desert kit fox, prairie falcon, Blainville's horned lizard, Swainson's hawk, and Cooper's hawk. See **Appendix C2**, *Special-Status Species Inventory and Potential Occurrence Determination* for further discussion of these species.

Special-status species may occur on the project site for occasional foraging activities or as flyovers, but were not observed during surveys and do not appear to reside permanently within the BSA. The project site is surrounded by open space and some commercial buildings. Noise, traffic, and other human disturbances associated with the presence of the commercial buildings in the vicinity may deter many special-status wildlife species from utilizing the BSA. In addition, there is evidence that the project site and other disturbed areas in the BSA frequently undergo vegetation removal or grading, which would likely deter fossorial and ground-nesting birds from utilizing the project site for nesting.

However, the BSA contains trees, shrubs, and other physical features that could potentially provide foraging, nesting, and cover habitats to support some bird species (year-round residents, seasonal residents, and migrants). A majority of the birds observed during the field could potentially breed within the BSA; these are protected by the Migratory Bird Treaty Act (MBTA) and § 3503, § 3503.5, and § 3513 FGC. Refer to the recommended mitigation measures below, which would reduce potential project impacts to the biological resources discussed herein.

General Plant Surveys Results and Discussion

As previously discussed, one special-status plant species, western Joshua tree, was observed during the field survey. Six living individuals were observed, along with numerous stumps. An additional Joshua tree, which appeared to have been living prior to grading as indicated by a single trunk with live (green) leaves observed in the soil pile pushed up by the grading, was also observed. Joshua tree is a state candidate for listing as a threatened species (CNDDB, 2022b). It is anticipated that the project will directly impact western Joshua tree. Therefore, mitigation is required. Implementation of measure **BIO-1** will reduce impacts to species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS, to a less than significant level.

Due to frequent disturbances within the BSA, including grading, frequent traffic noise, and human activity levels, it is not likely that a diverse array of special-status species would establish in or utilize the BSA. It is unlikely that raptors would build nests within the BSA. The BSA lacks dense stands of trees with contiguous canopies to provide good cover for raptor nests. In addition, the BSA only offers minimal habitat value for fossorial species such as and Mohave ground squirrel.

Sensitive wildlife could potentially be impacted by construction and project development, and mitigation is recommended. Implementing the recommended mitigation measures **BIO-2** through **BIO-5** will help to minimize or avoid impacts to sensitive wildlife that could potentially occur within the BSA.

Several mitigation measures would be implemented in order to minimize and avoid impacts to loggerhead shrike, burrowing owl, and other special-status wildlife species that could potentially occur on the project site. Mitigation measure **BIO-1** involves acquisition of a § 2081 FGC Incidental Take Permit. Mitigation measure **BIO-2** provides for the instatement of focused burrowing owl surveys and protection measures. Implementation of mitigation measure **BIO-3** provides for the instatement of a pre-construction general wildlife survey. Mitigation measure **BIO-4** provides for a loggerhead shrike survey and protection measures, and **BIO-5** provides for a pre-construction breeding bird survey. All recommended surveys shall be conducted by a qualified biologist. With the implementation of mitigation measures **BIO-2** through **BIO-5**, the impacts of construction and project operations to sensitive wildlife would be less than significant.

Mitigation Measures

MM BIO-1: **§2081 FGC Incidental Take Permit**

Western Joshua trees are a state candidate for listing under CESA and will require a § 2081 FGC Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of **MM BIO-6**. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where take is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW.

MM BIO-2: **Focused Burrowing Owl Survey**

Although BUOW was not observed on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist would conduct a focused BUOW survey in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012).

Following the completion of the survey, the biologist would prepare a letter report summarizing the results of the survey. The report would be submitted to the City prior to initiating any ground disturbance activities.

If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required.

If BUOW or signs of BUOW are observed during the survey, the site would be considered occupied. The biologist would implement mitigation measure **BIO-2** and contact the City of Hesperia, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures, prior to commencing project activities. The list of potential measures to avoid and minimize impacts to BUOWs described below would be implemented.

BUOW Protection Measures

If BUOWs or signs of BUOW are observed during the survey, then the site would be considered occupied and the biologist shall contact the City, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures discussed below, prior to commencing project activities.). If no BUOW or signs of BUOW are observed during the focused surveys, the components of this measure (discussed below) would not be applicable.

Planning BUOW Protection

Grading, construction, and other project activities on all grassland habitat will be delayed until the qualified biologist has implemented burrow exclusion and closure. No ground-disturbing activities within 165 feet of an active BUOW burrow will be permitted until burrow exclusion and closure have been implemented. No destruction of foraging habitat will be permitted until burrow exclusion and closure have been implemented.

Preconstruction BUOW Protection

Prior to the initiation of grading and construction activities, the biologist shall implement passive relocation of an active BUOW burrow by installing a one-way door and then permanently excluding the BUOW from returning once it is confirmed that no BUOW individuals remain in the burrow. A biological monitor will visit the site daily to verify that the burrow is empty by monitoring and scoping the burrow.

Construction BUOW Protection Measures

A biological monitor will be onsite to monitor any BUOW or signs of BUOW. If any BUOW are observed then the biologist will consult with the County EMD and CDFW to determine the appropriate measures.

MM BIO-3: Pre-Construction General Wildlife Survey

Special-status wildlife species that have no designated status under the ESA, the CESA, and/or the NPPA, but are designated as sensitive or locally important by federal agencies, state agencies, local agencies such as the RCA, and nonprofit resource organizations such as the CNPS are referred to as sensitive in this section. The following measures will be implemented to minimize impacts to these species which include but are not limited to: Blainville's horned lizard and desert kit fox. The measures below will help to reduce direct and indirect impacts caused by construction on various sensitive species to less than significant levels.

- A qualified biologist will conduct a pre-construction general wildlife survey for sensitive wildlife and potential nesting sites such as open ground, shrubs, and burrows within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance.

- If sensitive species and/or active nesting sites are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required.

- If any sensitive wildlife species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency. zone.

- Sensitive wildlife species and/or potential nesting sites will not be disturbed, captured, handled or moved.

MM BIO-4: Loggerhead Shrike Survey and Protection Measures

The following measures are proposed in order to minimize impacts to loggerhead shrike, for which there is suitable habitat in the BSA.

- If activities occur during the breeding/nesting period, a wildlife survey will be completed by a qualified biologist to identify potential loggerhead shrike activity in the area of the project activities.

- Additional species surveys to determine presence/absence of birds prior to disturbances, from May 1 until the work start date, if the work start date is prior to August 31. Surveys are to occur weekly in May, every other week in June, and once per month in July and August (assuming no loggerhead shrike are observed).

- Incidental occurrences of other sensitive avian species such as Swainson's hawk, prairie falcon, and Cooper's hawk should also be recorded during the survey.

MM BIO-5: Pre-Construction Breeding Bird Survey

To maintain compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels.

Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird

season to avoid potential direct impacts to migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities.

- If project activities cannot be avoided during February 15 through September 15, a qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance.

- If no breeding birds or active nests are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required.

- If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone.

- If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency.

- Birds or their active nests will not be disturbed, captured, handled or moved. Active nests cannot be removed or disturbed; however, nests can be removed or disturbed if determined inactive by a qualified biologist.

Level of Significance After Mitigation

Implementing mitigation measures **BIO-1** through **BIO-5** would reduce to special-status plant and wildlife species to a less than significant degree. Several mitigation measures would be implemented in order to minimize and avoid impacts to loggerhead shrike, burrowing owl, and other special-status wildlife species that could potentially occur on the project site. Mitigation measure **BIO-1** involves

acquisition of a § 2081 FGC Incidental Take Permit. Mitigation measure **BIO-2** provides for the instatement of focused burrowing owl surveys and protection measures. Implementation of mitigation measure **BIO-3** provides for the instatement of a pre-construction general wildlife survey. Mitigation measure **BIO-4** provides for a loggerhead shrike survey and protection measures, and **BIO-5** provides for a pre-construction breeding bird survey. All recommended surveys shall be conducted by a qualified biologist. With the implementation of mitigation measures **BIO-1** through **BIO-5**, the impacts of construction and project operations to special-status plants and wildlife would be less than significant.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

Less Than Significant with Mitigation Incorporated

Land Cover Type Mapping

The project site is situated on relatively level ground; no ephemeral, intermittent, or perennial streams or rivers were identified in the literature review or observed during the biological survey. The BSA does not support riparian habitat. There was one land cover type observed within the project site and three altogether within the BSA. The project site is covered by disturbed California juniper woodland, which is considered a sensitive plant community on the *CDFW California Natural Community List* (CDFW, 2022a). Direct impacts to this sensitive plant community are anticipated as a result of project development. Therefore, mitigation is required. Please refer to mitigation measure **BIO-6** in **Section 4.4(e),** Native Desert Vegetation Survey and Protected Plant Preservation Plan. A native desert vegetation survey must be conducted to produce findings that will guide the formation of this plan. The survey objective is to evaluate the health and general condition of the western Joshua trees and creosote bush present on the project site. A project-specific plan will provide further guidance regarding the transplant and/or preservation of the western Joshua trees and protection for creosote rings and other native vegetation, per § 16.24.150 of City Municipal Code (see Section 4.4[e]).

Direct impacts to sensitive plant communities are anticipated as a result of construction of the project, and therefore mitigation is proposed. The land covers mapped in the BSA are described below.

Disturbed California Juniper Woodlands

The entire project area (approximately 19 acres) was mapped as disturbed California juniper woodlands. Approximately 56.1 acres of disturbed California juniper woodlands was mapped within the BSA, including areas off the project site. California juniper woodland community occurs on ridges, slopes, valleys, alluvial fans, and valley bottoms in soils that are porous, rocky, coarse, sandy, or silty, and often very shallow (Sawyer et al., 2009; CNPS, 2022b). The project site appears to have been a former California juniper woodland that has been mostly cleared from the site. Natural vegetation remaining on the project site in this community includes one large California juniper shrub and several western Joshua trees. A recent grubbing of the site, likely conducted within a month prior to the biological reconnaissance survey, removed several western Joshua trees, as evidenced by stumps in the ground and numerous branches and other Joshua tree parts distributed on the ground surface. Less disturbed examples of California juniper woodland community are distributed in the project vicinity, including off-site portions of the BSA. Other native shrub species observed in this community

in off-site locations include peach thorn (*Lycium cooperi*), Great Basin sagebrush (*Artemisia tridentata*), Nevada ephedra (*Ephedra nevadensis*), rubber rabbitbrush (*Ericameria nauseosa*), California buckwheat (*Eriogonum fasciculatum*), and California broomsage (*Lepidospartum squamatum*). The distribution of this community within the BSA is depicted in **Appendix C2**, Figure 6 Land Cover Types.

Developed

Approximately 24.3 acres of developed land cover type was mapped within the BSA, including areas off the project site. No developed land cover type was mapped within the project boundary. Developed areas include structures, roads, sidewalks, paving, and other impermeable surfaces that are associated with industrial development in the area and that cannot support vegetation. Developed areas in the BSA include commercial buildings south and west of the project site, segments of Poplar Street, the Mojave Freeway (I-15), Three Flags Avenue, Mariposa Road, and Mesa Linda Street (see **Appendix C2**, Figure 6 *Land Cover Types*).

Disturbed

Approximately five acres of disturbed land cover type was mapped within the BSA, including areas off the project site. No disturbed land cover was mapped within the project boundary. Disturbed lands consist of exposed soils that have undergone some type of disturbance such as compaction by vehicle traffic, mowing, disking, excavation or other type of alteration of the soil surface. These lands often consist of ruderal vegetation dominated by non-native, weedy species. An extensive area of disturbed lands is located in the western portion of the project site and in other, smaller areas on the project site and within the BSA on adjacent lands. The larger disturbed area is bare ground that has been used as a parking area for a long period. Other disturbed lands on the project site and within the BSA include dirt trails and unpaved road shoulders. These areas are mostly bare but include sparsely distributed weedy vegetation that includes red brome (*Bromus rubens*) and prickly Russian thistle (*Kali tragus*). The distribution of disturbed lands within the BSA is depicted in **Appendix C2**, Figure 6 *Land Cover Types*.

Mitigation Measures

Refer to **MM BIO-6** above in Threshold 4.4e), which addresses mitigation for impacts to disturbed California juniper woodlands. This mitigation measure involved the creation of a Native Desert Vegetation Survey and Protected Plant Preservation Plan. See the discussion in Threshold 4.4e) for more information.

Level of Significance After Mitigation

After implementation of **MM BIO-6**, which is discussed later in this section in Threshold e), impacts to sensitive natural communities would be less than significant.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact

The project site is situated on relatively level ground, and no ephemeral, intermittent, or perennial streams or rivers were identified in the literature review or observed during the biological survey. Vegetation within the BSA primarily consists of non-native annual grasses and forbs.

An NWI-mapped riverine wetland is located approximately 0.65 west of the project site (USFWS, 2022c). Drainages, depressions, and other topographic features that would be conducive to wetlands formation were not observed within the BSA. Runoff from the project site travels to the southwest, joining this riverine area, however the project proponent has prepared a *Water Quality Management Plan* (WQMP) which is designed to retain stormwater generated onsite (Allard Engineering, 2022a; see **Section 4.10** Hydrology and Water Quality).

A desktop study for wetlands and other waters of the U.S. or State determined that the project site does not contain drainages with a definable bed, bank, channel, or evidence of an ordinary high-water mark. Neither wetland hydrology, wetland soils, nor wetland plants were observed during the field surveys. It was determined that state or federal protected wetlands and other waters do not occur on the project site. No impact would occur and mitigation is not required.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native nursery sites?

Less Than Significant Impact

The BSA does not contain CDFW Natural Landscape Blocks, Essential Connectivity Areas, or other CDFW-mapped wildlife corridors. The nearest CDFW-mapped wildlife corridor to the project site is Choke-point, 395 South of Ridgecrest. This linkage is located approximately 1.2 miles south of the project site (CDFW, 2022c). The areas adjacent to the project to the south and west are developed with structures intended for commercial use. Although the project area and its surroundings contain undeveloped areas that could function as a local wildlife movement corridor, the proposed project will be constructed in an area that would not result in significant new habitat fragmentation, and would not significantly impede the passage of wildlife because there will still be available local movement corridors in the vicinity after construction of the project, therefore resulting in less than significant impact.

Construction and operation of the proposed project would not significantly interfere with the movement of native resident or migratory fish or wildlife species or with native resident or migratory wildlife corridors. Less than significant impact would occur, and mitigation is not proposed.

Impacts to native wildlife nursery sites are not anticipated as a result of the project. There were no observations during the biological survey that indicate native species give birth and raise young within the BSA. No impact to native wildlife nursery sites is anticipated as a result of the project, and no mitigation is proposed.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant with Mitigation Incorporated

The following native desert plants are subject to the regulations implemented in Chapter 16.24 of the City Municipal Code, as per § 16.24.150:

1. *"The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:*
   (a)Dalea, Spinosa (smoketree)
   (b) All species of the family Agavaceae (century plants, nolinas, yuccas)
   (c) All species of the genus Prosopis (mesquites).
2. *Creosote rings, ten feet or greater in diameter.*
3. *All Joshua trees (mature and immature)."*

The project site contains approximately 20 to 30 western Joshua trees, a species that qualifies for protection under Article II, § 16.24.150, which also provides that "*all plants protected or regulated by the State Desert Native Plants Act (i.e., Food and Agricultural Code 80001 et seq.) shall be required to comply with the provisions of those statues prior to the issuance of any county development permit or land use application approval. The county agricultural commissioner is the responsible agency for the issuance of any required wood tags, seals or permits*" (City of Hesperia; 1997). A qualified City-approved biologist or arborist should be retained to conduct any future relocation/transplanting activities and should follow the protocol of the City's Municipal Code. As provided in § 16.24.120 of

City Municipal Code, "*any person who willfully removes, or harvests or transplants a living desert native plant shall first obtain approval from the county to do so in accordance with the procedures set forth in Sections 16.24.040 or 16.24.110 et seq*." (City of Hesperia, 1997). The City of Hesperia considers all western Joshua trees as one of the protected vegetation types.

To mitigate for the impacts to the protected native desert vegetation on the project site, the project proponent will implement mitigation measure **BIO-6** which proposes that a native desert vegetation survey is conducted to aid in the creation of a Preservation Plan as required by the City. After implementation of **BIO-6,** which is further discussed below, impacts to protected native desert vegetation would be reduced to a less than significant degree.

Mitigation Measures

MM BIO-6: Native Desert Vegetation Survey and Protected Plant Preservation Plan

A Preservation Plan will be prepared and submitted to the City, which is required by City Municipal Code. A native desert vegetation survey must be conducted to produce findings that will guide the formation of this plan. The survey objective is to evaluate the health and general condition of the western Joshua trees and creosote bush present on the project site. A project-specific plan will provide further guidance regarding the transplant and/or preservation of the western Joshua trees and protection for creosote rings "10 feet or greater in diameter" as per § 16.24.150 of City Municipal Code. Transplant suitability of the western Joshua trees will be determined by the results of the survey. This survey shall be conducted by a qualified City-approved biologist or arborist. The plan will incorporate survey data, identify and outline preconstruction survey methods for the native desert vegetation on the project site, describe preconstruction and construction-phase biological monitoring and transplant methods that are applicable, or outline any identified CDFW permit and Memorandum of Understanding requirements for active relocation, if either is necessary. The Plan should be referred to for a detailing of protective actions regarding the western Joshua trees on the project site.

Level of Significance After Mitigation

Implementing measure **BIO-6** would reduce impacts of removals of the protected native desert vegetation to a less than significant degree.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact

The project will not conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The project is not located in an area covered by conservation plans such as those listed above. The plant protections implemented by City's Municipal Code are discussed in the previous **Section e).** Therefore, there would be no impacts.

4.5 Cultural Resources

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?				**X**
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		**X**		
c) Disturb any human remains, including those interred outside of formal cemeteries?		**X**		

Information from UltraSystems' Cultural Resources Inventory Report, (see **Appendix D1),** prepared for the Cargo Solutions Truck Warehouses Project, City of Hesperia, San Bernardino County, dated September 25, 2024 has been included within this section.

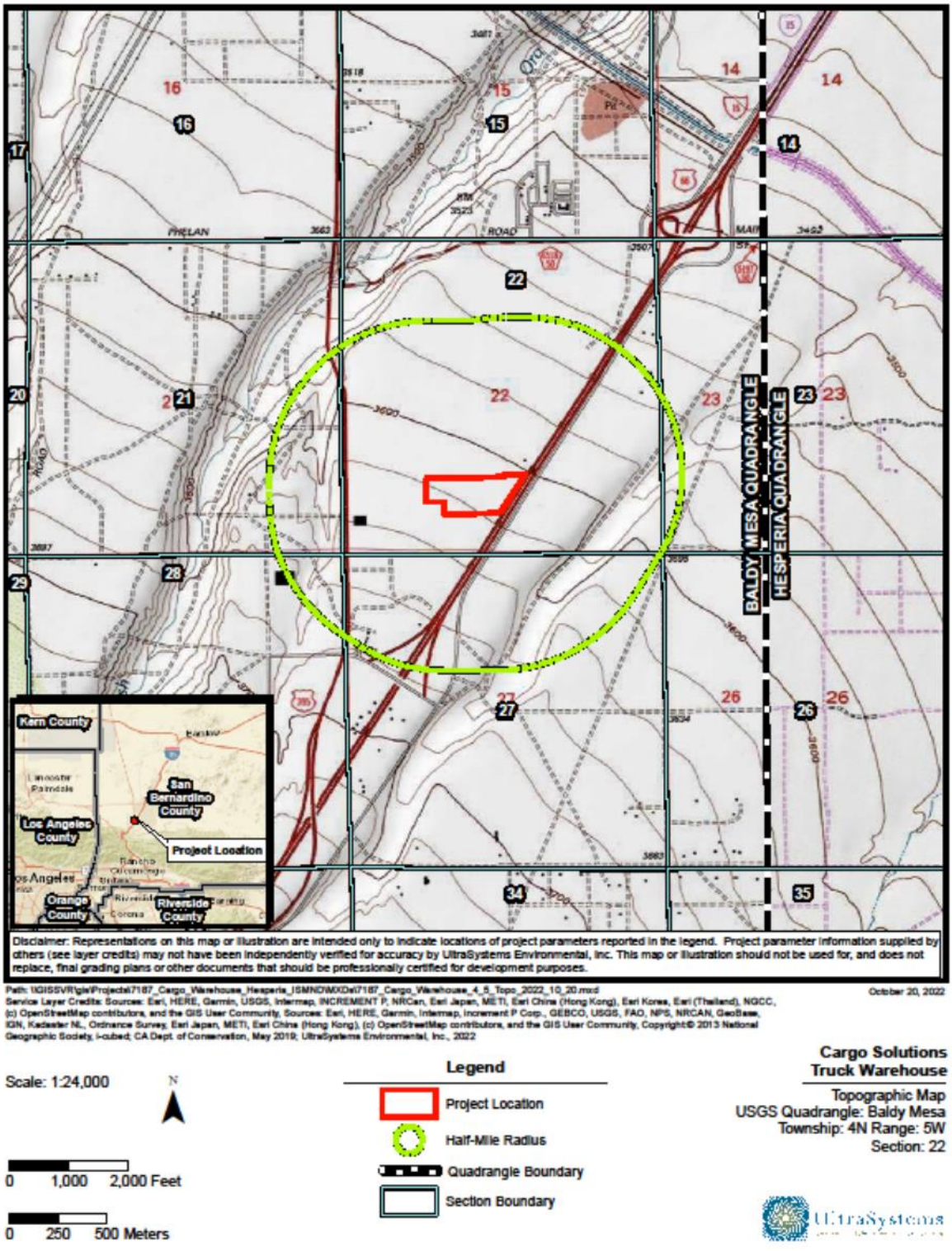
4.5.1 Methodology

A cultural resources inventory was conducted by Megan B. Doukakis, Assistant Project Archaeologist, on October 4, 2022 for the Cargo Solutions Truck Warehouses Project site (see **Figure 4.5-1).** The inventory includes a California Historic Resources Inventory System (CHRIS) records and literature search at the South Central Coastal Information Center (SCCIC) at California State University, Fullerton. Additionally, a request was made to the Native American Heritage Commission (NAHC) to conduct a search of their Sacred Lands File (SLF) for potential traditional cultural properties as well as to provide a list of local Native American tribal organizations to contact. The NAHC request was made on August 17, 2022, and a reply was received on October 7, 2022; letters were sent to the listed tribes on October 11, 2022 and follow-up telephone calls were conducted following conclusion of the two-week response period on October 25, 2022. A pedestrian field survey of the project site was conducted on August 31, 2022.

4.5.2 Existing Conditions

As noted, a cultural resources records search was conducted at the SCCIC on October 4, 2022. One prehistoric and one historic cultural resource sites were listed for the project parcel. Two prior surveys included the project parcel, one with positive results for a prehistoric isolate, and six other surveys were conducted within the one-half mile buffer of the project parcel (see **Section 4.1** and **Tables 4.1-1** and **Table 4.1-2** in **Appendix D1**). The pedestrian field survey undertaken for this project noted the presence of an historic trash scatter (see **Section 4.3** in **Appendix D1**) but was negative for prehistoric resources.

Figure 4.5-1
TOPOGRAPHIC MAP



4.5.3 Impact Analysis

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?

No Impact

A historical resource is defined in § 15064.5(a)(3) of the *CEQA Guidelines* as any object, building, structure, site, area, place, record, or manuscript determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. Historical resources are further defined as being associated with significant events, important persons, or distinctive characteristics of a type, period or method of construction; representing the work of an important creative individual; or possessing high artistic values. Resources listed in or determined eligible for the California Register, included in a local register, or identified as significant in a historic resource survey are also considered as historical resources under CEQA.

Similarly, the National Register criteria (contained in Code of Federal Regulations Title 36 § 60.4) are used to evaluate resources when complying with Section 106 of the National Historic Preservation Act. Specifically, the National Register criteria state that eligible resources comprise districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that (a) are associated with events that have made a significant contribution to the broad patterns of our history; or (b) that are associated with the lives of persons significant in our past; or (c) that embody the distinctive characteristics of a type, period, or method of construction, or that possess high artistic values, or that represent a significant distinguishable entity whose components may lack individual distinction; or (d) that have yielded or may be likely to yield, information important to history or prehistory.

A substantial adverse change in the significance of an historical resource, as a result of a project or development, is considered a significant impact on the environment. Substantial adverse change is defined as physical demolition, relocation, or alteration of a resource or its immediate surroundings such that the significance of the historical resource would be materially impaired. Direct impacts are those that cause substantial adverse physical change to a historic property. Indirect impacts are those that cause substantial adverse change to the immediate surroundings of a historic property, such that the significance of a historical resource would be materially impaired.

The two archaeological sites located in the project boundary consisted of a single prehistoric isolate and an historic homestead. An historic homestead (36-010288) covered approximately a quarter section of land that includes the current project parcel (Alexandrowicz 2000; McKenna. 2015). This 160-acre area was homesteaded by John E. Dufton in 1892. Structural debris and historic refuse scatters were present during the 2000 and 2005 surveys but no structural remains from the homestead were identified. No historic features were identified within the project boundary, and none were observed during the current project survey.

With the found historic trash scatter not meeting criteria to qualify as a significant historic resource, there would be no substantial adverse change in the significance of a historical resource pursuant to in § 15064.5, and therefore the project would have no impact in this regard.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less than Significant Impact with Mitigation Incorporated

An archaeological resource is defined in § 15064.5(c) of the CEQA Guidelines as a site, area or place determined to be historically significant as defined in § 15064(a) of the CEQA Guidelines, or as a unique archaeological resource defined in § 21083.2 of the Public Resources Code as an artifact, object or site that contains information needed to answer important scientific research questions of public interest or that has a special and particular quality such as being the oldest or best example of its type, or that is directly associated with a scientifically-recognized important prehistoric or historic event or person.

Historical USGS topo maps and aerial photos indicate that the project site has always been open desert land, indicating it has been minimally disturbed, with the native surface soil remaining. There has been some shallow grading to build berms around the boundary and some discing. The cultural resources investigation conducted by UltraSystems, which included a CHRIS records search of the project site and buffer zone, a search of the SLF by the NAHC, and pedestrian field survey, suggests there is a medium potential for undisturbed unique archeological resources exist on the project site.

Based on the SCCIC cultural resources records search, it was determined that there is one prehistoric resource consisting of an isolate obsidian nodule, and one historic cultural resource consisting of an 1890s homestead but with no features located within the project parcel itself, previously recorded within the project site boundary. Within the half-mile buffer zone, there have been ten recorded historic period resources. **Table 4.1-1 in Appendix D1** summarizes these resources. The ten historic-era resources break down to three dirt roads and seven refuse deposits.

According to the records at the SCCIC, there have been eight previous cultural resource studies within portions of the 0.5-mile buffer of the project (See Attachment D and **Table 4.1-2** in **Appendix D1**). Two of these studies are located within the project boundary and six of these studies are located outside of the project boundary but in the half-mile buffer zone.

The entire project area was surveyed by McKenna in 1991 (SB-02476) for a Phase I Linear Survey for the Hesperia Improvement District (McKenna 1991). This project indicated that the far east margin of the project boundary may be sensitive for cultural resources. In the southwest corner of the project boundary a Cultural Resources Assessment (SB-04036) took place on 1.44 acres for a proposed office building construction (Cerreto 2004). This survey was positive for an isolated flaked pyroclastic nodule of obsidian (36-020263).

A NAHC SLF search was conducted on and within a half-mile buffer around the project site. The NAHC letter of October 7, 2022 was negative for the presence of a traditional cultural property within this area. Twenty representatives of 14 Native American tribes were contacted requesting a reply if they have knowledge of cultural resources in the area that they wished to share and asking if they had any questions or concerns regarding the project. These tribes included:

- Agua Caliente Band of Cahuilla Indians
- Chemehuevi Indian Tribe
- Gabrielino – Tongva Tribe
- Morongo Band of Mission Indians
- Quechan Tribe of the Fort Yuma Reservation
- San Fernando Band of Mission Indians

- Gabrielino Band of Mission Indians – Kizh Nation
- Gabrielino/Tongva San Gabriel Band of Mission Indians
- Gabrielino / Tongva Nation
- Gabrielino Tongva Indians of California Tribal Council
- San Manuel Band of Mission Indians
- Santa Rosa Band of Cahuilla Indians
- Serrano Nation of Mission Indians
- Twenty-Nine Palms Band of Mission Indians

There have been five responses to the outreach contacts from the 15 tribes. On October 12, 2022, Patricia Garcia-Plotkin, Director for the Agua Caliente Band of Cahuilla Indians indicated through email the project is not located within the Tribe's Traditional Use Area and that they are deferring any comments to closer tribes. Jill McCormick, Historic Preservation Officer for the Quechan Tribe of the Fort Yuma Reservation responded though email on October 12, 2022, indicating that the tribe does not wish to comment on this project and defers to more local tribes. Ryan Nordness, Cultural Resources Analyst for the San Manuel Band of Mission Indians indicated through email on October 18, 2022 that the proposed project is located 0.4 miles south of two known prehistoric privy/scatter sites and 0.6 miles northeast from a lithic scatter and hearth site. The area is of concern to the tribe and the Band's cultural resources department is interested to consult whenever this project moves into AB 52/CEQA territory. During a telephone call October 25, 2022, Chairperson Anthony Morales, Chairperson of the Gabrieleno/Tongva San Gabriel Band of Mission Indians indicated that he did not have much information about the project area. But due to the resources present Mr. Morales would like to be informed of any artifacts that are encountered. Christina Conley, Tribal Consultant and Administrator for the Gabrielino Tongva Indians of California Tribal Council indicated that the tribe does not have any comment as it is outside of their tribal area. They defer to sister tribes. (See Attachment C in **Appendix D1**.)

Following up on the initial letter and email contacts, telephone calls were conducted on October 25, 2022, by Assistant Project Archaeologist Megan Doukakis to complete the outreach process. These calls were to the 14 tribal contacts who had not already responded to UEI mailing and email. Seven telephone calls were placed with no answer and so messages were left describing the project and requesting a response. These were to Chairperson Sandonne Goad, Chairperson of the Gabrielino/Tongva Nation; Councilmember Charles Alvarez, for the Gabrielino Tongva Tribe; Ann Brierty, Tribal Historic Preservation Officer for the Morongo Band of Mission Indians; Robert Martin, Chairperson for the Morongo Band of Mission Indians; Donna Yocum, Chairperson for the San Fernando Band of Mission Indians; Wayne Walker, Co-Chairperson for the Serrano Nation of Mission Indians; Anthony Madrigal, Historic Preservation Officer for the Twenty-Nine Palms Band of Mission Indians. In a call to Andrew Salas, Chairperson for the Gabrieleno Band of Mission Indians - Kizh Nation, there was no answer, and the mailbox was full so no message could be left. In a call to Sierra Pencille, Chairperson of the Chemehuevi Indian Tribe, the tribal receptionist asked that we leave a message for the Chairperson and a message was left. In a call to Lovina Redner, Tribal Chair of the Santa Rosa Band of Cahuilla Indians, the tribal receptionist answered and indicated that Tribal Chair Redner was not in the office and transferred our call to the Chair's voicemail where a message was left. In a call to Mark Cochrane, Co-Chairperson of the Serrano Nation of Mission Indians, the phone number was out of service. In a call to Darrell Mike, Chairperson for the Twenty-Nine Palms Band of Mission Indians, the tribal receptionist indicated that the Chairperson was not in so she sent us to his assistant's phone; the assistant did not answer, and a message was left.

An intensive level pedestrian survey of the project site was conducted on August 31, 2022. The survey consisted of walking over, visually inspecting and photographing the exposed ground surface of the project site in parallel north/south transects spaced 15 meters apart across the

project site. In this way the ground surface in the project area was carefully examined for any evidence of human activities dating to the historic (i.e., 50 years or older) or prehistoric periods.

The project site was seen to have been heavily disturbed by grubbing at some point between October 2020 and June 2022, with most of the vegetation and a significant amount of soil being bulldozed into a long berm along the southern portion of the parcel. The project area slopes downward gently towards the bottom of the valley and the Mojave River to the northeast. The vegetation was observed to consist mostly of thistle with a handful of Joshua trees and a juniper tree, as well as small grasses and brush. Ground visibility was very good (95-100 percent) with thistle brush being the only obscuring factor.

During the survey, the ground surface within and adjacent to the project area was inspected for any evidence of human activities dating to the prehistoric or historic periods. During survey preparation, a dirt road was noted crossing the project area from north to south which first appears on USGS topographic maps as early as 1902, first appearing on a historical aerial photo in 1938 (NETR Online). During the current survey this road segment within the project area was found to have been obliterated during the aforementioned grubbing between 2020 and 2022.

An historical refuse scatter was noted in the eastern half of the project parcel. The refuse scatter consisted of cans, a tobacco tin, and fragments of historical glass. There were five metal containers consisting of meat and beverage cans and a tobacco tin. The historical glass consisted of approximately 15 bottle body fragments with a range of colors (opaque white, colorless, aqua, brown, sun-colored amethyst) along with an aqua bottle base fragment containing the text "DR W…" The coordinates, descriptions, and photos of this refuse scatter were recorded and a site record Update has been prepared for the site. This feature has been determined to be a component of the larger CA-SBR-10288H site, the John E. Dufton homestead (see **Section 4.1.1** in **Appendix D1**). See the Continuation Sheet for CRM TECH 3937-1H in **CONFIDENTIAL** Attachment E of **Appendix D1**.

No further historic features or artifacts were observed, and no prehistoric features or artifacts were observed in the project area.

Two archaeological resources – one prehistoric and one historic – were identified in the CHRIS record literature search in the project site. These consist of a single worked nodule of obsidian (36-020263) located in the north-central portion of the project parcel. The prehistoric isolate is a small isolated pyroclastic nodule of obsidian located near the west end of the project boundary (Cerreto and Cunningham 2004). There are two or three small blade-like flakes removed from the nodule indicating a bipolar reduction technique was used. No prehistoric cultural resources were observed during the current archaeological survey and the obsidian nodule was not relocated.

The historic resource consists of the John E. Dufton homestead (CA-SBR-10288H) which encompasses the project site and a large area to the north, though no features were recorded within the current project site itself. There are seven historic period refuse deposits and three historic period dirt roads located within the half-mile radius of the project area, several of which have since been lost due to grading and plowing. Historical maps indicate that the project site had been open land. The pedestrian survey located and recorded a light scatter of historic refuse in the eastern portion of the project parcel, which has been recorded as a component of CA-SBR-10288H. The cultural resources study's findings based on the records search and pedestrian survey suggest that there is a medium potential for the presence of prehistoric cultural resources

The San Manuel Band of Mission Indians indicated they are aware of one prehistoric and two historic recorded sites in the vicinity of the project parcel. There was no further information regarding potential cultural resources or recommendations from tribal contacts (see **Section 4.2** and Attachment C in **Appendix D1**).

The light refuse scatter observed in the eastern area of the project site does not warrant preservation. However, as a component of the larger Dufton homestead site there is the potential for further subsurface artifacts and features of this site to be present. A monitor should be present during grading and trenching in these areas to recover material from these potential deposits to better understand the nature of the use of this homestead possibly dating back to the 1890s.

Grading activities would cause new subsurface disturbance and may result in the unanticipated discovery of prehistoric and/or historic archeological resources.

While the project site as a whole appears to be disturbed only in the upper levels of soil with some grading to build the berms and some discing, it is not recommended that an archaeological monitor be present during ground-disturbing activities throughout the project site, but only as noted above. However, if prehistoric and/or historic items are observed during subsurface activities, work should be stopped in that area and a qualified archaeologist and Native American monitor be retained to assess the finding(s) and retrieve the material.

Mitigation Measure

MM CUL-1 If archaeological resources are discovered during construction activities, the contractor will halt construction activities in the immediate area of the find (within a 60-foot buffer) and notify the City of Hesperia. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology who will be notified and afforded the necessary time to assess the find. Work on the other portions outside the buffer area may continue during this assessment period. The archaeologist will also be afforded the necessary time and resources to recover, analyze, and curate the find(s). The qualified archaeologist will recommend the extent of archaeological monitoring necessary to ensure the protection of any other resources that may be in the area. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the South Central Coastal Information Center. Construction activities may continue on other parts of the project site while evaluation and treatment of prehistoric archaeological resources takes place.

Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

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

archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

Level of Significance After Mitigation

With implementation of Mitigation Measures **MM CUL-1** and **MM CUL-2** above, the project would result in less than significant impacts to archeological resources.

c) Would the project disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant Impact with Mitigation Incorporated

As previously discussed in **Section 4.5.b) above,** the project would be built on relatively undisturbed land that has only been superficially graded and is in open desert land. No human remains have been previously identified or recorded onsite.

The project proposes grading activities for the installation of infrastructure including water, sewer, and utility lines, and for construction of the proposed buildings. Grading would involve new subsurface disturbance and could result in the unanticipated discovery of unknown human remains, including those interred outside of formal cemeteries. In the unlikely event of an unexpected discovery, implementation of **mitigation measure CUL-2** would ensure that impacts related to the accidental discovery of human remains would be less than significant.

California Health and Safety Code § 7050.5 specifies the procedures to follow during the unlikely discovery of human remains. CEQA § 15064.5 describes determining the significance of impacts on archeological and historical resources. California Public Resources Code § 5097.98 stipulates the notification process during the discovery of Native American human remains, descendants, disposition of human remains, and associated grave goods.

Mitigation Measure

MM CUL-3 If human remains or funerary objects are encountered during any activities and excavations associated with this project, all work will stop within a 100-foot radius of the discovery and the San Bernardino County Coroner will be notified pursuant to § 5097.98 of the Public Resources Code and that code enforced for the duration of the project. The Coroner will determine whether the remains are recent human origin or older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they will contact the NAHC. The NAHC will be responsible for designating the Most Likely Descendant (MLD). The MLD (either an individual or sometimes a committee) will be responsible for the ultimate disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. The MLD will make recommendations within 24 hours of their notification by the NAHC. These recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).

Level of Significance After Mitigation

With adherence to applicable codes and regulations protecting cultural resources and with implementation of Mitigation Measure **MM CUL-3** above, the proposed project would result in less than significant impacts to human remains.

4.6 Energy

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			**X**	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			**X**	

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

Less than Significant Impact

According to CEQA Guidelines § 15126.2(d), "uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement that provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified." Therefore, the purpose of this analysis is to identify any significant irreversible environmental effects of project implementation that cannot be avoided.

Both construction and operation of the project would lead to the consumption of limited, slowly renewable, and non-renewable resources, committing such resources to uses that future generations would be unable to reverse. The new development would require the commitment of resources that include (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the project.

Construction Impact Analysis

The following forms of energy (units in parentheses) are anticipated to be expended during project construction:

- Diesel fuel for off-road equipment (gallons).
- Electricity to deliver water for use in dust control (kilowatt-hours [kWh]).
- Motor vehicle fuel for worker commuting, materials delivery, and waste disposal (gallons).

Transportation Energy

Project construction would consume energy in the form of petroleum-based fuels associated with the use of offroad construction vehicles and equipment on the project site, construction workers' travel to and from the project site, and delivery and haul truck trips hauling solid waste from and delivering building materials to the project site.

During project construction, trucks and construction equipment would be required to comply with the ARB's anti-idling regulations. ARB's In-Use Off-Road Diesel Fueled Fleets regulation would also apply (ARB, 2016). Vehicles driven to or from the project site (delivery trucks, construction employee vehicles, etc.) are subject to fuel efficiency standards established by the Federal Government. Therefore, project construction activities regarding fuel use would not result in wasteful, inefficient, or unnecessary use of energy.

Electricity

During project construction, energy would be consumed in the form of electricity associated with the conveyance and treatment of water used for dust control and, on a limited basis, powering lights, electronic equipment, or other construction activities necessitating electrical power.

Since electricity usage associated with lighting and construction equipment that utilizes electricity is not easily quantifiable, the estimated electricity usage during project construction is speculative.

Lighting used during project construction would comply with Title 24 standards/requirements (such as wattage limitations). This compliance would ensure that electricity use during project construction would not result in the wasteful, inefficient, or unnecessary use of energy. Lighting would be used in compliance with applicable City of Hesperia Municipal Code requirements to create enough light for safety.

Natural Gas

Construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. Therefore, the proposed project is not anticipated to have a demand for natural gas during project construction.

Operational

Energy would be consumed during project operations related to space and water heating, water conveyance, solid waste disposal, and vehicle trips of workers. Project operation energy usage, which was estimated by the California Emissions Estimator Model (CalEEMod) (CAPCOA, 2023) as part of the air quality and greenhouse gas emissions analyses (refer to **Section 4.3**), is shown in **Table 4.6-1**.

Table 4.6-1
ESTIMATED PROJECT OPERATIONAL ENERGY USE

Energy Type	Units	Value	Per Capita[a]
Onroad Motor Vehicle Travel (Fuel)[b]	Gallons gasoline/year	24,752	101
	Gallons diesel/year	38,818	159
Electricity Use	Kilowatt-hours per year	1,342,282	5,501
Natural Gas Use	1,000 BTU per year	3,153,900	12,926

[a] Based upon estimated employee population of 244, provided by the client. The per capita value for the onroad motor vehicle fuel consumption is calculated from the total fuel consumption.
[b] Onroad Motor Vehicle Fuel Consumption calculated by UltraSystems using EMFAC2021(v1.0.2) emissions inventory web platform tool (ARB, 2022) and CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023); see Appendix B1.
Electricity Use calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).
Appendix J: Fuel Consumption

The proposed project would adhere to applicable federal, state, and local requirements for energy efficiency, including Title 24 standards. It would not result in the inefficient, wasteful, or unnecessary consumption of building energy. Additionally, there would not be any inefficient, wasteful, or unnecessary energy usage in comparison to similar development projects of this nature regarding construction-related fuel consumption. Therefore, the implementation of the proposed project would result in less than significant impacts on energy resources.

Continued use of energy resources is consistent with the anticipated growth within the city and the general vicinity and would not result in energy consumption requiring a significant increase in energy production for the energy provider. Therefore, the energy demand associated with the project would be less than significant.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less than Significant Impact

Title 24

The proposed project would comply with the California Green Building Standards (CAL Green) Code (California Code of Regulations, Title 24, Part 11), which includes mandatory measures for nonresidential site development, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality.

City of Hesperia General Plan

The Conservation Element of the City of Fontana General Plan provides the public, decision-makers, and staff a guide to set policy that will identify resources that should be preserved, and set the

foundation for the preservation of these resources by utilizing a variety of tools that will promote the sustainability and environmental integrity of the City of Hesperia (City of Hesperia, 2019a, p. XV).

City of Hesperia Climate Action Plan

In July 2010, the City of Hesperia adopted a Climate Action Plan (CAP), which outlines strategies to reduce community-related and City operations-related greenhouse gas emissions to a degree that would not hinder or delay the implementation of AB 32. The CAP strategy is primarily based on the land use, transportation, and conservation policies that are part of the General Plan Update; recent specific plans; and major development plans in the city. Implementation of these plans not only helps to ensure that the city will be developed in ways that produce lower greenhouse gas emissions (Michael Brandman Associates, 2010b, p. 1 and 2), but will also reduce energy consumption.

The proposed project would adhere to applicable federal, state, and local requirements for energy efficiency, including Title 24 standards, the General Plan, and the City of Hesperia Climate Action Plan. Therefore, impacts would be less than significant.

4.7 Geology and Soils

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			**X**	
ii) Strong seismic ground shaking?			**X**	
iii) Seismic-related ground failure, including liquefaction?				**X**
iv) Landslides?				**X**
b) Result in substantial soil erosion or the loss of topsoil?			**X**	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			**X**	
d) Be located on expansive soil, as defined in Table 18-1 B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			**X**	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				**X**
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		**X**		

The information in this section is based on the *Custom Soils Report for San Bernardino County, California, Mojave River Area* prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), dated August 22, 2022 (USDA, 2022a). A complete copy of this report is included in **Appendix E** of this IS/MND.

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less Than Significant Impact

The Alquist-Priolo Zones Special Studies Act (A-P Act) defines active faults as those that have experienced surface displacement or movement during the last 11,700 years. The nearest Alquist-Priolo zone is the Ord Mountain fault zone about eight miles east of the project site (see **Figure 4.7-1)**. The project site is not located within an Alquist-Priolo Earthquake Fault Zone (A-P Fault Zone). The closest active fault system to the project site, the North Frontal fault system (within the Ord Mountain fault zone), is approximately eight miles to the east (see **Figure 4.7-2**).

Although the project is a seismically active region of Southern California, the project would be constructed in accordance with standard engineering practices and design criteria prescribed by the current California Building Code (CBC; Title 24 California Code of Regulations [CCR]), which would reduce the significance of potential impacts of seismic and geologic hazards. The CBC also dictates detailed design requirements, structural design, soils, and foundations considerations, and regulates the design and construction of excavations, foundations, building frames, retaining walls, and other building elements to reduce the effects of seismic shaking and adverse soil conditions. This would ensure that public safety risks are minimized due to any potential seismic shaking event. Therefore, impacts would be less than significant.

Figure 4.7-1
ALQUIST PRIOLO FAULT ZONES

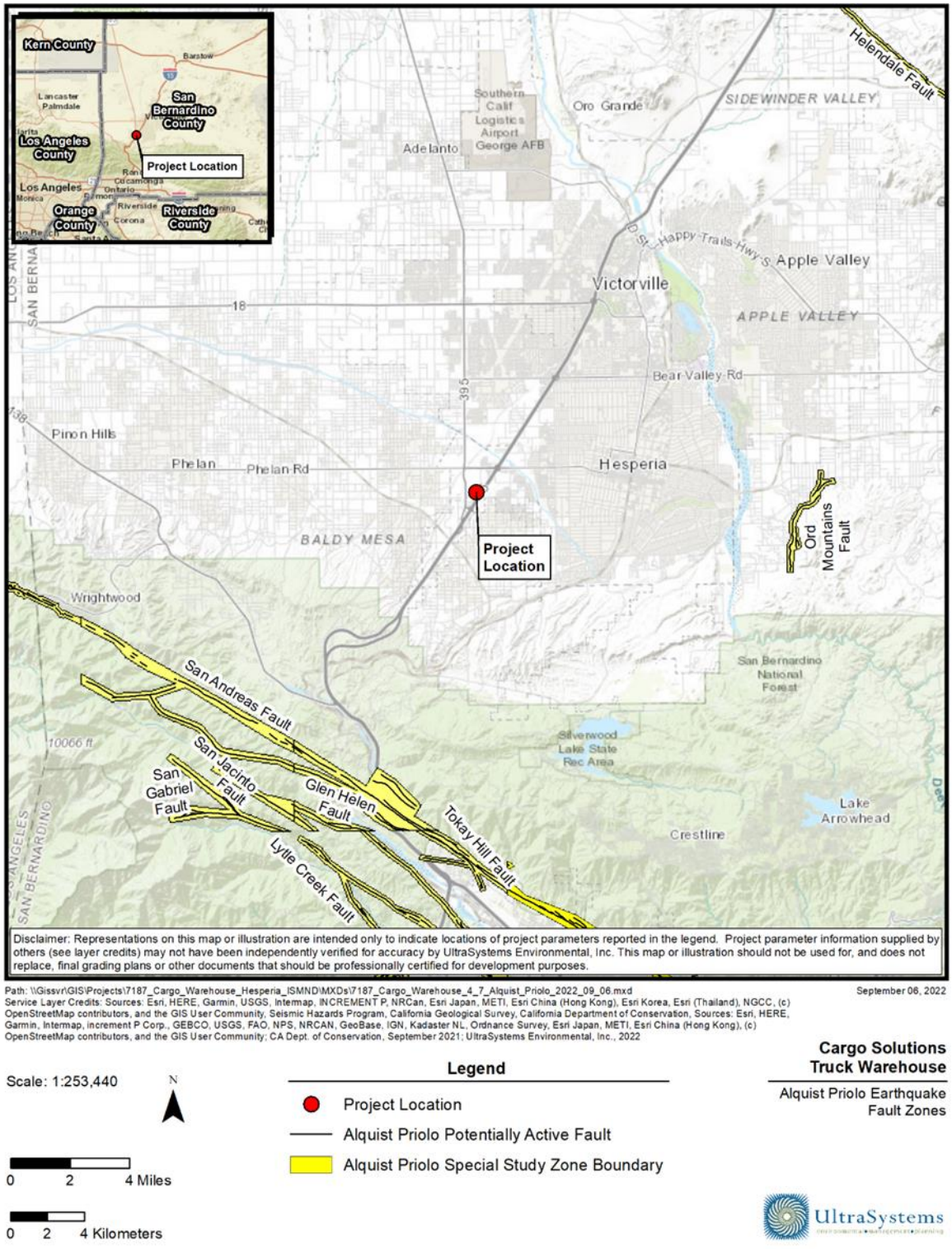
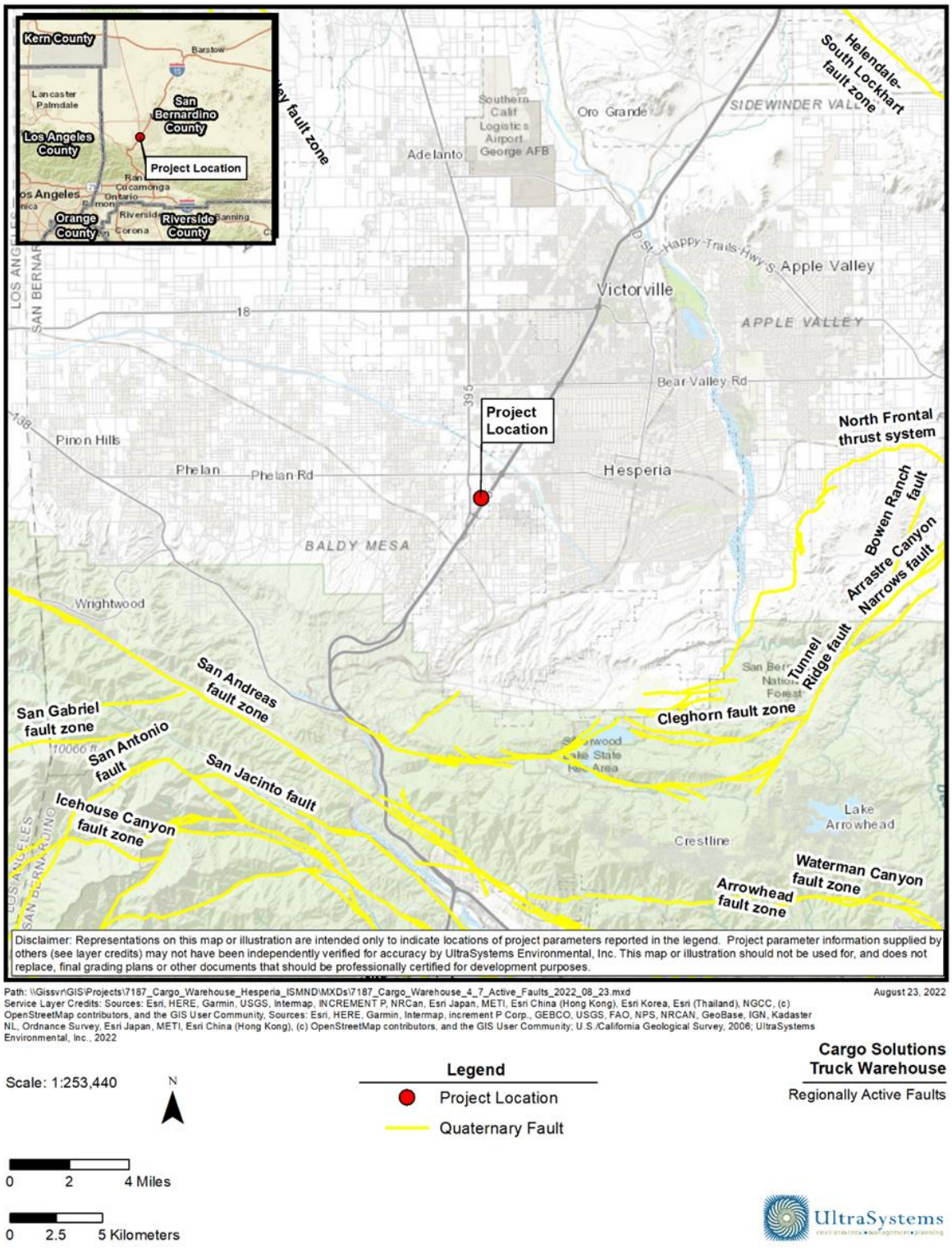


Figure 4.7-2
REGIONALLY ACTIVE FAULTS



ii) Strong seismic ground shaking?

Less Than Significant Impact

Seismic shaking is measured by the moment magnitude (Mw), which is the seismic moment of an earthquake, converted to a magnitude scale that roughly parallels the original Richter scale (ML). Since the Mw is not based on the same measurements as ML (local or surface-wave), the different magnitudes may vary, particularly for larger quakes. The Mw scale is based on the seismic moment and is uniformly applicable to all sizes of earthquakes. Because it associates directly with the energy released from an earthquake, it is the standard in modern seismology (USGS, 2022a).

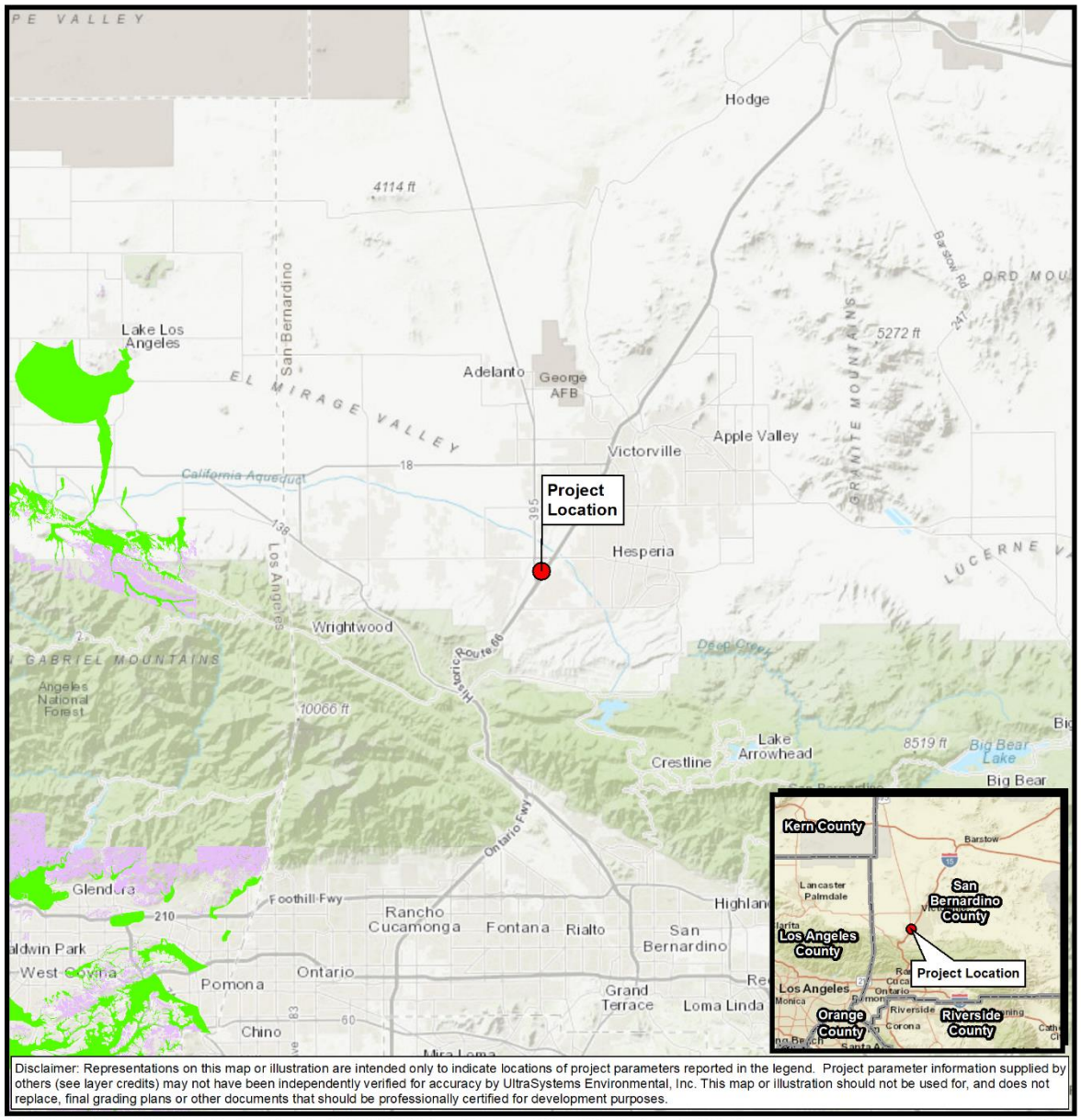
As shown in **Figures 4.7-1** and **4.7-2**, the project is located within a seismically active region of southern California, and all structures in the region are susceptible to collapse, buckling of walls, and damage to foundations from strong seismic ground shaking. The North Frontal fault system is eight miles east of the project site and has a probable Mw of 6.0 to 7.1 (SCEC, 2013). The proposed project would comply with applicable federal, state, and local regulations, including the current California Building Standards Code (Title 24, CCR), which would minimize the potential risks associated with strong seismic ground shaking. Therefore, impacts would be less than significant.

iii) Seismic-related ground failure, including liquefaction?

No Impact

Liquefaction typically occurs when saturated or partially saturated soils behave like a liquid, as a result of losses in strength and stiffness in response to applied stress caused by ground shaking or other sudden changes in stress conditions. The project site is not in a liquefaction zone and would not require further investigation for liquefaction (see **Figure 4.7-3**). Therefore, there would be no impact in regard to liquefaction.

Figure 4.7-3
LANDSLIDES AND LIQUEFACTION



Path: \\Gissvr\GIS\Projects\7187_Cargo_Warehouse_Hesperia_ISMND\MXDs\7187_Cargo_Warehouse_4_7_Landslides_Liquefaction_2022_08_23.mxd August 23, 2022
Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community; U.S./California Geological Survey, 2021; UltraSystems Environmental, Inc., 2022

Scale: 1:506,880

N

0 4 8 Miles

0 4 8 Kilometers

Legend
- Project Location
- Landslide Zone
- Liquefaction Zone

Cargo Solutions Truck Warehouse
Landslides and Liquefaction Hazard Zones

UltraSystems environmental • management • planning

iv) Landslides?

No Impact

Landslides occur when the stability of the slope changes from a stable to an unstable condition. A change in the stability of a slope can be caused by several factors, acting together or alone. Natural causes of landslides include groundwater (pore water) pressure acting to destabilize the slope, loss of vegetative structure, erosion of the toe of a slope by rivers or ocean waves, weakening of a slope through saturation by snow melt or heavy rains, earthquakes adding loads to a barely stable slope, earthquake-caused liquefaction destabilizing slopes, and volcanic eruptions.

The topography within the project site is relatively flat; the existing surface elevation at the proposed project site ranges from approximately 3,267 feet to 3,297 feet above mean sea level. Surface topography is generally flat to slightly sloping with the highest elevations in the southwest corner of the site and the lowest surface elevations across the northeast corner of the site (Google Earth, 2024). Additionally, the project site is not located within or adjacent to any landslide zones (see **Figure 4.7-3**). Due to the flat nature of the topography on and in the vicinity of the project site, there are no known landslides near the site, nor is the site in the path of any known or potential landslides. Therefore, the probability of slope stability hazards affecting the site is considered negligible and no impacts are anticipated.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact

Construction

§ 402 of the Federal Clean Water Act (CWA), as well as the state Porter-Cologne Water Quality Control Act (Porter-Cologne) requires construction projects that may potentially result in soil erosion to implement best management practices (BMPs) to eliminate or reduce sediment and other pollutants in stormwater runoff. If one or more acres of soil would be disturbed, a National Pollutant Discharge Elimination System (NPDES) permit is required to be obtained. NPDES permits establish enforceable limits on discharges, require effluent monitoring, designate reporting requirements, and require construction and post-construction BMPs to eliminate or reduce point and non-point source discharges of pollutants, including soil (SWRCB, 2022).

As further detailed in **Section 4.10**, Hydrology and Water Quality, the project applicant would be required to obtain coverage under the Statewide General Construction Permit prior to project construction. This NPDES permit would require the Legally Responsible Person (LRP), such as the project owner, to prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to ground-disturbing construction activities to identify construction BMPs to eliminate or reduce soil erosion and pollutants in stormwater and non-stormwater discharges (including soil erosion by wind) to stormwater sewer systems and other drainages. The LRP would upload Permit Registration Documents (PRDs) to the State Water Resources Control Board (SWRCB) online Stormwater Multi-Application and Report Tracking System (SMARTS). PRDs include a Notice of Intent (NOI), site map, risk assessment, SWPPP, post-construction water balance, annual fee, and signed certification statement by the LRP attesting to the validity of the information. These preventive measures during construction are intended to eliminate or reduce soil erosion. Therefore, construction-related impacts regarding soil erosion or the loss of topsoil would be less than significant.

Operation

The project site is located within an area that has generally flat topography. Impacts from soil erosion or the loss of topsoil would be less than significant because the proposed project must be designed to minimize, to the maximum extent practicable, the introduction of pollutants that may result in significant impacts generated from site runoff to the stormwater conveyance system. Additionally, the proposed project would create a much larger area of impermeable surfaces compared to the existing undeveloped land. Therefore, the potential for substantial soil erosion or the loss of topsoil would be less than significant.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact

Landslides and Liquefaction

As described in **Section 4.7 a)**, the project site is not located within a landslide or liquefaction zone (see **Figure 4.7-3**). Therefore, there would be less than significant impact in regards to landslides and liquefaction.

Lateral Spreading

Seismically-induced lateral spreading involves primarily lateral movement of earth materials due to ground shaking. It differs from slope failure in that complete ground failure involving large movement does not occur due to the relatively smaller gradient of the initial ground surface. Lateral spreading is demonstrated by near-vertical cracks with predominantly horizontal movement of the soil mass involved. The topography at the project site and in the immediate vicinity of the site is gently sloping, with no significant nearby slopes or embankments and bedrock. Under these circumstances, the potential for lateral spreading at the project site is considered low. Therefore, impacts from lateral spreading would be less than significant.

Subsidence

The major cause of ground subsidence is the excessive withdrawal of groundwater. Soils with high silt or clay content are particularly susceptible to subsidence. The project site is not in an area of subsidence (USGS, 2022b). Project development would not exacerbate hazards related to ground subsidence. Therefore, no impacts related to subsidence would occur.

Collapsible Soils

Collapse occurs in saturated soils in which the space between individual particles is filled with water. This water exerts pressure on the soil particles which influences how tightly the particles themselves are pressed together. The soils lose their strength beneath buildings and other structures.

The site is not mapped within a zone of potentially liquefiable soils (refer to **Figure 4.7-3**). Additionally, the proposed project would comply with applicable federal, state, and local regulations, including the current California Building Standards Code (Title 24, CCR), which would minimize the

potential risks associated with soil collapse. Therefore, impacts would be less than significant and no mitigation would be required.

d) Would the project be located on expansive soil, as defined in Table 18-1 B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less than Significant Impact

Expansive soils shrink and swell with changes in soil moisture. Soil moisture may change from landscape irrigation, rainfall, and utility leakage. Repeated changes in soil volume due to water content fluctuations may compromise structure foundations. The expansion index of soil can be determined by that soil's plasticity index, which is one of the standard measures (Atterberg limits) used to indicate the plasticity characteristics of the soil; the expansion index is the range of water content in which a soil exhibits the characteristics of a plastic solid and the plastic limit is the water content that corresponds to an arbitrary limit between the plastic and semisolid states of soil. As shown in **Table 4.7-1**, the soil mapped on the project site has a plasticity index of 2.3 percent on the site; when the plasticity index is less than 5 percent, contact is entirely elastic. These ratings correlate to an expansion index of Moderate on the site.

The project would be designed and constructed in accordance with the requirements of the City of Hesperia and the CBC, which require that soil tests be performed on sites where expansive soils may occur and include building foundation requirements appropriate to site-specific conditions, such as expansive soils. Therefore, less than significant impacts related to collapsible soils would occur.

Table 4.7-1
USDA SOILS MAPPED ON THE PROJECT SITE

Soil Name (Map Unit Designation)	K Factor (Whole Soil)	Wind Erodibility Group	Plasticity Index Rating
Hesperia Loamy Fine Sand, 2 to 5% slopes	0.28	2	2.3%

Source: Custom Soils Report for San Bernardino County, California, Mojave River Area. Prepared by the USDA NRCS, dated August 22, 2022.

The project would be designed and constructed in accordance with the requirements of the City of Hesperia and the CBC, which require that soil tests be performed on sites where expansive soils may occur and include building foundation requirements appropriate to site-specific conditions, such as expansive soils. Therefore, less than significant impacts related to collapsible soils would occur.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact

The project site would connect to the City of Hesperia's existing sewer system. Therefore, the project would not use septic tanks or alternative wastewater disposal systems. For this reason, no impacts associated with septic tanks or alternative wastewater disposal systems would occur.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact with Mitigation Incorporated

Paleontological resources are the preserved fossilized remains of plants and animals. Fossils and traces of fossils are preserved in sedimentary rock units, particularly fine- to medium-grained marine, lake, and stream deposits, such as limestone, siltstone, sandstone, or shale, and in ancient soils. They are also found in coarse-grained sediments, such as conglomerates or coarse alluvium sediments. Fossils are rarely preserved in igneous or metamorphic rock units. Fossils may occur throughout a sedimentary unit and are more likely to be preserved subsurface, where they have not been damaged or destroyed by previous ground disturbance, amateur collecting, or natural causes such as erosion.

The property is situated in the Mojave Desert geomorphic province. The Mojave Desert province is a wedge-shaped area that is enclosed on the southwest by the San Andreas fault zone, the Transverse Ranges province, and the Colorado Desert province, on the north and northeast by the Garlock fault zone, the Tehachapi Mountains and the Basin and Range province, and on the east by the Nevada and Arizona state lines and the Colorado River. The project site boundary is underlain by Hesperia Loamy Fine Sand which is derived from the parent material of granite alluvium emanating from the San Bernardino Mountains to the south. The soils are well drained with a depth of more than 80 inches to a restrictive feature, and the slope is two to five percent (USDA, 2022b).

A paleontology records search by the Natural History Museum of Los Angeles County dated August 28, 2022 (Bell 2022) (**Appendix D2**) yielded records of six fossil localities in the project region, as listed in **Table 4.7-2**.

Table 4.7-2
PALEONTOLOGICAL RECORDS SEARCH RESULTS

Locality Number	Location	Formation	Taxa	Depth*
LACM VP 1224	North of Hesperia, near Dean Ave. & Dean Place	Shoemaker Gravel Formation	Camel family (Camelidae)	Unknown
LACM VP 3353	Second Street at sand & gravel pit; near the top of the bluff, west bank of Mojave River	Shoemaker Gravel Formation	Horse (*Equus*)	Unknown
LACM VP 3352	West bank of the Mojave River, north end of Victorville (more precise locality not available)	Shoemaker Gravel Formation	Horse (*Equus*)	Unknown
LACM VP 3498	West of Portland Cement Co. plant in bluffs on the west side of Mojave River, midway between I-15 and Air Expressway Rd.	Shoemaker Gravel Formation	Horse (*Equus*), Deer (Cervidae), Antelope (Antilocapridae)	Unknown
LACM VP 7786	Southern California	Alluvium	Vole (*Microtus mexicanus*)	10-11 Feet
LACM VP 5942 - 5950	Along Avenue S from Palmdale to Lake Los Angeles	Unknown formation (Holocene)	Kingsnake (*Lampropeltis*), Lizard (Lacertilia), Leopard lizard (*Gambelia*), Snake (Ophidia), Gopher snake (*Pituophis*), Rabbit (*Lagomorpha*), Rodent (Rodentia), Pocket Gopher (*Thomomys*), Pocket Mouse (*Chaetodippus*),Kangaroo Rat (*Dipodomys*),Birds (Aves)	0-9 Feet

Source: Los Angeles County Natural History Museum (NHMLA), 2022
***Below Ground Level (BGL)**

Any substantial excavations below the uppermost layers should be closely monitored to quickly and professionally collect any specimens without impeding development. Grading and excavation activities associated with the development of the project would cause new subsurface disturbance and could result in the unanticipated discovery of paleontological resources. In the event of an unexpected discovery, implementation of mitigation measure **GEO-1** would ensure paleontological resources or unique geologic features are not significantly affected.

Mitigation Measure

MM GEO-1 Before the beginning of project construction, the project applicant shall retain a qualified paleontologist to remain on-call for the duration of project ground disturbance activities. If paleontological resources are uncovered during project construction, the contractor shall halt construction activities in the immediate area and notify the City. The on-call paleontologist shall be notified and afforded the necessary time and funds to recover and analyze the finds and curate the find(s) with an accredited repository for paleontological resources. Subsequently, the monitor shall remain onsite for the duration of the ground disturbance to ensure the protection of any other resources that are found during construction on the project site.

Level of Significance After Mitigation

With the implementation of **MM GEO-1**, potential impacts on paleontological resources would be reduced to a less than significant level.

4.8 Greenhouse Gas Emissions

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			**X**	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			**X**	

4.8.1 Background Information on Greenhouse Gas Emissions

Life on earth depends on energy coming from the sun. About half the light reaching Earth's atmosphere passes through the air and clouds to the surface, where it is absorbed and then radiated upward in the form of infrared heat. About 90 percent of this heat is then absorbed by carbon dioxide (CO_2) and other greenhouse gases (GHG) and radiated back toward the surface, which is warmed to a life-supporting average of 59 degrees Fahrenheit (°F).

Human activities are changing the natural greenhouse. Over the last century, the burning of fossil fuels such as coal and oil has increased the concentration of atmospheric CO_2. This happens because the coal or oil burning process combines carbon in the fuel with oxygen in the air to make CO_2. To a lesser extent, the clearing of land for agriculture, industry, and other human activities has increased concentrations of GHGs (NASA, 2018).

GHGs are defined under the California Global Warming Solutions Act of 2006 (AB 32) as CO_2, methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulfur hexafluoride (SF_6).[6]

Associated with each GHG species is a "global warming potential" (GWP), which is a value used to compare the abilities of different GHGs to trap heat in the atmosphere. GWPs are based on the heat-absorbing ability of each gas relative to that of CO_2, as well as the decay rate of each gas (the amount removed from the atmosphere over a given number of years). The GWPs of CO_2, CH_4 and N_2O are 1, 25 and 298, respectively (GMI, 2019). "Carbon dioxide equivalent" (CO_2e) emissions are calculated by weighting each GHG compound's emissions by its GWP and then summing the products. HFCs, PFCs, and SF_6 would not be emitted in significant amounts by project sources, so they are not discussed further.

Carbon Dioxide (CO_2). Carbon dioxide is a colorless, odorless gas consisting of molecules made up of two oxygen atoms and one carbon atom. CO_2 is produced when an organic carbon compound (such as wood) or fossilized organic matter (such as coal, oil, or natural gas) is burned in the presence of oxygen. Since the industrial revolution began in the mid-1700s, industrial activities have increased in scale and distribution. Prior to the industrial revolution, CO_2 concentrations were stable at a range

[6] http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_0001-0050/ab_32_bill_20060927_chaptered.pdf.

of 275 to 285 ppm (IPCC, 2007a). The National Oceanic and Atmospheric Administration's Earth System Research Laboratory indicates that global concentration of CO_2 was 413.67 parts per million (ppm) in March 2020 (ESRL, 2020). These concentrations of CO_2 exceed by far the natural range over the last 650,000 years (180 to 300 ppm) as determined from ice cores.

Methane (CH_4). Methane is a colorless, odorless non-toxic gas consisting of molecules made up of four hydrogen atoms and one carbon atom. CH_4 is combustible, and is the main constituent of natural gas, a fossil fuel. CH_4 is released when organic matter decomposes in low oxygen environments. Natural sources include wetlands, swamps and marshes, termites, and oceans. Anthropogenic sources include the mining of fossil fuels and transportation of natural gas, digestive processes in ruminant animals such as cattle, rice paddies, and the buried waste in landfills. Over the last 50 years, human activities such as growing rice, raising cattle, using natural gas, and mining coal have added to the atmospheric concentration of CH_4. Other anthropogenic sources include fossil-fuel combustion and biomass burning.

Nitrous Oxide (N_2O). Nitrous oxide is a colorless, non-flammable gas with a sweetish odor, commonly known as "laughing gas," and sometimes used as an anesthetic. N_2O is naturally produced in the oceans and in rainforests (USEPA, 2019b). Manmade sources of N_2O include the use of fertilizers in agriculture, nylon and nitric acid production, cars with catalytic converters and the burning of organic matter. Concentrations of N_2O also began to rise at the beginning of the industrial revolution.

4.8.2 Regulatory Setting

GHGs are regulated at the national, state, and air basin level; each agency has a different degree of control. The United States Environmental Protection Agency (USEPA) regulates at the national level; the California Air Resources Board (ARB) regulates at the state level, and the Mojave Desert Air Quality Management District (MDAQMD) regulates at the air basin level in the Hesperia area.

4.8.2.1 Federal Regulations

The USEPA collects several types of GHG emissions data. These data help policy makers, businesses, and the USEPA track GHG emissions trends and identify opportunities for reducing emissions and increasing efficiency. The USEPA has been maintaining a national inventory of GHG emissions since 1990 and in 2009 established mandatory reporting of GHG emissions from large GHG emissions sources.

EPA is also getting GHG reductions through partnerships and initiatives, evaluating policy options, costs, and benefits, advancing the science, partnering internationally and with states, localities, and tribe, and helping communities adapt.

4.8.2.2 Corporate Average Fuel Economy (CAFE) Standards

In May 2010, the USEPA finalized the first-ever national GHG emissions standards under the Clean Air Act, and the National Highway Traffic Safety Administration (NHTSA) finalized Corporate Average Fuel Economy (CAFE) standards under the Energy Policy and Conservation Act (USEPA, 2022d). The 2010 CAFE standards were for model year 2012 through 2016 light-duty vehicles. In April 2020, NHTSA and USEPA amended the CAFE and GHG emissions standards for passenger cars and light trucks and established new less stringent standards, covering model years 2021 through 2026 (USEPA, 2022d). Portions of the April 2020 revisions are currently being revised as part of the

development of new CAFE standards for model years 2024-2026 passenger cars and light trucks (NHTSA, 2021).

Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule

On September 27, 2019, the USEPA and the NHTSA published the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program (ARB, 2020a), revoked California's authority to set its own GHG emissions standards and to set zero emission vehicle (ZEV) mandates in California. The loss of the ZEV sales requirements would likely result in additional gasoline-fueled vehicles being sold in the State and criteria emissions increasing. On April 30, 2020, USEPA and NHTSA issued the Final SAFE Rule, (ARB, 2020b) which relaxed the federal GHG emissions and CAFE standards resulting in the probable increase of CO_2 emissions. However, this regulation was repealed on December 21, 2021 by the Biden administration (NHTSA, 2021).

4.8.2.3 State Regulations

Executive Order (EO) S 3-05

On June 1, 2005, the governor issued EO S 3-05, which set the following GHG emission reduction targets:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels;
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

To meet these targets, the Climate Action Team (CAT)[7] prepared a report to the Governor in 2006 that contained recommendations and strategies to help ensure that the targets in EO S-3-05 are met.

Assembly Bill 32 (AB 32)

In 2006, the California State Legislature enacted the California Global Warming Solutions Act of 2006, also known as AB 32. AB 32 focuses on reducing GHG emissions in California. GHGs, as defined under AB 32, include CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6. AB 32 required that GHGs emitted in California be reduced to 1990 levels by the year 2020. The ARB is the state agency charged with monitoring and regulating sources of emissions of GHGs that cause global warming. AB 32 also required that by January 1, 2008, the ARB determine what the statewide GHG emissions level was in 1990, and it approve a statewide GHG emissions limit, so it may be applied to the 2020 benchmark. The ARB approved a 1990 GHG emissions level of 427 million metric tons of CO_2e ($MMTCO_2e$), on December 6, 2007, in its Staff Report. Therefore, in 2020, emissions in California were required to be at or below 427 $MMTCO_2e$.

Under the "business as usual or (BAU)" scenario established in 2008, statewide emissions were increasing at a rate of approximately one percent per year as noted below. It was estimated that the 2020 estimated BAU of 596 $MMTCO_2e$ would have required a 28 percent reduction to reach the 1990 level of 427 $MMTCO_2e$.

[7] The Climate Action Team (CAT) members are state agency secretaries and the heads of agencies, boards, and departments, led by the Secretary of the California Environmental Protection Agency (Cal/EPA). They coordinate statewide efforts to implement global warming emission reduction programs and the state's Climate Adaptation Strategy.

Climate Change Scoping Plan

The Scoping Plan released by the ARB in 2008 (ARB, 2008) outlined the state's strategy to achieve the AB 32 goals. This Scoping Plan, developed by ARB in coordination with the CAT, proposed a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce dependence on oil, diversify our energy sources, save energy, create new jobs, and enhance public health. It was adopted by ARB at its December 2008 meeting.

In August 2011, the Scoping Plan was re-approved by the Board and included the Final Supplement to the Scoping Plan Functional Equivalent Document (ARB, 2011). This document included expanded analysis of project alternatives and updated the 2020 emission projections by considering updated economic forecasts. The updated 2020 BAU estimate of 507 $MMTCO_2e$ yielded that only a 16 percent reduction below the estimated new BAU levels would be necessary to return to 1990 levels by 2020. The 2011 Scoping Plan expanded the list of nine Early Action Measures into a list of 39 Recommended Actions contained in Appendices C and E of the Plan.

In May 2014, the ARB developed, in collaboration with the CAT, the First Update to California's Climate Change Scoping Plan (Update) (ARB, 2014), which showed that California was on track to meet the near-term 2020 GHG limit and is well positioned to maintain and continue reductions beyond 2020 as required by AB 32. In accordance with the United Nations Framework Convention on Climate Change, the ARB has mostly transitioned to the use of the Intergovernmental Panel on Climate Change's (IPCC's) Fourth Assessment Report (AR4)'s 100-year GWP (IPCC, 2007b) in its climate change programs. The ARB recalculated the 1990 GHG emissions level with the AR4 GWPs to be 431 $MMTCO_2e$; therefore the 2020 GHG emissions limit established in response to AB 32 is now slightly higher than the 427 $MMTCO_2e$ in the initial Scoping Plan.

In November 2017, the ARB published the 2017 Scoping Plan (ARB, 2017) which builds upon the former Scoping Plan and Update by outlining priorities and recommendations for the state to achieve its target of a 40 percent reduction in GHGs by 2030, compared to 1990 levels. The major elements of the framework proposed are enhancement of the Renewables Portfolio Standard (RPS) and the Low Carbon Fuel Standard; a Mobile Source Strategy, Sustainable Freight Action Plan, Short-Lived Climate Pollutant Reduction Strategy, Sustainable Communities Strategies, and a Post-2020 Cap-and-Trade Program; a 20 percent reduction in GHG emissions from the refinery sector; and an Integrated Natural and Working Lands Action Plan.

In December 2022, the ARB approved the 2022 Scoping Plan update (ARB, 2022c), which proposes actions to further reach the state's carbon neutrality and climate goals for reducing GHG emissions to 85 percent below 1990 levels by 2045. These actions include reducing fossil fuel combustion with clean fuels and technologies, reducing short-lived climate pollutants, supporting sustainable development, and increasing carbon sequestration.

Renewables Portfolio Standard (Scoping Action E-3)

The California Energy Commission estimates that in 2000 about 12 percent of California's retail electric load was met with renewable resources. Renewable energy includes (but is not limited to) wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas. California's current RPS was intended to increase that share to 33 percent by 2020. Increased use of renewables will decrease California's reliance on fossil fuels, thus reducing emissions of GHGs from the electricity sector. Most recently, Governor Brown signed into legislation Senate Bill (SB) 350 in

October 2015, which requires retail sellers and publicly-owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030.

Senate Bill 375 (SB 375)

Senate Bill (SB) 375 passed the Senate on August 30, 2008, and was signed by the governor on September 30, 2008. Per SB 375, the transportation sector is the largest contributor of GHG emissions and contributes approximately 45 percent of the GHG emissions in California, with automobiles and light trucks alone contributing almost 30 percent. SB 375 indicates that GHGs from automobiles and light trucks can be reduced by new vehicle technology. However, significant reductions from changed land use patterns and improved transportation also are necessary. SB 375 states, "Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32." SB 375 does the following: (1) requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions; (2) aligns planning for transportation and housing; and (3) creates specified incentives for the implementation of the strategies.

Executive Order B-30-15

On April 29, 2015, the governor issued EO B-30-15 which added an interim target of GHG emissions reductions to help ensure the State meets its 80 percent reduction by 2050, as set in EO S-3-05. The interim target is reducing GHG emissions by 40 percent by 2030. It also directs State agencies to update the Scoping Plan, update Adaptation Strategy every three years, and take climate change into account in their planning and investment strategies. Additionally, it requires the State's Five-Year Infrastructure Plan will take current and future climate change impacts into account in all infrastructure projects.

Title 24

Although not originally intended to reduce GHGs, California Code of Regulations Title 24 Part 6: California's Building Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. The 2016 standards have been published and became effective July 1, 2017. The requirement for when the 2008 standards must be followed is dependent on when the application for the building permit is submitted. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The 2019 Standards improve upon the 2016 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. Buildings whose permit applications are dated on or after January 1, 2020, must comply with the 2019 Standards. The 2019 Standards constitute a major step towards meeting the Zero Net Energy goal by the year 2030 and were the last of three updates to move California towards achieving that goal. The California Energy Commission updates the standards every three years. The 2022 Energy Code, adopted August 11, 2021 by the CEC and approved by the California Building Standards Commission in December 2021, took effect for all buildings whose permit applications are applied for on or after January 1, 2023.

4.8.2.4 The Mojave Desert Air Quality Management District (MDAQMD)

The Mojave Desert Air Quality Management District maintains a set of rules and regulations to improve and maintain healthy air quality for the entire population within its jurisdiction. When

developing new regulations, the MDAQMD must comply with complex procedures established by statutes in federal and state codes. Its regulations development process is based on the specific nature of the regulation and its potential impacts.

4.8.2.5 Local Regulations

City of Hesperia Climate Action Plan (CAP)

In compliance with Goal CN-7 in the City's General Plan (City of Hesperia, 2019a), the City of Hesperia prepared a climate action plan (CAP) with the coordination of regional councils of government, and it was approved in July 2010 (Michael Brandman Associates, 2010b). The CAP strategy is primarily based upon the land use, transportation, and conservation policies that are part of the General Plan Update, recent specific plans, and major development plans in the City. The concept is that design, density, and pattern of land uses impact the amount people drive and the options available for using less polluting and energy-consuming modes of transportation such as walking, bicycling, and transit. The plans also promote energy efficiency in buildings, government operations, and through more efficient water use. Implementing these plans helps ensure that the city will be developed in ways that produce fewer greenhouse gas emissions.

This CAP identifies policies within the City of Hesperia General Plan Update that would decrease the City's emissions of greenhouse gases. This CAP also lists implementation strategies that add more details and specific actions to the General Plan policies and clarify how the reductions would occur. This CAP demonstrates that the General Plan Update policies and CAP strategies would reduce emissions to the reduction target. The CAP includes strategies in the following categories:

- CEQA compliance.
- Parking measures.
- Mixed use development.
- Energy efficiency.
- Transit oriented development.
- Water conservation and reuse.
- Compact development.
- Waste reduction and recycling.
- Pedestrian connections.
- Regional cooperation.
- Bicycle infrastructure.
- Governmental operation.

The City of Hesperia's updated General Plan (City of Hesperia, 2019a) includes goals and policies in several elements that aim to reduce GHG emissions and energy consumption by:

Goal: CN-6 Provide programs and incentives to encourage residents, businesses and developers to reduce consumption and efficiently use energy resources.

Implementation Policy CN-6.1: Develop a green building program in the City to educate the development community and promote the conservation of natural resources.

Implementation Policy CN-6.2: Encourage the use of green building standards and Leadership in Energy and Environmental Design (LEED) or similar programs in both private and public projects.

Implementation Policy CN-6.3: Provide incentives like technical assistance and low interest loans for projects that are energy efficient and contain energy conservation measures

Implementation Policy CN-6.4: Educate the public about energy conservation techniques.

Implementation Policy CN-6.5: Coordinate with the local energy provider in developing policies and procedures to reduce energy consumption in existing and future developments.

Implementation Policy CN-6.6: Encourage residents and businesses to utilize the incentives provided by the local energy providers to retrofit their buildings and businesses for energy efficiency and conservation.

Implementation Policy CN-6.7: Continue the existing recycling program and utilization of the material recovery facility program while exploring additional methods of reducing waste.

Goal: CN-7 Develop, promote and implement policies to reduce and limit Greenhouse Gas Emissions.

Implementation Policy CN-7.1: Coordinate with the regional councils of government in developing appropriate regional climate action policies.

Implementation Policy CN 7.2: In conjunction with regional councils of government, prepare and implement a city climate action plan.

Implementation Policy CN-7.3: Coordinate with neighboring cities and public jurisdictions in the preservation of air quality resources.

Implementation Policy CN-7.4: Promote the utilization of alternative energy resources such as wind and solar in new development.

Implementation Policy CN 7.5: Promote the utilization of environmentally sensitive construction materials to limit impacts on the ozone, global climate change and mineral resources.

Implementation Policy CN 7.6: Preserve land resources for the utilization of energy resources, including wind and solar energy resources.

Implementation Policy CN 7.7: Promote energy conservation through site layout, building design, natural light and efficient mechanical and electrical products in development.

Implementation Policy CN 7.8: Continue the existing recycling program and utilization of the material recovery facility program while exploring additional methods of reducing waste.

Implementation Policy CN 7.9: Promote sustainable principles in development that conserves such natural resources as air quality and energy resources.

4.8.3 GHG Emissions

4.8.3.1 National Emissions

The United States is the second largest emitter of GHGs globally (behind China) and emitted approximately 6.0 billion metric tons of CO_2 equivalent ($MTCO_2e$) in 2018 (WRI, 2021a), not including GHG absorbed by forests and agricultural land. The largest source of GHG in the United States (34.2 percent) is electrical power generation (WRI, 2021b). Burning fossil fuels for transportation accounted for the second largest portion (28.4 percent). The remaining 37.1 percent of U.S. GHG emissions was contributed by building, manufacturing/construction, agriculture, fugitive, industrial, waste, bunker fuels, and other fuels.

4.8.3.2 State Emissions

The World Resources Institute (WRI) reports that in 2018, the average GHG emissions per capita in the United States was 17.74 $MTCO_2e$ (WRI, 2021c) but with a total GHG emissions in California of 425.3 $MMTCO_2e$ in 2018 (ARB, 2020c), California had an average GHG emissions per capita of only 10.76 $MTCO_2e$ (USCB, 2021). California had a larger percentage of its total GHG emissions coming from the transportation sector (40 percent) and a smaller percentage of its total GHG emissions from the electricity generation sector; i.e., California has 12 percent.

4.8.3.3 Local Emissions

The CAP's purpose is to (1) navigate the city government and Hesperia community towards a 29 percent per capita GHG emissions reduction by 2020 while adapting to climate change effects, and (2) guide the city staff on the implementation of key provisions of the CAP with a monitoring framework. The City of Hesperia CAP shows existing and projected GHG emissions. The city's existing (2009) community-wide GHG emissions were 0.639 $MMTCO_2e$ and its projected 2020 and buildout year (2025) inventories were 0.955 $MMTCO_2e$ and 1.256 $MMCO_2e$, respectively. **Table 4.8-1** shows the results of the community-wide baseline inventory, the projected 2020 inventory, and the projected buildout inventory. The emissions forecast estimates future emissions under a Business as Usual (BAU) scenario. The BAU scenario assumes that no special effort has been made to reduce GHG emissions. Therefore, the future emissions depicted in **Table 4.8-1** present how GHG emissions may increase in Hesperia if no reduction programs are implemented.

Table 4.8-1
CITY OF HESPERIA COMMUNITY BUSINESS AS USUAL EMISSIONS

Community Sector	Greenhouse Gas Emissions ($MTCO_2e$ per year)		
	2009	2020	Buildout (2025)
Transportation: Automobiles, Light Duty Trucks, Medium Duty Trucks	199,414	249,365	302,008
Transportation: Heavy Duty Diesel Trucks	200,392	250,587	303,488
Transportation: Other	7,454	9,321	11,288
Natural Gas	34,507	87,734	136,118
Electricity	135,824	233,019	321,378
Solid Waste	28,394	48,713	67,184
Wood Burning Fireplaces and Stoves.	9,528	16,073	22,023
Refrigerants	23,906	59,836	92,825
Total	**639,419**	**954,648**	**1,256,312**
Population	102,896	176,527	243,456
Per Capita Emissions	6.2	5.4	5.2

Source: City of Hesperia, 2010.

4.8.4 Impact Thresholds

CEQA Guidelines §15064.4 provides discretion to the lead agency whether to: (1) use a model or methodology to quantify GHG emissions resulting from a project, and which model or methodology to use; or (2) rely on a qualitative analysis or performance-based standards. In addition, CEQA does not provide guidance to determine whether the project's estimated GHG emissions are significant, but recommends that lead agencies consider several factors that may be used in the determination of significance of project-related GHG emissions, including:

- The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

CEQA Guidelines § 15130(f) describes that the effects of GHG emissions are by their very nature cumulative and should be analyzed in the context of CEQA's requirements for cumulative impact analysis. Additionally, CEQA Guidelines § 15064(h)(3) states that a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides requirements to avoid or lesson the cumulative problem.

The MDAQMD has established thresholds of significance for GHG emissions, applicable to both construction and operations regardless of whether they are stationary or mobile sources. The MDAQMD's GHG emissions thresholds are 548,000 pounds per day (lbs/day) CO_2e or 100,000

MT/year CO_2e. However, to provide a more conservative analysis, the City recommends evaluating the Project's GHG emissions against the South Coast Air Quality Management District 's (SCAQMD's) GHG thresholds.

To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, SCAQMD convened a GHG CEQA Significance Threshold Working Group (Working Group). At the Working Group meeting #15 (SCAQMD, 2010), SCAQMD staff proposed to adopt a tiered approach for evaluating GHG emissions for development projects where SCAQMD is not the lead agency:

- **Tier 1. Exemptions:** If a project is exempt from CEQA, project-level and cumulative GHG emissions are less than significant.
- **Tier 2. Consistency with a Locally Adopted GHG Reduction Plan:** If the project complies with a GHG emissions reduction plan or mitigation program that avoids or substantially reduces GHG emissions in the project's geographic area (i.e., city or county), project-level and cumulative GHG emissions are less than significant.
- **Tier 3. Numerical Screening Threshold:** If GHG emissions are less than the numerical screening level threshold, project-level and cumulative GHG emissions are less than significant. For projects that are not exempt or where no qualifying GHG reduction plans are directly applicable, SCAQMD requires an assessment of GHG emissions. SCAQMD, under Option 1, proposed land use-specific thresholds: 1,400 $MTCO_2e$ for commercial projects; 3,500 MT CO_2e for residential projects; or 3,000 MT CO_2e for mixed-use industrial projects. Option 2 was a "bright-line" screening-level threshold of 3,000 $MTCO_2e$ per year for all land use types.[8]
- **Tier 4. Performance Standards:** If emissions exceed the numerical screening threshold, a more detailed review of the project's GHG emissions is warranted. The SCAQMD has proposed an efficiency target for projects that exceed the bright-line threshold. The current recommended approach is per-capita efficiency targets. The SCAQMD is not recommending use of a percentage emissions reduction target. Instead, the SCAQMD proposed a 2020 efficiency target of 4.8 MT CO_2e per year per service population for project-level analyses and 6.6 MT CO_2e per year per service population for plan-level projects (e.g., program-level projects such as General Plans).

The 3,000 $MTCO_2e$ per year threshold is based on a 90 percent emission "capture" rate methodology. A 90 percent emission capture rate means that, for a specific geographic area, new facilities whose unmitigated emissions exceed the threshold would account for more than 90 percent of all new unmitigated GHG emissions (Smith and Krause, 2008, p. 3-15). Projects whose emissions exceed the threshold would be subject to a detailed analysis of potential environmental impacts from GHG emissions, while those whose emissions are below the threshold would be excluded from detailed analysis. A GHG significance threshold based on a 90 percent emission capture rate is appropriate to address the long-term adverse impacts associated with global climate change because medium and large projects will be required to implement measures to reduce GHG emissions, while small projects, which are generally infill development projects that are not the focus of the State's GHG reduction targets, are allowed to proceed. Further, a 90 percent emission capture rate sets the emission threshold low enough to capture a substantial proportion of future development projects and demonstrate that cumulative emissions reductions are being achieved while setting the emission

8 The 3,000-$MTCO_2e$ threshold is discussed in detail below.

threshold high enough to exclude small projects that will, in aggregate, contribute approximate one percent of projected statewide GHG emissions in the Year 2050.

The City understands that the 3,000 $MTCO_2e$/yr threshold for residential/commercial uses was proposed by SCAQMD a decade ago and was adopted as an interim policy; however, no permanent, superseding policy or threshold has since been adopted. The 3,000 $MTCO_2e$/yr threshold was developed and recommended by SCAQMD, an expert agency, based on substantial evidence as provided in the Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold document (Smith and Krause, 2008) and subsequent Working Group meetings (the latest of which occurred in 2010). SCAQMD has not withdrawn its support of the interim threshold and all documentation supporting the interim threshold remains on the SCAQMD website on a page that provides guidance to CEQA practitioners for air quality analysis (and where all SCAQMD significance thresholds for regional and local criteria pollutants and toxic air contaminants also are listed). Further, as stated by SCAQMD, this threshold "uses the Executive Order S-3-05 goal [80% below 1990 levels by 2050] as the basis for deriving the screening level" and, thus, remains valid for use now. Lastly, this threshold has been used for hundreds, if not thousands of GHG analyses performed for projects located within the SCAQMD jurisdiction. Thus, for purposes of this analysis, if Project-related GHG emissions do not exceed the 3,000 $MTCO_2e$/year threshold, then Project-related GHG emissions would clearly have a less than significant impact. On the other hand, if Project-related GHG emissions exceed 3,000 MTCO2e/yr, the Project would be considered a substantial source of GHG emissions.

Based on the foregoing guidance, the City of Hesperia has elected to rely on compliance with a local air district threshold in the determination of significance of Project-related GHG emissions. Specifically, the City has selected the interim 3,000 $MTCO_2e$/yr threshold recommended by SCAQMD staff for residential and commercial sector projects against which to compare Project-related GHG emissions.

4.8.5 Impact Analysis

4.8.5.1 Methodology

Short-term construction GHG emissions and long-term operational GHG emissions were assessed using the California Emissions Estimator Model (CalEEMod) Version 2022.1.1.29 (CAPCOA, 2023). This analysis focused upon emissions of CO_2, CH_4, N_2O and CO_2e only.

a) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact

California has enacted several pieces of legislation that relate to GHG emissions and climate change, much of which set aggressive goals for GHG reductions within the state. Per Senate Bill 97, the California Natural Resources Agency adopted amendments to the CEQA Guidelines, which address the specific obligations of public agencies when analyzing GHG emissions under CEQA to determine a project's effects on the environment. However, neither a threshold of significance nor any specific mitigations are included or provided in these CEQA Guideline amendments.

GHG Significance Threshold

As noted above, the City of Hesperia has set 3,000 metric tons of $C0_2e$ per year as its significant emissions threshold for GHG.

Construction GHG Emissions

Construction is an episodic, temporary source of GHG emissions. Emissions are generally associated with the operation of construction equipment and the disposal of construction waste. As explained by the California Air Pollution Control Officers Association (CAPCOA) in its 2008 white paper (CAPCOA, 2008), the information needed to characterize GHG emissions from manufacture, transport, and end-of-life of construction materials would be speculative at the CEQA analysis level. CEQA does not require an evaluation of speculative impacts (*CEQA Guidelines* § 15145). Therefore, the construction analysis does not consider such GHG emissions, but does consider non-speculative onsite construction activities, and offsite hauling, and construction worker trips. All GHG emissions are identified on an annual basis.

Estimated GHG emissions from the Cargo Solutions Truck Warehouse Project's onsite and offsite project construction activities were calculated using CalEEMod, Version 2022.1.1.29. The results of the analysis are presented in **Table 4.8-2**. The GHG emissions from the Cargo Solutions Truck Warehouse Project's construction activities would be **526.57 short tons of CO_2e**. This is below the annual threshold of 3,000 metric tons per year. Thus, GHG impacts from construction are considered individually less than significant.

Table 4.8-2
PROJECT CONSTRUCTION-RELATED GHG EMISSIONS

Year	Annual Emissions (metric tons)			
	CO_2	CH_4	N_2O	CO_2e
2025	182.33	0.01	0.00	183.16
2026	**339.55**	**0.01**	**0.01**	**343.41**
Total	521.89	0.02	0.01	526.57
MDAQMD Significance Thresholds				*3,000*
Significant? (Yes or No)				**No**

Source: Appendix B; MDAQMD, 2020; CAPCOA, 2022

Operational GHG Emissions

Operational GHG emissions calculated by CalEEMod are shown in **Table 4.8-3**. The amortized value of construction emissions for a 30-year period of **17.55 metric tons CO_2e** was added to the Cargo Solutions Truck Warehouses project's annual operational GHG emissions. Total annual unmitigated emissions from the project would be **1,251 metric tons CO_2e**. Modeling results are provided in **Appendix B.**

Table 4.8-3
PROJECT OPERATIONAL GHG EMISSIONS

Emissions Source	Estimated Project-Generated GHG Emissions ($MTCO_2e$ per year)
Area Sources	2.22
Energy Demand (Electricity & Natural Gas)	493
Mobile (Motor Vehicles)	600
Solid Waste Generation	44.4
Water Demand	94
Refrigerants	0.01
Construction Emissions[a]	17.55
Total	**1,251**
MDAQMD Significance Threshold	*3,000*
Significant? (Yes or No)	**No**

Source: Appendix B; MDAQMD, 2016; CAPCOA, 2022.

[a] *Total construction GHG emissions were amortized over 30 years and added to those resulting from the operation of the project.*

Therefore, under the first significance criterion, GHG emissions would be less than significant, and no mitigation is necessary.

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG?

Less than Significant Impact

The San Bernardino County Transit Authority (SBCTA) authorized the preparation of a county-wide Regional Greenhouse Gas Reduction Plan. This plan was adopted in March 2021. The plan contains multiple reduction measures that would be effective in reducing GHG emissions throughout the SBCTA region. The lack of development in the immediate area of the project as well as in the city may preclude residents from obtaining employment or commercial services within city boundaries, thus compelling residents to travel outside of city boundaries for employment and commercial services. It is important to note that the California Department of Transportation as well as the Counties of Los Angeles and San Bernardino are engaged in an effort to construct a multi-modal transportation corridor consisting of public transit, a new freeway, and bicycle lanes known as the High Desert Corridor (HDC). The aforementioned regional program will reduce potential GHG emissions related to excessive vehicle miles traveled (VMT) to levels that are less than significant.

Those Partnership jurisdictions, including Hesperia, choosing to complete and adopt local Climate Action Plans (CAPs) that are consistent with the County's GHG Reduction Plan, and with the prior Regional Plan Program EIR and the addendum or supplemental CEQA document prepared by SBCOG, will be able to tier their future project-level CEQA analyses of GHG emissions from their CAP. In 2010, the City of Hesperia completed a CAP. As part of this effort, the City of Hesperia has selected a goal to

reduce its community GHG emissions to a level that is 40 percent below its 2020 level of GHG emissions by 2030. The City will meet and exceed this goal subject to reduction measures that are technologically feasible and cost-effective through a combination of state (~70 percent) and local (~30 percent) efforts. The Pavley vehicle standards, the State's low carbon fuel standard, the RPS, and other state measures will reduce GHG emissions in Hesperia's on-road, off-road, and building energy sectors in 2030.

As was noted in **Section 4.8.3.3**, the Climate Action Plan (CAP), as presented in the City's General Plan (City of Hesperia, 2019a), has the following purposes:

- Outline a course of action for the City government and the citizens of Hesperia to reduce per capita greenhouse gas emissions 29 percent below business as usual by 2020 and adapt to the effects of climate change.

- Provide clear guidance to City staff regarding when and how to implement key provisions of the CAP. This CAP sets out an implementation and monitoring framework for monitoring its strategies.

The CAP identifies policies within the City of Hesperia General Plan Update that would decrease the City's emissions of greenhouse gases. This CAP also lists implementation strategies that add more details and specific actions to the General Plan policies and clarify how the reductions would occur.

The project will comply with all relevant energy-reducing provisions of Title 24, Parts 6 and 11, which indirectly reduce GHG emissions by reducing energy use. Because the project will not interfere with or conflict with any plan to reduce GHG emissions, its GHG emissions impacts will be less than significant.

4.9 Hazards and Hazardous Materials

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		**X**		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		**X**		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school?				**X**
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				**X**
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				**X**
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		**X**		
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				**X**

The analysis in this section is based in part upon the RecCheck report prepared by Environmental Record Search, dated September 13, 2022 (Environmental Records Search, 2022) (**Appendix F**). The RecCheck presents information based on hazards databases to determine if the project site contains potential hazardous materials.

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

Less than Significant Impact with Mitigation Incorporated

Based on the RecCheck report, the project site contains no potential areas of concern/contamination (Environmental Records Search, 2022, p. 1).

Construction

Transportation of hazardous materials/waste is regulated by *California Code of Regulations* (CCR) Title 26. The California Highway Patrol (CHP) and the California Department of Transportation (Caltrans) enforce federal and state regulations and respond to hazardous materials transportation emergencies. Emergency responses are coordinated as necessary among federal, state and local governmental authorities and private persons through a state-mandated Emergency Response Plan. Due to the significant short-term risks to public health and the environment associated with hazardous waste management during transportation of wastes, specific Commercial Hazardous Waste Shipping Routes are designated with the intent of minimizing the distance that wastes are transported and the proximity to vulnerable locations.

Construction of the proposed project would involve transport, storage, and use of chemical agents, solvents, paints, and other hazardous materials commonly associated with construction activities. Chemical transport, storage, and use would comply with Resource Conservation and Recovery Act (RCRA); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Occupational Safety and Health Administration (OSHA); California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5, Hazardous Waste Control); California Division of Safety and Health (DOSH); South Coast Air Quality Management District (SCAQMD); and San Bernardino County Fire Protection District Hazardous Materials Division (HMD) requirements. The construction contractor would maintain equipment and supplies onsite for containing and cleaning up small spills of hazardous materials, and in the event of a release of hazardous materials of quantity and/or toxicity that onsite workers could not safely contain and clean up, would notify the HMD immediately.[9] Therefore, compliance with applicable laws and regulations during project construction would reduce the potential for accidental releases of hazardous materials, and construction hazards impacts would be less than significant.

Operation

The proposed project includes construction of two truck warehouse buildings and associated surface parking lot and landscaping. During operations, the future occupant (Cargo Solutions) may require the routine transport of hazardous materials for maintaining supplies onsite and for disposal of waste offsite. Transportation of hazardous materials can result in accidental spills, leaks, toxic releases, fire, or explosion.

The project site is located within an industrial and commercial portion of the city, with the closest residences to the project site located along Muscatel Street, approximately 0.22 mile southeast of the

[9] The Hazardous Materials of the San Bernardino County Fire Protection District is designated by the State Secretary for Environmental Protection as the Certified Unified Program Agency or "CUPA" for the County of San Bernardino in order to focus the management of specific environmental programs at the local government level. (San Bernardino County Fire Protection District, 2022).

project site (Google Earth Pro, 2024). Since hazardous materials must not be transported through existing residential areas, the occupant would propose routes that are surrounded primarily by existing industrial land uses.

The United States Department of Transportation (USDOT) Office of Hazardous Materials Safety prescribes strict regulations for the safe transportation of hazardous materials, as described in Title 49 of the Code of Federal Regulations (CFR), and implemented by Title 13 of the CFR. Appropriate documentation would be provided for all hazardous waste that is transported, as required by existing hazardous materials regulations. Chapter 6.95 of the California Health and Safety Code requires businesses that handle more than a specified amount of hazardous materials onsite to submit a Hazardous Materials Business Plan to firefighters, health officials, planners, public safety officers, health care providers, regulatory agencies, and other interested persons (see mitigation measure **HAZ-1** below). The business plan must include an inventory of the hazardous materials handled, facility floor plans showing where hazardous materials are stored, an emergency response plan, and provisions for employee safety and emergency response training.

Further, proper documentation would be required to identify which hazardous materials would be transported and which routes they would be transported along. As such, **MM HAZ-2** (see below) would be implemented to ensure that the occupant would provide proper hazardous materials transportation information.

In addition to the suggested mitigation measures, the occupant would be required to comply with existing regulations, standards, and guidelines established by the US Environmental Protection Agency, State of California, County of San Bernardino, and City of Hesperia related to storage, use, and disposal of hazardous materials, which would reduce the potential risk of hazardous materials exposure to a level that is less than significant.

Mitigation Measures

The following mitigation measure would be adopted to minimize or avoid impacts related to routine transport, use, or disposal of hazardous materials:

MM HAZ-1 In the event that the future tenant will handle hazardous materials above the reportable quantity threshold, the lease agreement with the future tenant shall require the tenant to submit a Hazardous Materials Business Plan which would include an inventory of all hazardous materials used, stored, or otherwise managed onsite to the County of San Bernardino County Fire Department – Hazardous Materials Division and the Fontana Fire Protection District. The recommendations of the Hazardous Materials Business Plan would be included in the lease agreement (signed by the tenant) as mandatory measures required to be implemented by the tenant.

MM HAZ-2 In the event that the future occupant will handle hazardous materials above the reportable quantity threshold, the occupancy agreement shall require the occupant, in coordination with the San Bernardino County Fire Department, to identify routes along which hazardous materials may routinely be transported. If essential facilities such as schools, hospitals, child care centers, or other facilities with special evacuation needs are located along these routes, the future occupant shall develop an emergency response plan that can be implemented in the event of an unauthorized release of hazardous materials. The recommendations of the Emergency Response

Plan would be included in the occupancy agreement (signed by the future occupant) as mandatory measures required to be implemented by the future occupant.

Level of Significance After Mitigation

In addition to compliance with established regulatory framework, compliance with mitigation measures **HAZ-1** and **HAZ-2** would provide for the implementation of established safety practices, procedures, and reporting requirements, to ensure that potentially significant impacts regarding hazardous materials are minimized or eliminated. Impacts to the public or the environment resulting from the routine transport, use, or disposal of hazardous materials would be less than significant after mitigation.

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

Less than Significant Impact with Mitigation Incorporated

Construction

As mentioned above, the RecCheck report found no potential areas of concern/contamination on the project site (Environmental Records Search, 2022, p. 3-4). Additionally, the construction of the proposed project would adhere to applicable federal, state and local regulations in regard to the safe handling and transportation of hazardous materials during construction. The construction contractor would maintain equipment and supplies onsite for containing and cleaning up small spills of hazardous materials and would train construction workers on such containment and cleanup. In the event of a release of hazardous materials of quantity and/or toxicity that onsite construction workers could not safely contain and clean up, the project proponent would notify the County of San Bernardino County Fire Department - Hazardous Materials Division immediately. Therefore, impacts would be less than significant during construction.

Operation

There is a potential that the proposed project could create a significant hazard to the public or the environment during operation through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Typical incidents that could result in accidental release of hazardous materials involve: leaking storage tanks; spills during transport; inappropriate storage; inappropriate use; and/or natural disasters. Accidental releases such as these could cause contamination of soil, surface water, groundwater, and toxic fumes. Depending on the nature and extent of the contamination, groundwater supplies could become unsuitable for use as a domestic water source. Human exposure to contaminated soil or water could have potential health effects depending on a variety of factors, including the nature of the contaminant and the degree of exposure.

Chemicals and wastes stored in aboveground or underground storage tanks would follow guidelines mandated by the federal and state agencies. Aboveground tanks storing hazardous chemicals would have secondary containment to collect fluids that are accidentally released. Underground storage tanks and connecting piping would be double-walled and would have monitoring devices with alarms installed to constantly monitor for unauthorized releases in accordance with federal and state standards.

Applicable existing standards include the Cal/OSHA operational requirements, California Health and Safety Code § 25270.7, and San Bernardino County Fire Department regulations regarding the installation and operation of underground tanks. These existing measures would minimize impacts to a less than significant level.

Transportation of hazardous materials could result in accidental spills, leaks, toxic releases, fire, or explosion, and there is a potential for licensed vendors to transport hazardous materials to and from the project site. As discussed previously, the proposed project is subject to compliance with all applicable federal, state and local laws (including Title 49 of the CFR) and regulations pertaining to the transport, use, disposal, handling and storage of hazardous waste. Additionally, with the implementation of mitigation measures **HAZ-1** and **HAZ-2**, the future occupant would coordinate with the city to ensure that transportation, handling and use of hazardous materials would create less than significant impacts. Therefore, with compliance with these regulations and measures, the proposed project would reduce the likelihood and severity of accidents during transit, thereby ensuring that potential impacts would be less than significant.

Mitigation Measures

Refer to mitigation measures **HAZ-1** and **HAZ-2** above.

Level of Significance After Mitigation

In addition to compliance with the established regulatory framework, compliance with mitigation measures **HAZ-1** and **HAZ-2** would provide for the implementation of established safety practices, procedures and reporting requirements, to ensure that potentially significant impacts regarding the accidental release of hazardous materials would be less than significant with the implementation of mitigation measures.

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

No Impact

No schools are located within 0.25 miles of the project site. The closest school to the project site is Canyon Ridge High School, located at 12850 Muscatel St #5566, approximately 0.42 miles southeast of the project site (Google Earth Pro, 2024). The project would not be within 0.25 mile of an existing or a proposed school; therefore, no impacts to schools would occur and mitigation is not required.

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

No Impact

Government Code § 65962.5 requires the Department of Toxic Substances Control (DTSC) to compile and update, at least annually, lists of the following:

- Hazardous waste and substances sites from the DTSC EnviroStor database.

- Leaking Underground Storage Tank (LUST) sites by county and fiscal year in the State Water Resources Control Board (SWRCB) GeoTracker database.
- Solid waste disposal sites identified by SWRCB with waste constituents above hazardous waste levels outside waste management units.
- SWRCB Cease and Desist Orders (CDOs), and Cleanup and Abatement Orders (CAOs).
- Hazardous waste facilities subject to corrective action pursuant to § 25187.5 of the Health and Safety Code, identified by DTSC.

These lists are collectively referred to as the "Cortese List." The project site is not included on the Cortese List (refer to **Figure 4.9-1**). Therefore, there would be no impacts.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact

The nearest public-use airport to the project site is Hesperia Airport, approximately five miles to the southeast (see **Figure 4.9-2**). The project site is outside of Hesperia Airport's safety, runway protection, obstacle free, and noise contour zones (Ray A. Vidal, 1991). Therefore, project development would not cause airport-related hazards, or excessive noise, to persons at the project site, and no impacts would occur.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact with Mitigation Measures Incorporated

Construction

The project would comply with applicable City regulations, such as the City's Fire Code in regard to providing adequate emergency access, as well as the California Building Standards Code. Prior to the issuance of building permits, the City of Hesperia would review project site plans, including location of all buildings, fences, access driveways and other features that may affect emergency access. Fire lanes would be provided for adequate emergency access. The site design for the proposed project includes access and fire lanes that would accommodate emergency ingress and egress by fire trucks, police units, and ambulance/paramedic vehicles. All onsite access and sight-distance requirements would be in accordance with City and Caltrans design requirements. The City's review process and compliance with applicable regulations and standards would ensure that adequate emergency access would be provided at the project site at all times.

Figure 4.9-1
PROJECT CORTESE LIST MAP

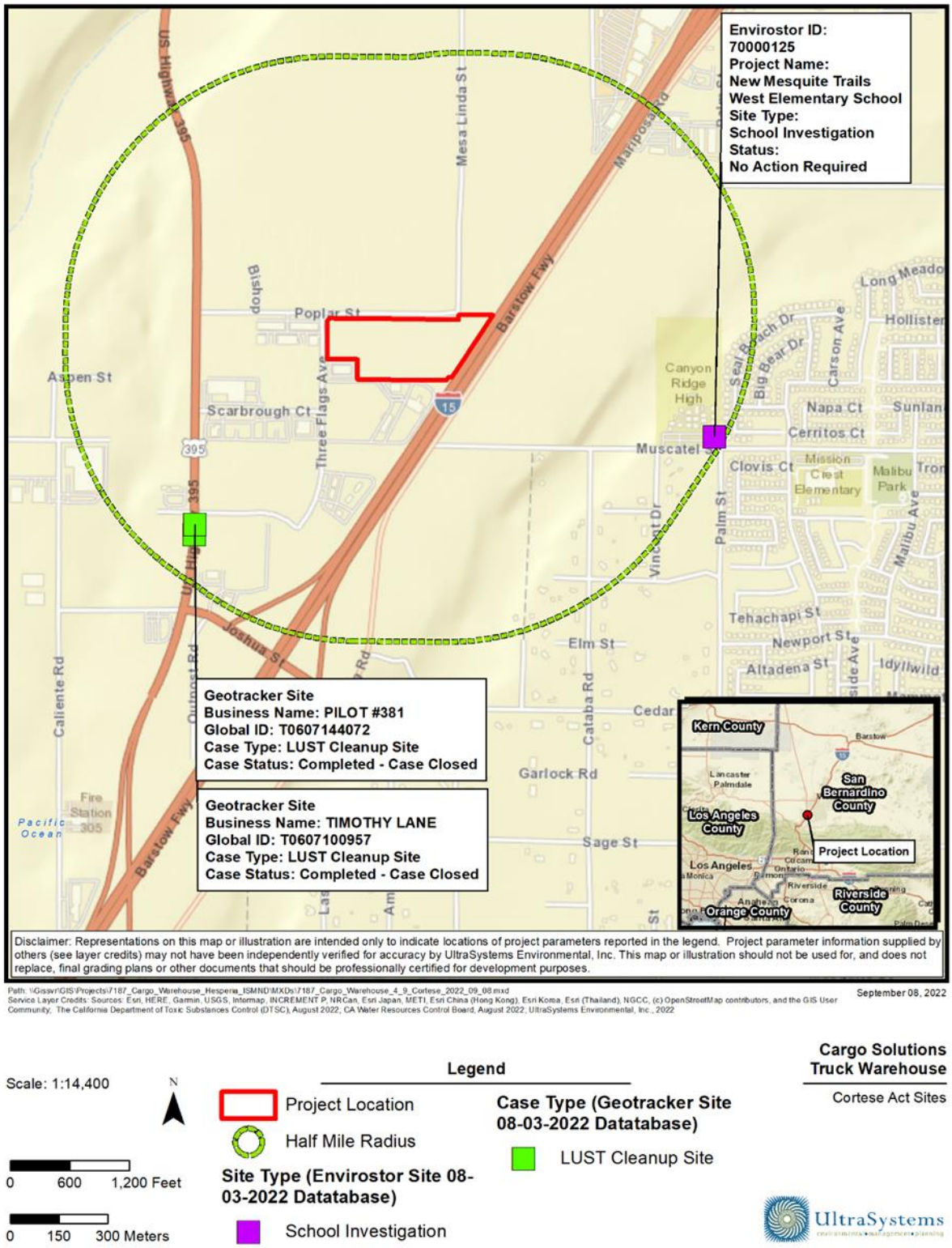
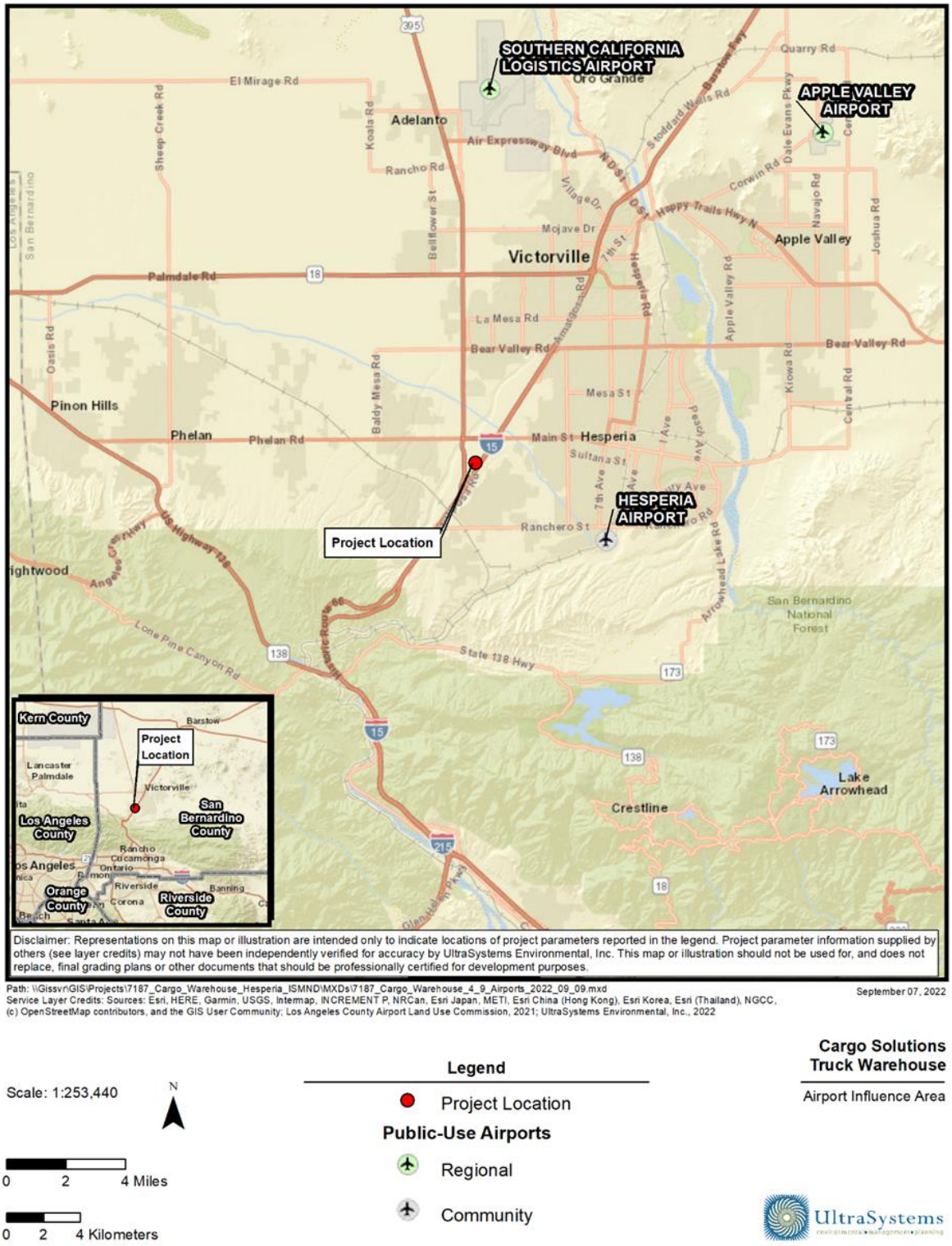


Figure 4.9-2
AIRPORTS IN THE PROJECT REGION



During the construction phase of the project, there may be temporary lane closures that could increase hazards due to geometric design features or incompatible uses. However, the preparation of a construction management plan, as detailed in mitigation measure **TRANS-3**, would reduce the potential for hazards due to geometric design features and incompatible uses to less than significant during the project construction phase.

Mitigation Measures

Refer to mitigation measure **TRANS-3** in **Section 4.17.**

Level of Significance After Mitigation

After implementation of mitigation measure **TRANS-3**, the project would have less than significant construction-phase impacts on emergency access.

Operation

City of Hesperia Hazard Mitigation Plan

The City of Hesperia Hazard Mitigation Plan (HMP) was adopted by the City Council in 2017. The purpose of the City's HMP is to provide a plan for reducing and/or eliminating risk in the City of Hesperia. The goals of the LHMP are to: protect life, property, and the environment; improve public awareness; protect the continuity of government; and improve emergency management preparedness, collaboration and outreach. The City, in cooperation with the San Bernardino County Fire Department, Hazardous Materials Division, will enforce disclosure laws that require all users, generators and transporters of hazardous materials and wastes to clearly identify the materials they store, use or transport. Users, generators and transporters are required to notify the appropriate city, county, state and federal agencies of a change in the quantity or type of hazardous materials and any violations. The Community Emergency Response Team (CERT) Program initiated by the City of Hesperia educates people about disaster preparedness and trains citizens to be self-sufficient following a major disaster (City of Hesperia, 2017, p. 3-7 to 3-12).

The HMP states that interstates would serve as major emergency response and evacuation routes (City of Hesperia, 2017, p. 4-70). As detailed in **Section 4.17**, the project would potentially impact surrounding intersection's level of service (LOS). However, the project would be required to implement **MM TRANS-1**, which would ensure that the Project Applicant would implement all the necessary operational improvements listed in the Section 11.7 of Traffic Impact Analysis (TIA) report (**Appendix I**) to ensure that all affected intersections by project development would operate at an adequate LOS. Additionally, the project would implement **MM TRANS-2**, which would ensure that the Project Applicant contribute to fair-share contributions for intersection operational improvements, resulting in less than significant LOS at all intersections affected in the project area. Therefore, project development would have less than significant impacts on emergency and evacuation plans.

Mitigation Measures

Refer to mitigation measure **TRANS-1** and **TRANS-2** in **Section 4.17.**

Level of Significance After Mitigation

After implementation of mitigation measure **TRANS-1** and **TRANS-2**, the project would have less than significant operational-phase impacts on emergency access.

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

No Impact

The California Department of Forestry and Fire Protection (CAL FIRE) developed Fire Hazard Severity Zones (FHSZ) for State Responsibility Areas (SRA) and Very High FHSZ Local Responsibility Areas (LRA). As shown on **Figure 4.9-3** Fire Hazard Severity Zone - *State Responsibility Area* and **Figure 4.9-4**, Fire Hazard Severity Zone - *Local Responsibility Area*, the project site is not located within either an SRA FHSZ or a Very High FHSZ in LRA for San Bernardino County (CAL FIRE, 2022). Therefore, there would be no impact.

Figure 4.9-3
FIRE HAZARD SEVERITY ZONES - STATE RESPONSIBILITY AREA

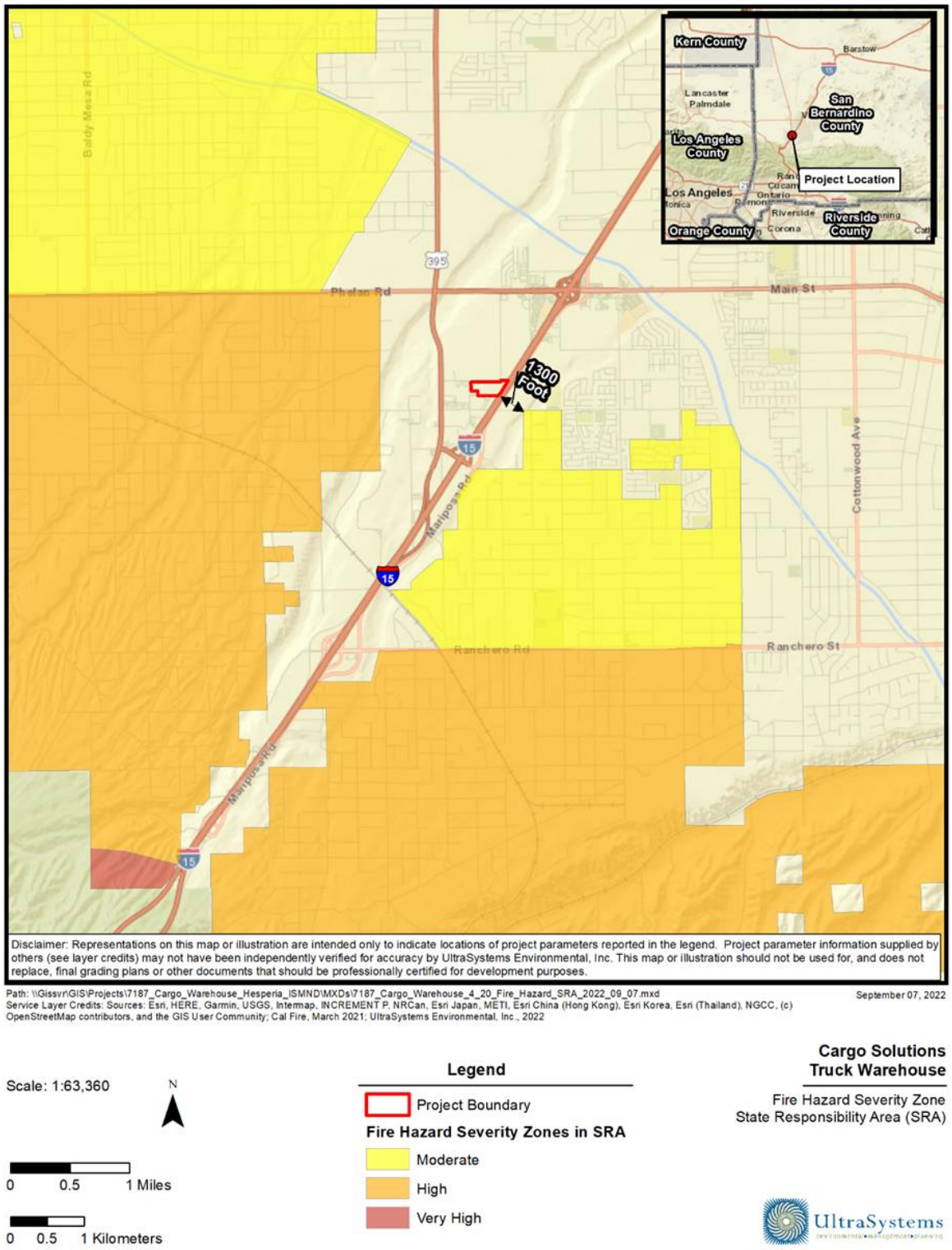
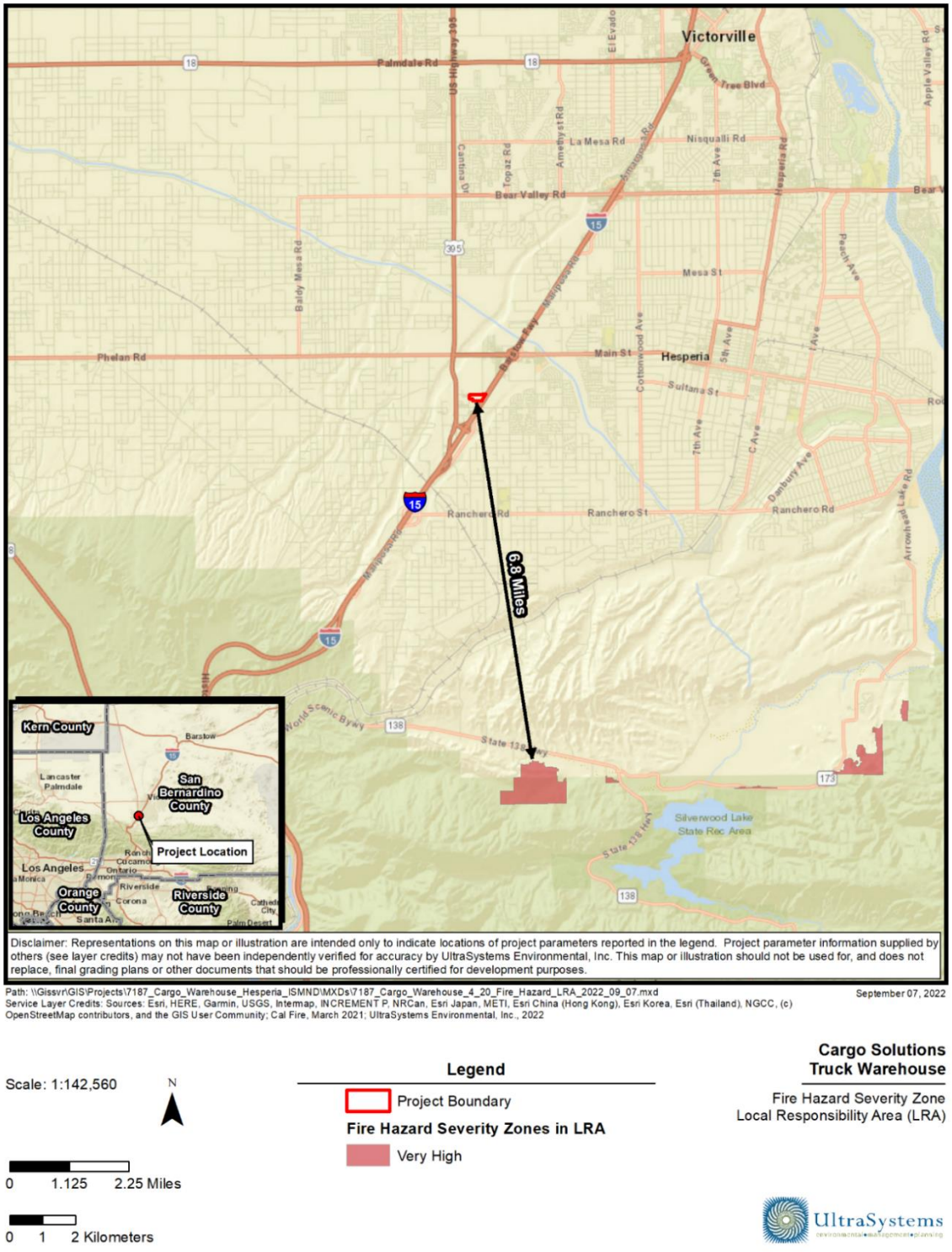


Figure 4.9-4
FIRE HAZARD SEVERITY ZONES - LOCAL RESPONSIBILITY AREA



Disclaimer: Representations on this map or illustration are intended only to indicate locations of project parameters reported in the legend. Project parameter information supplied by others (see layer credits) may not have been independently verified for accuracy by UltraSystems Environmental, Inc. This map or illustration should not be used for, and does not replace, final grading plans or other documents that should be professionally certified for development purposes.

Path: \\Gissvr\GIS\Projects\7187_Cargo_Warehouse_Hesperia_ISMND\MXDs\7187_Cargo_Warehouse_4_20_Fire_Hazard_LRA_2022_09_07.mxd
September 07, 2022
Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community; Cal Fire, March 2021; UltraSystems Environmental, Inc., 2022

Scale: 1:142,560

N

0 1.125 2.25 Miles

0 1 2 Kilometers

Legend

Project Boundary

Fire Hazard Severity Zones in LRA

Very High

Cargo Solutions Truck Warehouse

Fire Hazard Severity Zone
Local Responsibility Area (LRA)

UltraSystems
environmental • management • planning

4.10 Hydrology and Water Quality

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			**X**	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			**X**	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on or offsite;			**X**	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			**X**	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			**X**	
iv) impede or redirect flood flows?				**X**
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				**X**
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			**X**	

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact

The California State Water Resources Control Board (SWRCB) requires its nine Regional Water Quality Control Boards (RWQCBs) to develop water quality control plans (Basin Plans) designed to preserve and enhance water quality and protect the beneficial uses of all Regional waters.

Specifically, Basin Plans designate beneficial uses for surface waters and groundwater, set narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the State antidegradation policy, and describe implementation programs to protect all waters in the Regions (RWQCB 1995). In addition, Basin Plans incorporate by reference all applicable State and Regional Board plans and policies, and other pertinent water quality policies and regulations. The proposed project is under the jurisdiction of the Lahontan (Region 6) RWQCB.

As shown in **Figure 10.4-1,** *USGS Surface Waters and Watersheds*, the project site is located within the Oro Grande Wash hydrologic unit (HU; USGS HU code 180902080704), which drains an area of approximately 24 square miles. The Oro Grande HU is located within the larger Bell Mountain Wash-Mojave River Watershed (USGS HU code 1809020807), which encompasses approximately 276 square miles. The Oro Grande Wash HU drains the Oro Grande Wash and its tributaries beginning at the headwaters of the Wash, southeast of Baldy Mesa and approximately 0.6 mile west of Cajon Summit (USEPA, 2022h; Google Earth Pro, 2022).

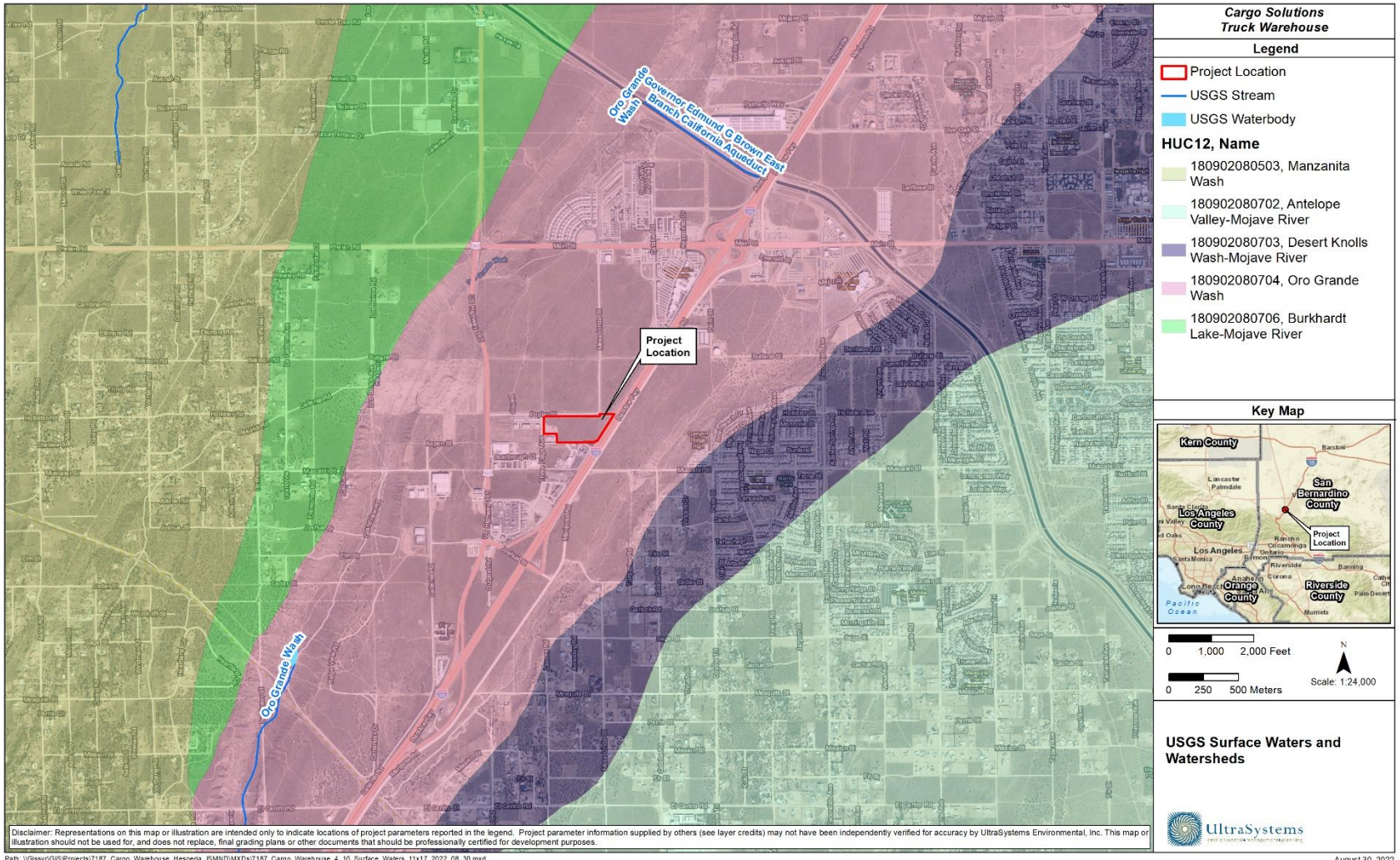
The project has prepared a preliminary Water Quality Management Plan (WQMP; Allard Engineering, 2024), which is designed to retain and treat stormwater generated onsite. The WQMP proposes one 20.33-acre drainage area (DA-1) containing drainage systems in two drainage management areas (DMA-1 and DMA-2).

DMA-1 (10.5 acres) would consist of swales, grated inlets with filter inserts and pipes that would convey the flows to the proposed infiltration/retention Basin-1 at the northeast corner in DMA-1. The proposed Basin-1 would be comprised of a two-stage pit system (Maxwell Plus Drywell System) at the northeast corner in DMA-1. The proposed infiltration/retention Basin-1 is sized to qualify for the required WQMP design capture volume (DCV) volume (30,956 cf) as well as the required detention volume (55,572 cf) from the drainage management area DMA-1 (Allard Engineering, 2024, p. 1-2).

DMA-2 (9.83 acres) would also consist of swales, grated inlets with filter inserts and pipes that would convey the flows to the proposed infiltration/retention Basin-2 with two-stage pit system (Maxwell Plus Drywell System) at the northwest corner in the drainage management area DMA-2. The proposed infiltration/retention Basin-2 is sized to qualify for the required DCV (28,981 cf) as well as the required detention volume (52,035 cf) from the drainage management area DMA-1 (Allard Engineering, 2024, p. 1-2).

Detention volume has been calculated based upon the City of Hesperia "13.5-cubic feet (cf) per 100-square feet (sqft) of impervious area" rule. Required combined detention volume (107,606 cf) exceeds the combined water quality volume (59,937 cf) from DMA-1 & DMA-2. The infiltration/retention Basin-1 with two-stage pit system will drain out at the northeast corner of DMA-1 to Poplar Street via an under-sidewalk parkway drain when the basin reaches capacity. The infiltration/retention Basin-2 with two-stage pit system will drain out at the northeast corner of DMA-2 to Poplar Street via under-sidewalk parkway drain when Basin-2 reaches capacity (Allard Engineering, 2024, p. 1-2). The proposed project site would maintain consistency with the existing drainage pattern in the area. (Allard Engineering, 2024, p. 4-12).

Figure 4.10-1
USGS SURFACE WATERS AND WATERSHEDS



Development of the project has the potential to result in two types of water quality impacts: (1) short-term impacts due to construction-related discharges; and (2) long-term impacts from operation. Temporary soil disturbance would occur during project construction, due to earth-moving activities such as excavation and trenching for foundations and utilities, soil compaction and moving, cut and fill activities, and grading. Disturbed soils are susceptible to high rates of erosion from wind and rain, resulting in sediment transport via stormwater runoff from the project area. Erosion and sedimentation affect water quality of receiving waters through interference with photosynthesis, oxygen exchange, and respiration, growth, and reproduction of aquatic species. Runoff from construction sites may include sediments and contaminants such as oils, fuels, paints, and solvents. Additionally, other pollutants such as nutrients, trace metals and hydrocarbons can attach to sediment and be carried by stormwater into storm drains which, under some circumstances, may discharge into the Mojave River and eventually to its terminus, East Cronise (Dry) Lake, located in Cronise Valley north of Interstate 15, east of the Cronise Mountains and west of the Soda Mountains, approximately 10 miles west of Zzyzx.

Spills and mishandling of construction materials and waste may also potentially leave the project site and negatively impact water quality. The use of construction equipment and machinery may potentially result in contamination from petroleum products, hydraulic fluids, and heavy metals. Contamination from building preparation materials such as paints and solvents, and landscaping materials such as fertilizers, pesticides, and herbicides may also potentially degrade water quality during project construction. Trash and demolition debris may also be carried into storm drains and discharged into receiving waters.

Construction Pollutants Control

The project proponent is required by the SWRCB to obtain coverage under a General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2022-0057-DWQ; also called the General Permit), as authorized by § 402 of the Clean Water Act, for projects which would disturb one or more acres of soil during construction. The Construction General Permit requires potential dischargers of pollutants into waters of the U.S. to prepare a site-specific Stormwater Pollution Prevention Plan (SWPPP), which establishes enforceable limits on discharges, requires effluent monitoring, designates reporting requirements, and requires construction best management practices (BMPs) to reduce or eliminate point and non-point source discharges of pollutants. Additionally, BMPs must be maintained and inspected before and after each precipitation event, and repaired or replaced as necessary. Because the project is required by the SWRCB to comply with all applicable conditions of the General Permit (Order 2022-0057-DWQ), potential violations of water quality standards or waste discharge requirements during project construction would be less than significant.

Operational Pollutant Controls

National Pollutant Discharge Elimination System (NPDES; General Permit No. CAS000004), Waste Discharge Requirements (WDRs) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (General Permit) requires that the permittees develop a Storm Water Management Program (SWMP). The City of Hesperia is a permittee (County of San Bernardino, 2003).

The SWMP regulates the discharge of pollutants into waters of the U.S. through stormwater and urban runoff conveyance systems, including flood control facilities. These conveyance systems are commonly referred to as municipal separate storm sewer systems (MS4s), or storm drains. In this context, the NPDES Permit is also referred to as an MS4 Permit.

A Phase II Small MS4 is any MS4 that is not already regulated under the Phase I storm water program. Regarding the City of Hesperia, the Phase II Small MS4 serves a small urbanized area as designated by the Bureau of Census. Principal permittees and co-permittees must regulate discharges of pollutants in urban runoff from man-made sources into storm water conveyance systems within their jurisdiction; for example, the Mojave Desert.

New development and redevelopment can significantly increase pollutant loads in stormwater and urban runoff, because increased population density results in proportionately higher levels of vehicle emissions, vehicle maintenance wastes, municipal sewage wastes, household hazardous wastes, fertilizers, pet waste, trash, and other pollutants (SWRCB, 2022). MS4 Permits require new development and significant redevelopment projects to incorporate post construction low impact development BMPs into project to reduce or eliminate the quantity, and improve the quality of, stormwater being discharged from the project site.

A preliminary WQMP (Allard Engineering, 2024), included in **Appendix G** of this document, has been prepared for the proposed project site in accordance with the *Mojave River Watershed Technical Guidance Document for Water Quality Management Plans* (County of San Bernardino, 2016). The *Stormwater Management Program for the Mojave River Watershed* (SWMP; County of San Bernardino, 2003) and the required WQMP includes the implementation of Low Impact Development (LID) features to ensure that most stormwater runoff is treated and retained onsite.

The preliminary WQMP includes structural BMPs, including use of efficient irrigation systems and landscape design, water conservation, smart controllers, and source control; and completion of grade of landscaped areas at a minimum of one to two inches below top of curb, sidewalk, or pavement, preservation the existing drainage patterns (Allard Engineering, 2024, pp. 4-5 to 4-9). These LID BMPs are highly effective at removing water pollutants such as sediment, nutrients, trash, metals, bacteria, oil and grease, and organic compounds while reducing the volume and intensity of stormwater flow leaving a site.

The WQMP also includes non-structural Source Control BMPs including (but not limited to): education of property owners, tenants, and occupants on stormwater BMPs; activity restrictions; landscape management BMPs; BMP maintenance; implementation of a spill contingency plan; implementation of a litter/debris control program; employee training; implementation of a drop inlets inspection program; housekeeping of loading docks; vacuum sweeping of private streets and parking lots; and compliance with all other applicable NPDES permits (Allard Engineering, 2024, pp. 4-5 to 4-9).

After implementation and design of both Source Control BMPs and Site Design BMP measures, runoff from DMA-1 and DMA-2 would be directed to proposed infiltration/retention Basin 1 and Basin 2, which are designed with two-stage pit systems to contain sediment and debris carried by incoming water. Floating trash, paper, pavement oil, etc. are removed by debris shields in each chamber; these shielding devices are equipped with a screen to filter suspended material and are vented to prevent siphoning of floating surface debris as the system drains. Additionally, settling chambers are equipped with absorbent sponges to remove pavement oils (Torrent Resources, Inc., 2012), as specified in Permit § E.12.e (ii)(c) *Numeric Sizing Criteria for Storm Water Retention and Treatment*.

With implementation of construction and operational BMPs, potential impacts to water quality would be less than significant and mitigation is not proposed.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less than Significant Impact

The project site is located within the Upper Mojave River Valley Groundwater Basin (Basin ID 6-42), which covers approximately 645 square miles and underlies a north-south valley with the Mojave River occasionally flowing through the valley from the San Bernardino Mountains on the south, and northward into the Middle Mojave River Valley Groundwater Basin at the City of Helendale. This groundwater basin is bounded on the northeast by the Helendale fault zone, which forms a barrier to the groundwater flow in the regional fan unit, but does not appear to be a barrier to groundwater flow in the floodplain unit. Average precipitation varies across the basin from 5 to 36 inches; the average for the basin is approximately 12 inches (DWR, 2004).

The nearest water well (State Well Number 04N05W21H001S; California Statewide Groundwater Elevation Monitoring Program [CASGEM] Well Identification Number: 4044) is located approximately 0.7 miles northwest of the project. This active well is designated for observation purposes and is drilled to a depth of 670 feet. The most recent measurement, conducted on September 11, 2023, recorded a groundwater elevation of 658.6 feet below ground surface (bgs). The highest groundwater level was 647.4 feet bgs, measured on January 17, 1996 (CASGEM 2024).

The proposed project is within the service area of the Hesperia Water District (District). Water is supplied to the city from the groundwater aquifer, and is extracted using deep well water pumps and booster pumps in the distribution system. The city's water is extracted through 18 wells placed throughout Hesperia, where the water is regularly tested and treated per applicable state and federal regulations (City of Hesperia, 2008).

According to the City's Urban Water Management Plan (UWMP), the District can supply water to meet the needs of the service area through 2045 on a 25-year planning horizon with anticipation of both normal and dry conditions. Hesperia has reliable supplies to meet demand in normal, single dry years, and five consecutive dry year conditions through 2045 (Tully and Young, 2020).

The project would not substantially deplete groundwater supplies or result in a substantial net deficit in the aquifer volume or lowering of the local groundwater table. The project would have a less than significant impact in this regard and mitigation is not required.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial erosion or siltation on or offsite;

Less Than Significant Impact

The project site is relatively flat with average slope of less than 2 percent (Allard Engineering 2024, p. 3-2). Elevations on the site range from approximately 3,606 to 3,620 feet above mean sea level (amsl; Google Earth Pro, 2022b). The southern segment of the project site contains slightly higher elevations that the northern segment. There is no evidence that the project site supports ephemeral, intermittent, or perennial streams or rivers. The site currently drains to the north toward Poplar

Street; the design of the project would direct water to the northeast corner (in DMA-1) and to the northwest corner (in DMA-2; Allard Engineering, 2024, pg. 3-1).

Construction

As described in **Section 4.10 a),** temporary soil disturbance would occur during project construction, due to earth-moving activities such as excavation and trenching for foundations and utilities, soil compaction and moving, cut and fill activities, and grading. Disturbed soils are susceptible to high rates of erosion from wind and rain, resulting in sediment transport via stormwater runoff from the project area.

The project owner would be required to have a SWPPP prepared by a certified qualified SWPPP developer. The required SWPPP would be project-specific and would prescribe site-specific stormwater BMPs which would be intended to minimize or avoid having soil leave the project site, through either stormwater or wind, and thus minimize or avoid soil erosion onsite and siltation in receiving waters. With implementation of a project specific SWPPP and proper maintenance and replacement of required stormwater BMPs (as necessary), potential impacts that could potentially result in substantial erosion or siltation on- or offsite would be minimized or avoided, and impacts would be less than significant.

Operation

As detailed in **Section 4.10 a)**, the LID BMPs proposed as part of project design would minimize or avoid on- or offsite erosion and siltation by a combination of maintaining drainage patterns, installation of landscaping, and installation of LID BMPs which would prevent erosion and prevent siltation-laden stormwater from leaving the site. Applicable regulations and guidelines (e.g., the SWMP), and installation of LID BMPs, including site design, infiltration, pre-treatment BMPs, etc., would limit pollutant discharges from project. The project's adherence to existing requirements and implementation of the project's WQMP would reduce erosion and siltation during operation; therefore, impacts resulting from operation of the project would be less than significant. Mitigation is not required.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

<u>Less than Significant Impact</u>

As discussed in the project's preliminary WQMP, the project design would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

As detailed in the proposed project's WQMP and in **Section 4.10 a)** above, the proposed project would incorporate structural BMPs in compliance with the requirements of the SWMP for the Mojave River Watershed. The project proposes installation of two infiltration/retention basins in DMA-1 and

DMA-2 which, combined, retain stormwater onsite to the maximum extent practicable. The required combined detention volume (107,606 cubic feet) exceeds the combined water quality volume (59,937 cubic feet). The infiltration/retention Basins would drain out at the northeast and northwest corners of the site to Poplar Street via storm drain only when Basins reach capacity. (Allard Engineering, 2024, p. 3-1).

The SWMP and the project WQMP would require the implementation of water quality features to ensure that runoff is both retained and treated prior to discharge into native soils (infiltration), storm drains or other regional conveyance facilities, as described above. Therefore, upon adherence to existing state water quality requirements, including SWMP requirements, the proposed project would minimize or avoid causing a substantial increase in the rate or amount of surface runoff in a manner which would: (1) result in flooding on- or offsite; (2) would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff; or (3) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant, and no mitigation is proposed.

iv) Impede or redirect flood flows?

No Impact

The project site is located on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for San Bernardino County, California, and Incorporated Areas (Map Number 06071C6475H, effective August 28, 2008); the site is not located a Special Flood Hazard Area (SFHA) and above the elevation of the 0.2 percent annual chance (500-year) flood areas (FEMA, 2008; Google Earth Pro 2022b). The project site is located above the nearest 100- or 500-year floodplain and the proposed project would not impede or redirect flood flows. No impact would occur, and mitigation is not required.

d) In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

No Impact

Two dams or reservoirs are within a 10-mile radius of the project site: Cedar Springs and Amethyst Basin. The project would not be located within the dam breach inundation areas of either of these dams or reservoirs (DWR, 2023) and would not be at risk of flood hazards due to dam breaches. As discussed previously, the project site is located above the 500-year floodplain and would not be at risk of inundation by flood hazards.

The tsunami inundation area nearest to the project site is the City of Long Beach, located approximately 60 miles southwest of the project site (FCGS, 2021), and therefore would not be at risk of inundation by tsunami.

A seiche is an oscillating wave, formed by earthquakes or winds, in an enclosed or partially enclosed waterbody. The nearest waterbody to the project site in which a seiche could form is Cedar Springs, approximately 8.75 miles southeast of the project site; however, flood water resulting from a seiche at that location would be directed into the Mojave River, east of the project site. The project site is

not within the dam breach inundation areas mapped for this waterbody (DWR, 2023), and the project would not be at risk of inundation by seiche.

The proposed project would not be at risk of inundation by flood hazards, tsunami, or seiche, and would therefore not be at risk of release of pollutants due to inundation. No impact would occur, and mitigation is not required.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact

Groundwater in the Upper Mojave River Valley Groundwater Basin (Basin ID 6-42) is recharged by natural storm water flows, infiltration of the Mojave River and tributaries, imported supplies from the Mojave Water Agency to recharge basins, and irrigation and wastewater return flow. Local supply of groundwater is naturally recharged by surface water from the Mojave River and the Mojave River watershed. Most of this water enters aquifers from the San Bernardino Mountains as rain or snow. Additionally, there are recharge sites in the floodplain aquifer along the Mojave River in Hesperia and southern Apple Valley through the operation of the MWA Regional Recharge and Recovery Project (Tully and Young, 2020).

As discussed in **Section 4.10 a)**, the proposed project would comply with the Construction General Permit by developing and implementing a site-specific SWPPP and construction stormwater BMPs throughout the construction phase. The proposed project would also comply with the SWMP by incorporating LID BMPs into project design, which would avoid or minimize the amount and type of pollutants leaving the project, entering receiving waters, and impacting water quality and beneficial uses defined for these waters by the Basin Plan (RWQCB, 1995). In addition, the LID BMPs would allow stormwater infiltration into the local aquifer, similar to the existing infiltration conditions and minimize or avoid impacts to groundwater quality and beneficial uses of the Upper Mojave River Valley Groundwater Basin (RWQCB, 1995). The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. No impact would occur, and mitigation is not required.

4.11 Land Use and Planning

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?				**X**
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			**X**	

a) Would the project physically divide an established community?

No Impact

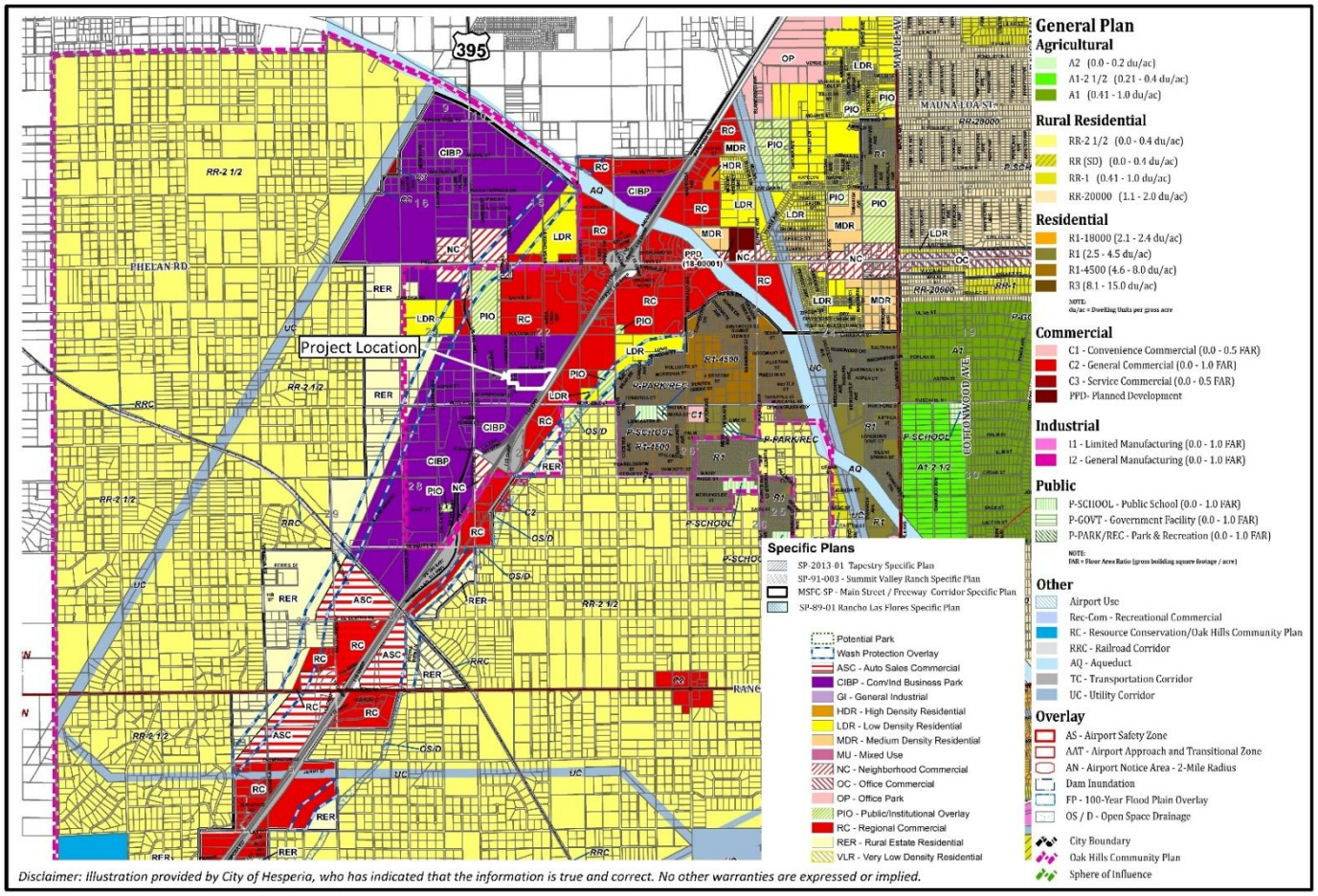
The entire project site is currently undeveloped land. The project site is located in a semi-rural and lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west (Google Earth Pro, 2024). The proposed project would stay within project site boundaries and would not extend into rights-of-way (ROWs) or other property. Therefore, project development would not physically divide an established community, and no impact would occur.

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

Less than Significant Impact

The City's General Plan land use and zoning designation for the project site is Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan (City of Hesperia, 2020; City of Hesperia, 2010). Refer to **Figure 4.11-1** below, which depicts the General Plan land use and zoning designations of the project site and surrounding areas. The purpose of the CIBP zoning designation is to create employment-generating uses in a business park setting. This zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings, which will produce only a small environmental impact, such as noise, vibration, air pollution, glare or waste disposal. Permitted uses include commercial storage facilities, manufacturing, offices, repair shops, warehousing and wholesale distribution centers, and other similar uses (The Arroyo Group, 2021, p. 196-197). The project proposes two truck warehouse buildings that would have warehouse, office, grade level door areas, and associated surface parking lot and landscaping. The proposed project would be consistent with the city's General Plan and zoning designation standards for the project site.

Figure 4.11-1
GENERAL PLAN LAND USE AND ZONING DESIGNATION



Source: City of Hesperia, November 18, 2021.

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General Plan Land Use and Zoning

A consistency analysis of the proposed project in regards to applicable City of Hesperia General Plan Land Element and the Main Street and Freeway Corridor Specific Plan (MSFCSP) goals and policies is provided below in **Tables 4.11-1** and **4.11-2**, respectively.

Table 4.11-1
CONSISTENCY ANALYSIS: PROPOSED PROJECT COMPARED TO APPLICABLE CITY OF HESPERIA GENERAL PLAN LAND USE ELEMENT GOALS AND POLICIES

Goals and Policies	Consistency Analysis
Goal LU-1: Regulate development so that the density of residential development and the intensity of non-residential development are appropriate to the property, surrounding properties, and the general neighborhood.	
Policy LU-1.1: Require that new construction, additions, renovations, and infill developments be sensitive to neighborhood context and building form and scale.	The project would be a new construction project that is surrounded by similar industrial developments with similar building heights. Therefore, the project would be in compliance with this policy.
Policy LU-1.3: Require that new construction, additions, renovations, and infill developments be sensitive to the intent of the land use designations, incorporating neighborhood context as well as building form and scale.	The proposed buildings would be surrounded by similar industrial developments and would follow the project site's Com/Ind Business Park (CIBP) land use designation requirements. Therefore, this project would be consistent with this policy.
Goal LU-4: Promote industrial development within the City which will expand its tax base and provide a range of employment activities, while not adversely impacting the community or environment.	
Policy LU-4.2: Encourage a diverse mix of industrial and service businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.	The proposed project would construct and operate two industrial truck warehouse developments on an undeveloped and underutilized lot within the city, which would create additional jobs for the local workforce. Therefore, this project would be consistent with this policy.
Policy LU-4.3: Discourage the re-zoning of industrial land to other uses as sufficient industrial land should be maintained to provide a full range of industrial businesses to the community and surrounding areas.	The proposed project would adhere to its CIBP zoning and would provide an industrial development to the community and surrounding areas. Therefore, this project would be consistent with this policy.
Policy LU-4.6: Incorporate varied planes and textures and variety in building materials on industrial buildings to achieve high quality architectural design.	The proposed project would be built with a variety of high-quality materials that would adhere to the City's design guidelines, which would complement the industrial buildings surrounding the project. Therefore, the project would be consistent with this policy.
Policy LU-4.8: Require delivery areas to be separated from pedestrian areas.	The project has planned the office use and warehouse use on opposite sides of the buildings. Additionally, all truck parking areas are not within pedestrian rights-of-way (ROWs) such as sidewalks. Therefore, the project would be consistent with this policy.
Policy LU-4.9: Include full architectural treatment on all sides of buildings facing streets.	The proposed project would include full architectural treatment on all sides facing streets. Therefore, the project would comply with this policy.

Goals and Policies	Consistency Analysis

Sources: City of Hesperia, 2019a, p. XIX to XXIV. City of Hesperia General Plan. Accessed online at https://www.cityofhesperia.us/DocumentCenter/View/15728/General-Plan-Update-August-2019 , accessed on August 30, 2022.

Table 4.11-2
CONSISTENCY ANALYSIS: PROPOSED PROJECT COMPARED TO APPLICABLE CITY OF HESPERIA MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN GOALS AND POLICIES

Goals and Policies	Consistency Analysis
Goal LU-2: Create a jobs/housing balance in the City.	
Policy LU-2.1: Designate land near Interstate-15 and Highway 395 for freeway-oriented commercial and industrial/business park development.	The proposed project would construct and operate two industrial truck warehouse developments located between the I-15 and the U.S. 395 freeways. Therefore, the project would be consistent with this policy.
Policy LU-2.2: Add to the City's industrial land base where logically and physically possible to do so.	The proposed project would be located in a Com/Ind Business Park (CIBP) zoned area and within proximity to truck routes such as the I-15 and U.S.-395. Therefore, the project would be consistent with this policy.

Sources: The Arroyo Group, 2021, p. 24. City of Hesperia Main Street and Freeway Corridor Specific Plan. Accessed online at https://www.cityofhesperia.us/DocumentCenter/View/15940/MSFCSP-update , accessed on August 30, 2022.

As shown in **Tables 4.11-1** and **4.11-2**, the proposed project would adhere to all applicable land use goals and policies of the city's General Plan Land Use Element and the Main Street and freeway Corridor Specific Plan. Therefore, impacts would be less than significant.

4.12 Mineral Resources

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

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

and

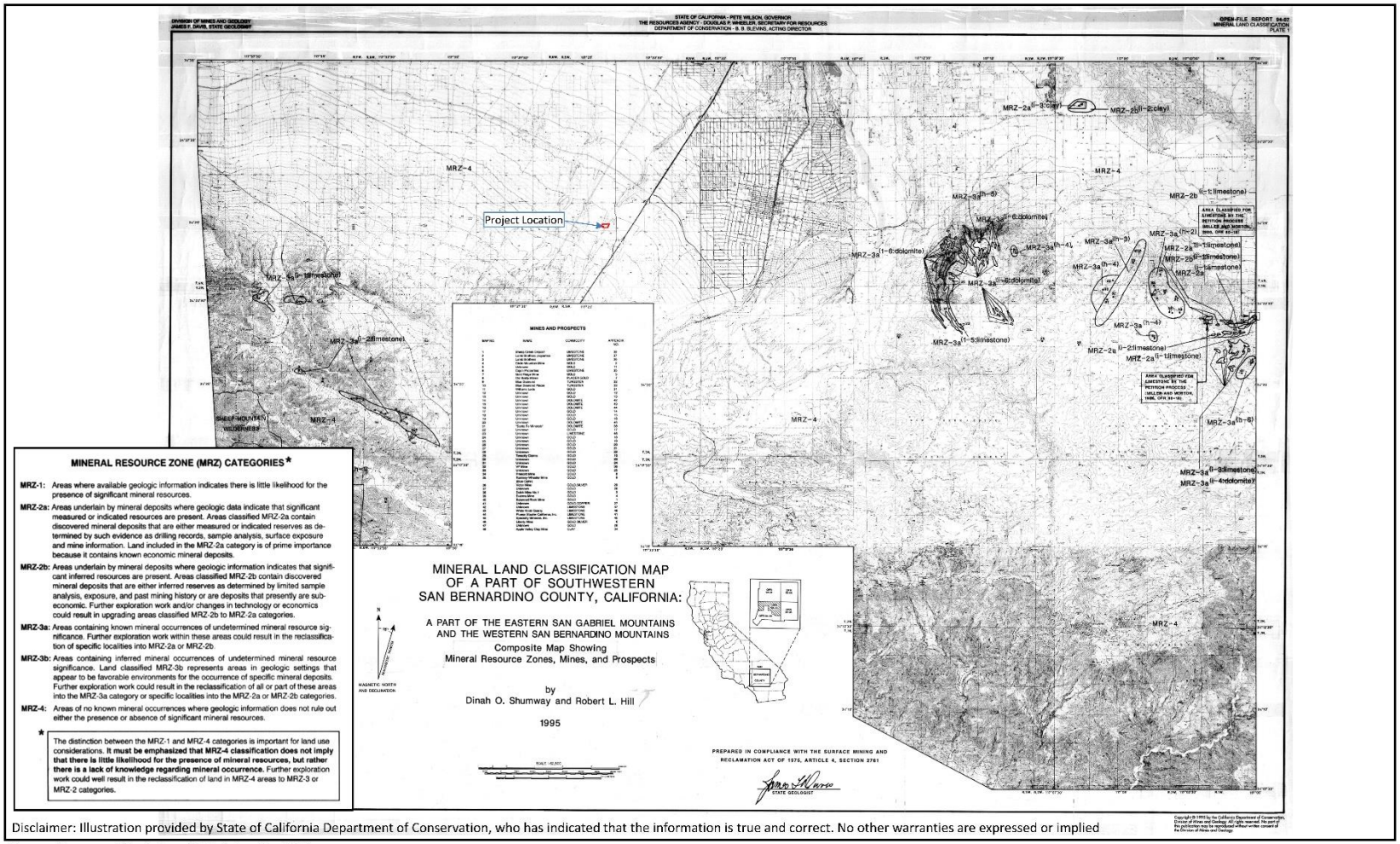
b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Less Than Significant Impact

The project site area is designated Mineral Resource Zone (MRZ-3a) by the California Department of Conservation (DOC), meaning that geologic data indicate that this area may contain significant aggregate deposit (DOC, 1993); see **Figure 4.12-2**. According to the proposed Hesperia General Plan Conservation and Open Space Element, the City of Hesperia currently has not identified any known mineral resources that would be of value to the region and the residents of the state (City of Hesperia, 2019a). Additionally, the project site is not scaled large enough for a mining operation.

The nearest mine to the project site mapped by the Division of Mines Reclamation (DMR) is a White Knob and White Ridge Mine at Crystal Creek Road and Gateway Road in the County of San Bernardino approximately 11.7 miles to the southeast (DOC, 2022a). The nearest oil or gas well to the project site is a plugged well approximately eight miles southwest of the project site (DOC, 2022b); see **Figure 4.12-2**. Therefore, project development would not cause a loss of availability of known mineral resources valuable in regards to the region with less than significant impact.

Figure 4.12-1
DESIGNATED MINERAL RESOURCE ZONE



Disclaimer: Illustration provided by State of California Department of Conservation, who has indicated that the information is true and correct. No other warranties are expressed or implied

Source: Shumway, Dinah O. and Hill, Robert L., 1995.

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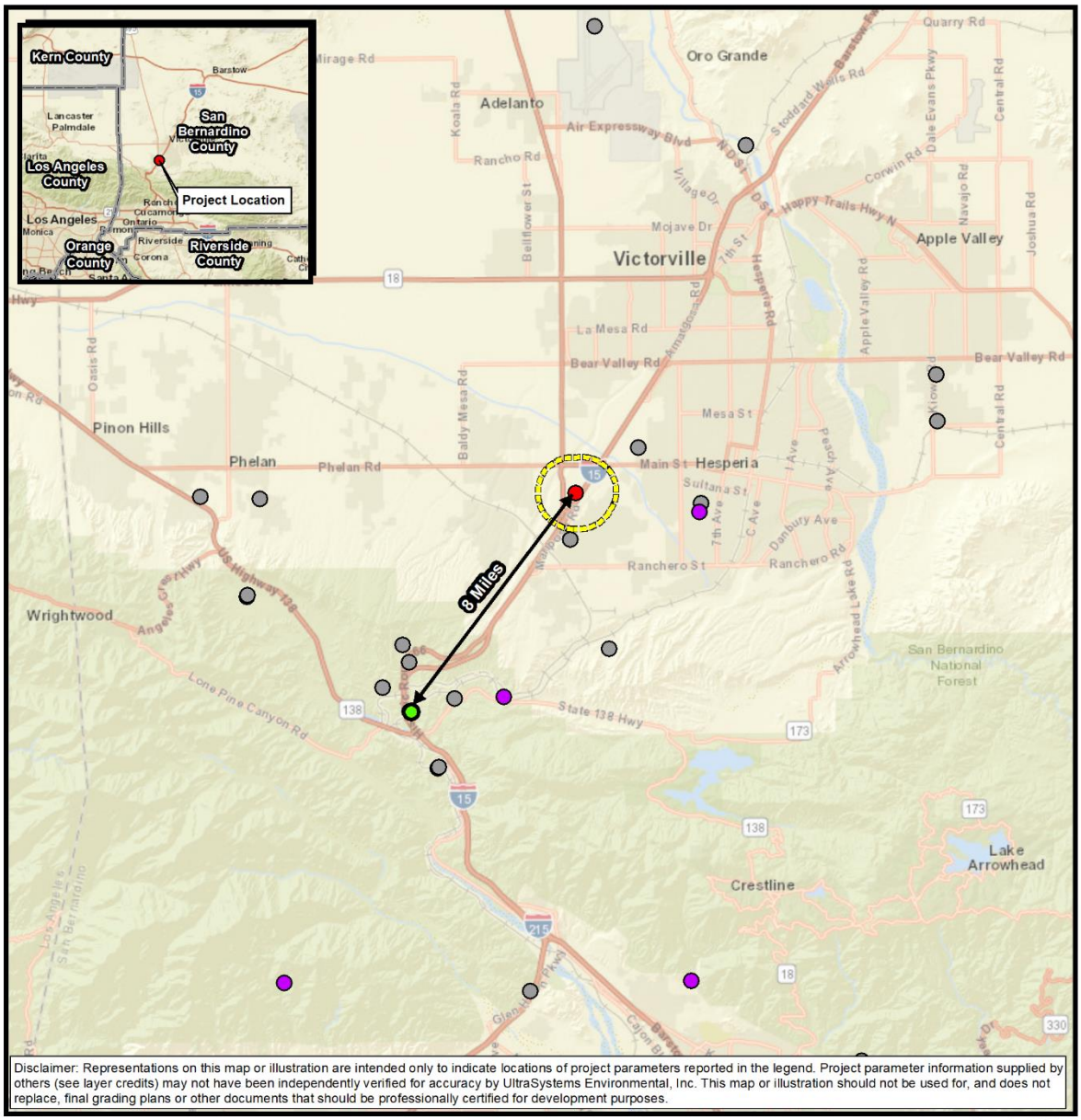
Designated Mineral Resource Zones

Figure 4.12-2
OIL AND GAS WELLS



4.13 Noise

Would the project result in:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			**X**	
b) Generation of excessive groundborne vibration or groundborne noise levels?			**X**	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				**X**

4.13.1 Characteristics of Sound

Sound is a pressure wave transmitted through the air. It is described in terms of loudness or amplitude (measured in decibels), frequency or pitch (measured in hertz or cycles per second), and duration (measured in seconds or minutes). The decibel (dB) scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. Because the human ear is not equally sensitive to all frequencies, a special frequency-dependent rating scale is used to relate noise to human sensitivity. The A-weighted decibel scale (dBA) provides this compensation by discriminating against upper and lower frequencies in a manner approximating the sensitivity of the human ear. The scale is based on a reference pressure level of 20 micro pascals (zero dBA). The scale ranges from zero (for the average least perceptible sound) to about 130 (for the average human pain level).

4.13.2 Noise Measurement Scales

Several rating scales have been developed to analyze adverse effects of community noise on people. Since environmental noise fluctuates over time, these scales consider that the effect of noise on people depends largely upon the total acoustical energy content of the noise, as well as the time of day when the noise occurs. Those that are applicable to this analysis are as follows:

- L_{eq}, the equivalent noise level, is an average of sound level over a defined time period (such as 1 minute, 15 minutes, 1 hour or 24 hours). Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure.
- L_{90} is a noise level that is exceeded 90 percent of the time at a given location; it is often used as a measure of "background" noise.

- L_{max} is the root mean square (RMS) maximum noise level during the measurement interval. This measurement is calculated by taking the RMS of all peak noise levels within the sampling interval. L_{max} is distinct from the peak noise level, which only includes the single highest measurement within a measurement interval.
- CNEL, the Community Noise Equivalent Level, is a 24-hour average L_{eq} with a 4.77-dBA "penalty" added to noise during the hours of 7:00 p.m. to 10:00 p.m., and a 10-dBA penalty added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime (Hendriks, 2013). The logarithmic effect of these additions is that a 60-dBA 24-hour L_{eq} would result in a calculation of 66.7 dBA CNEL.
- L_{dn}, the day-night average noise, is a 24-hour average L_{eq} with an additional 10-dBA "penalty" added to noise that occurs between 10:00 p.m. and 7:00 a.m. The L_{dn} metric yields values within 1 dBA of the CNEL metric. As a matter of practice, L_{dn} and CNEL values are considered to be equivalent and are treated as such in this assessment.

4.13.3 Existing Noise

The proposed project includes the construction and operation of two truck warehouses at the southeast corner of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California. The western half of the project site (20.32 acres) will include the first truck warehouse building and surface parking for trucks and cars. The eastern half of the project site (9.8 acres) will include the second truck warehouse building and additional surface parking for trucks and cars. The project site will be divided and surrounded by an eight-foot-tall wall that serves as a property line and will help to attenuate noise during operation.

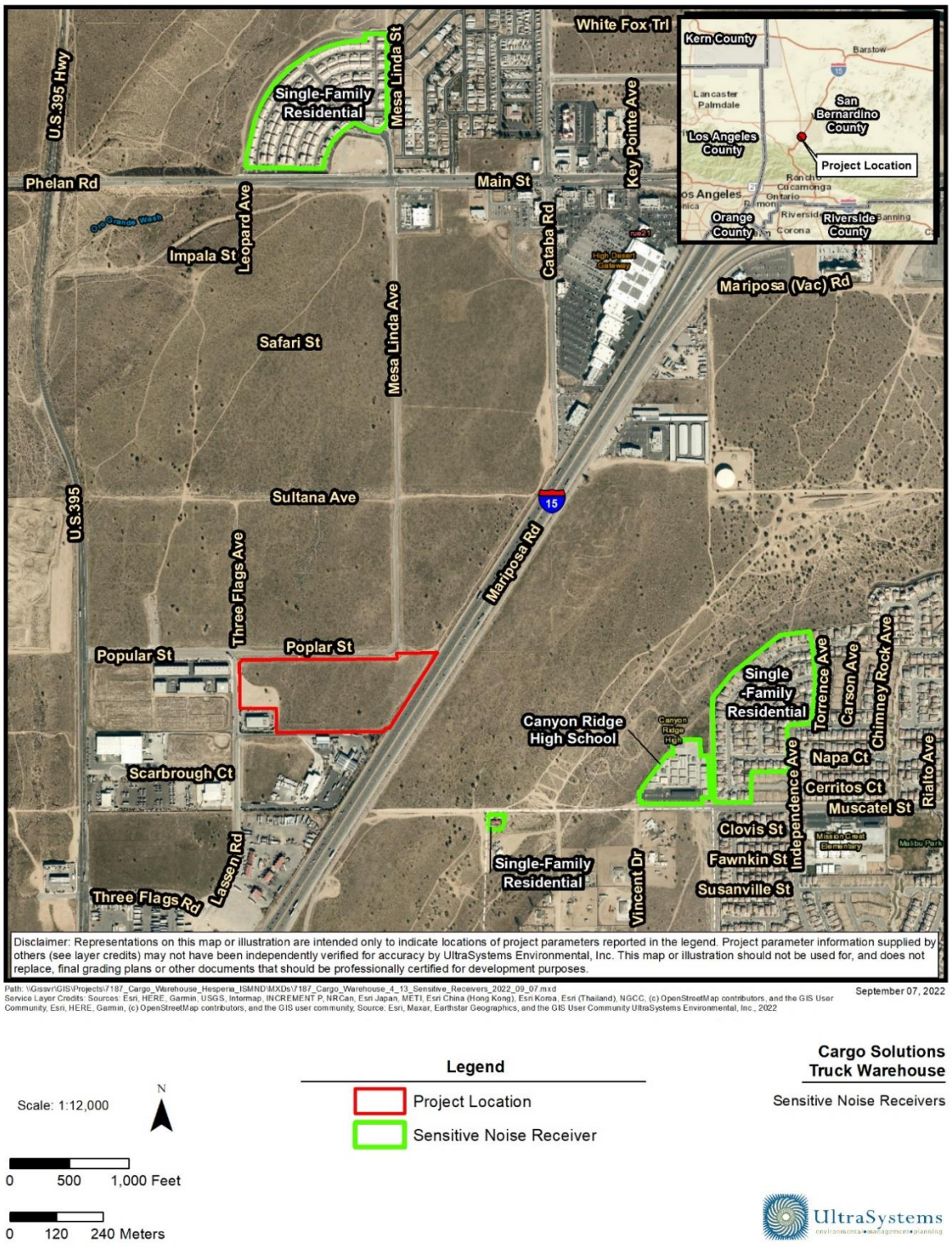
The City of Hesperia's General Plan lists a "*Noise Sensitive Land Use"* as a land use associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise, such as residential dwellings, transient lodging, dormitories, hospitals, educational facilities, public assembly facilities, amphitheaters, congregate care facilities, childcare facilities, and libraries (City of Hesperia, 2019a). Additionally, the City's Municipal Code has applicable noise standards in regard to construction noise, interior noise, and exterior noise (City of Hesperia Municipal Code, 2022). The closest noise sensitive land use to the project site is a rural single-family dwelling southeast of the project site, on the east side of the I-15 freeway and on the south side of Muscatel Road (Google Earth Pro, 2022). Noise sensitive land uses are shown in **Figure 4.13-1**. **Table 4.13-1** summarizes information about them.

Table 4.13-1
NOISE SENSITIVE LAND USES IN PROJECT AREA

Description	Location	Distance From Site Boundary (feet)[a]	Nearest Ambient Sampling Point[b]
Single-family Residence (Southeast)	12623 Muscatel Street	1,079	1
Canyon Ridge High School (Southeast)	12850 Muscatel Street	2,192	2
Single-family Residence (East)	9048 Seal Beach Drive	2,395	3
Single-family Residence (North)	9800 Mesa Linda Drive	4,059	4

[a]These distances were not used for the construction noise calculations; see **Section 4.13.6**.
[b]See **Figure 4.13-2** for locations of ambient noise sampling points.

Figure 4.13-1
SENSITIVE RECEIVERS NEAR THE PROJECT SITE



Freeway traffic (passenger vehicles and trucks) and traffic on heavily traveled surface streets are the largest contributors to ambient noise levels. City roadways that generate the most traffic noise include the major north-south trending I-15 and US Highway 395, due to their higher traffic volumes and vehicle speeds. The nearest east-west roadway that generates significant noise is Main Street, about 0.75 mile north of the project site. The project site is adjacent to the aforementioned freeways; the closest large noise-generating roadway to the project site is I-15 freeway, approximately 28 feet southeast of the project site and abutting the project boundary (Google Earth Pro, 2022).

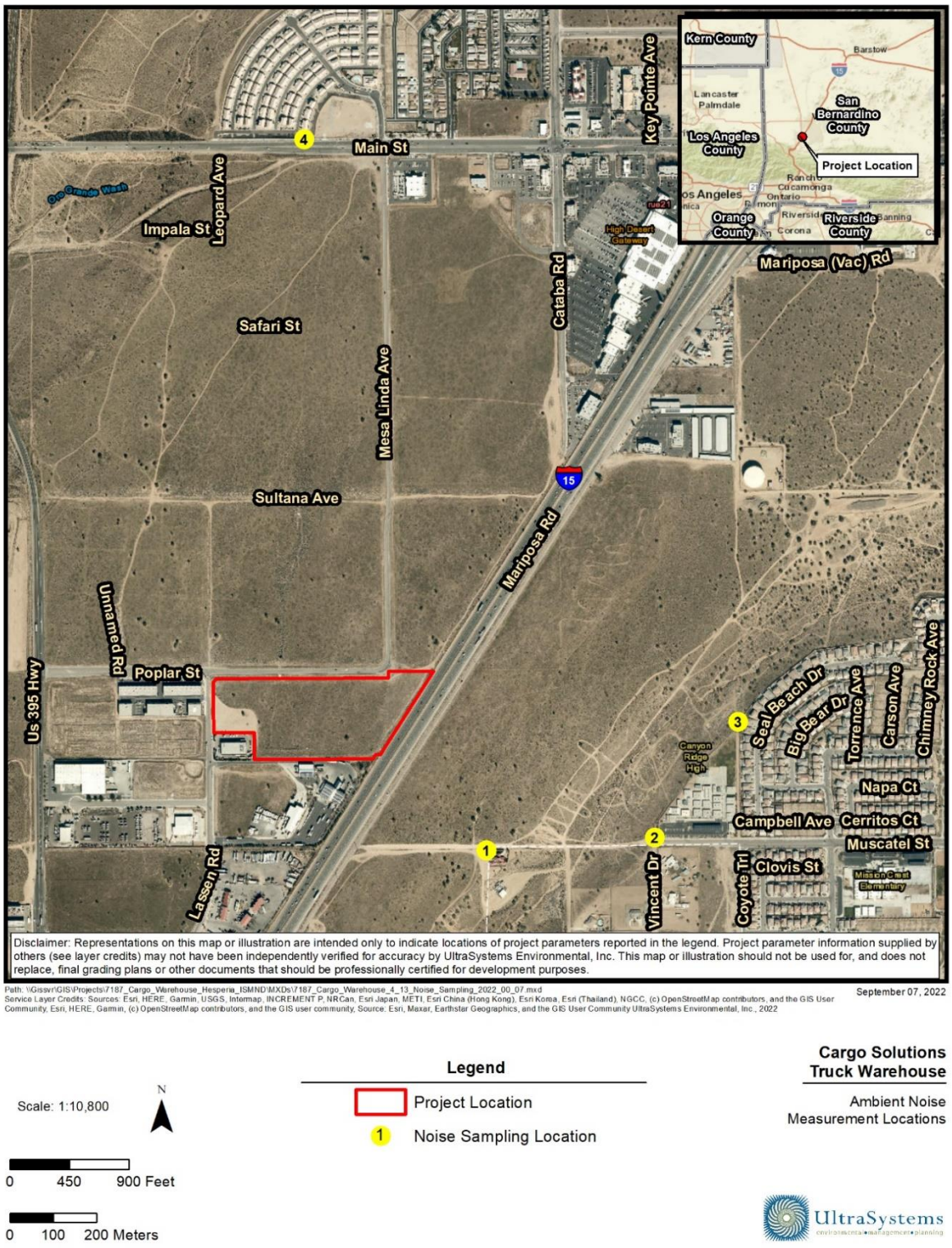
UltraSystems conducted ambient noise sampling at four locations around the project site area, as shown in **Figure 4.13-2**. **Table 4.13-2** lists the measurement points, sampling locations, and measurement results. Details of the ambient sampling methods and results are provided in **Appendix H**. The samples were taken between 10:52 a.m. and 12:53 p.m. on Thursday, August 25, 2022. The 15-minute L_{eq} values ranged from 49.8 dBA to 71.5 dBA. The lowest of these values was measured at Point 2, which is located in front of Canyon Ridge High School along Muscatel Street southeast of the project site. The maximum ambient noise level was located at Point 4, located in front of a single-family residence along Main Street approximately 0.75 mile north of the project site.

Table 4.13-2
AMBIENT NOISE MEASUREMENT RESULTS

Point	Data Set	Sampling Time	Address	Sound Level (dBA)			Notes
				L_{eq}	L_{max}	L_{90}	
2	S270	10:52 a.m. – 11:07 a.m.	12850 Muscatel Street	49.8	62.6	45.7	Southwest corner of Canyon Ridge High School, east-southeast of project site
3	S271	11:22 a.m. – 11:37 a.m.	9048 Seal Beach Drive	50.6	62.8	47.5	In front of residential wall on Canyon Ridge High School property east of project site
1	S272	11:58 a.m. – 12:13 p.m.	12623 Muscatel Street	53.1	61.1	49.8	In front of a rural single-family residence southeast of project site
4	S273	12:38 p.m. - 12:53 p.m.	9800 Mesa Linda Street	71.5	89.2	51.9	In front of single-family housing tract along residential wall north of project site

Source: UltraSystems, 2022.

Figure 4.13-2
AMBIENT NOISE MEASUREMENT LOCATIONS



4.13.4 Regulatory Setting

State of California

The California Department of Health Services (DHS) Office of Noise Control, which no longer exists, studied the correlation of noise levels with effects on various land uses. The most current guidelines prepared by the state noise officer are contained in the "General Plan Guidelines" issued by the Governor's Office of Planning and Research in 2003 and reissued in 2017 (OPR, 2017). These guidelines establish four categories for judging the severity of noise intrusion on specified land uses:

- Normally Acceptable: Is generally acceptable, with no mitigation necessary.
- Conditionally Acceptable: May require some mitigation, as established through a noise study.
- Normally Unacceptable: Requires substantial mitigation.
- Clearly Unacceptable: Probably cannot be mitigated to a less-than-significant level.

The types of land uses addressed by the state standards, and the acceptable noise categories for each, are presented in Table 4.13-4. There is some overlap between categories, which indicates that some judgment is required in determining the applicability of the numbers in a given situation.

Title 24 of the California Code of Regulations requires performing acoustical studies before constructing dwelling units in areas that exceed 60 dBA L_{dn}. In addition, the California Noise Insulation Standards identify an interior noise standard of 45 dBA CNEL for new multi-family residential units. Local governments frequently extend this requirement to single-family housing.

Table 4.13-4
CALIFORNIA LAND USE COMPATIBILITY FOR COMMUNITY NOISE SOURCES

Land Use Category	Noise Exposure (dBA, CNEL)						
	55	60	65	70	75	80	
Residential – Low-Density Single-Family, Duplex, Mobile Homes							
Residential – Multiple Family							
Transient Lodging – Motel, Hotels							
Schools, Libraries, Churches, Hospitals, Nursing Homes							
Auditoriums, Concert Halls, Amphitheaters							
Sports Arena, Outdoor Spectator Sports							

Land Use Category	Noise Exposure (dBA, CNEL)
Playgrounds, Neighborhood Parks	
Golf Courses, Riding Stables, Water Recreation, Cemeteries	
Office Buildings, Business Commercial and Professional	
Industrial, Manufacturing, Utilities, Agriculture	

	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements.
	Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply system or air conditioning will normally suffice.
	Normally Unacceptable: New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
	Clearly Unacceptable: New construction or development should generally not be undertaken.

Source: Governor's Office of Planning and Research, 2017.

City of Hesperia General Plan Noise Element

The City of Hesperia General Plan Noise Element has the following applicable goals and associated policies for addressing noise issues in the community (City of Hesperia, 2019a):

Goal: NS-1 To achieve and maintain an environment which is free from excessive or harmful noise through identification, control and abatement.

Policy NS-1.1: Incorporate noise reduction features during site planning and into land use planning decisions to mitigate anticipated noise impacts on affected residential noise-sensitive land uses.

Policy NS-1.2; Control and abate undesirable sounds through the use of the land use compatibility criteria shown in Exhibit NS-1, Table N-3, and Municipal Code Section 16.20.125(B).

Policy NS-1.3; Enforce the California Noise Insulation Standards (California Code of Regulations, Title 24). Title 24 requires that an acoustical analysis be performed for all new multifamily residences in areas where the exterior sound level exceeds 60 dBA CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 dBA CNEL or below.

Policy: NS-1.4; Require that an acoustical analysis be performed for all new single-family residences in areas where the exterior sound level exceeds 60 dBA CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 dBA CNEL or below.

Policy NS-1.5; Require the design and construction of commercial, industrial, office and mixed-use structures developments with noise attenuation methods to minimize excessive noise upon noise-sensitive land uses.

Policy NS-1.6: Provide developers and builders with development noise policy guidelines. The guidelines shall provide specific design criteria, minimum standards for submittal of acoustical studies and descriptions of acceptable noise mitigation measures.

Policy NS-1.7: Ensure that areas of frequent outdoor use … are not subjected to inappropriate noise levels resulting from transportation systems.

Policy NS-1.8: Coordinate with state and local agencies to maintain and enforce noise control policies and standards.

Policy NS-1.9: Encourage commercial, industrial, office and mixed-use developments to locate loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noisier components away from noise-sensitive land uses.

Policy NS-1.10: Limit the hours of construction activity in, and around, residential areas in order to reduce the intrusion of noise in the early morning and late evening hours and on weekends and holidays.

Policy NS-1.11: Limit delivery hours for businesses with loading areas or docks fronting, siding, or bordering or gaining access on driveways adjacent to noise-sensitive areas.

Policy NS-1.12: Implement nighttime and daytime on-site noise level limits to address noise generated by commercial and industrial uses where it affects abutting residential and other noise sensitive land uses.

Policy NS-1.13: Ensure adequate noise control measures at construction sites by requiring that construction equipment be fitted with manufacturer-recommended mufflers and ensuring physical separation of machinery maintenance and staging areas from adjacent residential uses.

Policy NS-1.14: Encourage noise compatible land uses within airport influence areas in accordance with federal and state noise standards and guidelines.

Policy NS-1.15: Require an avigation easement for new residential development within the Airport Noise Area, as defined in the Land Use Element.

Policy NS-1.16: Review the noise element when major changes in the noise environment occur. Building Design Goal: NS-2 To achieve and maintain an environment which is free from excessive vibration.

Goal: NS-2 To achieve and maintain an environment which is free from excessive vibration.

Policy NS 2.1: Control exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels as set forth in Table NS-1 and Municipal Code Section 16.20.130.

Policy NS 2.2: Evaluate potential vibration impacts during site planning and into land use planning decisions for proposed residential building within 200 feet of the centerline of the nearest track of the BNSF and UP railroad.

To the extent that the foregoing applies to the proposed project, the project design and operational characteristics are compatible with the Noise Element's goals, objectives and policies.

The City of Hesperia exterior and interior noise standards are shown in **Table 4.13-5**.

Table 4.13-5
CITY OF HESPERIA INTERIOR AND EXTERIOR NOISE STANDARDS

Land Use Categories		Community Noise Equivalent Level (dBA CNEL)	
Categories	**Land Uses**	**Interior[a]**	**Exterior[b]**
Residential	Single Family, Duplex, Multiple Family	45[c]	65
	Mobile Homes	n/a	65[d]
Commercial Industrial Institutional	Hotel, Motel, Transient Lodging	45	65[e]
	Commercial Retail, Bank, Restaurant	55	n/a
	Office Building, Research and Development, Professional Offices, City Office Building	50	n/a
	Amphitheatre, Concert Hall, Meeting Hall	45	n/a
	Gymnasium (Multipurpose)	50	n/a
	Sports Club	55	n/a
	Manufacturing, Warehousing, Wholesale, Utilities	65	n/a
	Movie Theatres	45	n/a
Institutional	Hospitals, School Classrooms	45	65
	Church, Library	45	n/a
Open Space	Parks	n/a	65

Land Use Categories		Community Noise Equivalent Level (dBA CNEL)	
Categories	**Land Uses**	**Interior[a]**	**Exterior[b]**

a. Indoor environment excluding: bathrooms, toilets, closets, corridors.
b. Outdoor environment limited to:
Private yard of single family
Multi-family private patio or balcony which is served by a means of exit from inside.
Mobile home park
Hospital patio
Park picnic area
School playground
Hotel and motel recreation area
c. Noise level requirement with closed windows
Mechanical ventilation system or other means of natural ventilation shall be provided per Building Code.
d. Exterior noise level should be such that interior noise level will not exceed 45 dBA CNEL.
e. Except those areas affected by aircraft noise.

Source: Kimley-Horn (2010), p 10.

City of Hesperia Municipal Code

The City of Hesperia's regulations with respect to noise are included in Municipal Code Article V § 16.20.125 (Noise) and 16.20.130 (Vibration). The City of Hesperia Municipal Code noise standards are shown in **Table 4.13-6**.

City of Hesperia Municipal Code § 16.20.125

A) Noise Measurement. Noise will be measured with a sound level meter, which meets the standards of the American National Standards Institute (ANSI Section S1.4-1979, Type 1 or Type 2). Noise levels shall be measured using the "A" weighted sound pressure level scale in decibels (ref. pressure = 20 micro-newtons per meter squared). The unit of measure shall be designated as dB(A). The building official shall be the noise control officer.

B) Noise Standards.

1. The following table describes the noise standard for emanations from any source, as it affects adjacent properties:

Table 4.13-6
CITY OF HESPERIA NOISE STANDARDS

Affected Land Use (Receiving Noise)	Maximum Noise Level (dB)	Time Interval
A-1, A-2, R-1, R-3, and RR Zone Districts	55	10:00 p.m. – 7:00 a.m.
A-1, A-2, R-1, R-3, and RR Zone Districts	60*	7:00 a.m. – 10:00 p.m.
C-1, C-2, C-3, C-4, C-R, AP, and P-I Zone Districts	65*	Anytime
I-1 and I-2 Zone Districts	70*	Anytime

Affected Land Use (Receiving Noise)	Maximum Noise Level (dB)	Time Interval

* Due to wind noise, the maximum permissible noise level may be adjusted so that it is no greater than 5 dB(A) above the ambient noise level.

2. No person shall operate or cause to be operated any source of sound at any location or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed:

   a. The noise standard for that receiving land use (as specified in subsection (B)(1) of this section) for a cumulative period of more than thirty (30) minutes in any hour; or

   b. The noise standard plus five dB(A) for a cumulative period of more than fifteen (15) minutes in any hour; or

   c. The noise standard plus ten dB(A) for a cumulative period of more than five minutes in any hour; or

   d. The noise standard plus fifteen (15) dB(A) for a cumulative period of more than one minute in any hour; or

   e. The noise standard plus twenty (20) dB(A) for any period of time.

C) If the measured ambient level exceeds any of the first four noise limit categories above, the allowable noise exposure standard shall be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level.

D) If the alleged offense consists entirely of impact noise or simple tone noise, each of the noise levels in subsection (B)(1) of this section shall be reduced by five dB(A).

E) Exempt Noises. The following sources of noise are exempt:

1. Motor vehicles not under the control of the industrial use;

2. Emergency equipment, vehicles and devices;

3. Temporary construction, repair, or demolition activities between seven a.m. and seven p.m. except Sundays and federal holidays.

City of Hesperia Municipal Code § 16.20.130

The maximum allowable vibration at or beyond the lot line of a vibration-producing activity is peak particle velocity of 0.2 inch per second. Construction activities are exempt from this restriction as long as they occur between 7:00 a.m. and 7:00 p.m., except Sundays and holidays.

4.13.5 Significance Thresholds

Two criteria were used for judging noise impacts. First, noise levels generated by the proposed project must comply with all applicable relevant federal, state, and local standards and regulations. Noise impacts on the surrounding community are limited by local noise ordinances, which are implemented through investigations in response to nuisance complaints. It is assumed that all existing regulations for the construction and operation of the proposed project will be enforced. In addition, the proposed project should not produce noise levels that are incompatible with adjacent noise-sensitive land uses.

The second measure of impact used in this analysis is a significant increase in noise levels above existing ambient noise levels as a result of the introduction of a new noise source. An increase in noise level due to a new noise source has a potential to adversely impact people. The proposed project would have a significant noise impact if it would:

- Expose persons to or generate noise levels in excess of standards prescribed by the City of Hesperia Municipal Code; or
- Include construction activities within the hours prohibited by the Municipal Code, without a permit; or
- Result in total (ambient plus project-related) short-term noise exposures exceeding 80 dBA L_{eq}
- Contribute, with other local construction projects, to a significant cumulative noise impact; or
- Increase operational exposures at sensitive receivers (mainly because of an increase in traffic flow) by 5 dBA CNEL or more.

4.13.6 Impact Analysis

a) Would the project result in generation of substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact

Noise impacts associated with commercial and industrial projects include short-term and long-term impacts. Construction activities, especially heavy equipment operation, would create noise effects on and adjacent to the construction site. Long-term noise impacts include those from project-generated onsite and offsite operational noise sources. Onsite (stationary) noise sources from the project site would include operation of mechanical equipment such as air conditioners, landscape and building maintenance; and onsite automobile and truck traffic. Offsite noise would be attributable to project-induced traffic, which would cause an incremental increase in noise levels within and near the project vicinity.

Construction

Noise impacts from construction activities are a function of the noise generated by the operation of construction equipment, onroad delivery and worker commuter vehicles, the location of equipment, and the timing and duration of the noise-generating activities. For the purpose of this analysis, it is estimated that the proposed project would be built in one phase, whose subphases are listed in **Table 4.13-7**. **Table 4.3-4** lists the starts and ends of the subphases. Construction is anticipated to take about eleven months, from February 2025 to December 2025. This was taken into account in the analysis of construction noise.

The types and numbers of pieces of equipment to be deployed during each construction phase were determined as part of the air quality and greenhouse gas emissions analyses for this project. (See **Appendix B**.) For each equipment type, **Table 4.13-7** shows an average noise emission level (in dB at 50 feet, unless otherwise specified) and a "usage factor," which is an estimated fraction of operating time that the equipment would be producing noise at the stated level.

Table 4.13-7
CONSTRUCTION EQUIPMENT CHARACTERISTICS

Phase	Equipment Type	Horse-power	No. of Pieces	Usage Factor	dBA @ 50 Feet
1 – Grading	Graders	148	1	0.41	85
	Tractor/Loader/Backhoes	84	1	0.37	85
	Scrapers	367	4	0.48	84
2 – Offsite Phase – Poplar Street - Trenching	Excavators	158	2	0.38	77
	Tractor/Loader/Backhoes	84	1	0.37	85
2 – Offsite Phase– Three Flags Ave – Trenching	Excavators	158	2	0.38	77
	Tractor/Loader/Backhoes	84	2	0.37	85
3 – Vertical/Site Work Phase - Building Construction	Rough Terrain Forklifts	231	4	0.30	67
	Tractor/Loader/Backhoes	84	3	0.37	85
	Skid Steer Loaders	65	4	0.40	80
4 – Vertical/Site Work Phase - Paving	Pavers	81	2	0.42	77
	Paving Equipment	89	2	0.4	85
	Rollers	36	2	0.38	74
5 - Vertical/Site Work Phase - Architectural Coating	Air Compressors	37	1	0.48	81

Source: CalEEMod Version 2020.4.0 and FHWA, 2006.

Using calculation methods published by the Federal Transit Administration (FTA, 2018), UltraSystems estimated the average hourly exposures at the nearest sensitive receiver for each construction phase. The receivers evaluated included single-family houses along the south side of Muscatel Street, southeast of the project site; Canyon Ridge High School along the north side of Muscatel Street, east-southeast of the project site; a single-family house along the north side of Main Street, north of the project site; and a single-family house on Seal Beach Drive east of the project site (see **Figure 4.13-1**). The distances used for the calculation were measured from the receivers to the approximate center of activity of each construction phase, since that would be the average location of construction equipment most of the time.

Table 4.13-8 shows the results of the construction noise calculations. The combination of building construction and trenching would create the highest exposures at any of the sensitive receivers. This is why the table shows two distances: first the distance from the building construction noise source then the distance from the trenching noise source. Given the low exposure levels, noise attenuation by walls shielding some of the receivers was not calculated. Given that the Municipal Code exempts construction activities from noise exposure limits and that the total noise exposures (ambient plus project-related) will be less than 80 dBA L_{eq}, the noise impacts from construction will be less than significant and no mitigation is necessary.

Table 4.13-8
MAXIMUM ESTIMATED CONSTRUCTION NOISE LEVELS

Sensitive Receivers	Distance (feet)	15-minute L_{eq} (dBA)	
		Existing	Projected
1 - 12623 Muscatel Street	1,445, 2,057	53.1	55.1
2 - 12850 Muscatel Street	2,402, 3,023	49.8	51.2
3 - 9048 Seal Beach Drive	2,858, 3,414	50.6	51.4
4 - 9800 Mesa Linda	4,456. 4,100	71.5	71.5

Operations

Onsite

Onsite (stationary) noise sources from the Proposed Project in the operational phase would include automobiles and heavy-duty trucks entering, exiting, and idling within the project. According to the CalEEMod Version 2022.1.1.29 analysis for this project, the maximum hourly traffic would be 168.3 passenger vehicles and 92.1 heavy-duty trucks (CAPCOA, 2022). The maximum hourly noise exposure for a given number of individual arrivals is (FTA, 2018, p. 44):

$$L_{eq} = SEL + 10 \log(V) + C_S \log(S/50) - 35.6$$

where

SEL = sound exposure level of one vehicle[10]

[10] The sound exposure level (SEL) is equivalent to the total sound energy experienced during a measurement period, as if it had all occurred in one second.

V = number of vehicles per hour

C_S = speed constant (15 for trucks, 30 for autos)

S = average vehicle speed, miles per hour (15 miles per hour)

No information on SEL values for diesel trucks was publicly available. A typical noise exposure level for a heavy-duty diesel truck at 50 feet and moving at 50 miles per hour is about 82 dBA (FHWA, 2019, p. 69). This is the same as the SEL for a diesel bus (FTA, 2018, p. 78). It is reasonable, for the purpose of this analysis, to use 82 dBA for the trucks. Therefore, for 92.1 heavy-duty trucks per hour, the L_{eq} would be 58.2 dBA at 50 feet. The SEL for automobiles was assumed to be 74 dBA (FTA, 2018, p. 44). A similar analysis for onsite automobile use results in an estimate of 45.0 dBA at 50 feet. Total onsite mobile source noise would be 58.4 dBA L_{eq}. Increases in L_{eq} at the closest residence used for the construction noise analysis would essentially be undetectable. Noise impacts from onsite sources would be less than significant.

Offsite

The principal noise source in the project area is traffic on local streets. The project may contribute to a permanent increase in ambient noise levels in the project vicinity due to project-generated vehicle traffic on neighborhood roadways and at intersections. A noise impact would occur if the project contributes to a permanent increase in ambient noise levels affecting sensitive receivers along roadways that would carry project-generated traffic. According to the CalEEMod Version 2022.1.1.29 analysis for this project, the project would generate 260.4 trips per day (CAPCOA, 2022).

The proposed warehouses are close to two major transportation corridors: U.S. Highway 395 and Interstate 15. Traffic to and from U.S. 395 would likely follow Three Flags Avenue and Poplar Street; all project entrances and exits would be on Poplar Street. An offramp from the southbound I-15 leads to Joshua Street and then U.S. 395, and the aforementioned route to the facility. An offramp from the northbound I-15 leads to Mariposa Road, and then Joshua Street and again the aforementioned route to the project site. All these alternatives pass through industrial and commercial areas, with few sensitive receivers.

I-15 is the predominant onroad traffic noise source in the project area and is the nearest source to surrounding sensitive receivers. According to Caltrans (2024), the 2021 average annual daily traffic (AADT) on I-5 north of its intersection with US Route 395 was 133,000 vehicles per day. Assuming that all project traffic travels on I-5, the increase in traffic would be 0.2 percent.

Given the logarithmic nature of the decibel, traffic volume needs to be doubled in order for the noise level to increase by 3 dBA, the minimum change perceived by the average human ear (ICF Jones & Stokes, 2009). A doubling is equivalent to a 100% increase. Because the maximum increase in traffic along any route to and from the project site is far below 100%, the increase in roadway noise experienced at sensitive receivers would not be perceptible to the human ear. Therefore, roadway noise associated with project operation would not expose a sensitive land use to noise levels that are considered incompatible with or in excess of adopted standards, and impacts would be less than significant.

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact

Vibration is sound radiated through the ground. Vibration can result from a source (e.g., subway operations, vehicles, machinery equipment, etc.) causing the adjacent ground to move, thereby creating vibration waves that propagate through the soil to the foundations of nearby buildings. This effect is referred to as groundborne vibration. The peak particle velocity (PPV) or the RMS velocity are usually used to describe vibration levels. PPV is defined as the maximum instantaneous peak of the vibration level, while RMS is defined as the square root of the average of the squared amplitude of the level. PPV is typically used for evaluating potential building damage, while RMS velocity in dB is typically more suitable for evaluating human response.

The background vibration velocity level in residential areas is usually around 50 vibration decibels (VdB). The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels for most people. Most perceptible indoor vibration is caused by sources within buildings such as operation of mechanical equipment, movement of people, or the slamming of doors. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the groundborne vibration from traffic is rarely perceptible.

Construction Vibration

Construction activities for the project have the potential to generate low levels of groundborne vibration. The operation of construction equipment generates vibrations that propagate though the ground and diminish in intensity with distance from the source. Vibration impacts can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage of buildings at the highest levels. The construction activities associated with the project could have an adverse impact on both sensitive structures (i.e., building damage) and populations (i.e., annoyance). The receiver at the stated distance is a single-family residence at 12623 Muscatel Street.

Pile drivers or other major vibration sources will not be used for construction of the Cargo Solutions Truck Warehouses Project. The question is whether the equipment that will be deployed will have significant vibration impacts. In 2018, the FTA published standard vibration levels for construction equipment operations, at a distance of 25 feet. The construction related vibration levels for the nearest sensitive receivers for major construction phases are shown in **Table 4.13-9**. These calculations were based on the distances from the construction activity to the closest sensitive receiver.

Table 4.13-9
VIBRATION LEVELS OF TYPICAL CONSTRUCTION EQUIPMENT

Equipment	PPV at 25 feet (in/sec)	Vibration Decibels at 25 feet (VdB)	PPV at 1,791 feet (in/sec)[a]	Vibration Decibels at 1,791 feet (VdB)[a]	PPV at 99 feet (in/sec)[a]	Vibration Decibels at 99 feet (VdB)[a]
Loaded Trucks	0.076	86			0.017	68
Jackhammer	0.035	79	0.00032	23		
Small bulldozer	0.003	58	0.00003	2.3		
Large bulldozer	0.089	87	0.00081	31		

Source: Calculated by UltraSystems.
Note: PPV = peak particle velocity, VdB = vibration decibels, in/sec = inches per second.
[a]Applies to onsite construction activities to the nearest sensitive receiver (12623 Muscatel Street).

As shown in **Table 4.13-9**, the PPV of construction equipment at the nearest sensitive receiver (99 feet) is at most 0.017 inch per second, which is less than the FTA damage threshold of 0.12 inch per second PPV for fragile historic buildings. It is also lower than the Hesperia Municipal Code § 16.20.130 standard of 0.2 inch per second. The maximum VdB are 68 VdB, which is below the FTA threshold for human annoyance of 80 VdB. Unmitigated vibration impacts would therefore be less than significant.

Operational Vibration

Operation of the proposed project would not involve significant sources of ground-borne vibration or ground-borne noise. Thus, operation of the proposed project would result in a less than significant impact.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact

The closest active airport is the Hesperia Airport, located 4.9 miles southeast of the project site (Google Earth Pro, 2022). The project site is not located within the 65-dBA CNEL noise contours of that airport (City of Hesperia, 2019a). Therefore, the project would not expose people residing or working in the project area to a safety hazard or excessive noise levels associated with airports and no impact would occur.

4.14 Population and Housing

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

a) Would the project induce substantial unplanned growth in an area either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?

Less than Significant Impact

The project proposes the construction and operation of two truck warehouse developments, which does not propose a residential development that would cause direct population growth. The project would create limited employment opportunities (both during the construction and operational phases). However, it is anticipated that employees from the local workforce would be hired during both the construction and operational phases of the project, and the project is not of the scope or scale to induce people to move from out of the project area to work at the proposed project. Additionally, as discussed in **Section 4.11**, the City's General Plan Land Use and zoning designation for the project site is Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan (MSFCSP) (City of Hesperia, 2023; City of Hesperia, 2010). Since the MSFCSP development accounts for this site being developed according to its current zoning designation, the project would not induce substantial unplanned growth in this area. Proposed offsite utility improvements would be minor and not of the scale to induce indirect unplanned population growth in the project area. Therefore, less than significant impacts would occur regarding unplanned growth as a result of the project. Based on the discussion above, a less than significant impact would occur.

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact

No housing exists onsite and no one currently resides on the project site. Therefore, the project would not displace any housing or people and the project would not necessitate the construction of replacement housing. No impact would occur.

4.15 Public Services

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			**X**	
b) Police protection?			**X**	
c) Schools?				**X**
d) Parks?				**X**
e) Other public facilities?				**X**

a) Fire protection?

Less than Significant Impact

The City of Hesperia and the sphere of influence are served by the San Bernardino County Fire Department (Michael Brandman Associates, 2010a, p. 3.13-1). The city has three fire stations within city boundaries – Fire Stations 302, 304, and 305. Station 305 is the closest station to the project site, approximately 0.95 mile southwest of the project site. Fire Station 305 is staffed by eight personnel daily, including one Battalion Chief, and serves as the Battalion 8 Quarters. Apparatus includes one paramedic engine, two paramedic ambulances, one battalion chief command vehicle, one brush engine, one urban and search and rescue (USAR) unit, one swift rescue unit and equipment (including rescue boat), and one mobile command post (City of Hesperia, 2022b).

As detailed in **Section 4.11**, development of the project site would be consistent with the project site's General Plan land use and zoning designation of Com/Ind Business Park (CIBP), and the land use goals and policies included in the city's General Plan and the Main Street Freeway Corridor Specific Plan (MSFCSP). Therefore, a development like the proposed project is expected and would be adequately served by the fire department. In addition, the Fontana Fire Protection District collects development mitigation fees for fire facilities which would be available to fund additional fire protection facilities as needed. Therefore, impacts would be less than significant.

b) Police protection?

Less than Significant Impact

The San Bernardino County Sheriff's Department provides police protection and crime prevention services for the City of Hesperia and its sphere of influence on a contractual basis (Michael Brandman Associates, 2010a, p. 3.13-1). The Hesperia Police Department is comprised of 58 sworn law enforcement personnel including one captain, one lieutenant, seven sergeants, five detectives, and 44 deputy sheriffs (City of Hesperia, 2022a).

Development of the project site would be consistent with the project site's General Plan land use and zoning designation of Com/Ind Business Park (CIBP), and the land use goals and policies included in the city's General Plan and the Main Street Freeway Corridor Specific Plan (MSFCSP). Therefore, a development like the proposed project is expected and would be adequately served by the police department. In addition, the police department collects development mitigation fees for police facilities which would be available to fund additional police protection facilities as needed. Therefore, impacts would be less than significant.

c) Schools?

No Impact

The Hesperia Unified School District (HUSD) provides school services to the City of Hesperia (Michael Brandman Associates, 2010a, p. 3.13-2). The HUSD has 15 elementary schools, three middle schools, and six high schools (HUSD, 2022). Impact on school facilities is based on the direct population increase that the project would bring. As detailed in **Section 4.13**, as a non-residential development the proposed project would not induce a direct population increase and would most likely create employment for the local workforce. Therefore, there would be no population increase and no impacts on schools.

d) Parks?

No Impact

The Hesperia Recreation and Park District (HRPD) provides park and recreational amenities to the city (Michael Brandman Associates, 2010a, p. 3.13-5). HRPD has 15 different parks and recreational centers to serve the city (HRPD, 2022). Impacts on park facilities are based on the direct population increase the project would have. As a non-residential development, the proposed project would not induce a direct population increase and would most likely create employment for the local workforce. Therefore, there would be no population increase and no impacts on parks.

e) Other Public Facilities?

No Impact

The County of San Bernardino Library operates the Hesperia Branch Library located at the Civic Center Plaza, 9650 Seventh Avenue in the City of Hesperia. This state-of-the-art 20,000 square foot facility, constructed in 2006, provides library services for the City of Hesperia and its Sphere of Influence (Michael Brandman Associates, 2010a, p. 3.13-5). The project would not induce population growth and would not impact libraries. Therefore, there would be no impact on libraries.

4.16 Recreation

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				**X**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact

Recreational services in the City of Hesperia are provided by the City's Recreation and Parks District, which maintains over 15 parks, sports facilities, and community centers (HRPD, 2022). The project proposes two truck warehouse developments. The residential population is not expected to increase as a result of the proposed project. While the project would create limited employment opportunities (both during the construction and operational phases), it is anticipated that employees from the local workforce would be hired during both phases. Therefore, there would be no impact in regards to recreational facilities.

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

No Impact

As described above, the project does not propose new or expanded recreational facilities that would have potential adverse effects on the environment. Therefore, no impact would occur.

4.17 Transportation

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?		X		
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X		
d) Result in inadequate emergency access?		X		

The following analysis is based upon the Cargo Solution Express Warehouse Project Traffic Impact Analysis (TIA) for the proposed project conducted by RK Engineering Group, Inc. dated May 23, 2025 (RK Engineering Group, Inc., 2025) (**Appendix I**).

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

Less than Significant Impact with Mitigation Incorporated

Applicable Plans, Ordinances, and Policies

Statewide Transportation Improvement Program (STIP)

The Statewide Transportation Improvement Program (STIP) is a multi-year capital improvement program of transportation projects on and off the State Highway System, funded with revenues from the State Highway Account and other funding sources. The proposed project development is not a transportation project and would not conflict with the STIP.

San Bernardino County Transportation Authority (SBCTA) Recommended Traffic Impact Analysis (TIA) Guidelines for Vehicle Miles Traveled (VMT) and Level of Service (LOS) Assessment

As detailed in **Section 4.17b)** below, the project meets the requirement of a Low VMT Area and impacts would be less than significant in regards to VMT. In the TIA report, it was determined that the project would generate 402 passenger car equivalent (PCE) daily trips with 34 PCE trips in the AM peak hour and 36 PCE trips in the PM peak hours. With project implementation, there would be six intersections near the project site that would create several operationally deficient LOS and queueing intersections in the project area (RK Engineering Group, Inc., 2024, p. 4-1). However, the project would be required to implement **MM TRANS-1**, which would ensure that the Project

Applicant would implement all the necessary operational improvements listed in the Section 11.7 of TIA report to ensure that all affected intersections by project development would operate at an adequate LOS. Additionally, the project would implement **MM TRANS-2**, which would ensure that the Project Applicant contribute to fair-share contributions for intersection operational improvements, resulting in less than significant LOS at all intersections affected in the project area.

MM TRANS-1 The Project Applicant would be required to implement operational improvements detailed in section 11.7 of the Traffic Impact Analysis (TIA) report to ensure that all affected intersections by project buildout would have an adequate level of service (LOS) (**Appendix I**).

MM TRANS-2 The Project Applicant would be required to contribute to fair-share contributions for intersection operational improvements in the project area. The contributions are identified in section 11.8 of the Traffic Impact Analysis (TIA) report (**Appendix I**).

Level of Significance After Mitigation

With the implementation of **MM TRANS-1** and **MM TRANS-2**, potential impacts in regard to LOS would be reduced to a less than significant level.

City of Hesperia General Plan—Circulation Element

The City of Hesperia General Plan's Circulation Element has several goals and policies that apply to the proposed project. Refer to **Table 4.17-1** below, which lists the applicable policies and how the proposed project would comply.

Table 4.17-1
PROJECT COMPLIANCE WITH CITY OF HESPERIA GENERAL PLAN POLICIES REGARDING MOBILITY AND TRANSPORTATION

General Plan Element	Project Compliance
Goal CI-1: Develop a safe, efficient, convenient, and attractive transportation system throughout the community, providing links within the City and with neighboring regions, and accommodating automobile, truck, pedestrian, recreational, equestrian, rail, air, and public transit needs which will meet current and future development requirements within the planning area.	
Implementation Policy CI-1.10: Ensure that new development provides for adequate road improvements to serve internal circulation needs, as well as to mitigate the impacts of increased traffic on the existing road system.	The proposed project would provide road improvements such as widening Three Flags Avenue and Poplar Street to include AC pavement, curb and gutter, sidewalks, and connection to existing utility lines. Therefore, the proposed project would not conflict with this policy.
Implementation Policy CI-1.12: Provide a safe and efficient pedestrian network.	Sidewalks would be provided surrounding the project site along Poplar Street and Three Flags Avenue, where there are currently none. Therefore, the proposed project would not conflict with this policy.
Goal: CI-4: Provide a circulation system that facilitates the movement of goods and services throughout the City while protecting residences, sensitive land uses, and pedestrians from activities along rail and truck corridors	

General Plan Element	Project Compliance
Implementation Policy CI-4.2: Locate new development and their access points in such a way that traffic is not encouraged to utilize local residential streets for access to the development and its parking.	The project site is located along the I-15 freeway and near U.S.-395. Additionally, the project is surrounded by commercial and industrial land uses. Therefore, the project would not utilize residential streets for access and parking, and the project would not conflict with this policy.

Source: City of Hesperia, 2019a.

As detailed above, the proposed project would not conflict with any applicable policies from the city's General Plan that address the circulation system, including transit, roadway, bicycle and pedestrian facilities. Therefore, the project would have a less than significant impact in this regard.

San Bernardino Congestion Management Program (CMP)

The intent of the CMP is to provide the analytical basis for transportation decisions through the STIP process. The San Bernardino County CMP, published by the San Bernardino County Transportation Authority (SBCTA), defines a network of state highways and arterials in the county and provides guidelines regarding the LOS standards, impact criteria, and a process for mitigation of impacts on CMP facilities. With certain exceptions, the minimum acceptable Level of Service (LOS) standards for CMP facilities is defined as LOS E. More specifically, the CMP states, "In no case shall the LOS standards established be below the LOS E or the current level, whichever is farthest from LOS A. When the LOS on a segment or at an intersection fails to attain the established LOS standard, a deficiency plan shall be adopted pursuant to Section 65089.4" (SANBAG, 2016, p. 1-2).

As detailed above, the project would create operationally deficient intersections and would potentially impact LOS in the project area. However, with implementation of **MM TRANS-1** and **MM TRANS-2**, the Project Applicant would be required to incorporate operational improvements and pay fair-share contributions, which would ensure adequate LOS at affected intersections with project buildout, resulting in less than significant LOS impacts.

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

Less than Significant Impact

CEQA Guidelines § 15064.3(b) pertains to the use of Vehicle Miles Traveled (VMT) as a method of determining the significance of transportation impacts. The SBCTA Senate Bill 743 Guidelines provide details on appropriate "screening thresholds" that can be used to identify when a proposed land use project is anticipated to result in a less-than-significant impact without conducting a more detailed analysis. Screening thresholds are broken into three categories: Transit Priority Area screening, Low VMT Area screening, and Project Type screening. A land use project need only meet one of the screening thresholds to result in a less-than-significant impact. As detailed in the traffic report, the project meets the requirement of a Low VMT Area and impacts would be less than significant (RK Engineering, 2025, p. 10-4). Therefore, the project would not conflict or be inconsistent with CEQA Guidelines § 15064.3, and impacts would be less than significant.

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

Less than Significant Impact with Mitigation Measures Incorporated

Construction

During the construction phase of the project, there may be temporary sidewalk and lane closures that could increase hazards due to geometric design features or incompatible uses. However, the preparation of a construction management plan, as detailed in mitigation measure **TRANS-3**, would reduce the potential for hazards due to geometric design features and incompatible uses to less than significant during the project construction phase.

MM TRANS-3 Prior to construction, the General Contractor shall submit a detailed Construction Management Plan to be reviewed and approved by the City of Hesperia. The Construction Management Plan shall specify that the Construction Manager will schedule truck traffic and employee shifts to avoid creating trips during the peak traffic periods, as is feasible for construction operations. All measures, including identified truck routes and designated employee parking areas, shall be included in the Construction Management Plan. The Plan shall include but is not limited to the following provisions:

- The Construction Management Plan shall specify how traffic will be routed and controlled during the construction phase, including which lane(s) of traffic will be temporarily blocked off for construction work.
- Specification of permitted hours for construction-related deliveries and removal of heavy equipment and material.
- Specification of where construction workers would park their personal vehicles during project construction with a requirement that at no time shall construction worker vehicles block any driveways. If complaints are received by the project applicant regarding issues with construction worker vehicle parking, the project applicant shall identify alternative parking options for construction workers so as not to interfere with any surrounding parking availability.
- Identification of how emergency access to and around the project site will be maintained during project construction.
- Specification of haul routes for delivery or removal of heavy and/or oversized equipment or material loads. Where feasible, delivery or removal of oversized equipment or material loads shall be conducted during off-peak traffic periods.
- Provide pedestrian and bicycle connections around the project site and designate safe crossing locations for all pedestrian detours.
- Maintain the security of the project site by erecting temporary fencing during the construction phase of the project. Any onsite night lighting used during the

construction phase of the project shall be in compliance with the lighting requirements of the City of Hesperia.

- If temporary lane closures are necessary for the installation of utilities, emergency access should be maintained at all times.
- Flag persons and/or detours shall be provided as needed to ensure safe traffic operations.
- Construction signs shall be posted to advise of reduced construction zone speed limits.
- The project design shall include entry/exit gates for first responders' vehicles to gain access to the project site.

Level of Significance After Mitigation

With the implementation of **MM TRANS-3**, potential impacts to transportation hazards during construction would be reduced to a less than significant level.

Operation

Vehicular access to the project would be provided by four driveways, all located along Poplar Street. The project's circulation system, including driveways and parking areas, would be designed to meet the development standards of the City and would not result in uses or design features that would create traffic hazards. Therefore, impacts regarding increases in hazards due to geometric design features or incompatible uses would be less than significant during the operational phase of the project.

d) Would the project result in inadequate emergency access?

Less than Significant Impact with Mitigation Measures Incorporated

Construction

During the construction phase of the project, there may be temporary lane closures that could result in inadequate emergency access. However, the preparation of a construction management plan, as detailed in mitigation measure **TRANS-3**, would result in less than significant impacts in regard to inadequate emergency access to the project site during the project construction phase.

MM TRANS-3 Refer above in this section.

Level of Significance After Mitigation

With the implementation of **MM TRANS-3**, potential impacts in regard to emergency access would be reduced to a less than significant level.

Operation

The project would comply with applicable city regulations, such as the requirement to comply with the city's fire code to provide adequate emergency access, as well as the California Building Standards

Code. Prior to the issuance of building permits, the City of Hesperia would review project site plans, including the location of all buildings, fences, access driveways, and other features that may affect emergency access. The project's site design includes access and fire lanes that would accommodate emergency ingress and egress by fire trucks, police units, and ambulance/paramedic vehicles. All onsite access and sight-distance requirements would be in accordance with all applicable design requirements. The city's review process and compliance with applicable regulations and standards would ensure that adequate emergency access would be provided. Therefore, the project would not result in inadequate emergency access, and there would be less than significant impacts during the operational phase of the project.

4.18 Tribal Cultural Resources

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code § 5020.1(k)?				**X**
b) Cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be a significant resource to a California Native American tribe pursuant to the criteria set forth in subdivision (c) of Public Resource Code § 5024.1(c)?		**X**		

Information from UltraSystems' Phase I Cultural Resources Inventory for the proposed project dated April 15, 2021 (refer to **Appendix D1**) is included in the analysis below.

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code § 5020.1(k)?

No Impact

No traditional cultural sites within the area of the project boundary are documented in the Native American Heritage Commission's (NAHC) Sacred Lands File (SLF) search. No resources as defined by Public Resources Code § 21074 have been identified (refer to Attachment C: "Native American Heritage Commission Records Search and Native American Contacts" in **Appendix D1 to this IS/MND**). Additionally, the project site has not been recommended for historic designation for prehistoric and tribal cultural resources (TCRs). No specific tribal resources have been identified by local tribes responding to inquiries for the Cultural Resources Inventory.

No prehistoric archaeological resources were observed during the archaeological field survey conducted August 31, 2022 by Daniel Ballester, M.A., RPA, and Hunter O'Donnell, B.A., as part of the cultural resources investigation (Section 4.3, **Appendix D1**). The results of the pedestrian assessment indicate that it is unlikely that prehistoric resources will be adversely affected by construction of the project. Findings of a records search at the South Central Coastal Information Center (the local California Historic Resources Information System facility) received October 4, 2022 indicated that a prehistoric isolate consisting of a single worked obsidian nodule was located in the north-central area of the project parcel; no other prehistoric resources were recorded within the half-mile buffer of the project boundary.

No tribal cultural resources onsite are listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code § 5020.1(k). Therefore, the project would have no impact in this regard.

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be a significant resource to a California Native American tribe pursuant to the criteria set forth in subdivision (c) of Public Resource Code § 5024.1(c)?

Less than Significant Impact with Mitigation Incorporated

Assembly Bill 52 (AB 52) requires meaningful consultation with California Native American Tribes on potential impacts on TCRs, as defined in Public Resources Code § 21074. TCRs are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources (CNRA, 2022).

As part of the AB 52 process, Native American tribes must submit a written request to the lead agency to be notified of projects within their traditionally and culturally affiliated area. The lead agency must provide written, formal notification to those tribes within 14 days of deciding to undertake a project. The tribe must respond to the lead agency within 30 days of receiving this notification if they want to engage in consultation on the project, and the lead agency must begin the consultation process within 30 days of receiving the tribe's request. Consultation concludes when either (1) the parties agree to mitigation measures to avoid a significant effect on a tribal cultural resource, or (2) a party, acting in good faith and after reasonable effort, concludes mutual agreement cannot be reached.

The City of Hesperia (the lead agency) initiated AB 52 outreach to local tribes for the Cargo Solutions Warehouses project following submittal of the project cultural resources report to the City Planning Department so that it could be included in the consultation request package to the several tribes. The City Planning Department prepared and sent letters to the several tribes on their list for AB 52 contact, informing them of the project. The letters were sent via certified mail to: the Torres-Martinez Desert Cahuilla Indians, the Cabazon Band of Mission Indians, and the San Manuel Band of Mission Indians (SMBMI) on September 22, 2022 by Ryan Leonard, Senior Planner with the City of Hesperia (Leonard, personal communication, 2022a). The letters conveyed that the recipient has 30 days from the receipt of the letter to request AB 52 consultation regarding the project.

On October 7, 2022, Ryan Nordness, Cultural Resource Analyst with the Yuhaaviatam of San Manuel Nation (YSMN) (formerly the SMBMI) replied to Mr. Leonard via email stating that they wished to participate in AB 52 consultation. Mr. Nordness stated that the project area exists within Serrano ancestral territory and asked for the following documents for review: cultural report, geotechnical report, and project plans including depth of proposed disturbance. The project cultural resources report was provided to Mr. Leonard by Stephen O'Neil, UltraSystems Cultural Resources Manager, on October 27, 2022; it was then forwarded to the YSMN. On November 3, 2022, Mr. Nordness replied to Mr. Leonard stating that, following their review of the cultural resources report, they did "not have any concerns with the project's implementation, as planned, at this time." Mr. Nordness did provide three recommended Cultural Resource Mitigation Measures and two recommended Traditional Cultural Resources Mitigation Measures, which the City has agreed to implement. While the YSMN still requested "a final copy of the project/permit/plan conditions to review," otherwise this concluded the tribe's input and no additional consultation was required (Leonard, personal communication, 2022b).

The other two contacted tribes did not request AB 52 consultation.

No traditional cultural sites within the area of the project boundary are documented in the Native American Heritage Commission's (NAHC) Sacred Lands File (SLF) search. No resources as defined by Public Resources Code § 21074 have been identified (refer to Attachment C: "Native American Heritage Commission Records Search and Native American Contacts" in **Appendix D1 to this IS/MND**). Additionally, the project site has not been recommended for historic designation for prehistoric and TCRs. No specific tribal resources have been identified.

No prehistoric resources and one early twentieth-century refuse scatter were observed during the archaeological field survey. Findings of the records search at the South Central Coastal Information Center indicated a prehistoric isolate consisting of a single worked obsidian nodule was located in the north-central area of the project parcel; no other prehistoric resources were recorded within the half-mile buffer of the project boundary.

There were five responses to UltraSystems' outreach contacts to NAHC listed tribes conducted as part of its cultural resources study. Patricia Garcia-Plotkin, Director for the Agua Caliente Band of Cahuilla Indians indicated the project is not located within the Tribe's Traditional Use Area and that they are deferring any comments to closer tribes. Jill McCormick, Historic Preservation Officer for the Quechan Tribe of the Fort Yuma Reservation responded indicating that the tribe does not wish to comment on this project and defers to more local tribes. Ryan Nordness, Cultural Resources Analyst for the San Manuel Band of Mission Indians indicated that the proposed project is located 0.4 miles south of two known prehistoric privy/scatter sites and 0.6 miles northeast from a lithic scatter and hearth site; the area is of concern to the tribe and the Band's cultural resources department is interested to consult whenever this project moves into AB 52/CEQA territory.[11] Chairperson Anthony Morales, Chairperson of the Gabrieleno/Tongva San Gabriel Band of Mission Indians indicated that he did not have much information about the project area. Christina Conley, Tribal Consultant and Administrator for the Gabrielino Tongva Indians of California Tribal Council indicated that the tribe does not have any comment as it is outside of their tribal area, so they defer to sister tribes. (See Attachment C in **Appendix D1**).

Land at the project site has remained relatively undisturbed open desert into the early 21st century despite being part of a larger homestead established in the 1890s, with an historic road running north/south through the far eastern portion. In the past decade or so there has been shallow grading gathering soil to build berms along the parcel border, though not to the extent of removing several Joshua trees and a large juniper bush. Therefore, while the potential for subsurface prehistoric cultural deposits is considered to be moderate, the relatively undisturbed nature of the land in a region known to have been used for habitation and natural resource gathering by the local Serrano tribe (see Section 2.2.2 in **Appendix D1**) suggests the potential for the presence of cultural material.

The project proposes grading and trenching. Grading activities associated with development of the project would involve new subsurface disturbance and may result in the unanticipated discovery of cultural resources. The implementation of mitigation measures **TCR MM-1** and **TCR-MM 2,** as suggested and provided by the YSMN, upon the discovery of prehistoric cultural material would ensure impacts relate to such discoveries would be less than significant.

The ground disturbing construction work associated with the project also may result in the unanticipated discovery of unknown human remains, including those interred outside of formal

[11] The results of the AB52 consultation, which has concluded, are summarized above.

cemeteries. In the unlikely event of an unexpected discovery, implementation of **mitigation measure TCR-3** dealing with human remains are recommended to ensure that impacts related to the accidental discovery of human remains would be less than significant.

Mitigation Measures

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

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

MM TCR-3: As specified by California Health and Safety Code § 7050.5, if human remains are found on the project site during construction or during archaeological work, the San Bernardino County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. The Coroner would determine within two working days of being notified, if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent.

Level of Significance After Mitigation

With implementation of **MM TCR-1** and **TCR MM-2** potential project impacts on TCRs would be less than significant. With implementation of Mitigation Measure **MM TCR-3** above, the proposed project would result in less than significant impacts to human remains and associated funerary objects.

4.19 Utilities and Service Systems

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of whi1ch could cause significant environmental effects?			**X**	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			**X**	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			**X**	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			**X**	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			**X**	

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less than Significant Impact

As discussed in **Section 3.0**, the proposed project would require a sewer, domestic water, fire water, stormwater drainage, gas and dry utilities connections to existing utility infrastructure in Poplar Street.

Wastewater Treatment and Conveyance – As detailed in **Threshold 4.19 c)** below, the current wastewater conveyance and treatment system servicing the project site would adequately serve the proposed project. Therefore, impacts would be less than significant.

Domestic Water – As detailed in **Threshold 4.19 b)** below, the project would have sufficient water supplies available to serve the and reasonably foreseeable future development during normal, dry and multiple dry years. Therefore, impacts would be less than significant.

Fire Water – Fire water would come from the same water line that supplies domestic water. A six-inch water line is proposed to connect to the existing main in Poplar Street. As detailed in **Threshold 4.19 b)** below, there would be sufficient water supply to serve the project site. Therefore, there would be less than significant impacts regarding fire water supplies.

Stormwater – As detailed in **Section 4.10** of this document, development of drainage management area (DMA)-1 and DMA-2 would ensure that the proposed new development site would maintain consistency with the existing drainage pattern in the area (Allard Engineering, 2024, p. 1-2). Impacts regarding stormwater would be less than significant.

Electric Power: Southern California Edison (SCE) would provide electricity to the project site. The proposed project is in a partially developed area, and infrastructure for providing electric power to the area is established. SCE typically utilizes existing utility corridors to reduce environmental impacts and has energy-efficiency programs to reduce energy usage and maintain reliable service for its service area (Southern California Edison, 2021).

Electrical utilities would be undergrounded. Construction would need to occur in the public right-of-way during installation of a new utility connections to the project site. The project would be constructed in accordance with applicable Title 24 regulations. Therefore, a less than significant impact would occur.

Natural Gas: – Natural gas services to the project site would be provided by Southern California Gas Company (SoCalGas). SoCalGas's projections out to 2035 show available capacity that is well above the existing and future anticipated natural gas demand in the area (California Gas and Electric Utilities, 2022). Gas utilities would be installed underground to a gas service riser and meter the proposed building to be used for the HVAC units. Construction would need to occur in the public right-of-way during installation of a new utility connections to the project site. Therefore, the proposed project would be adequately served and would not require new gas service facilities to be developed. Less than significant impact would occur.

Telecommunications Facilities: Spectrum serves internet & cable television customers in the project area (Cabletv, 2022). It is expected that facilities of the telecommunications provider would be extended into the project site from existing lines in adjacent roadways. The proposed project would not interfere with operation of telecommunications facilities, and therefore a less than significant impact would occur.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact

Water Supplies and Demands

The Hesperia Water District (HWD) provides water to the City (Michael Brandman Associates, 2010, p. 3.16-2). Groundwater is the primary water supply source for the City. The City pumps groundwater

from the Alto Subarea of the Upper Mojave River Valley subbasin that is part of the groundwater basins covering the broader Mojave region. The groundwater system incorporates a number of sources that mix and blend to become the groundwater sources available in the Mojave Basin Area. Local supplies consisting of percolated natural supplies, wastewater imports, and return flows derived from wastewater and percolation make up the total groundwater supply. Percolated natural supplies are derived from stream flow in the drainage basins like the Mojave River as well as infiltrating natural precipitation.

Wastewater imports come from Lake Arrowhead Community Services District, Big Bear Area Regional Wastewater Agency, and Crestline Sanitation District also augment the supplies in the groundwater basin. Return flows are percolated supplies that are derived from non-consumptive uses including septic system percolation, applied irrigation water, treated wastewater, or returns through storm drains and other items. Desalination opportunities for the City water supply are not currently feasible and are not included in the projections. Mojave Water Agency (MWA) surface water imports are used to augment the groundwater supplies. All of these supplies together constitute the supplies available to meet demands in the City's service area (Tully & Young, 2021).

HWD's forecast retail water supplies in normal, dry, and multiple dry years are listed below in **Table 4.19-1**.

Table 4.19-1
CITY OF HESPERIA SUPPLY AND DEMAND COMPARISON (ACRE-FEET PER YEAR)

Supply and Demand		2025	2030	2035	2040	2045
Average Year						
Supply Totals		15,250	16,290	16,990	17,740	18,420
Demands Totals		15,250	16,290	16,990	17,740	18,420
Difference		0	0	0	0	0
Single-Dry Year						
Supply Totals		15,250	16,290	16,990	17,740	18,420
Demands Totals		15,250	16,290	16,990	17,740	18,420
Difference		0	0	0	0	0
Multiple Dry Years Supply and Demand Comparison						
First Year	Supply Totals	15,250	16,290	16,990	17,740	18,420
	Demand Totals	15,250	16,290	16,990	17,740	18,420
	Difference	0	0	0	0	0
Second Year	Supply Totals	15,460	16,430	17,140	17,880	18,540
	Demand Totals	15,460	16,430	17,140	17,880	18,540
	Difference	0	0	0	0	0
Third Year	Supply Totals	15,670	16,570	17,290	18,020	18,660
	Demand Totals	15,670	16,570	17,290	18,020	18,660
	Difference	0	0	0	0	0
Fourth Year	Supply Totals	15,880	16,710	17,440	18,160	18,780
	Demand Totals	15,880	16,710	17,440	18,160	18,780
	Difference	0	0	0	0	0
Fifth Year	Supply Totals	16,090	16,850	17,590	18,300	18,900
	Demand Totals	16,090	16,850	17,590	18,300	18,900
	Difference	0	0	0	0	0

Source: Tully & Young, 2021, p. 4.12-2 to 4.12-3.

As shown above, the City would have sufficient water supplies to meet demands in normal water year, single-dry-year, and multiple-dry-year conditions over the 2020-2040 period.

Estimated project water demand is 1.94 acre-feet per year (afy), as shown below in **Table 4.19-2**. The estimated project water demand is a small fraction of the City's project water increase in the future (see **Table 4.19-1** above).

Table 4.19-2
ESTIMATED PROJECT WATER DEMAND

Unit Water Demand Factor Gallons Per Day (GPD)/per unit[a]	Industrial Units	Estimated Water Demand in gallons per day	Estimated Water Demand (gallons per year)[b]	Estimated Water Demand (acre-feet per year)
866	2	1,732	632,180	1.94

[a] 866 gallons per unit per day
[b] Assuming a 365 day per year operation.
Source: City of Hesperia, 2022e, Table 2

As detailed in **Section 4.11**, the proposed project would adhere to the project site's development regulations. Therefore, although the project would use water during project operation, increased water use for the proposed project has been accounted for in the latest UWMP. The UWMP found that with its current water supplies, planned future water supplies, and water conservation, HWD will be able to reliably provide water to all current and future planned developments. Therefore, impacts would be less than significant.

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less than Significant Impact

The Hesperia Water District (HWD) serves as a subsidiary special district of the City of Hesperia (City). The City owns, operates, and maintains a wastewater collection system that serves the entire city. The City's sewer system connects to Victor Valley Wastewater Reclamation Authority's (VVWRA) three-mile interceptor that runs along the northeast boundary of the City, and ultimately flows to the Regional Wastewater Treatment Plant (RWWTP) that is owned and operated by the VVWRA. VVWRA was originally formed to meet the requirements of the Federal Clean Water Act and provide wastewater treatment for the growing area.

According to the City's 2015 Wastewater Masterplan (WWMP), approximately 11 percent of the geographic area studied in the WWMP is currently served by the City's sewers which ultimately flow to the RWWTP. The remaining area is either undeveloped or served by on-site systems (septic tanks). Based upon the WWMP, the wastewater flow volume from the service area is 2.0 million gallons per day (mgd) or 2,240 acre-feet per year (afy). The City has future plans to expand its sewer collection system and in conjunction with VVWRA, construct sub-regional wastewater treatment plants to treat the city's future wastewater flows and create a supply source for its planned recycled water system (Tully & Young, 2021, p. 3-14).

As part of the adoption of the Main Street and Freeway Corridor Specific Plan and City of Hesperia General Plan, the availability of infrastructure and water/sewer services was assessed and determined that adequate water supply and sewer capacity is available for future residential and non-residential uses (Tully & Young, 2021, p. 2-9).

The project proposes two eight-inch sewer laterals connecting to an existing sewer in Poplar Street. The proposed project would adhere to the project site's General Plan land use and zoning regulations for the project site. Therefore, project-generated wastewater was taken account and would be

adequately served by the RWWTP, and project development would not require construction of a new or expanded wastewater treatment facility. Impacts would be less than significant.

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than Significant Impact

Advance Disposal Company, located at 17105 Mesa Street, Hesperia, CA 92345, currently provides residential and commercial waste collection and recycling programs under a franchise agreement with the City. This waste is processed and separated at the Advance Disposal Company facility into material that can be recycled while the remaining solid waste is transferred approximately 15 miles north for disposal at Victorville Sanitary Landfill. The Victorville Sanitary Landfill is located at 18600 Stoddard Wells Road, Victorville, CA 92307 and is owned and operated by the County of San Bernardino (Michael Brandman Associates, 2010, p. 3.16-8). **Table 4.19-3** below summarizes the two facilities long-term and daily capacities for handling solid waste.

Table 4.19-3
SOLID WASTE FACILITIES SERVING HESPERIA

Facility and Nearest City/Community	Remaining Capacity, tons	Daily Permitted Disposal Capacity, tons	Actual Daily Disposal, tons	Residual Daily Disposal Capacity, tons	Estimated Closing Date
Advance Disposal Company Large Volume Transfer/Processing Facility (Hesperia)	n/a	1,500	461[a]	1,039	n/a
Victorville Sanitary Landfill	111,160,000	3,000	1,612[b]	1,388	10/1/2047

[a] Daily disposal quoted as the peak value observed on 7/7/2022 during most recent inspection report dated 7/28/2022.
[b] Daily disposal quoted as the peak value observed on 8/2/2022 during most recent inspection report dated 8/10/2022.
Sources: CalRecycle. 2022a, b, c, e, f, g.

Construction

Materials generated during construction of the project would include paper, cardboard, metal, plastics, glass, concrete, lumber scraps and other materials. During construction (short-term) and operation (long-term), bulk solid waste, excess building material, fill, and other construction-related solid waste, would be disposed of in a manner consistent with State of California Integrated Waste Management Act of 1989 (CIWMA) and would be removed from the project site. Existing regulations related to recycling during construction phase of the project require that the project provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of nonhazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, and metals. Therefore, impacts during the construction phase would be less than significant.

Operation

The project proposes development of two truck warehouse buildings and a surface parking lot for 448 employees in the City of Hesperia in San Bernardino County, California. Industrial units in the City generated an average of 8.93 pounds of solid waste per employee per day in 2014, the latest year for which data are available.[12] Thus, the proposed industrial development with 448 employees is estimated to generate 4,001 pounds of solid waste per day or 731 tons per year, as shown below in **Table 4.19-4**.

Table 4.19-4
ESTIMATED PROJECT-GENERATED SOLID WASTE

Land Use	Generation Rate*	Approximate Waste (pounds/year)	Approximate Waste (tons/year)
Industrial	8.93 pounds per employee per day	1,460,224	731

*(CalRecycle, 2022d).

Two facilities are involved in the processing and disposal of solid waste within the city, and both are analyzed to ensure that they have sufficient capacity to satisfy the demands of the project. The Advance Disposal Company Large Volume Transfer/Processing facility has remaining processing capacity of 1,039 tons per day or 379,235 tons per year. The remaining solid waste capacity at Advance Disposal Company Large Volume Transfer/Processing facility is unknown at this time. The project is under daily maximum capacity of this facility. But should the landfill be filled, the remaining solid waste would go to Victorville Sanitary Landfill.

The Victorville Sanitary Landfill facility has remaining disposal capacity of 1,388 tons per day or 506,620 tons per year. For the purposes of this analysis only, a worst-case scenario is used that 100 percent of the project waste goes to landfill. Estimated project operational solid waste disposal of 731 tons per year is approximately 0.00007 percent of remaining disposal capacity at Victorville Sanitary Landfill. Sufficient processing and disposal capacity is available in the region for estimated project solid waste generation, and project impacts on solid waste disposal capacity would be less than significant.

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less Than Significant Impact

In 1989, the California Legislature enacted the California Integrated Waste Management Act (AB 939), in an effort to address solid waste problems and capacities in a comprehensive manner. The law required each city and county to divert 50 percent of its waste from landfills by the year 2000.

Assembly Bill 341 (AB 341; Chapter 476, Statutes of 2011) increases the statewide waste diversion goal to 75 percent by 2020, and mandates recycling for commercial and multi-family residential land

[12] The estimate is based on an assumed operation of 365 days per year producing 8.93 lbs total solid waste generation from each employee per day, which yields 183 tons per year or 1,000 pounds per day. Source: CalRecycle, 2022d.

uses. To comply with the State requirements of AB 341, the City has an exclusive franchise agreement with Advance Disposal Co. to collect, process, recycle and dispose of solid waste from residential premises and commercial businesses in the City of Hesperia. This process is considered to be the equivalent of mandatory commercial recycling in that all solid waste generated by businesses and multifamily units will be collected by Advance Disposal Co. using existing trash enclosures and bins, and processed through a mixed waste materials recovery facility. This eliminates the need to modify existing bin enclosures to accommodate separate recycling bins and train employees on recycling requirements. As required by AB 341, the City and Advance Disposal Co. track, monitor and report to the State on program effectiveness and diversion data (Advance Disposal Company, 2022).

The proposed project would comply with applicable local, state and federal solid waste disposal standards; therefore, impacts would be less than significant.

4.20 Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				**X**
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				**X**
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				**X**
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				**X**

a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact

As shown in **Figure 4.9-3** in **Section 4.9** of this IS/MND, the project site is not located in or adjacent to a Very High Fire Hazard Severity Zone (VHFHSZ) within a State Responsibility Area (SRA), where the State is responsible for the costs of wildfire prevention and suppression. The nearest SRA to the project site is in unincorporated San Bernardino County approximately 2.15 miles to the south of the site (CAL FIRE, 2022). As shown in **Figure 4.9-4** in **Section 4.9** of this IS/MND, the project site is not located within or adjacent to a Local Responsibility Area (LRA), where cities or counties are responsible for the costs of wildfire prevention and suppression. The nearest VHFHSZ in LRA to the project site is about 6.8 miles to the southeast. Therefore, the proposed project would have no impact in this regard.

b) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other

factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact

The project site is not located in or near VHFHSZs. Therefore, the proposed project would have a no impact in this regard.

c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact

The project site is not located in or near VHFHSZs. Therefore, the proposed project would have a no impact in this regard.

d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact

The project site is not located in or near VHFHSZs. Therefore, the proposed project would have a no impact in this regard.

4.21 Mandatory Findings of Significance

Would the project have:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		**X**		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		**X**		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		**X**		

a) Would the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact with Mitigation Incorporated

As detailed in **Section 4.4**, the project site is undeveloped and contains Western Joshua Trees with a low-to- medium potential of wildlife on the project site. However, with the implementation of **MM BIO-1** to **BIO-7**, impacts to plant and wildlife species would be less than significant.

As detailed in **Section 4.5**, the project site does not contain any significant historic or archaeological resources. However, if archaeological or human remains are discovered during project construction, **MM CUL-1** and **CUL-2** would be implemented to ensure impacts would be less than significant.

b) Would the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than Significant Impact with Mitigation Incorporated

In the short term, there would be a potential for cumulative effects on traffic, air quality, and noise if other development projects were implemented concurrently with the project.

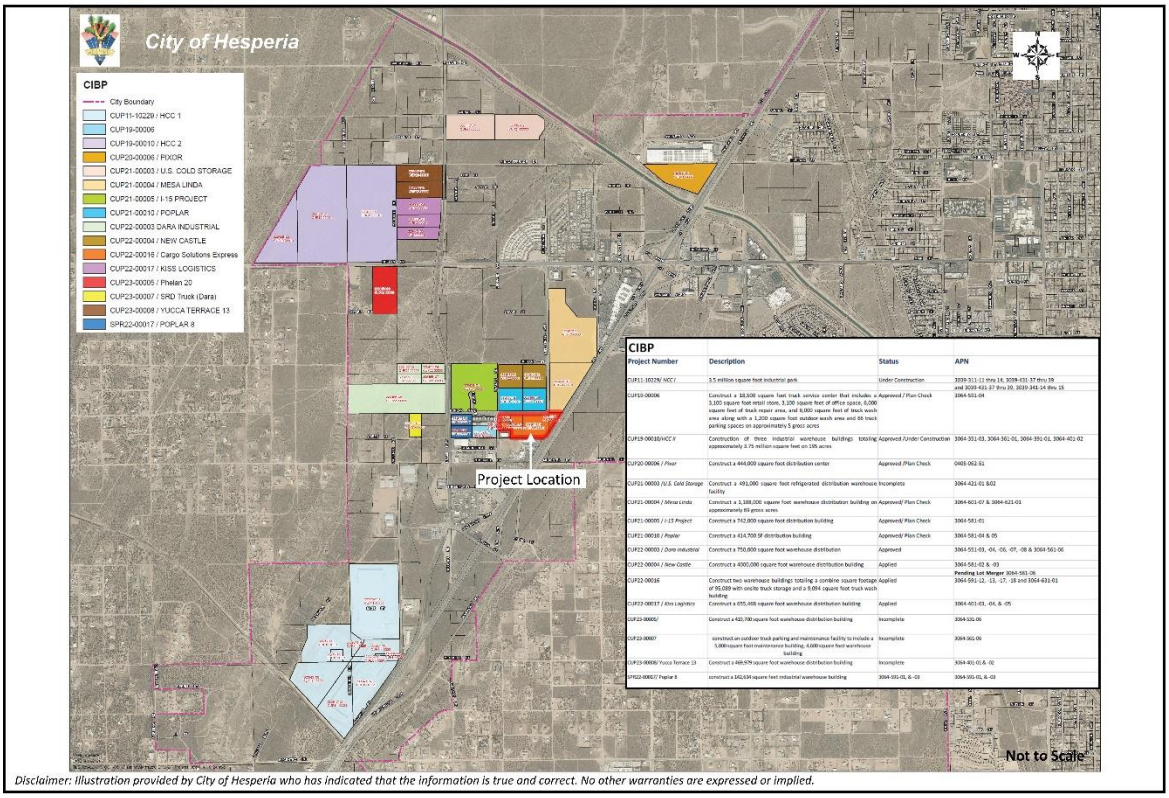
As shown in **Figure 4.21-1,** Cumulative Projects, there are several current projects within the City of Hesperia's Commercial/Industrial Business Park. However, as analyzed throughout this document, the proposed project would create less than significant impacts with mitigation incorporated. Therefore, the project would not significantly contribute to cumulative impacts in the area with mitigation incorporated.

c) Would the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact with Mitigation Incorporated

As detailed in **Section 4.8**, Hazards and Hazardous Materials, after implementation of **MM HAZ-1** and **MM HAZ-2**, potential impacts from hazard materials storage and transportation would be reduced to less than significant. As discussed in **Sections 4.1** through **4.20** of this document, after the implementation of mitigation measures, potential adverse environmental effects were found to be less than significant on human beings, either directly or indirectly.

Figure 4.21-1
CUMULATIVE PROJECTS



Source: City of Hesperia, April 10, 2024

UltraSystems
environmental•management•planning

Cargo Solutions Truck Warehouse
Cumulative Projects

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7.0 MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with § 21081.6 of the Public Resources Code and § 15097 of the CEQA Guidelines, which requires all state and local agencies to establish monitoring or reporting programs whenever approval of a project relies upon a MND or an EIR. The MMRP ensures implementation of the measures being imposed to mitigate or avoid the significant adverse environmental impacts identified through the use of monitoring and reporting. Monitoring is generally an ongoing or periodic process of project oversight; reporting generally consists of a written compliance review that is presented to the decision-making body or authorized staff person.

It is the intent of the MMRP to: (1) provide a framework for document implementation of the required mitigation; (2) identify monitoring/reporting responsibility; (3) provide a record of the monitoring/reporting; and (4) ensure compliance with those MM that are within the responsibility of the City and/or Applicant to implement.

The following table lists impacts, mitigation measures adopted by the City of Hesperia in connection with approval of the proposed project, level of significance after mitigation, responsible and monitoring parties, and the project phase in which the measures are to be implemented.

Only those environmental topics for which mitigation is required are listed in this Mitigation Monitoring and Reporting Program.

Table 7.0-1
MITIGATION MONITORING AND REPORTING PROGRAM

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
4.4 Biological Resources				
Threshold 4.4a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-1: 2081 Incidental Take Permit** Western Joshua trees are a state candidate for listing under CESA and will require a 2081 Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of **MM BIO-7**. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where "take" is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. **MM BIO-2: Focused Borrowing Owl Survey** Although BUOW was not detected on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist would conduct a focused BUOW survey in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012). Following the completion of the survey, the biologist would prepare a letter report summarizing the results of the survey. The report would be submitted to the City prior to initiating any ground disturbance activities. If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required. If BUOW or signs of BUOW are observed during the survey, the site would be considered occupied. The biologist would implement mitigation measure BIO-2 and contact the City of Hesperia, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures, prior to commencing project	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	activities. The list of potential measures to avoid and minimize impacts to BUOWs described below would be implemented. **BUOW Protection Measures** If BUOWs or signs of BUOW are observed during the survey, then the site would be considered occupied and the biologist shall contact the City, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures discussed below, prior to commencing project activities.). If no BUOW or signs of BUOW are observed during the focused surveys, the components of this measure (discussed below) would not be applicable. **Planning BUOW Protection** Grading, construction, and other project activities on all grassland habitat will be delayed until the qualified biologist has implemented burrow exclusion and closure. No ground-disturbing activities within 165 feet of an active BUOW burrow will be permitted until burrow exclusion and closure have been implemented. No destruction of foraging habitat will be permitted until burrow exclusion and closure have been implemented. **Preconstruction BUOW Protection** Prior to the initiation of grading and construction activities, the biologist shall implement passive relocation of an active BUOW burrow by installing a one-way door and then permanently excluding the BUOW from returning once it is confirmed that no BUOW individuals remain in the burrow. A biological monitor will visit the site daily to verify that the burrow is empty by monitoring and scoping the burrow. **Construction BUOW Protection Measures** A biological monitor will be onsite to monitor any BUOW or signs of BUOW. If any BUOW are observed then the biologist will consult with the County EMD and CDFW to determine the appropriate measures. **MM BIO-3: Pre-Construction General Wildlife Survey** Special-status wildlife species that have no designated status under the ESA, the CESA, and/or the NPPA, but are designated as sensitive or locally important by	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	federal agencies, state agencies, local agencies such as the RCA, and nonprofit resource organizations such as the CNPS are referred to as "sensitive" in this section. The following measures will be implemented to minimize impacts to these species which include but are not limited to: Blainville's horned lizard and desert kit fox. The measures below will help to reduce direct and indirect impacts caused by construction on various sensitive species to less than significant levels. • A qualified biologist will conduct a pre-construction general wildlife survey for sensitive wildlife and potential nesting sites such as open ground, shrubs, and burrows within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance. • If sensitive species and/or active nesting sites are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required. • If any sensitive wildlife species are identified within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency. zone. • Sensitive wildlife species and/or potential nesting sites will not be disturbed, captured, handled or moved. **MM BIO-4: Loggerhead Shrike Survey and Protection Measures** The following measures are proposed in order to minimize impacts to loggerhead shrike, for which there is suitable habitat in the BSA.	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	• If activities occur during the breeding/nesting period, a wildlife survey will be completed by a qualified biologist to identify potential loggerhead shrike activity in the area of the project activities. • Additional species surveys to determine presence/absence of birds prior to disturbances, from May 1 until the work start date, if the work start date is prior to August 31. Surveys are to occur weekly in May, every other week in June, and once per month in July and August (assuming no loggerhead shrike are observed). • Incidental occurrences of other sensitive avian species such as Swainson's hawk, prairie falcon, and Cooper's hawk should also be recorded during the survey. **MM BIO-5: Pre-Construction Breeding Bird Survey** To maintain compliance with the MBTA and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels. Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts on migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities.	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	• If project activities cannot be avoided during February 15 through September 15, a qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance. • If no breeding birds or active nests are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required. • If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone. • If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency. • Birds or their active nests will not be disturbed, captured, handled or moved. Active nests cannot be removed or disturbed; however, nests can be removed or disturbed if determined inactive by a qualified biologist			

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
Threshold 4.4b) Have Substantial Adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	**MM BIO-6: Mitigation for Impacts to Western Joshua Tree and California Juniper Woodlands** **Avoidance and Minimization Measures** The entirety of the project area is currently planned for development. Approximately 19 acres is California juniper woodland. The California juniper woodland is a sensitive natural community, as such, impacts as a result of the project, shall be mitigated so that all impacts to these habitats are mitigated on acreage and tree basis. Proposed project activities including the construction phase, operations, and maintenance phase shall be designed to avoid California juniper woodland (and Joshua tree) habitat to the full extent practicable. If the California juniper (or associated Joshua trees) are removed as a result of project activities, then compensatory mitigation is required, as follows. The preferred compensatory mitigation is through an in-lieu fee to a qualified mitigation bank within the service area of the site, ideally within the same watershed. The project proponent shall coordinate with CDFW to identify appropriate mitigation banks and number of required mitigation credits to fully offset site impacts at a minimum of a 2:1 replacement to impact ratio. However, applicant-responsible compensatory mitigation is acceptable through preparation of a Habitat Preservation and Protection Plan, to be approved by CDFW prior to project approval. **Habitat Preservation and Protection Plan** For applicant-responsible compensatory mitigation, then the project proponent shall enter into a binding legal agreement regarding the preservation of offsite lands describing the terms of the acquisition, enhancement, and management of those lands. Fee title to acquired habitat lands, or a conservation easement over these lands, shall be transferred to CDFW or to an entity approved by CDFW, along with	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	financial assurances (funds) for preservation, rehabilitation, and enhancement of the land, and an endowment for permanent management of the lands. A formal Habitat Preservation and Protection Plan to detail methods for site preservation, restoration, monitoring, and protection shall be written. The plan will include permanent photo documentation points from the pre-restoration stage to the conclusion of the monitoring requirement. Photo documentation shall occur on a quarterly and annual basis or as required by CDFW. The number of western Joshua and California juniper trees existing onsite, transplanted, installed as container stock, will be recorded and qualitatively assessed quarterly and quantitatively assessed on an annual basis until performance criteria and/or contingency criteria are successfully attained. A final monitoring report will be provided at the conclusion of the post-construction restoration phase. The project proponent shall provide the final monitoring report to CDFW for approval of completion for the project.			
Threshold 4.4e) Have Substantial Adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	**MM BIO-7: Native Desert Vegetation Survey and Protected Plant Preservation Plan** A Preservation Plan will be prepared and submitted to the City, which is required by City Municipal Code. A native desert vegetation survey must be conducted to produce findings that will guide the formation of this plan. The survey objective is to evaluate the health and general condition of the western Joshua trees and creosote bush present on the project site. A project-specific plan will provide further guidance regarding the transplant and/or preservation of the western Joshua trees and protection for creosote rings "10 feet or greater in diameter" as per § 16.24.150 of City Municipal Code. Transplant suitability of the western Joshua trees will be determined by the results of the survey. This survey shall be conducted by a qualified City-approved biologist or arborist. The plan will incorporate survey data, identify and outline preconstruction survey methods for the native desert vegetation on the project site, describe preconstruction and construction-phase biological monitoring and transplant methods that are applicable, or outline any identified CDFW permit and Memorandum of Understanding requirements for	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	active relocation, if either is necessary. The Plan should be referred to for a detailing of protective actions regarding the western Joshua trees on the project site.			
4.5 Cultural Resources				
Threshold 4.5b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.	**MM CUL 1** If archaeological resources are discovered during construction activities, the contractor will halt construction activities in the immediate area of the find (within a 60-foot buffer) and notify the City of Hesperia. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology who will be notified and afforded the necessary time to assess the find. Work on the other portions outside the buffer area may continue during this assessment period. The archaeologist will also be afforded the necessary time and resources to recover, analyze, and curate the find(s). The qualified archaeologist will recommend the extent of archaeological monitoring necessary to ensure the protection of any other resources that may be in the area. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the South Central Coastal Information Center. Construction activities may continue on other parts of the project site while evaluation and treatment of prehistoric archaeological resources takes place. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM CUL 3 If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	archaeologist shall monitor the remainder of the project and implement the Plan accordingly.			3. During construction activities
Threshold 4.5c): Disturb any human remains, including those interred outside of formal cemeteries.	**MM CUL 2** If human remains are encountered during excavations associated with this project, all work will stop within a 30-foot radius of the discovery and the San Bernardino County Coroner will be notified (§ 5097.98 of the Public Resources Code). The Coroner will determine whether the remains are recent human origin or older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they will contact the NAHC. The NAHC will be responsible for designating the Most Likely Descendant (MLD). The MLD (either an individual or sometimes a committee) will be responsible for the ultimate disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. The MLD will make recommendations within 24 hours of their notification by the NAHC. These recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).	Project Construction Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project construction activities
4.7 Geology and Soils				
Threshold 4.7f): Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	**MM GEO 1** Before the beginning of project construction, the project applicant shall retain a qualified paleontologist to remain on-call for the duration of project ground disturbance activities. If paleontological resources are uncovered during project construction, the contractor shall halt construction activities in the immediate area and notify the City. The on-call paleontologist shall be notified and afforded the necessary time and funds to recover and analyze the finds and curate the find(s) with an accredited repository for paleontological resources. Subsequently, the monitor shall remain onsite for the duration of the ground disturbance to ensure the protection of any other resources that are found during construction on the project site	Project Applicant, Qualified Paleontologist	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
4.9 Hazards and Hazardous Materials				
Threshold 4.9a)	**MM HAZ-1**	Project Applicant	Field Verification	

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	In the event that the future tenant will handle hazardous materials above the reportable quantity threshold, the lease agreement with the future tenant shall require the tenant to submit a Hazardous Materials Business Plan which would include an inventory of all hazardous materials used, stored, or otherwise managed onsite to the County of San Bernardino County Fire Department – Hazardous Materials Division and the Fontana Fire Protection District. The recommendations of the Hazardous Materials Business Plan would be included in the lease agreement (signed by the tenant) as mandatory measures required to be implemented by the tenant **MM HAZ-2** In the event that the future occupant will handle hazardous materials above the reportable quantity threshold, the occupancy agreement shall require the occupant, in coordination with the San Bernardino County Fire Department, to identify routes along which hazardous materials may routinely be transported. If essential facilities such as schools, hospitals, child care centers, or other facilities with special evacuation needs are located along these routes, the future occupant shall develop an emergency response plan that can be implemented in the event of an unauthorized release of hazardous materials. The recommendations of the Emergency Response Plan would be included in the occupancy agreement (signed by the future occupant) as mandatory measures required to be implemented by the future occupant.			1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation
Threshold 4.9b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment**?**	Refer to **MM HAZ-1 and MM HAZ-2** in **Threshold 4.9a).**			

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
Threshold 4.9f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Refer to **MM TRANS-3** in **Threshold 4.17c).**			
4.17 Transportation				
Threshold 4.17a) Would the project conflict with a program plan, ordinance or policy addressing circulation system, including transit, roadway, bicycle and pedestrian facilities?	**MM TRANS-1** The Project Applicant would be required to implement operational improvements detailed in section 11.7 of the Traffic Impact Analysis (TIA) report to ensure that all affected intersections by project buildout would have an adequate level of service (LOS). **MM TRANS-2** The Project Applicant would be required to contribute to fair-share contributions for intersection operational improvements in the project area. The contributions are identified in section 11.8 of the Traffic Impact Analysis (TIA) report.	Project Applicant	Field Verification	1. City of Hesperia 2. City of Hesperia 3.Before construction
	MM TRANS-3 Prior to construction, the General Contractor shall submit a detailed Construction Management Plan to be reviewed and approved by the City of Hesperia. The Construction Management Plan shall specify that the Construction Manager will schedule truck traffic and employee shifts to avoid creating trips during the peak traffic periods, as is feasible for construction operations. All measures, including identified truck routes and designated employee parking areas, shall be included in	City of Hesperia and Construction Manager	Field Verification	1. City of Hesperia 2. City of Hesperia 3. During Construction

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
Threshold 4.17c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	the Construction Management Plan. The Plan shall include but is not limited to the following provisions: • The Construction Management Plan shall specify how traffic will be routed and controlled during the construction phase, including which lane(s) of traffic will be temporarily blocked off for construction work. • Specification of permitted hours for construction-related deliveries and removal of heavy equipment and material. • Specification of where construction workers would park their personal vehicles during project construction with a requirement that at no time shall construction worker vehicles block any driveways. If complaints are received by the project applicant regarding issues with construction worker vehicle parking, the project applicant shall identify alternative parking options for construction workers so as not to interfere with any surrounding parking availability. • Identification of how emergency access to and around the project site will be maintained during project construction. • Specification of haul routes for delivery or removal of heavy and/or oversized equipment or material loads. Where feasible, delivery or removal of oversized equipment or material loads shall be conducted during off-peak traffic periods. • Provide pedestrian and bicycle connections around the project site and designate safe crossing locations for all pedestrian detours. • Maintain the security of the project site by erecting temporary fencing during the construction phase of the project. Any onsite night lighting used during the construction phase of the project shall be in compliance with the lighting requirements of the City of Hesperia. • If temporary lane closures are necessary for the installation of utilities, emergency access should be maintained at all times. • Flag persons and/or detours shall be provided as needed to ensure safe traffic operations.			

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	• Construction signs shall be posted to advise of reduced construction zone speed limits. • The project design shall include entry/exit gates for first responders' vehicles to gain access to the project site.			
Threshold 4.17d) Would the project result in inadequate emergency access?	**MM TRANS-3.** Refer to **Threshold 4.17c).**	City of Hesperia and Construction Manager	Construction Management Plan	1. City of Hesperia 2. City of Hesperia 3. During Construction
4.18 Tribal Cultural Resources				
Threshold 4.18b): cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be a significant resource to a California Native American tribe	**MM TCR-1** The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in MM CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
pursuant to the criteria set forth in subdivision (c) of Public Resource Code § 5024.1(c)?	monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.			
	MM TCR-2 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM TCR-3 As specified by California Health and Safety Code § 7050.5, if human remains are found on the project site during construction or during archaeological work, the San Bernardino County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. The Coroner would determine within two working days of being notified, if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities

Mojave Water Agency

June 23, 2025

City of Hesperia, Planning Department
Ryan Leonard, Senior Planner
9700 Seventh Ave.
Hesperia, CA. 92345

Regarding: Cargo Solutions Truck Warehouse Hesperia Project

Dear Ryan,

This confirms that the Mojave Water Agency has no conflict with this project.

Sincerely,
Christy Huiner
Senior Water Resource Analyst
Mojave Water Agency
chuiner@mojavewater.org
760-946-7066

LOZEAU DRURY LLP

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July 16, 2025

Via Email

Ryan Leonard, Senior Planner
Planning Department
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
rleonard@cityofhesperia.us

Re: Comment on Mitigated Negative Declaration, Cargo Solutions Truck Warehouses Hesperia Project (SCH 2025060948)

Dear Mr. Leonard:

This comment is submitted on behalf of Supporters Alliance For Environmental Responsibility ("SAFER") regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the Cargo Solutions Truck Warehouses Hesperia Project, which proposes the development of two truck warehouse buildings totaling 151,788 square-feet on an approximately 20.32-acre site at the southeast intersection of Poplar Street and Three Flags Avenue on Accessor's Parcel Numbers 3064-591-17, -18, -12, and -13 and 3064-631-01 in the City of Hesperia ("Project").

SAFER is concerned that the IS/MND is improper under the California Environmental Quality Act due to the IS/MND's failure to adequately assess and mitigate the Project's potentially significant environmental impacts. SAFER requests that an environmental impact report be prepared for the Project rather than an MND because there is a fair argument that the Project may have adverse environmental impacts. An EIR will ensure that potentially significant impacts of this Project are fully disclosed, analyzed, and mitigated.

SAFER reserves the right to supplement this comment throughout the administrative process. *Galante Vineyards v. Monterey Peninsula Water Management Dist*., 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Kylah Staley
Lozeau Drury LLP

From: SCG SE Region Redlands Utility Request
To: Ryan Leonard
Cc: SoCalGasTransmissionUtilityRequest
Subject: 6/26/25-Cargo Solutions Truck Warehouse Hesperia Project
Date: Thursday, June 26, 2025 10:30:05 AM
Attachments: Cargo Solutions Truck Warehouse Hesperia Project.pdf

You don't often get email from scgseregionredlandsutilityrequest@semprautilities.com. Learn why this is important

This is a SoCalGas Distribution response. I am including SoCalGas Transmission SoCalGasTransmissionUtilityRequest@semprautilities.com as they have facilities in the area and will need to review this project.

Hello,

I just reviewed the documents regarding: **Cargo Solutions Truck Warehouse Hesperia Project**

SoCalGas Distribution does not appear to have a conflict with this project. Please note on case to have Developer contact 811 / USA at DigAlert | Utility Locating California | Underground Wire & Cable Locator prior to any excavation / demolition activities so we can Locate & Mark out our facilities.

If the Developer needs new gas service, please have them contact our Builder Services group to begin the application process as soon as practicable, at https://www.socalgas.com/for-your-business/builder-services.

To avoid delays in processing requests and notifications, please have all Franchise correspondence sent to our Utility Request inbox, at SCGSERegionRedlandsUtilityRequest@semprautilities.com

I cover the **Southeast Region – Redlands** SCGSERegionRedlandsUtilityRequest@semprautilities.com would be your contact for requests in the southeastern ends of LA County, Riverside County, San Bernardino & Imperial Counties.

Southeast Region - Anaheim office which is all of Orange County and the southern ends of Los Angeles County; therefore, any Map and/or Will Serve Letter requests you have in these areas please send them to AtlasRequests/WillServeAnaheim@semprautilities.com

Northwest Region – Compton HQ For West and Central LA County, your Map Request and Will Serve Letters, will go to SCG-ComptonUtilityRequest@semprautilities.com

Northwest Region - Chatsworth

For any requests from the northern most parts of LA County all the way up to Visalia, San Luis Obispo, Fresno and Tulare you would
contact NorthwestDistributionUtilityRequest@semprautilities.com

Transmission

For Transmission requests, please contact SoCalGas Transmission,
at SoCalGasTransmissionUtilityRequest@semprautilities.com

READ MORE ……..

MINOR STREET IMPROVEMENT PROJECTS: (CHIP SEAL, SLURRY SEAL, GRIND & OVERLAY)

Please notify Southern California Gas Company 4 months prior to start of pavement
projects for the gas company to complete leak survey & repair leaks if found.

MAJOR STREET IMPROVEMENT PROJECTS: (PROJECTS REQUIRING EXCAVATIONS GREATER THAN 9 INCHES, WIDENING OF EXISTING STREETS, INSTALLING NEW CURBS &
GUTTERS, BUS PADS, TRAFFIC SIGNALS, REALIGNMENT, GRADE SEPARATION, ETC.) &
PIPELINE PROJECTS: (STORM DRAIN, WATERLINE, WATER, SEWER, ELECTRICAL, TELECOMUNICATIONS, ETC.)

Please provide Southern California Gas Company with your signed designed plans
with *gas company facilities posted* on your designs plans, 4-6 months prior to start of construction for possible relocation of SCG medium pressure facilities and 9-12 months
for possible relocation of SCG high pressure facilities.

This time is needed to analyze plans and to design required alterations to any conflicting SCG gas facilities. Please keep us informed of any and all pre-construction meetings, construction schedules, etc., so that our work can be scheduled accordingly.
Potholing may be required to determine if a conflict exists between the proposed development and our facilities. If, for any reason, there are SCG facilities in conflict, and a request to be relocated is needed, it is important to send the request in writing. Please include all required information below:

- **A Signed "Notice to Owner" request on Official Letterhead from the City, County,**

and/or company.

- **Name, Title and Project Number.**
- **Address, Location, Start Date, Parameters & Scope of Entire Job/Project.**
- **Copy of Thomas Guide Page and/or Google Map Screenshot Highlighting Project Area.**
- **Requestor Company's Contact Name, Title, Phone Number, Email, and other pertinent information**.

Thank you,

Josh Rubal
Lead Planning Associate
Distribution Planning & Project Management
Redlands HQ - Southeast Region
(213) 231-7978 Office
SCGSERegionRedlandsUtilityRequest@semprautilities.com

Mojave Desert Air Quality Management District
Brad Poiriez, *Executive Director*
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • Fax 760.245.2022
www.MDAQMD.ca.gov • @MDAQMD

July 09, 2025

Edgar Gonzales, Assistant Planner
City of Hesperia, Planning Department
9700 Seventh Avenue
Hesperia, CA 92345

Project: Hesperia Cargo Solutions Trucking Warehouse

Dear Mr. Gonzales:

The Mojave Desert Air Quality Management District (District) has reviewed the Project Notice/Initial Study for the Cargo Solutions Trucking Facility Project in Hesperia. The project proposes the development of two truck warehouses (project) on an approximately 20.32-acre site located at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia. The project proposes to develop Truck Warehouse Building 1 with an associated parking lot on the western portion of the project site on an approximately 10.52-acre lot, and Truck Warehouse Building 2 with an associated parking lot on the eastern portion of the project site on an approximately 9.8-acre lot. The City is the Lead Agency for the purposes of the CEQA. The entire approximately 20.32-acre project site is currently undeveloped land. The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west.

We have reviewed the project as proposed and based on the information available to us at this time, the District requires that the owner/operator obtain a Dust Control Plan (DCP) for the planned project. The most current Dust Control Plan Requirements and Dust Control Plan Submission Form are available at https://www.mdaqmd.ca.gov/permitting/compliance-forms.

Other District requirements include:

- Signage compliant with Rule 403 Attachment B shall be erected at each project site entrance not later than the commencement of construction.

- Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

- All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project-related trackout within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

- Obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to: Internal Combustion Engines with a manufacture's maximum continuous rating greater than or equal to 50 brake horsepower.

- Comply with all applicable provisions listed in Rule 403 – *Fugitive Dust Control.*

Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 1846, or Bertrand Gaschot at extension 4020.

Sincerely,

Chris Anderson
Planning and Air Monitoring Supervisor

CA/bg Hesperia Cargo Solutions Truck Warehouse 2025 09 Jul

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Attachment 6e

July 11, 2025
Sent via email

Ryan Leonard
Principal Planner
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345

Dear Ryan Leonard:

Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project (PROJECT)
Mitigated Negative Declaration (MND)
SCH# 2025060948

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

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

CDFW ROLE

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

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: Bobby Kang

Objective: The objective of the Project is to develop two warehouse buildings and associated parking lots and utilities across five Assessor Parcel Numbers (APNs) (see Project location below for APNs). The warehouses are intended for truck storage and will encompass 20.32 acres. Truck Warehouse 1 will encompass 10.52 acres and include a 75,894-square foot (sf) warehouse with office and grade level doors, 121,975 sf of surface parking space for passenger vehicles and truck/trailer parking, and 26,864 sf of landscaping. Truck Warehouse 2 will encompass 9.8 acres and include a 75,894-sf warehouse with office and grade level warehouse space, 143,708 sf surface parking lot for passenger vehicles and truck/trailer parking, and 58.389 sf of landscaping. Utilities including domestic water, sewer lines, fire suppression, irrigation lines, gas, and electricity will be needed across the Project site for both warehouses. The Project will also include interior and exterior lighting and the installation of an 8-foot-tall wall and an 8-foot-tall iron fence separating the two warehouses. The Project intends to operate 24 hours a day, 7 days a week, and is estimated to result in employing 448 staff for both warehouses.

Location: The Project is located in the City of Hesperia in the southeast corner of Three Flags Avenue and Poplar Street, County of San Bernardino, State of California. The Project will occur on APNs 3064-591-12, -13. -17, -18 and 3064-631-01. The Project is centered at Latitude 34.4148905 and Longitude -117.3926335.

Timeframe: The Project is expected to occur in one phase and is estimated to commence October 2025 and be completed in November 2026.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

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COMMENT #1: Mohave ground squirrel (*Xerospermophilus mohavensis*)

Section #4.4 Biological Resources, Page #72-73

Issue: The Project has the potential to result in take of Mohave ground squirrel, a CESA listed species, and in the permanent loss of potential habitat for the species. California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill".

Specific impact: Mohave ground squirrel was identified by the MND to have a low potential to occur within the biological study area (BSA), but no focused surveys were conducted, nor were any species-specific avoidance or mitigation measures included in the MND.

Why impact would occur: The Project would permanently impact 20.32 acres of open space through grading, staging, construction of two large warehouses, and installation of parking lots. CDFW is concerned that the Project may impact Mohave ground squirrel considering that the MND mentions the presence of burrows and creosote bush (*Larrea tridentata*), which are known to provide habitat for Mohave ground squirrel and no focused surveys to determine presence/absence of Mohave ground squirrel were conducted.

Evidence impact would be significant: The MND mentions that Mohave ground squirrel has a low potential to occur onsite and that the BSA offers minimal habitat value for fossorial species, such as Mohave ground squirrel. Thus, considering that the Project site offers some habitat value and there is vegetation suitable for Mohave ground squirrel (i.e., creosote bush), CDFW is concerned that mitigation measures were not included in the MND to ensure impacts to Mohave ground squirrel are mitigated to a level of less than significant. Furthermore, California Natural Diversity Database (CNNDB) indicates the Project is within the Mohave ground squirrel distribution range and Mohave ground squirrel occurs within 2.5 miles of the Project site. In fact, burrows were detected onsite, which the MND attributes to belonging to an unknown ground squirrel species.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following measure for inclusion in the final MND:

Mitigation Measure Biological Resources 6 (MM-BIO-6) (New): Mohave ground squirrel

Visual surveys for Mohave ground squirrel shall be conducted by a qualified biologist prior to ground disturbing activities. Visual surveys shall be conducted between March 15 and April 15 according to the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines

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(CDFW 2023). Visual surveys shall be conducted on the Project site during daylight hours by a qualified biologist who can readily identify Mohave ground squirrel and white-tailed antelope squirrel (*Ammospermophilus leucurus*). If the survey or monitoring throughout the duration of the Project confirms presence of Mohave ground squirrel, the Project proponent shall fully avoid impacts to Mohave ground squirrel or should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel if impacts are unavoidable.

COMMENT #2: Western Joshua tree (*Yucca brevifolia*)

Section #2.3.4 Environmental Setting, 4.4 Biological Resources, Page #25, 67, 72, 73, 77, 80-81, 191

Issue: The Project may impact western Joshua tree; a candidate species protected under CESA and Fish and Game Code section 1927.

Specific impact: The Project, as described, will result in the lethal take of western Joshua trees present onsite. In fact, the MND confirms that direct and indirect take of western Joshua tree is likely to occur.

Why impact would occur: Project activities, such as grubbing and grading may result in removal of western Joshua tree or may impact their root system. Under Fish and Game Code section 1927, the take of western Joshua trees and parts thereof, including roots, is prohibited. Damage to roots can lead to the death of the tree.

Evidence impact would be significant: The MND is not clear regarding how many western Joshua trees are present on site, but states that there are between 1 to 6 western Joshua trees present and CDFW confirmed the presence of western Joshua trees onsite through aerial imagery. The MND also does not provide information regarding the extent that the Project may impact the species but in BIO-1 (see below) discusses the need for an Incidental Take Permit (ITP) under Fish and Game Code section 2081. Please note that the Project may also receive an ITP under Fish and Game Code section 1927 through the Western Joshua Tree Conservation Act (WJTCA), which will require a census of all trees dead or alive within the Project site and a 50-foot buffer. For further information please visit Western Joshua Tree Conservation Permitting.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-1 for inclusion in the final MND (edits are in ~~strikethrough~~ and **bold**):

MM-BIO-1 (Revised): Section 2081 FGC Incidental Take Permit

Western Joshua trees are a state candidate for listing under CESA and will require a § 2081 FGC Incidental Take Permit (ITP) with compensatory mitigation for impacts,

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in addition to the surveys that are recommended in the discussion of MM BIO-6. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where take is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. **The Project may also obtain take authorization through § 1927 of the Western Joshua Tree Conservation Act (WJTCA).**

Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the permittee to relocate one or more of the western Joshua trees.

COMMENT #3: Burrowing owl (*Athene cunicularia hypugaea*)

Section #4.4 Biological Resources, Page #68, 73, 76-77

Issue: The Project has the potential to significantly impact burrowing owl; a candidate species protected under CESA.

Specific impact: The Project may result in take of burrowing owl through Project activities such as mass grading. Additionally, the Project may lead to the permanent elimination of habitat for burrowing owls from warehouse development.

Why impact would occur: The MND states that suitable habitat is present onsite for burrowing owl; for example, sparse vegetation, burrows, and suitable soils. As a result, the MND included BIO-2 (see below). CDFW appreciates that BIO-2 considers focused surveys for burrowing owls and is in line with previous guidance provided by CDFW. However, CDFW would like to note that since burrowing owl became a CESA candidate species in March 2024, CDFW cannot accept relocation plans outside of a CESA ITP. Instead, BIO-2 should consider obtaining an ITP if

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burrowing owls are detected and impacts cannot be avoided. Thus, the change in regulatory status for burrowing owl requires changes to measure BIO-2 as recommended by CDFW below.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-2 for inclusion in the final MND (edits are in ~~strikethrough~~ and **bold**):

MM-BIO-2 (Revised): Focused Burrowing Owl Survey

Although BUOW was not observed on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist **shall** ~~would~~ conduct a focused BUOW survey in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW, 2012).

Following the completion of the survey, the biologist **shall** ~~would~~ prepare a letter report summarizing the results of the survey. The report would be submitted to the **CDFW and the** City prior to initiating any ground disturbance activities.

If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required.

If BUOW or signs of BUOW are observed during the survey, the site **shall** ~~would~~ be considered occupied **and the Project proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP if impacts are unavoidable**. ~~The biologist would implement mitigation measure BIO-2 and contact the City of Hesperia, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures, prior to commencing project activities. The list of potential measures to avoid and minimize impacts to BUOWs described below would be implemented.~~

~~BUOW Protection Measures~~

~~If BUOWs or signs of BUOW are observed during the survey, then the site would be considered occupied and the biologist shall contact the City, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures discussed below, prior to commencing project activities.). If no BUOW or signs of BUOW are observed during the focused surveys, the components of this measure (discussed below) would not be applicable.~~

~~Planning BUOW Protection~~

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~~Grading, construction, and other project activities on all grassland habitat will be delayed until the qualified biologist has implemented burrow exclusion and closure. No ground-disturbing activities within 165 feet of an active BUOW burrow will be permitted until burrow exclusion and closure have been implemented. No destruction of foraging habitat will be permitted until burrow exclusion and closure have been implemented.~~

~~Preconstruction BUOW Protection~~
~~Prior to the initiation of grading and construction activities, the biologist shall implement passive relocation of an active BUOW burrow by installing a one-way door and then permanently excluding the BUOW from returning once it is confirmed that no BUOW individuals remain in the burrow. A biological monitor will visit the site daily to verify that the burrow is empty by monitoring and scoping the burrow.~~

~~Construction BUOW Protection Measures~~

~~A biological monitor will be onsite to monitor any BUOW or signs of BUOW. If any BUOW are observed then the biologist will consult with the County EMD and CDFW to determine the appropriate measures.~~

Comment #4: Nesting Birds

Section #4.4 Biological Resources, Page #68, 69, 72, 73, 75-77

Issue: The Project has the potential to impact nesting birds, including CDFW Species of Special Concern (SSC), and common birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918.

Specific Impact: Project implementation could result in the loss of nesting and/or foraging habitat for (non-)passerine and raptor species.

Why impact would occur: Nesting avian species could be directly or indirectly impacted during construction and for the life of the Project through the removal of potential foraging habitat, loss of and/or modification of habitat features, construction of warehouses, installation of new artificial lighting, creation of noise and vibration, and the removal of vegetation. Nest destruction, nest abandonment, behavioral disturbance, increased risk of predation, and degradation of suitable habitat could also lead to significant impacts to nesting avian species and local populations.

The MND indicates that pre-construction nesting bird surveys would only occur during February-August. However, CDFW recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests. This is in consideration that the timing of the bird nesting season varies greatly depending on several factors, such

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as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have also observed that changing climate conditions may result in the nesting bird season occurring earlier and/or later in the year than historical nesting season dates.

Evidence impact would be significant: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-5 for inclusion in the final MND (edits are in ~~strikethrough~~ and **bold**):

MM-BIO-5 (Revised): Pre-Construction Breeding Bird Survey

To maintain compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels.

Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts to migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities.

• ~~If project activities cannot be avoided during February 15 through September 15,~~ ~~a~~ **A** qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project

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disturbance. The survey will be conducted ~~at least seven days~~ **within 72 hours** prior to the onset of scheduled activities, such as mobilization and staging. ~~It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance.~~

• If no breeding birds or active nests are observed during the pre-construction survey or they are observed and **the qualified biologist determines they** will not be impacted, project activities may begin and no further mitigation will be required.

• If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone.

• If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency**, including CDFW,** to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency**, including CDFW**.

• Birds or their active nests will not be disturbed, captured, handled or moved. ~~Active nests cannot be removed or disturbed; however, nests can be removed or disturbed if determined inactive by a qualified biologist~~.

ENVIRONMENTAL DATA

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

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

ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Steven Recinos, Environmental Scientist at 909-731-5954 or by email at Steven.Recinos@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Jeff Brandt
6BBFAB19FE504F9...
For Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@lci.ca.gov

ATTACHMENTS

Attachment A: Mitigation Monitoring Reporting Plan

REFERENCES

California Department of Fish and Wildlife. 2023. Mohave Ground Squirrel Survey Guidelines.

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California Department of Fish and Game. 2003. CDFG [currently CDFW] unpublished guidelines. Mohave Ground Squirrel Survey Guidelines. January 2003; minor process and contact changes in July 2010). Sacramento, CA

California Department of Fish and Wildlife. 2019. Mohave Ground Squirrel Range-CWHR M073 [ds908]. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System.

California Natural Diversity Database (CNDDB) Government [ds45]. 2024. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System.

Attachment A

Mitigation Monitoring and Reporting Plan

Biological Resources (BIO)		
Mitigation Measure (MM)	**Implementation Schedule**	**Responsible Party**
MM BIO-6 Visual surveys for Mohave ground squirrel shall be conducted by a qualified biologist prior to ground disturbing activities. Visual surveys shall be conducted between March 15 and April 15 according to the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Visual surveys shall be conducted on the Project site during daylight hours by a qualified biologist who can readily identify Mohave ground squirrel and white-tailed antelope squirrel (*Ammospermophilus leucurus*). If the survey or monitoring throughout the duration of the Project confirms presence of Mohave ground squirrel, the Project proponent shall fully avoid impacts to Mohave ground squirrel or should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel if impacts are unavoidable.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist

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MM BIO-1 Western Joshua trees are a state candidate for listing under CESA and will require a § 2081 FGC Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of MM BIO-6. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where take is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. The Project may also obtain take authorization through § 1927 of the Western Joshua Tree Conservation Act (WJTCA). Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the	Prior to initiation of all ground disturbing activities	Project proponent

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permittee to relocate one or more of the western Joshua trees.		
MM BIO-2 Although BUOW was not observed on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist shall conduct a focused BUOW survey in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW, 2012). Following the completion of the survey, the biologist shall prepare a letter report summarizing the results of the survey. The report would be submitted to the CDFW and the City prior to initiating any ground disturbance activities. If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required. If BUOW or signs of BUOW are observed during the survey, the site shall be considered occupied and the Project proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP if impacts are unavoidable.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist
MM BIO-5 To maintain compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist

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Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts to migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities. • A qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted within 72 hours prior to the onset of scheduled activities, such as mobilization and staging. • If no breeding birds or active nests are observed during the pre-construction survey or they are observed and the qualified biologist determines they will not be impacted, project activities may begin and no further mitigation will be required. • If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more		

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tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone. • If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency**,** including CDFW, to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency, including CDFW. • Birds or their active nests will not be disturbed, captured, handled or moved.		

ATTACHMENT 7

RESPONSES TO COMMENTS
CARGO SOLUTIONS TRUCK WAREHOUSE AND TRUCK STOP
HESPERIA, CA

Prepared for:

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9700 Seventh Avenue
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April 2026
Project No. 7187

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ATTACHMENTS

Attachment A Notice of Intent to Adopt a Mitigated Negative Declaration (NOI)
Attachment B NOI Posting at the State of California, Office of Planning and Research Clearinghouse
Attachment C County Clerk-Recorder NOI Posting
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Attachment E Public Comment Letters

1.0 INTRODUCTION

This Responses to Comments (RTC) document, in conjunction with the Draft Initial Study/Mitigated Negative Declaration (IS/MND) responds to comments on the proposed Cargo Solutions Warehouse and Truck Stop (project). While the State of California Environmental Quality Act (CEQA) Guidelines do not require a final initial study or the preparation of formal responses to comments received during the public review period for an Initial Study/Mitigated Negative Declaration,[1] to provide further disclosure about the proposed project the City of Hesperia (City) is making available responses to the comments it received during the public review process.

1.1 Background of Environmental Review Process for the Project

The IS/MND, along with a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI, see **Attachment A**), was released for public and agency review on June 18, 2025, with a 30-day review period ending on July 21, 2025. In addition, the NOI was posted on the State Clearinghouse on June 19, 2025. See **Attachment B**.

The NOI was also posted at the San Bernardino County Clerk-Recorder on or around June 2, 2025 (see **Attachment C**), and copies of the IS/MND were made available for review at the following locations:

- City of Hesperia Website: https://www.cityofhesperia.us/1466/Environmental-Documents
- City of Hesperia Planning Division, 9700 Seventh Avenue, Hesperia, CA 92345

A hard copy of the NOI was mailed to:

- Residents and property owners, located within 500 feet of the project site.

A hard copy of the NOI was sent via US Mail on July 18, 2025 to the following entities:

- Oak Hills Prop. Assoc.
- CEQA Reviewer; Mojave Water Agency
- Mitchell M. Tasi Law
- CEQA Reviewer; Mojave Desert AQMD
- Department of Water Resources
- CEQA Reviewer; City of Victorville
- CEQA Reviewer; City of Apple Valley
- Native American Heritage Commission
- CEQA Reviewer; San Bernardino County Fire
- CEQA Reviewer; Sheriff
- 306459104 KAUR RAJINDER
- Angel Esparza; (SW Carpenters)
- Oscar Ocastaneda
- Richard Drury, Komalpreet Toor, Stacey Oborne; Lozeau Drury LLP
- CEQA Reviewer; Southern California Edison
- France Tinney; Center for Biological Diversity

1 CEQA only requires the lead agency to respond to comments that are received in response to an environmental impact report (Title 14, California Code of Regulations, § 15088, Evaluation of and Response to Comments).

- Kevin Johnston; Requestor
- Alexandra McCleary; San Manuel Band of Mission Indians
- CEQA Reviewer; City of San Bernardino
- James Brownyard; Requestor
- 306463103 TIGER PAW LAND LLC
- CEQA Reviewer; Snowline Joint Unified School District
- Jeff Modrzejewski; Creed LA
- Sean Silva; CARE CA
- 306459114 LITTLE SISTER'S CALIFORNIA REALTY LL
- Rick Engineering Company
- Adams Broadwell Joseph & Cardozo
- 306464124 GARTIZ PROPERTIES LLC
- CEQA Reviewer; County of San Bernardino
- Jacquelyn Barnum; Cabazon Band of Mission Indians
- Planning Division; City of Hesperia
- Adam Salcido; Requestor
- Golden State Envriomental Justice Alliance
- State Water Resources Control Board, Division of Drinking Water
- Alicia Reed; Torres Martinez Desert Cahuilla Indians
- Center for Community Action and Environmental Justice
- Hesperia Rec/Park Dist
- Blum Collins LLc; Golden State Envriomental Justice Alliance
- Aria Soeprono; Advocates for the Environment

1.2 Tribal Consultation

The City of Hesperia (the lead agency) initiated AB 52 outreach to three local tribes for the Cargo Solutions Truck Warehouse Project on or around September 2022, pursuant to Public Resources Code § 21074. (see **Attachment D**) The City prepared letters to these tribes on their list for AB 52 contact, informing them of the project. The letters were sent by Ryan Leonard, AICP, Senior Planner, on September 22, 2022 via email to the following tribes:

- San Manuel Band of Mission Indians
- Cabazon Band of Mission Indians
- Torres Martinez Desert Cahuilla Indians

The City received one response from the San Manuel Band of Mission Indians. The City contacted the Tribe's representative directly. After consultation occurred, Tribal Cultural Resources (TCR) mitigation measures were included to address the tribe's concerns and to include the tribal monitoring measures. With these actions, AB 52 consultation was concluded in January 2023. **Section 4.18** of the Initial Study documents all consultation held between the City and Native American Tribes.

1.3 Responses to Comments

This document provides a response to comments received on the IS/MND. Several comment letters were received during the public review period. (see **Attachment E**) These letters are in **Section 2.0**, Public Comment Letters.

1.4 Intended Uses of this IS/MND

The IS/MND will be used by the City in considering approval of the proposed project. In accordance with CEQA Guidelines § 15074, the IS/MND will be used as the primary environmental document in consideration of all subsequent planning and permitting actions associated with the proposed project, to the extent such actions require CEQA compliance and as otherwise permitted under applicable law.

15074. CONSIDERATION AND ADOPTION OF A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

(a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making itsrecommendation.

(b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

(c) When adopting a negative declaration or mitigated negative declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

(d) When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

(e) A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

(f) When a non-elected official or decision-making body of a local lead agency adopts a negative declaration or mitigated negative declaration, that adoption may be appealed to the agency's elected decision-making body, if one exists. For example, adoption of a negative declaration for a project by a city's planning commission may be appealed to the city council. A local lead agency may establish procedures governing such appeals.

Upon review and consideration of the IS/MND, the City may take action to adopt, revise, or reject the proposed project. A decision to approve the proposed project would be made in a resolution recommending certification of the IS/MND as part of the consideration of the proposed project. The City has prepared this IS/MND and has determined that the environmental impacts of the proposed project have been reduced to a less than significant level through mitigation measures.

2.0 PUBLIC COMMENT LETTERS

The following agencies and entitles submitted written comments on the IS/MND, during the public review period. The comment letters are provided in **Attachment E** of this document.

Letter	Agency, Organization, or Individual	Date
A	**Mojave Water Agency**	**June 23, 2025**
Comment A-1	This confirms that the Mojave Water Agency has no conflict with this project.	
Response A-1	Comment noted. No further action.	
B	**Lozeau Drury**	**June 23, 2025**
Comment B-1	We hereby request that the City of Hesperia ("City") send by electronic mail, if possible, or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following: • Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091. • Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to: • Notices of any public hearing held pursuant to CEQA. • Notices of determination that an Environmental Impact Report ("EIR") is required for the Project, prepared pursuant to Public Resources Code Section 21080.4. • Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9. • Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092. • Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations. • Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law. • Notices of any addenda prepared to a previously certified or approved EIR. • Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law. • Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law. • Notice of any Final EIR prepared pursuant to CEQA. • Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.	

Letter	Agency, Organization, or Individual	Date
	Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.	
Response B-1	The City acknowledges receipt of the commenter's request for notice pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092. This request has been forwarded to the appropriate City staff and will be included in the City's records for this Project. The City will provide the commenter with all future notices concerning the project as required by CEQA and the California Planning and Zoning Law, including but not limited to notices of public hearings and notices of CEQA determinations. No further response to this comment is required under CEQA.	
C	**SoCalGas**	**June 26, 2025**
Comment C-1	SoCalGas Distribution does not appear to have a conflict with this project. Please note on case to have Developer contact 811 / USA at DigAlert | Utility Locating California | Underground Wire & Cable Locator prior to any excavation / demolition activities so we can Locate & Mark out our facilities.	
Response C-1	Comment noted. Applicant will contact prior to excavation.	
Comment C-2	If the Developer needs new gas service, please have them contact our Builder Services group to begin the application process as soon as practicable, at https://www.socalgas.com/foryour-business/builder-services.	
Response C-2	Comments noted. Applicant will contact if a new gas line will be installed.	
Comment C-3	Please notify Southern California Gas Company 4 months prior to start of Pavement projects for the gas company to complete leak survey & repair leaks if found.	
Response C-3	Comment noted. Applicant will contact SoCalGas four months prior to the pavement process.	
Comment C-4	Please provide Southern California Gas Company with your signed designed Plans with gas company facilities posted on your design plans, 4-6 months prior to start of construction for possible relocation of SCG medium pressure facilities and 9-12 months for possible relocation of SCG high pressure facilities.	
Response C-4	Comment noted. Applicant will provide SoCalGas with plans four to six months prior to the start of construction.	
D	**Mojave Desert Air Quality Management District**	**July 9, 2025**
Comment D-1	We have reviewed the project as proposed and based on the information available to us at this time, the District requires that the owner/operator obtain a Dust Control Plan (DCP) for the planned project. The most current Dust Control Plan Requirements and Dust Control Plan Submission Form are available at https://www.mdaqmd.ca.gov/permitting/compliance-forms. Other District requirements include: • Signage compliant with Rule 403 Attachment B shall be erected at each project site entrance not later than the commencement of construction. • Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible	

Letter	Agency, Organization, or Individual	Date
	fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits. • All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing. • All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project-related trackout within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion. • Obtain District permits for any miscellaneous process equipment that may be required under District Rule 219 including, but not limited to: Internal Combustion Engines with a manufacturer's maximum continuous rating greater than or equal to 50 brake horsepower. • Comply with all applicable provisions listed in Rule 403 – Fugitive Dust Control.	
Response D-1	Comment noted. The project would incorporate a dust plan that would incorporate all these outlined steps that would be consistent with Rule 403.	
E	**California Department of Fish and Wildlife**	**July 11, 2025**
Comment E-1	Mohave ground squirrel (Xerospermophilus mohavensis) Section #4.4 Biological Resources, Page #72-73 Issue: The Project has the potential to result in take of Mohave ground squirrel, a CESA listed species, and in the permanent loss of potential habitat for the species. California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill". Specific impact: Mohave ground squirrel was identified by the MND to have a low potential to occur within the biological study area (BSA), but no focused surveys were conducted, nor were any species-specific avoidance or mitigation measures included in the MND. Why impact would occur: The Project would permanently impact 20.32 acres of open space through grading, staging, construction of two large warehouses, and installation of parking lots. CDFW is concerned that the Project may impact Mohave ground squirrel considering that the MND mentions the presence of burrows and creosote bush (Larrea tridentata), which are known to provide habitat for Mohave ground squirrel and no focused surveys to determine presence/absence of Mohave ground squirrel were conducted. Evidence impact would be significant: The MND mentions that Mohave ground squirrel has a low potential to occur onsite and that the BSA offers minimal habitat value for fossorial species, such as Mohave ground squirrel. Thus,	

Letter	Agency, Organization, or Individual	Date
	considering that the Project site offers some habitat value and there is vegetation suitable for Mohave ground squirrel (i.e., creosote bush), CDFW is concerned that mitigation measures were not included in the MND to ensure impacts to Mohave ground squirrel are mitigated to a level of less than significant. Furthermore, California Natural Diversity Database (CNNDB) indicates the Project is within the Mohave ground squirrel distribution range and Mohave ground squirrel occurs within 2.5 miles of the Project site. In fact, burrows were detected onsite, which the MND attributes to belonging to an unknown ground squirrel species. Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following measure for inclusion in the final MND: Mitigation Measure Biological Resources 6 (MM-BIO-6) (New): Mohave ground squirrel Visual surveys for Mohave ground squirrel shall be conducted by a qualified biologist prior to ground disturbing activities. Visual surveys shall be conducted between March 15 and April 15 according to the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Visual surveys shall be conducted on the Project site during daylight hours by a qualified biologist who can readily identify Mohave ground squirrel and white-tailed antelope squirrel (Ammospermophilus leucurus). If the survey or monitoring throughout the duration of the Project confirms presence of Mohave ground squirrel, the Project proponent shall fully avoid impacts to Mohave ground squirrel or should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel if impacts are unavoidable.	
Response E-1	The Project applicant will incorporate and comply with this recommended mitigation measure addition. As MM BIO-6 and MM BIO-7 are existing mitigation measures, this new mitigation measure will be incorporated as MM BIO-8 to reduce confusion of changed mitigation measures.	
Comment E-2	Western Joshua tree (Yucca brevifolia) Section #2.3.4 Environmental Setting, 4.4 Biological Resources, Page #25, 67, 72, 73, 77, 80-81, 191 Issue: The Project may impact western Joshua tree; a candidate species protected under CESA and Fish and Game Code section 1927. Specific impact: The Project, as described, will result in the lethal take of western Joshua trees present onsite. In fact, the MND confirms that direct and indirect take of western Joshua tree is likely to occur. Why impact would occur: Project activities, such as grubbing and grading may result in removal of western Joshua tree or may impact their root system. Under Fish and Game Code section 1927, the take of western Joshua trees and parts thereof, including roots, is prohibited. Damage to roots can lead to the death of the tree.	

Letter	Agency, Organization, or Individual	Date
	Evidence impact would be significant: The MND is not clear regarding how many western Joshua trees are present on site, but states that there are between 1 to 6 western Joshua trees present and CDFW confirmed the presence of western Joshua trees onsite through aerial imagery. The MND also does not provide information regarding the extent that the Project may impact the species but in BIO-1 (see below) discusses the need for an Incidental Take Permit (ITP) under Fish and Game Code section 2081. Please note that the Project may also receive an ITP under Fish and Game Code section 1927 through the Western Joshua Tree Conservation Act (WJTCA), which will require a census of all trees dead or alive within the Project site and a 50-foot buffer. For further information please visit Western Joshua Tree Conservation Permitting. Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-1 for inclusion in the final MND (edits are in strikethrough and bold): MM-BIO-1 (Revised): Section 2081 FGC Incidental Take Permit Western Joshua trees are a state candidate for listing under CESA and will require a § 2081 FGC Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of MM BIO-6. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where take is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. **The Project may also obtain take authorization through § 1927 of the Western Joshua Tree Conservation Act (WJTCA).** **Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the permittee to relocate one or more of the western Joshua trees.**	

Letter	Agency, Organization, or Individual	Date
Response E-2	The Project applicant will incorporate and comply with this recommended mitigation measure revision. Revisions were made in the biology section of the MND. After review of the Section 2.3.4 of the Environmental Setting, there was no indication of the take of Joshua tree; the subsection simply stated there were Joshua Trees on the project site and therefore, no revisions to this section.	
Comment E-3	Burrowing owl (Athene cunicularia hypugaea) Section #4.4 Biological Resources, Page #68, 73, 76-77 Issue: The Project has the potential to significantly impact burrowing owl; a candidate species protected under CESA. Specific impact: The Project may result in take of burrowing owl through Project activities such as mass grading. Additionally, the Project may lead to the permanent elimination of habitat for burrowing owls from warehouse development. Why impact would occur: The MND states that suitable habitat is present onsite for burrowing owl; for example, sparse vegetation, burrows, and suitable soils. As a result, the MND included BIO-2 (see below). CDFW appreciates that BIO-2 considers focused surveys for burrowing owls and is in line with previous guidance provided by CDFW. However, CDFW would like to note that since burrowing owl became a CESA candidate species in March 2024, CDFW cannot accept relocation plans outside of a CESA ITP. Instead, BIO-2 should consider obtaining an ITP if burrowing owls are detected and impacts cannot be avoided. Thus, the change in regulatory status for burrowing owl requires changes to measure BIO-2 as recommended by CDFW below. Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-2 for inclusion in the final MND (edits are in strikethrough and bold): MM-BIO-2 (Revised): Focused Burrowing Owl Survey Although BUOW was not observed on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist **shall** conduct a focused BUOW survey in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW, 2012). Following the completion of the survey, the biologist **shall** prepare a letter report summarizing the results of the survey. The report would be submitted to the CDFW and the City prior to initiating any ground disturbance activities. If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required.	

Letter	Agency, Organization, or Individual	Date
	If BUOW or signs of BUOW are observed during the survey, the site **shall** be considered occupied **and the Project proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP if impacts are unavoidable.**	
Response E-3	The Project applicant will incorporate and comply with this recommended mitigation measure revision.	
Comment E-4	Nesting Birds Section #4.4 Biological Resources, Page #68, 69, 72, 73, 75-77 Issue: The Project has the potential to impact nesting birds, including CDFW Species of Special Concern (SSC), and common birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918. Specific Impact: Project implementation could result in the loss of nesting and/or foraging habitat for (non-)passerine and raptor species. Why impact would occur: Nesting avian species could be directly or indirectly impacted during construction and for the life of the Project through the removal of potential foraging habitat, loss of and/or modification of habitat features, construction of warehouses, installation of new artificial lighting, creation of noise and vibration, and the removal of vegetation. Nest destruction, nest abandonment, behavioral disturbance, increased risk of predation, and degradation of suitable habitat could also lead to significant impacts to nesting avian species and local populations. The MND indicates that pre-construction nesting bird surveys would only occur during February-August. However, CDFW recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests. This is in consideration that the timing of the bird nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have also observed that changing climate conditions may result in the nesting bird season occurring earlier and/or later in the year than historical nesting season dates. Evidence impact would be significant: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.	

Letter	Agency, Organization, or Individual	Date
	Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-5 for inclusion in the final MND (edits are in strikethrough and bold): MM-BIO-5 (Revised): Pre-Construction Breeding Bird Survey To maintain compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels. Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts to migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities. • A qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted **within 72 hours** prior to the onset of scheduled activities, such as mobilization and staging. • If no breeding birds or active nests are observed during the pre-construction survey or they are observed and **the qualified biologist determines** they will not be impacted, project activities may begin and no further mitigation will be required. • If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone.	

Letter	Agency, Organization, or Individual	Date
	• If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency, **including CDFW**, to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency, **including CDFW**. • Birds or their active nests will not be disturbed, captured, handled or moved.	
Response E-4	The Project applicant will incorporate and comply with this recommended mitigation measure revision.	
F	**Lozeau Drury**	**July 16, 2025**
Comment F-1	SAFER is concerned that the IS/MND is improper under the California Environmental Quality Act due to the IS/MND's failure to adequately assess and mitigate the Project's potentially significant environmental impacts. SAFER requests that an environmental impact report be prepared for the Project rather than an MND because there is a fair argument that the Project may have adverse environmental impacts. An EIR will ensure that potentially significant impacts of this Project are fully disclosed, analyzed, and mitigated.	
Response F-1	The commenter asserts, in general terms, that the Initial Study/Mitigated Negative Declaration (IS/MND) is inadequate under the California Environmental Quality Act (CEQA) and that an Environmental Impact Report (EIR) should be prepared. However, the commenter has not identified any specific substantial evidence in the record that demonstrates that the Project would result in potentially significant impacts that cannot be mitigated to less than significant levels. The IS/MND prepared for the project includes a comprehensive analysis of the project's potential impacts on the environment, consistent with the requirements of CEQA. Where potentially significant impacts were identified, feasible mitigation measures have been incorporated into the project to reduce those impacts to a less than significant level. The IS/MND therefore appropriately concludes that no significant unavoidable impacts would occur with implementation of the identified mitigation measures. Under CEQA, preparation of an EIR is only required when there is substantial evidence, in light of the whole record, that the Project may have a significant effect on the environment that cannot be mitigated. No such evidence has been provided by the commenter. Therefore, an MND is the appropriate level of environmental review for the Project. The IS/MND complies with CEQA's requirements to disclose, analyze, and mitigate the project's potential environmental impacts.	
G	**Caltrans**	**July 21, 2025**
Comment G-1	**Safety Reviews:** The proposed project will generate additional trips on the State Highway System on US-395 and I-15. Please provide a Safety Analysis Report for I-15 and US-395 facilities affected by the proposed project. The Safety Analysis Report shall follow the attached guidance. See the attached guidance: Local Development Review (LDR) Safety Review Practitioner's Guidance. Please follow the steps below:	

Letter	Agency, Organization, or Individual	Date
	a. To request crash data on the State Highway System, please submit your request via our California Public Records Act (CPRA) portal at mycusthelp.com. b. Please analyze the existing crash data and discuss project's impact on safety as needed. c. Provide appropriate countermeasures to mitigate/reduce project's impact as needed.	
Response G-1	As shown in Table 4-1 of the May 23, 2025 traffic study, the project is forecast to generate a small amount of trips (i.e., 34 AM and 36 PM PCE peak hour trips). Once assigned to the network, these trips are even less at all nearby Caltrans facilities. As such, based on engineering judgement, the project's impact on adjacent Caltrans facilities is considered nominal and as such, a safety review is unnecessary.	
Comment G-2	Per previous review, the project is in the vicinity of I-15 facility on Main Street. Please include study area intersections for I-15 ramp/Main Street intersections, and street intersections leading to the project site in the TIA (for example, Mesa Linda St/Main St Intersection).	
Response G-2	As shown in Exhibit 4-7 (total project traffic volumes) of the most recent version of the traffic study (dated May 23, 2025), only approximately 12 AM peak hour trips and 14 PM peak hour trips are forecast to travel north/south along Mesa Linda Street to/from Main Street/I-15 Freeway. Of these vehicles, none of these trips are truck trips. Per the City of Hesperia's truck route map, Main Street (between the I-15 and Highway 395) is not an identified truck route, and as such, no trucks have been assigned along Main Street. Additionally, per the City of Hesperia's TIA Guidelines, the study area shall include any intersection of "Collector" to higher classification street, with "Collector" or higher classification, shown on Hesperia Circulation Element, at which the proposed project will add 50 or more A.M. or P.M. peak hour trips. In addition, all freeway links with 100 or more peak-hour project trips (two-way); and CMP roadways with 50 or more peak-hour project trips. Based on these considerations, the addition of these intersections along Main Street are not required and the project's impact can be considered nominal.	
Comment G-3	Please include Northbound and Southbound I-15 off-ramp to Main St in the queuing analysis of the report.	
Response G-3	Please see Response #1 above. The project is forecast to add a nominal amount of traffic at the Northbound and Southbound I-15 off-ramp intersections along Main Street. As such, the addition of these intersections along Main Street are not required and the project's impact can be considered nominal. As such, RK does not recommend updating the TIA based on this comment.	
Comment G-4	Please consider using the Intersection Safety and Operational Assessment Process (ISOAP) evaluation for recommending improvements at the proposed traffic signal intersection of US-395 and Poplar Street (refer to the attached ISOAP memo dated September 10, 2024).	
Response G-4	As directed by the City of Hesperia during the TIA scoping process, this traffic study utilizes the data/approach/methodology from the recently completed traffic study for the I-15 Industrial Project (located adjacent to the project site on the north side of Poplar Street). As such, this traffic study recommends the installation of a traffic signal at the intersection of US-395 and Poplar Street which is consistent with the recommendations from the I-15 Industrial Project	

Letter	Agency, Organization, or Individual	Date
	TIA. Installing a traffic signal at this location does not propose any safety concerns (e.g., spacing with other nearby traffic signals, layout/geometry, etc.). Additionally, given the amount of trucks that will utilize this intersection, a roundabout would not be feasible. Recommendations to signalize this intersection have already been made in past TIA's without utilizing the ISOAP evaluation. RK concurs with these past traffic studies that the installation of a traffic signal at this location will provide the safest and most efficient solution. As such, RK does not recommend updating the TIA based on this comment.	
Comment G-5	Truck Services specialist should review and concur with truck-related items in the report.	
Response G-5	Comment noted. No changes to the TIA are required.	
Comment G-6	A 2% per year growth rate is applied to background traffic, but there's no reference to SCAG, SBCTA, or Caltrans sources. Using a generic rate without justification can lead to inaccurate forecasts. Recommend supporting the growth assumption with data from a regional travel demand model or Caltrans resources.	
Response G-6	Per the City of Hesperia's TIA Guidelines, for project opening day analysis, "*Use accepted growth rates provided by the jurisdictions in which the analysis is to take place. Each jurisdiction's growth rates should be used for intersections and segments within that jurisdiction*." A two percent (2%) annual ambient growth rate is typical for the City of Hesperia and was confirmed during the scoping process. Additionally, this growth rate is consistent with the rate utilized in the I-15 Industrial Project TIA. Furthermore, the addition of cumulative projects within the area were manually assigned to the study area in addition to the ambient growth rate. As such, RK does not recommend updating the TIA based on this comment.	
Comment G-7	Although the project description includes a truck stop with 8 fueling stations, the TIA only analyzes two warehouses. This may underestimate traffic impacts. Recommend updating the TIA to include truck stop traffic or confirming its removal from the project.	
Response G-7	The project is no longer proposing a truck stop. The description used in the TIA is what the project is currently proposing. As such, no changes to the TIA are necessary.	
Comment G-8	Although the TIA models area-wide traffic impacts, it does not confirm whether or how project-generated trips utilize Caltrans facilities such as US-395 or the I-15 ramps. The trip description states that approximately 60 percent of vehicle trips will come from or go to the Main Street ramps. However, the TIA does not include the Main Street ramps or the Main Street and Mesa Linda Street intersection in the list of analyzed intersections. This omission is concerning, as these are key access points to the regional transportation network. Additionally, based on the provided trip distribution figures, it is difficult to accept the assumption that no trucks associated with the project will use the Main Street ramps. It is recommended that the TIA clearly identify which Caltrans facilities will carry project traffic, quantify the number of trips expected to use each route, and include the relevant intersections in the traffic analysis. This information is critical for a transparent and complete assessment of potential impacts on state facilities.	

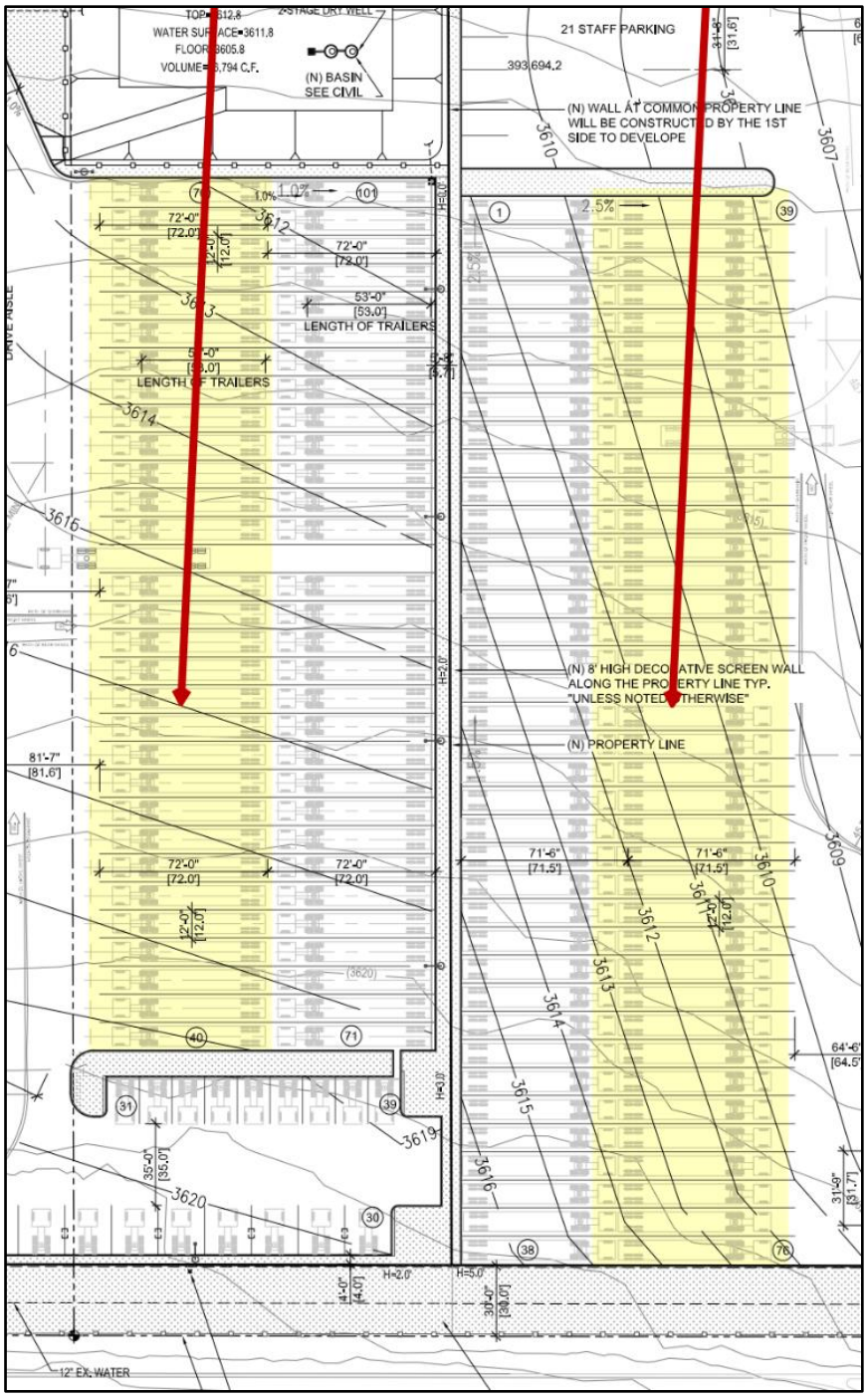
Letter	Agency, Organization, or Individual	Date
Response G-8	Please see Response #2 above. The project is forecast to add a nominal amount of traffic at the Northbound and Southbound I-15 off-ramp intersections along Main Street. As such, the addition of these intersections along Main Street are not required and the project's impact can be considered nominal.	
Comment G-9	The background traffic volumes on US-395 and I-15 appear to be escalated from nearby local studies, but the TIA does not provide a complete reference to the source studies or include the full reports or trip count sheets. Additionally, these background volumes are not cross validated against Caltrans Performance Measurement System (PeMS) data or Caltrans traffic count station data. For consistency and transparency, recommend including the complete local study report or at minimum the relevant traffic count sheets used for background traffic estimation. Also recommend validating existing and future traffic volumes on Caltrans facilities using Caltrans PeMS or count station data to ensure alignment with actual observed trends and to support defensible forecasting.	
Response G-9	The referenced study is the *I-15 Industrial Park Project Transportation Impact Analysis*, prepared by Dudek, dated October 2022. At the time of initial scoping, this study had just been completed and City of Hesperia staff directed that the traffic analysis for this project be based on the information contained within this Dudek study (for consistency between both sites). The I-15 Industrial Park TIA, completed by Dudek, will be provided to Caltrans for reference.	
Comment G-10	The TIA should address the horizon year assumption. The selected 2040 horizon is only 14 years beyond the project opening year (2026), not the typical 20- year planning horizon recommended for long-range traffic analysis.	
Response G-10	In May 2023, a scoping agreement was submitted to and ultimately approved by the City of Hesperia. Per the direction of the City, traffic volumes (including existing, opening year, and horizon year) were to be utilized from the recently completed traffic study for the I-15 Industrial Project (located adjacent to the project site on the north side of Poplar Street). Based on these considerations, no changes to the traffic study are recommended.	
Comment G-11	The project affects Caltrans intersections (e.g., US-395), but the IS/MND and TIA do not state whether work will occur in Caltrans right-of-way or if an encroachment permit is needed. Recommend clarifying this and identifying any required Caltrans permits.	
Response G-11	As concluded in the traffic impact analysis, improvements have been identified for all operationally deficient intersections consistent with the *I-15 Industrial Park Project Transportation Impact Analysis*, prepared by Dudek, dated October 2022. The project's responsibility for all identified off-site intersections are in the form of fair share contributions. The traffic impact analysis does not indicate that the project will perform any direct work on any Caltrans right-of-way. However, an encroachment permit will be obtained if ultimately the project is required to work within any Caltrans right-of-way.	
Comment G-12	The TIA explains that a traffic signal at US-395 and Poplar Street must be installed by either this project or another (I-15 Industrial Park), depending on timing. The IS/MND does not clearly state who is responsible if Cargo Solutions is built first. Recommend adding a clear condition of approval that defines signal installation responsibility and reimbursement terms.	

Letter	Agency, Organization, or Individual	Date
Response G-12	The IS/MND will clearly state that if the proposed Cargo Solutions project is built prior to the installation of a traffic signal at the intersection of US-395 & Poplar Street, the proposed Cargo Solutions project shall construct this signal and be reimbursed for the total costs less their fair share contribution. The traffic signal shall be constructed prior to issuance of Certificate of Occupancy.	
Comment G-13	While the VMT screening memo is referenced in the appendix, the IS/MND briefly says the site is in a "low VMT area" without explaining why or how that was determined. Recommend including a brief explanation or summary of the VMT screening criteria and findings in the IS/MND's transportation section.	
Response G-13	The VMT section in the IS/MND will be expanded to include the following additional language from Chapter 10 of the traffic impact analysis explaining why/how the project is located within a low VMT area: **Per the *City of Hesperia Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service (LOS) Assessment*, dated July 2020: "Residential and office projects located within a low VMT-generating area may be presumed to have a less than significant impact absent substantial evidence to the contrary. In addition, other employment-related and mixed-use land use projects may qualify for the use of screening if the project can reasonably be expected to generate VMT per resident, per worker, or per service population that is similar to the existing land uses in the low VMT area."** **To identify if the project is in a low VMT-generating area, the San Bernardino County Transportation Authority (SBCTA) VMT screening tool was utilized to compare the project's baseline TAZ VMT to the County's baseline VMT metric. Since the project is exclusively an industrial use (i.e., warehousing), the "PA VMT Per Worker" metric was utilized for evaluation Based on the results of the SBCTA VMT screening tool, the proposed project's TAZ VMT was calculated to be 16.0 PA VMT Per Worker which does not exceed the County VMT threshold of significance of 16.9 VMT Per Worker. Therefore, the proposed project does satisfy the Low VMT Generating Area Screening and may be presumed to have a less than significant impact on VMT under CEQA.**	
Comment G-14	**Equitable Access** If any Caltrans facilities are impacted by the project, they must comply with the American Disabilities Act (ADA) Standards upon project completion. Additionally, the project must ensure the maintenance of bicycle and pedestrian access throughout the construction phase. These access considerations align with Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.	
Response G-14	Comment acknowledged. As previously mentioned, the project does not intend to directly perform work on any Caltrans facilities, but will comply with ADA Standards if any work on Caltrans facilities is ultimately required. The project will also ensure the maintenance of bicycle and pedestrian access throughout the construction phase.	
Comment G-15	**Caltrans Encroachment Permit** Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (R/W) requires a Caltrans-issued encroachment permit.	

Letter	Agency, Organization, or Individual	Date
Response G-15	Comment acknowledged. Any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (R/W) will require a Caltrans-issued encroachment permit.	

3.0 ERRATA

The City has requested from the Project Applicant to remove the tandem tractor/trailer parking in these areas shown below from the site plan to adhere to City regulations. Additionally, the City requested double or hairpin striping for the parking spots.



Previous Site Plan - Parking Summary			
Buildings	**Type of Parking**	**Stalls**	**Total**
Building 1	Employee/Guest	123	551
	Tractor/Trailer	101	
	Tractor Only	59	
Building 2	Employee/Guest	141	
	Tractor/Trailer	76	
	Tractor Only	51	
Current Site Plan - Parking Summary			
Building 1	Employee/Guest	123	482
	Tractor/Trailer	70	
	Tractor Only	59	
Building 2	Employee/Guest	141	
	Tractor/Trailer	38	
	Tractor Only	51	

COMPARISON OF ENVIRONMENTAL EFFECTS

The following matrix provides a list of topical issues that were analyzed in the Initial Study. Based on the minor changes to the tandem tractor/trailer parking requested by the City, the results of those changes are noted below.

Environmental Issue	IS/MND Conclusions	Minor Modified Project Conclusions	Minor Modified Project in Comparison to the IS/MND
Aesthetics	Less than Significant	Less than Significant	Net Benefit/Less Impact
Agriculture and Forestry Resources	No Impact	No Impact	Net Benefit/Less Impact
Air Quality	Less than Significant	Less than Significant	Net Benefit/Less Impact
Biological Resources	Less than Significant with Mitigation Incorporated	Less than Significant with Mitigation Incorporated	Net Benefit/Less Impact
Cultural Resources	Less than Significant with Mitigation Incorporated	Less than Significant Impacts/No Change	Net Benefit/Less Impact
Energy	Less than Significant	Less than Significant	Net Benefit/Less Impact
Geology and Soils	Less than Significant with Mitigation Incorporated	Less than Significant with Mitigation Incorporated	Net Benefit/Less Impact
Greenhouse Gas Emissions	Less than Significant	Less than Significant	Net Benefit/Less Impact
Hazardous Materials	Less than Significant with Mitigation Incorporated	Less Than Significant Impact/No Change	Net Benefit/Less Impact
Hydrology/Water Quality	Less than Significant	Less than Significant	Net Benefit/Less Impact

Environmental Issue	IS/MND Conclusions	Minor Modified Project Conclusions	Minor Modified Project in Comparison to the IS/MND
Land Use & Planning	Less than Significant	Less than Significant	Net Benefit/Less Impact
Mineral Resources	Less than Significant	Less than Significant	Net Benefit/Less Impact
Noise	Less than Significant	Less than Significant	Net Benefit/Less Impact
Population and Housing	Less than Significant	Less than Significant	Net Benefit/Less Impact
Public Services	Less than Significant	Less than Significant	Net Benefit/Less Impact
Recreation	No Impact	No Impact	Net Benefit/Less Impact
Traffic/Transportation	Less than Significant with Mitigation Incorporated	Less than Significant with Mitigation Incorporated	Net Benefit/Less Impact
Tribal Cultural Resources	Less than Significant with Mitigation Incorporated	Less than Significant with Mitigation Incorporated	Net Benefit/Less Impact
Utilities	Less than Significant	Less than Significant	Net Benefit/Less Impact
Wildfire	No Impact	No Impact	Net Benefit/Less Impact
Mandatory Findings of Significance	Less than Significant with Mitigation Incorporated	Less than Significant with Mitigation Incorporated	Net Benefit/Less Impact

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

The Final Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with § 21081.6 of the Public Resources Code and § 15097 of the CEQA Guidelines, which requires all state and local agencies to establish monitoring or reporting programs whenever approval of a project relies upon a MND or an EIR. The MMRP ensures implementation of the measures being imposed to mitigate or avoid the significant adverse environmental impacts identified through the use of monitoring and reporting. Monitoring is generally an ongoing or periodic process of project oversight; reporting generally consists of a written compliance review that is presented to the decision-making body or authorized staff person.

It is the intent of the MMRP to: (1) provide a framework for document implementation of the required mitigation; (2) identify monitoring/reporting responsibility; (3) provide a record of the monitoring/reporting; and (4) ensure compliance with those MMs that are within the responsibility of the City and/or Applicant to implement.

The following table lists impacts, mitigation measures adopted by the City of Hesperia in connection with approval of the proposed project, level of significance after mitigation, responsible and monitoring parties, and the project phase in which the measures are to be implemented.

Only those environmental topics for which mitigation is required are listed in this Mitigation Monitoring and Reporting Program.

Table 4.0-1
FINAL MITIGATION MONITORING AND REPORTING PROGRAM

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
4.4 Biological Resources				
Threshold 4.4a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-1: Section 2081 CFGC Incidental Take Permit** Western Joshua trees are a state candidate for listing under CESA and will require a 2081 Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of **MM BIO-7**. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where "take" is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. **The Project may also obtain take authorization through § 1927 of the Western Joshua Tree Conservation Act (WJTCA).** **Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity**	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the permittee to relocate one or more of the western Joshua trees. **MM BIO-2: Focused Borrowing Owl Survey** Although BUOW was not detected on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist **shall** conduct a focused BUOW survey in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012). Following the completion of the survey, the biologist **shall** prepare a letter report summarizing the results of the survey. The report would be submitted to the **CDFW and the** City prior to initiating any ground disturbance activities. If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required. If BUOW or signs of BUOW are observed during the survey, the site **shall** be considered occupied **and the Project proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP if impacts are unavoidable**. **MM BIO-3: Pre-Construction General Wildlife Survey** Special-status wildlife species that have no designated status under the ESA, the CESA, and/or the NPPA, but are designated as sensitive or locally important by federal agencies, state agencies, local agencies such as the RCA, and nonprofit resource organizations such as the CNPS are referred to as "sensitive" in this section. The following measures will be implemented to minimize impacts to these species which include but are not limited to: Blainville's horned lizard and desert kit fox. The measures below will help to reduce direct and indirect impacts caused by construction on various sensitive species to less than significant levels. • A qualified biologist will conduct a pre-construction general wildlife survey for sensitive wildlife and potential nesting sites such as open ground, shrubs, and burrows within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance.	Applicant Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation 1. City of Hesperia Planning Department

	• If sensitive species and/or active nesting sites are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required. • If any sensitive wildlife species are identified within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency. zone. • Sensitive wildlife species and/or potential nesting sites will not be disturbed, captured, handled or moved. **MM BIO-4: Loggerhead Shrike Survey and Protection Measures** The following measures are proposed in order to minimize impacts to loggerhead shrike, for which there is suitable habitat in the BSA. • If activities occur during the breeding/nesting period, a wildlife survey will be completed by a qualified biologist to identify potential loggerhead shrike activity in the area of the project activities. • Additional species surveys to determine presence/absence of birds prior to disturbances, from May 1 until the work start date, if the work start date is prior to August 31. Surveys are to occur weekly in May, every other week in June, and once per month in July and August (assuming no loggerhead shrike are observed). • Incidental occurrences of other sensitive avian species such as Swainson's hawk, prairie falcon, and Cooper's hawk should also be recorded during the survey. **MM BIO-5: Pre-Construction Breeding Bird Survey** To maintain compliance with the MBTA and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels.	Applicant	Field Verification Field Verification	2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation 1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts on migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities. • A qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted **within 72 hours** prior to the onset of scheduled activities, such as mobilization and staging. • If no breeding birds or active nests are observed during the pre-construction survey or they are observed and **the qualified biologist determines** they will not be impacted, project activities may begin and no further mitigation will be required. • If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone. • If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency, **including CDFW,** to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency, **including CDFW**.			

	• Birds or their active nests will not be disturbed, captured, handled or moved.			
Threshold 4.4b) Have Substantial Adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	**MM BIO-6: Mitigation for Impacts to Western Joshua Tree and California Juniper Woodlands** **Avoidance and Minimization Measures** The entirety of the project area is currently planned for development. Approximately 19 acres is California juniper woodland. The California juniper woodland is a sensitive natural community, as such, impacts as a result of the project, shall be mitigated so that all impacts to these habitats are mitigated on acreage and tree basis. Proposed project activities including the construction phase, operations, and maintenance phase shall be designed to avoid California juniper woodland (and Joshua tree) habitat to the full extent practicable. If the California juniper (or associated Joshua trees) are removed as a result of project activities, then compensatory mitigation is required, as follows. The preferred compensatory mitigation is through an in-lieu fee to a qualified mitigation bank within the service area of the site, ideally within the same watershed. The project proponent shall coordinate with CDFW to identify appropriate mitigation banks and number of required mitigation credits to fully offset site impacts at a minimum of a 2:1 replacement to impact ratio. However, applicant-responsible compensatory mitigation is acceptable through preparation of a Habitat Preservation and Protection Plan, to be approved by CDFW prior to project approval. **Habitat Preservation and Protection Plan** For applicant-responsible compensatory mitigation, then the project proponent shall enter into a binding legal agreement regarding the preservation of offsite lands describing the terms of the acquisition, enhancement, and management of those lands. Fee title to acquired habitat lands, or a conservation easement over these lands, shall be transferred to CDFW or to an entity approved by CDFW, along with financial assurances (funds) for preservation, rehabilitation, and enhancement of the land, and an endowment for permanent management of the lands.	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	A formal Habitat Preservation and Protection Plan to detail methods for site preservation, restoration, monitoring, and protection shall be written. The plan will include permanent photo documentation points from the pre-restoration stage to the conclusion of the monitoring requirement. Photo documentation shall occur on a quarterly and annual basis or as required by CDFW. The number of western Joshua and California juniper trees existing onsite, transplanted, installed as container stock, will be recorded and qualitatively assessed quarterly and quantitatively assessed on an annual basis until performance criteria and/or contingency criteria are successfully attained. A final monitoring report will be provided at the conclusion of the post-construction restoration phase. The project proponent shall provide the final monitoring report to CDFW for approval of completion for the project.			
Threshold 4.4e) Have Substantial Adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	**MM BIO-7: Native Desert Vegetation Survey and Protected Plant Preservation Plan** A Preservation Plan will be prepared and submitted to the City, which is required by City Municipal Code. A native desert vegetation survey must be conducted to produce findings that will guide the formation of this plan. The survey objective is to evaluate the health and general condition of the western Joshua trees and creosote bush present on the project site. A project-specific plan will provide further guidance regarding the transplant and/or preservation of the western Joshua trees and protection for creosote rings "10 feet or greater in diameter" as per § 16.24.150 of City Municipal Code. Transplant suitability of the western Joshua trees will be determined by the results of the survey. This survey shall be conducted by a qualified City-approved biologist or arborist. The plan will incorporate survey data, identify and outline preconstruction survey methods for the native desert vegetation on the project site, describe preconstruction and construction-phase biological monitoring and transplant methods that are applicable, or outline any identified CDFW permit and Memorandum of Understanding requirements for active relocation, if either is necessary. The Plan should be referred to for a detailing of protective actions regarding the western Joshua trees on the project site.	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation
	Mitigation Measure Biological Resources 8 (MM-BIO-8) (New): Mohave ground squirrel **Visual surveys for Mohave ground squirrels shall be conducted by a qualified biologist prior to ground disturbing activities. Visual surveys shall be conducted between March 15 and April 15 according to the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Visual surveys shall be conducted on the Project site during daylight hours by a qualified biologist who can readily identify Mohave ground squirrel and white-tailed antelope squirrel (*Ammospermophilus*	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project

	***leucurus*). If the survey or monitoring throughout the duration of the Project confirms presence of Mohave ground squirrel, the Project proponent shall fully avoid impacts to Mohave ground squirrel or should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel if impacts are unavoidable.**			construction activities, and during operation
4.5 Cultural Resources				
Threshold 4.5b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.	**MM CUL 1** If archaeological resources are discovered during construction activities, the contractor will halt construction activities in the immediate area of the find (within a 60-foot buffer) and notify the City of Hesperia. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology who will be notified and afforded the necessary time to assess the find. Work on the other portions outside the buffer area may continue during this assessment period. The archaeologist will also be afforded the necessary time and resources to recover, analyze, and curate the find(s). The qualified archaeologist will recommend the extent of archaeological monitoring necessary to ensure the protection of any other resources that may be in the area. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the South Central Coastal Information Center. Construction activities may continue on other parts of the project site while evaluation and treatment of prehistoric archaeological resources takes place. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM CUL 3 If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
Threshold 4.5c): Disturb any human remains, including	**MM CUL 2** If human remains are encountered during excavations associated with this project, all work will stop within a 30-foot radius of the discovery and the San Bernardino	Project Construction Contractor	Field Verification	1. City of Hesperia Planning Department

those interred outside of formal cemeteries.	County Coroner will be notified (§ 5097.98 of the Public Resources Code). The Coroner will determine whether the remains are recent human origin or older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they will contact the NAHC. The NAHC will be responsible for designating the Most Likely Descendant (MLD). The MLD (either an individual or sometimes a committee) will be responsible for the ultimate disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. The MLD will make recommendations within 24 hours of their notification by the NAHC. These recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).			2. City of Hesperia Planning Department 3. During project construction activities
4.7 Geology and Soils				
Threshold 4.7f): Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	**MM GEO 1** Before the beginning of project construction, the project applicant shall retain a qualified paleontologist to remain on-call for the duration of project ground disturbance activities. If paleontological resources are uncovered during project construction, the contractor shall halt construction activities in the immediate area and notify the City. The on-call paleontologist shall be notified and afforded the necessary time and funds to recover and analyze the finds and curate the find(s) with an accredited repository for paleontological resources. Subsequently, the monitor shall remain onsite for the duration of the ground disturbance to ensure the protection of any other resources that are found during construction on the project site	Project Applicant, Qualified Paleontologist	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
4.9 Hazards and Hazardous Materials				
Threshold 4.9a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	**MM HAZ-1** In the event that the future tenant will handle hazardous materials above the reportable quantity threshold, the lease agreement with the future tenant shall require the tenant to submit a Hazardous Materials Business Plan which would include an inventory of all hazardous materials used, stored, or otherwise managed onsite to the County of San Bernardino County Fire Department – Hazardous Materials Division and the Fontana Fire Protection District. The recommendations of the Hazardous Materials Business Plan would be included in the lease agreement (signed by the tenant) as mandatory measures required to be implemented by the tenant **MM HAZ-2** In the event that the future occupant will handle hazardous materials above the reportable quantity threshold, the occupancy agreement shall require the occupant, in coordination with the San Bernardino County Fire Department, to identify routes along which hazardous materials may routinely be transported. If essential facilities such as schools, hospitals, child care centers, or other facilities with special	Project Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	evacuation needs are located along these routes, the future occupant shall develop an emergency response plan that can be implemented in the event of an unauthorized release of hazardous materials. The recommendations of the Emergency Response Plan would be included in the occupancy agreement (signed by the future occupant) as mandatory measures required to be implemented by the future occupant.			
Threshold 4.9b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment**?**	Refer to **MM HAZ-1 and MM HAZ-2** under **Threshold 4.9a).**			
Threshold 4.9f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Refer to **MM TRANS-3** under **Threshold 4.17c).**			
4.17 Transportation				
Threshold 4.17a) Would the project conflict with a program plan, ordinance or policy addressing circulation system, including transit, roadway, bicycle and pedestrian facilities?	**MM TRANS-1** The Project Applicant would be required to implement operational improvements detailed in section 11.7 of the Traffic Impact Analysis (TIA) report to ensure that all affected intersections by project buildout would have an adequate level of service (LOS). **MM TRANS-2** The Project Applicant would be required to contribute to fair-share contributions for intersection operational improvements in the project area. The contributions are identified in section 11.8 of the Traffic Impact Analysis (TIA) report.	Project Applicant	Field Verification	1. City of Hesperia 2. City of Hesperia 3.Before construction
	MM TRANS-3 Prior to construction, the General Contractor shall submit a detailed Construction Management Plan to be reviewed and approved by the City of Hesperia. The	City of Hesperia and Construction Manager	Field Verification	1. City of Hesperia 2. City of Hesperia 3. During

Threshold 4.17c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Construction Management Plan shall specify that the Construction Manager will schedule truck traffic and employee shifts to avoid creating trips during the peak traffic periods, as is feasible for construction operations. All measures, including identified truck routes and designated employee parking areas, shall be included in the Construction Management Plan. The Plan shall include but is not limited to the following provisions: ● The Construction Management Plan shall specify how traffic will be routed and controlled during the construction phase, including which lane(s) of traffic will be temporarily blocked off for construction work. ● Specification of permitted hours for construction-related deliveries and removal of heavy equipment and material. ● Specification of where construction workers would park their personal vehicles during project construction with a requirement that at no time shall construction worker vehicles block any driveways. If complaints are received by the project applicant regarding issues with construction worker vehicle parking, the project applicant shall identify alternative parking options for construction workers so as not to interfere with any surrounding parking availability. ● Identification of how emergency access to and around the project site will be maintained during project construction. ● Specification of haul routes for delivery or removal of heavy and/or oversized equipment or material loads. Where feasible, delivery or removal of oversized equipment or material loads shall be conducted during off-peak traffic periods. ● Provide pedestrian and bicycle connections around the project site and designate safe crossing locations for all pedestrian detours. ● Maintain the security of the project site by erecting temporary fencing during the construction phase of the project. Any onsite night lighting used during the construction phase of the project shall be in compliance with the lighting requirements of the City of Hesperia. ● If temporary lane closures are necessary for the installation of utilities, emergency access should be maintained at all times. ● Flag persons and/or detours shall be provided as needed to ensure safe traffic operations. ● Construction signs shall be posted to advise of reduced construction zone speed limits. ● The project design shall include entry/exit gates for first responders' vehicles to gain access to the project site.			Construction

Threshold 4.17d) Would the project result in inadequate emergency access?	**MM TRANS-3.** Refer to **Threshold 4.17c).**	City of Hesperia and Construction Manager	Construction Management Plan	1. City of Hesperia 2. City of Hesperia 3. During Construction
4.18 Tribal Cultural Resources				
Threshold 4.18b): cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be a significant resource to a California Native American tribe pursuant to the criteria set forth in subdivision (c) of Public Resource Code § 5024.1(c)?	**MM TCR-1** The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in MM CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM TCR-2 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM TCR-3 As specified by California Health and Safety Code § 7050.5, if human remains are found on the project site during construction or during archaeological work, the San Bernardino County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. The Coroner would determine within two working days of being notified, if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities

	Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent.			

ATTACHMENTS

ATTACHMENT A: NOTICE OF INTENT

City of Hesperia

Notice of Intent to Adopt a Mitigated Negative Declaration

To: Agencies, Organizations, and Interested Parties

From: City of Hesperia

Subject: Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) for the Cargo Solutions Truck Warehouse Hesperia Project

The City of Hesperia ("City") is the Lead Agency under the California Environmental Quality Act (CEQA) for the proposed project identified below. The City has prepared an Initial Study to determine the environmental effects of the proposed project and finds issuance of a Mitigated Negative Declaration is the appropriate level of CEQA environmental review.

AGENCIES: The City requests that your agency review the scope and content of the environmental information relevant to your agency's statutory responsibilities in connection with the proposed project, in accordance with California Code of Regulations, Title 14, Section 15086(a).

ORGANIZATIONS AND INTERESTED PARTIES: The City requests your comments and concerns regarding the environmental issues associated with the proposed project.

Project Title: Cargo Solutions Truck Warehouse Hesperia Project

Project Description: The City of Hesperia (City) is processing a request to implement a series of discretionary actions that would ultimately allow for the development of a truck warehouse development (project) at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, and -13 and 3064-631-01). The project proposes development of two truck warehouse buildings and a surface parking lot on an approximately 20.32-acre site.

The City's General Plan Land Use and zoning designation for the project site is Com/Ind Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan. The CIBP zoning designation is to create employment-generating uses in a business park setting. This zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings, which will produce only a small environmental impact, such as noise, vibration, air pollution, glare or waste disposal. Permitted uses include commercial storage facilities, manufacturing, offices, repair shops, warehousing and wholesale distribution centers, and other similar uses. Additionally, the CIBP zoning designation would allow vehicle wash facilities with a conditional use permit (CUP). The entire 20.32-acre project site is currently undeveloped land. The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north; industrial, commercial, and undeveloped land uses to the south; the Interstate 15 (I-15) freeway to the east; and commercial and undeveloped land uses to the west.

Project Location: Southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, and -13 and 3064-631-01)

Significant Environmental Effects: The IS/MND concludes that no significant unavoidable environmental effects would occur as a result of the proposed project. Potentially significant impacts related to biological resources, cultural resources, geology and soils, hazards and hazardous materials, transportation, tribal cultural resources, and mandatory findings of significance would be mitigated to a less than significant level.

Public Review Period/Responses and Comments: The IS/MND will be available for public review and comment pursuant to California Code of Regulations, Title 14, Section 15087. The City will accept responses and comments for 30 days, starting on **June 18, 2025 to July 21, 2025**. All comments must be submitted in writing; either in a letter or email. Please indicate a contact person for your agency or organization and send your responses or comments to:

City of Hesperia Planning Department
Attn: Ryan Leonard, Senior Planner
9700 Seventh Avenue
Hesperia, CA 92345
Email: rleonard@cityofhesperia.us

DOCUMENT AVAILABILITY: This IS/MND and associated materials are available for review during regular business hours at the following location:

- City of Hesperia Planning Department, 9700 Seventh Avenue, Hesperia, CA 92345

The document is available online on the City's website at: https://www.cityofhesperia.us/1466/Environmental-Documents

ATTACHMENT B: NOI POSTING AT THE STATE OF CALIFORNIA, OFFICE OF PLANNING AND RESEARCH CLEARINGHOUSE

Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project

Summary

SCH Number
2025060948

Lead Agency
City of Hesperia

Document Title
Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project

Document Type
MND - Mitigated Negative Declaration

Received
6/19/2025

Present Land Use
The City's General Plan Land Use and Zoning designations for the project site are Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan.

Document Description
The City of Hesperia (City) is processing a request to implement a series of discretionary actions that would ultimately allow for the development of two truck warehouses (project) on an approximately 20.32-acre site located at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, -13, and 3064- 631-01). The project proposes to develop Truck Warehouse Building 1 with an associated parking lot on the western portion of the project site on an approximately 10.52-acre lot, and Truck Warehouse Building 2 with an associated parking lot on the eastern portion of the project site on an approximately 9.8-acre lot. The City is the Lead Agency for the purposes of the CEQA. The entire approximately 20.32-acre project site is currently undeveloped land. The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west (Google Earth Pro, 2024). The City's General Plan Land Use and zoning designation for the project site is Com/Ind Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan (City of Hesperia, 2023; City of Hesperia, 2010). The CIBP zoning designation is to create employment-generating uses in a business park setting. This zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings, which will produce only a small environmental impact, such as noise, vibration, air pollution, glare or waste disposal. Permitted uses include commercial storage facilities, manufacturing, offices, repair shops, warehousing and wholesale distribution centers, and other similar uses (The Arroyo Group, 2021, p. 196-197). Additional details on the land use and planning can be found in Section 4.11 of this document.

Contact Information

Name
Ryan Leonard

Agency Name
City of Hesperia

Job Title
Principal Planner

Contact Types
Lead/Public Agency

Address
9700 Seventh Avenue
Hesperia, CA 92345

Phone
(760) 947-1651

Email
rleonard@cityofhesperia.us

Name
Betsy Lindsay

Agency Name
UltraSystems Environmental

Job Title
Principal Project Manager

Contact Types
Consulting Firm

Address
16431 Scientific Way
Irvine, CA 92618

Phone
(949) 788-4900 ext. 227

Email
blindsay@ultrasystems.com

Name
Bobby Kang

Agency Name
Cargo Solutions Express Inc.

Job Title
Owner

Contact Types

Other Location Info

Canyon Ridge High School, approximately 0.47 mile southeast of the project site. Mission Crest Elementary School, approximately 0.66 miles southeast of the project site. Cedar Middle School, approximately 1.13 mile southeast of the project site. Mesquite Trails Elementary School, approximately 1.41 mile southeast of the project site. Oak Hills High School, approximately 1683 mile southeast of the project site.

Notice of Completion

State Review Period Start

6/19/2025

State Review Period End

7/21/2025

State Reviewing Agencies

California Air Resources Board (ARB), California Department of Conservation (DOC), California Department of Fish and Wildlife, Inland Deserts Region 6 (CDFW), California Department of Forestry and Fire Protection (CAL FIRE), California Department of Parks and Recreation, California Department of Pesticide Regulation (DPR), California Department of Toxic Substances Control (DTSC), California Department of Transportation, District 8 (DOT), California Department of Water Resources (DWR), California Fish and Game Commission (CDFGC), California Highway Patrol (CHP), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Regional Water Quality Control Board, Lahontan Victorville Region 6 (RWQCB), Colorado River Board, Department of Food and Agriculture (CDFA), Office of Historic Preservation, State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Drinking Water, District 13, State Water Resources Control Board, Division of Drinking Water, District 27, State Water Resources Control Board, Division of Water Quality

Development Types

Industrial (Sq. Ft. 378059, Acres 8.68, Employees 448)

Local Actions

Site Plan

Project Issues

Aesthetics, Air Quality, Biological Resources, Cumulative Effects, Drainage/Absorption, Flood Plain/Flooding, Growth Inducement, Land Use/Planning, Mineral Resources, Noise, Recreation, Schools/Universities, Septic System, Sewer Capacity, Solid Waste, Vegetation, Wetland/Riparian, Agricultural Land, Archeological/Historical, Forest Land/Fire Hazard, Geologic Seismic, Soil Errosion/Compaction/Grading, Toxic/Hazardous, Traffic Circulation, Water Quality, Water Supply/Groundwater, Public Services/Facilities, Population/Housing Balance,

Public Review Period Start

6/17/2025

Public Review Period End

7/21/2025

Attachments

Draft Environmental Document [Draft IS, NOI_NOA_Public notices, OPR Summary Form, Appx,]

Project Applicant

Address

14587 Valley Boulevard
Fontana, CA 92335

Phone

(909) 350-1644 ext. 346

Email

bobby@cargosolutionsexpress.com

Location

Coordinates

34°24'53.59"N 117°23'33.79"W

Cities

Hesperia

Counties

San Bernardino

Regions

Citywide

Cross Streets

Southeast intersection of Three Flags Avenue and Poplar Street

Zip

92345

Total Acres

20.32

Jobs

1

Parcel #

3064-591-17,-18,-12, and -13 and 3064-631-01

State Highways

U.S. 395 and I-15

Township

4N

Range

5W

Section

22

Base

San Bern

Appendices PDF 137856 K | Cargo Solutions Truck Warehouse IS-MND PDF 18280 K | NOI PDF 192 K

Summary Form PDF 490 K

Notice of Completion [NOC] Transmittal form

NOC PDF 2638 K

Disclaimer: The Governor's Office of Land Use and Climate Innovation (LCI) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. For more information, please visit LCI's Accessibility Site.

ATTACHMENT C: SAN BERNARDINO COUNTY CLERK-RECORDER NOI POSTING

CLERK OF THE
BOARD OF SUPERVISORS
2025 JUL -2 AM 11:05
SAN BERNARDINO COUNTY
CALIFORNIA

CLERK OF THE BOARD
Received on: 7-2-25
Remove on: 7-22-25

City of Hesperia

Notice of Intent to Adopt a Mitigated Negative Declaration

To: Agencies, Organizations, and Interested Parties

From: City of Hesperia

Subject: Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) for the Cargo Solutions Truck Warehouse Hesperia Project

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City of Hesperia Planning Department
Attn: Ryan Leonard, Senior Planner
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Hesperia, CA 92345
Email: rleonard@cityofhesperia.us

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ATTACHMENT D: AB 52 TRIBAL CONSULTATION LETTER TO THE TORRES MARTINEZ DESERT CAHUILLA INDIANS

City of Hesperia

Gateway to the High Desert

September 22, 2022

Alesia Reed
Cultural Resources Coordinator
Torres Martinez Desert Cahuilla Indians
66-725 Martinez Road
Thermal, CA 92274

RE: Notification required under AB-52 Native American: California Environmental Quality Act for Local Government Tribal Consultation for CUP22-00016 - Cargo Solutions Truck Warehouse.

Dear Ms. Reed:

The City of Hesperia is engaged in writing environmental compliance documents associated with the following project, which requires that consultation be considered pursuant to Section 21080.3.1 of the California Public Resources Code (aka AB-52). This is a formal request for consultation pursuant to Government Code Section 65352.3. The Project Site is located in Section 22, Township 4 North, Range 5 West, SBB&M, California USGS 7.5-minute quadrangle an aerial photo is shown on page 2 of this letter.

Project description: The proposed project consists of the development of a two-phase project with two warehouse buildings and associated parking. The site is currently high desert open space.

Two warehouse buildings totaling a combined square footage of 95,089 with onsite truck storage and a 9,094 square foot truck wash building on 20.3 gross acres within the Commercial Industrial Business Park zone of the Main Street and Freeway Corridor Specific Plan located at the southeast corner of Poplar Street and Tree Flags Avenue. Fire lanes will be established around the perimeter of the building as required by City Code. Stormwater detention facilities will be provided in the north of the parcel. The parking areas will be paved with asphalt, with concrete truck dock aprons.

Small strips of irrigated landscaping will be installed on the north side of the project. Small strips of natural landscape will be retained on the north, east and west sides of the Project. The Project will be fully fenced.

The Project Site is part of the Main Street and Freeway Corridor Specific Plan and has a zoning designation of Commercial/Industrial Business Park (CIBP).

Brigit Bennington, Mayor
Bill Holland, Mayor Pro Tem
Cameron Gregg, Council Member
Rebekah Swanson, Council Member
Larry Bird, Council Member

Nils Bentsen, City Manager

9700 Seventh Avenue
Hesperia, CA 92345

760-947-1000
TD 760-947-1119

www.cityofhesperia.us

City of Hesperia

CUP22-00016 AB-52 Letter
September 22, 2022
Page 2 of 2

Location: The project site is in Section 22, Township 4 North, Range 5 West, as shown on the Hesperia, California USGS 7.5-minute quadrangle. The project site is located on the south side of Poplar, east of Three Flags Avenue. APNs: 3064-591-12, -13, -17, -18 & 3064-4631-01.

Following legislation guidelines, you have 30 days after receipt of this letter to request a consultation with the city. If you wish consultation, you must identify a lead contact. You are also afforded the right to respond with a "no effect' statement. If you have any questions, feel free to contact me at (760) 947-1651 or by e-mail at rleonard@cityofhesperia.us.

Sincerely,

Ryan Leonard, AICP
Senior Planner

PROJECT LOCATION

ATTACHMENT D: AB 52 TRIBAL CONSULTATION LETTER TO THE CABAZON BAND OF MISSION INDIANS

City of Hesperia

Gateway to the High Desert

September 22, 2022

Jacquelyn Barnum
Environmental Director
Cabazon Band of Mission Indians
84-245 Indo Springs Parkway
Indio, CA 92203

RE: Notification required under AB-52 Native American: California Environmental Quality Act for Local Government Tribal Consultation for CUP22-00016-Cargo Solutions Truck Warehouse.

Dear Ms. Barnum:

The City of Hesperia is engaged in writing environmental compliance documents associated with the following project, which requires that consultation be considered pursuant to Section 21080.3.1 of the California Public Resources Code (aka AB-52). This is a formal request for consultation pursuant to Government Code Section 65352.3. The Project Site is located in Section 22, Township 4 North, Range 5 West, SBB&M, California USGS 7.5-minute quadrangle an aerial photo is shown on page 2 of this letter.

Project description: The proposed project consists of the development of a two-phase project with two warehouse buildings and associated parking. The site is currently high desert open space.

Two warehouse buildings totaling a combined square footage of 95,089 with onsite truck storage and a 9,094 square foot truck wash building on 20.3 gross acres within the Commercial Industrial Business Park zone of the Main Street and Freeway Corridor Specific Plan located at the southeast corner of Poplar Street and Tree Flags Avenue. Fire lanes will be established around the perimeter of the building as required by City Code. Stormwater detention facilities will be provided in the north of the parcel. The parking areas will be paved with asphalt, with concrete truck dock aprons.

Small strips of irrigated landscaping will be installed on the north side of the project. Small strips of natural landscape will be retained on the north, east and west sides of the Project. The Project will be fully fenced.

The Project Site is part of the Main Street and Freeway Corridor Specific Plan and has a zoning designation of Commercial/Industrial Business Park (CIBP).

Brigit Bennington, Mayor
Bill Holland, Mayor Pro Tem
Cameron Gregg, Council Member
Rebekah Swanson, Council Member
Larry Bird, Council Member

Nils Bentsen, City Manager

9700 Seventh Avenue
Hesperia, CA 92345

760-947-1000
TD 760-947-1119

www.cityofhesperia.us

City of Hesperia

CUP22-00016 AB-52 Letter
September 22, 2022
Page 2 of 2

Location: The project site is in Section 22, Township 4 North, Range 5 West, as shown on the Hesperia, California USGS 7.5-minute quadrangle. The project site is located on the south side of Poplar, east of Three Flags Avenue. APNs: 3064-591-12, -13, -17,-18 & 3064-4631-01.

Following legislation guidelines, you have 30 days after receipt of this letter to request a consultation with the city. If you wish consultation, you must identify a lead contact. You are also afforded the right to respond with a "no effect' statement. If you have any questions, feel free to contact me at (760) 947-1651 or by e-mail at rleonard@cityofhesperia.us.

Sincerely,

Ryan Leonard, AICP
Senior Planner

PROJECT LOCATION

ATTACHMENT D: AB 52 TRIBAL CONSULTATION LETTER TO THE SAN MANUEL BAND OF MISSION INDIANS

City of Hesperia

Gateway to the High Desert

September 22, 2022

Jessica Mauck
Director of Cultural Resources Management
San Manuel Band of Mission Indians
26569 Community Center Drive
Highland, CA 92346

RE: Notification required under AB-52 Native American: California Environmental Quality Act for Local Government Tribal Consultation for CUP22-00016- Cargo Solutions Truck Warehouse.

Dear Ms. Mauck:

The City of Hesperia is engaged in writing environmental compliance documents associated with the following project, which requires that consultation be considered pursuant to Section 21080.3.1 of the California Public Resources Code (aka AB-52). This is a formal request for consultation pursuant to Government Code Section 65352.3. The Project Site is located in Section 22, Township 4 North, Range 5 West, SBB&M, California USGS 7.5-minute quadrangle an aerial photo is shown on page 2 of this letter.

Project description: The proposed project consists of the development of a two-phase project with two warehouse buildings and associated parking. The site is currently high desert open space.

Two warehouse buildings totaling a combined square footage of 95,089 with onsite truck storage and a 9,094 square foot truck wash building on 20.3 gross acres within the Commercial Industrial Business Park zone of the Main Street and Freeway Corridor Specific Plan located at the southeast corner of Poplar Street and Tree Flags Avenue. Fire lanes will be established around the perimeter of the building as required by City Code. Stormwater detention facilities will be provided in the north of the parcel. The parking areas will be paved with asphalt, with concrete truck dock aprons.

Small strips of irrigated landscaping will be installed on the north side of the project. Small strips of natural landscape will be retained on the north, east and west sides of the Project. The Project will be fully fenced.

The Project Site is part of the Main Street and Freeway Corridor Specific Plan and has a zoning designation of Commercial/Industrial Business Park (CIBP).

Brigit Bennington, Mayor
Bill Holland, Mayor Pro Tem
Cameron Gregg, Council Member
Rebekah Swanson, Council Member
Larry Bird, Council Member

Nils Bentsen, City Manager

9700 Seventh Avenue
Hesperia, CA 92345

760-947-1000
TD 760-947-1119

www.cityofhesperia.us

City of Hesperia

CUP22-00016 AB-52 Letter
September 22, 2022
Page 2 of 2

Location: The project site is in Section 22, Township 4 North, Range 5 West, as shown on the Hesperia, California USGS 7.5-minute quadrangle. The project site is located on the south side of Poplar, east of Three Flags Avenue. APNs: 3064-591-12, -13,-17,-18 & 3064-4631-01.

Following legislation guidelines, you have 30 days after receipt of this letter to request a consultation with the City. If you wish consultation, you must identify a lead contact. You are also afforded the right to respond with a "no effect' statement. If you have any questions, feel free to contact me at (760) 947-1651 or by e-mail at rleonard@cityofhesperia.us.

Sincerely,

Ryan Leonard, AICP
Senior Planner

PROJECT LOCATION

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER A - MOJAVE WATER AGENCY

Mojave Water Agency

Comment Letter A

June 23, 2025

City of Hesperia, Planning Department
Ryan Leonard, Senior Planner
9700 Seventh Ave.
Hesperia, CA. 92345

Regarding: Cargo Solutions Truck Warehouse Hesperia Project

Dear Ryan,

This confirms that the Mojave Water Agency has no conflict with this project. A-1

Sincerely,
Christy Huiner
Senior Water Resource Analyst
Mojave Water Agency
chuiner@mojavewater.org
760-946-7066

13846 Conference Center Drive
Apple Valley, CA 92307
Phone: (760) 946-7000 | Fax: (760) 240-2642
WWW.MOJAVEWATER.ORG

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER B - LOSEAU DRURY

Comment Letter B

LOZEAU DRURY LLP
T 510.836.4200
F 510.836.4205
1939 Harrison Street, Ste. 150
Oakland, CA 94612
www.lozeaudrury.com
rebecca@lozeaudrury.com

VIA EMAIL

June 23, 2025

Ryan Leonard, Senior Planner
Development Services Department
Planning Division
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
rleonard@hesperiaca.gov

Michael Hearn, Deputy Community Development Director
Development Services Department
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
developmentservices@cityofhesperia.us

Melinda Sayre, Deputy City Manager/City Clerk
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
cityclerk@cityofhesperia.us

Re: CEQA and Land Use Notice Request for Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project (SCH 2025060948)

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

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the project known as Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project (SCH 2025060948), including all actions referring or related to the proposed development of two truck warehouses on an approximately 20.32-acre site located at the southeast intersection of Poplar Street and Three Flags Avenue on Accessor's Parcel Numbers: 3064-591-17, -18, -12, -13, and 3064- 631-01 in the City of Hesperia ("Project").

We hereby request that the City of Hesperia ("City") send by electronic mail, if possible, or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
  - Notices of any public hearing held pursuant to CEQA.
  - Notices of determination that an Environmental Impact Report ("EIR") is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.

B-1

- Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
- Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
- Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

B-1

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail, if possible, or U.S. Mail to:

Leslie Reider
Emy Lipkind
Chase Preciado
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
leslie@lozeaudrury.com
emy@lozeaudrury.com
chase@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,

Leslie Reider

Leslie Reider
Lozeau | Drury LLP

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER C - SOCALGAS

Comment Letter C

From: SCG SE Region Redlands Utility Request
To: Ryan Leonard
Cc: SoCalGasTransmissionUtilityRequest
Subject: 6/26/25-Cargo Solutions Truck Warehouse Hesperia Project
Date: Thursday, June 26, 2025 10:30:05 AM
Attachments: Cargo Solutions Truck Warehouse Hesperia Project.pdf

You don't often get email from scgseregionredlandsutilityrequest@semprautilities.com. Learn why this is important

This is a SoCalGas Distribution response. I am including SoCalGas Transmission SoCalGasTransmissionUtilityRequest@semprautilities.com as they have facilities in the area and will need to review this project.

Hello,

I just reviewed the documents regarding: **Cargo Solutions Truck Warehouse Hesperia Project**

SoCalGas Distribution does not appear to have a conflict with this project. Please note on case to have Developer contact 811 / USA at DigAlert | Utility Locating California | Underground Wire & Cable Locator prior to any excavation / demolition activities so we can Locate & Mark out our facilities. C-1

If the Developer needs new gas service, please have them contact our Builder Services group to begin the application process as soon as practicable, at https://www.socalgas.com/for-your-business/builder-services. C-2

To avoid delays in processing requests and notifications, please have all Franchise correspondence sent to our Utility Request inbox, at SCGSERegionRedlandsUtilityRequest@semprautilities.com

I cover the **Southeast Region – Redlands** SCGSERegionRedlandsUtilityRequest@semprautilities.com would be your contact for requests in the southeastern ends of LA County, Riverside County, San Bernardino & Imperial Counties.

Southeast Region - Anaheim office which is all of Orange County and the southern ends of Los Angeles County; therefore, any Map and/or Will Serve Letter requests you have in these areas please send them to AtlasRequests/WillServeAnaheim@semprautilities.com

Northwest Region – Compton HQ For West and Central LA County, your Map Request and Will Serve Letters, will go to SCG-ComptonUtilityRequest@semprautilities.com

Northwest Region - Chatsworth

For any requests from the northern most parts of LA County all the way up to Visalia, San Luis Obispo, Fresno and Tulare you would
contact NorthwestDistributionUtilityRequest@semprautilities.com

Transmission
For Transmission requests, please contact SoCalGas Transmission,
at SoCalGasTransmissionUtilityRequest@semprautilities.com

READ MORE .....

MINOR STREET IMPROVEMENT PROJECTS: (CHIP SEAL, SLURRY SEAL, GRIND & OVERLAY)
Please notify Southern California Gas Company 4 months prior to start of pavement
projects for the gas company to complete leak survey & repair leaks if found.

C-3

-
MAJOR STREET IMPROVEMENT PROJECTS: (PROJECTS REQUIRING EXCAVATIONS GREATER THAN 9 INCHES, WIDENING OF EXISTING STREETS, INSTALLING NEW CURBS &
GUTTERS, BUS PADS, TRAFFIC SIGNALS, REALIGNMENT, GRADE SEPARATION, ETC.)
&
PIPELINE PROJECTS: (STORM DRAIN, WATERLINE, WATER, SEWER, ELECTRICAL, TELECOMUNICATIONS, ETC.)
Please provide Southern California Gas Company with your signed designed plans
with *gas company facilities posted* on your designs plans, 4-6 months prior to start of construction for possible relocation of SCG medium pressure facilities and 9-12 months
for possible relocation of SCG high pressure facilities.

C-4

This time is needed to analyze plans and to design required alterations to any conflicting SCG gas facilities. Please keep us informed of any and all pre-construction meetings, construction schedules, etc., so that our work can be scheduled accordingly.
Potholing may be required to determine if a conflict exists between the proposed development and our facilities. If, for any reason, there are SCG facilities in conflict, and a request to be relocated is needed, it is important to send the request in writing. Please include all required information below:

- **A Signed "Notice to Owner" request on Official Letterhead from the City, County,**

and/or company.

- **Name, Title and Project Number.**
- **Address, Location, Start Date, Parameters & Scope of Entire Job/Project.**
- **Copy of Thomas Guide Page and/or Google Map Screenshot Highlighting Project Area.**
- **Requestor Company's Contact Name, Title, Phone Number, Email, and other pertinent information**.

Thank you,
Josh Rubal
Lead Planning Associate
Distribution Planning & Project Management
Redlands HQ - Southeast Region
(213) 231-7978 Office
SCGSERegionRedlandsUtilityRequest@semprautilities.com

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER D - MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

Comment Letter D

Mojave Desert Air Quality Management District
Brad Poiriez, *Executive Director*
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • Fax 760.245.2022
www.MDAQMD.ca.gov • @MDAQMD

July 09, 2025

Edgar Gonzales, Assistant Planner
City of Hesperia, Planning Department
9700 Seventh Avenue
Hesperia, CA 92345

Project: Hesperia Cargo Solutions Trucking Warehouse

Dear Mr. Gonzales:

The Mojave Desert Air Quality Management District (District) has reviewed the Project Notice/Initial Study for the Cargo Solutions Trucking Facility Project in Hesperia. The project proposes the development of two truck warehouses (project) on an approximately 20.32-acre site located at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia. The project proposes to develop Truck Warehouse Building 1 with an associated parking lot on the western portion of the project site on an approximately 10.52-acre lot, and Truck Warehouse Building 2 with an associated parking lot on the eastern portion of the project site on an approximately 9.8-acre lot. The City is the Lead Agency for the purposes of the CEQA. The entire approximately 20.32-acre project site is currently undeveloped land. The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west.

We have reviewed the project as proposed and based on the information available to us at this time, the District requires that the owner/operator obtain a Dust Control Plan (DCP) for the planned project. The most current Dust Control Plan Requirements and Dust Control Plan Submission Form are available at https://www.mdaqmd.ca.gov/permitting/compliance-forms.

Other District requirements include:

- Signage compliant with Rule 403 Attachment B shall be erected at each project site entrance not later than the commencement of construction.
- Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

D-1

- All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project-related trackout within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

- Obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to: Internal Combustion Engines with a manufacture's maximum continuous rating greater than or equal to 50 brake horsepower.

- Comply with all applicable provisions listed in Rule 403 – *Fugitive Dust Control.*

D-1

Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 1846, or Bertrand Gaschot at extension 4020.

Sincerely,

Chris Anderson
Planning and Air Monitoring Supervisor

CA/bg Hesperia Cargo Solutions Truck Warehouse 2025 09 Jul

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER E - CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Comment Letter E

July 11, 2025
Sent via email

Ryan Leonard
Principal Planner
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345

Dear Ryan Leonard:

Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project (PROJECT)
Mitigated Negative Declaration (MND)
SCH# 2025060948

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

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

CDFW ROLE

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

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: Bobby Kang

Objective: The objective of the Project is to develop two warehouse buildings and associated parking lots and utilities across five Assessor Parcel Numbers (APNs) (see Project location below for APNs). The warehouses are intended for truck storage and will encompass 20.32 acres. Truck Warehouse 1 will encompass 10.52 acres and include a 75,894-square foot (sf) warehouse with office and grade level doors, 121,975 sf of surface parking space for passenger vehicles and truck/trailer parking, and 26,864 sf of landscaping. Truck Warehouse 2 will encompass 9.8 acres and include a 75,894-sf warehouse with office and grade level warehouse space, 143,708 sf surface parking lot for passenger vehicles and truck/trailer parking, and 58.389 sf of landscaping. Utilities including domestic water, sewer lines, fire suppression, irrigation lines, gas, and electricity will be needed across the Project site for both warehouses. The Project will also include interior and exterior lighting and the installation of an 8-foot-tall wall and an 8-foot-tall iron fence separating the two warehouses. The Project intends to operate 24 hours a day, 7 days a week, and is estimated to result in employing 448 staff for both warehouses.

Location: The Project is located in the City of Hesperia in the southeast corner of Three Flags Avenue and Poplar Street, County of San Bernardino, State of California. The Project will occur on APNs 3064-591-12, -13. -17, -18 and 3064-631-01. The Project is centered at Latitude 34.4148905 and Longitude -117.3926335.

Timeframe: The Project is expected to occur in one phase and is estimated to commence October 2025 and be completed in November 2026.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

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Ryan Leonard, Principal Planner
City of Hesperia
July 11, 2025
Page 3

COMMENT #1: Mohave ground squirrel (*Xerospermophilus mohavensis*)

Section #4.4 Biological Resources, Page #72-73

Issue: The Project has the potential to result in take of Mohave ground squirrel, a CESA listed species, and in the permanent loss of potential habitat for the species. California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill".

Specific impact: Mohave ground squirrel was identified by the MND to have a low potential to occur within the biological study area (BSA), but no focused surveys were conducted, nor were any species-specific avoidance or mitigation measures included in the MND.

Why impact would occur: The Project would permanently impact 20.32 acres of open space through grading, staging, construction of two large warehouses, and installation of parking lots. CDFW is concerned that the Project may impact Mohave ground squirrel considering that the MND mentions the presence of burrows and creosote bush (*Larrea tridentata*), which are known to provide habitat for Mohave ground squirrel and no focused surveys to determine presence/absence of Mohave ground squirrel were conducted.

Evidence impact would be significant: The MND mentions that Mohave ground squirrel has a low potential to occur onsite and that the BSA offers minimal habitat value for fossorial species, such as Mohave ground squirrel. Thus, considering that the Project site offers some habitat value and there is vegetation suitable for Mohave ground squirrel (i.e., creosote bush), CDFW is concerned that mitigation measures were not included in the MND to ensure impacts to Mohave ground squirrel are mitigated to a level of less than significant. Furthermore, California Natural Diversity Database (CNNDB) indicates the Project is within the Mohave ground squirrel distribution range and Mohave ground squirrel occurs within 2.5 miles of the Project site. In fact, burrows were detected onsite, which the MND attributes to belonging to an unknown ground squirrel species.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following measure for inclusion in the final MND:

Mitigation Measure Biological Resources 6 (MM-BIO-6) (New): Mohave ground squirrel

Visual surveys for Mohave ground squirrel shall be conducted by a qualified biologist prior to ground disturbing activities. Visual surveys shall be conducted between March 15 and April 15 according to the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines

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(CDFW 2023). Visual surveys shall be conducted on the Project site during daylight hours by a qualified biologist who can readily identify Mohave ground squirrel and white-tailed antelope squirrel (*Ammospermophilus leucurus*). If the survey or monitoring throughout the duration of the Project confirms presence of Mohave ground squirrel, the Project proponent shall fully avoid impacts to Mohave ground squirrel or should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel if impacts are unavoidable.

COMMENT #2: Western Joshua tree (*Yucca brevifolia*)

Section #2.3.4 Environmental Setting, 4.4 Biological Resources, Page #25, 67, 72, 73, 77, 80-81, 191

Issue: The Project may impact western Joshua tree; a candidate species protected under CESA and Fish and Game Code section 1927.

Specific impact: The Project, as described, will result in the lethal take of western Joshua trees present onsite. In fact, the MND confirms that direct and indirect take of western Joshua tree is likely to occur.

Why impact would occur: Project activities, such as grubbing and grading may result in removal of western Joshua tree or may impact their root system. Under Fish and Game Code section 1927, the take of western Joshua trees and parts thereof, including roots, is prohibited. Damage to roots can lead to the death of the tree.

Evidence impact would be significant: The MND is not clear regarding how many western Joshua trees are present on site, but states that there are between 1 to 6 western Joshua trees present and CDFW confirmed the presence of western Joshua trees onsite through aerial imagery. The MND also does not provide information regarding the extent that the Project may impact the species but in BIO-1 (see below) discusses the need for an Incidental Take Permit (ITP) under Fish and Game Code section 2081. Please note that the Project may also receive an ITP under Fish and Game Code section 1927 through the Western Joshua Tree Conservation Act (WJTCA), which will require a census of all trees dead or alive within the Project site and a 50-foot buffer. For further information please visit Western Joshua Tree Conservation Permitting.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-1 for inclusion in the final MND (edits are in ~~strikethrough~~ and **bold**):

MM-BIO-1 (Revised): Section 2081 FGC Incidental Take Permit

Western Joshua trees are a state candidate for listing under CESA and will require a § 2081 FGC Incidental Take Permit (ITP) with compensatory mitigation for impacts,

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

in addition to the surveys that are recommended in the discussion of MM BIO-6. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where take is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. **The Project may also obtain take authorization through § 1927 of the Western Joshua Tree Conservation Act (WJTCA).**

Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the permittee to relocate one or more of the western Joshua trees.

COMMENT #3: Burrowing owl (*Athene cunicularia hypugaea*)

Section #4.4 Biological Resources, Page #68, 73, 76-77

Issue: The Project has the potential to significantly impact burrowing owl; a candidate species protected under CESA.

Specific impact: The Project may result in take of burrowing owl through Project activities such as mass grading. Additionally, the Project may lead to the permanent elimination of habitat for burrowing owls from warehouse development.

Why impact would occur: The MND states that suitable habitat is present onsite for burrowing owl; for example, sparse vegetation, burrows, and suitable soils. As a result, the MND included BIO-2 (see below). CDFW appreciates that BIO-2 considers focused surveys for burrowing owls and is in line with previous guidance provided by CDFW. However, CDFW would like to note that since burrowing owl became a CESA candidate species in March 2024, CDFW cannot accept relocation plans outside of a CESA ITP. Instead, BIO-2 should consider obtaining an ITP if

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burrowing owls are detected and impacts cannot be avoided. Thus, the change in regulatory status for burrowing owl requires changes to measure BIO-2 as recommended by CDFW below.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-2 for inclusion in the final MND (edits are in ~~strikethrough~~ and **bold**):

MM-BIO-2 (Revised): Focused Burrowing Owl Survey

Although BUOW was not observed on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist **shall** ~~would~~ conduct a focused BUOW survey in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW, 2012).

Following the completion of the survey, the biologist **shall** ~~would~~ prepare a letter report summarizing the results of the survey. The report would be submitted to the **CDFW and the** City prior to initiating any ground disturbance activities.

If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required.

If BUOW or signs of BUOW are observed during the survey, the site **shall** ~~would~~ be considered occupied **and the Project proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP if impacts are unavoidable**. ~~The biologist would implement mitigation measure BIO-2 and contact the City of Hesperia, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures, prior to commencing project activities. The list of potential measures to avoid and minimize impacts to BUOWs described below would be implemented.~~

~~BUOW Protection Measures~~

~~If BUOWs or signs of BUOW are observed during the survey, then the site would be considered occupied and the biologist shall contact the City, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures discussed below, prior to commencing project activities.). If no BUOW or signs of BUOW are observed during the focused surveys, the components of this measure (discussed below) would not be applicable.~~

~~Planning BUOW Protection~~

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~~Grading, construction, and other project activities on all grassland habitat will be delayed until the qualified biologist has implemented burrow exclusion and closure. No ground-disturbing activities within 165 feet of an active BUOW burrow will be permitted until burrow exclusion and closure have been implemented. No destruction of foraging habitat will be permitted until burrow exclusion and closure have been implemented.~~

~~Preconstruction BUOW Protection~~
~~Prior to the initiation of grading and construction activities, the biologist shall implement passive relocation of an active BUOW burrow by installing a one-way door and then permanently excluding the BUOW from returning once it is confirmed that no BUOW individuals remain in the burrow. A biological monitor will visit the site daily to verify that the burrow is empty by monitoring and scoping the burrow.~~

~~Construction BUOW Protection Measures~~

~~A biological monitor will be onsite to monitor any BUOW or signs of BUOW. If any BUOW are observed then the biologist will consult with the County EMD and CDFW to determine the appropriate measures.~~

Comment #4: Nesting Birds

Section #4.4 Biological Resources, Page #68, 69, 72, 73, 75-77

Issue: The Project has the potential to impact nesting birds, including CDFW Species of Special Concern (SSC), and common birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918.

Specific Impact: Project implementation could result in the loss of nesting and/or foraging habitat for (non-)passerine and raptor species.

Why impact would occur: Nesting avian species could be directly or indirectly impacted during construction and for the life of the Project through the removal of potential foraging habitat, loss of and/or modification of habitat features, construction of warehouses, installation of new artificial lighting, creation of noise and vibration, and the removal of vegetation. Nest destruction, nest abandonment, behavioral disturbance, increased risk of predation, and degradation of suitable habitat could also lead to significant impacts to nesting avian species and local populations.

The MND indicates that pre-construction nesting bird surveys would only occur during February-August. However, CDFW recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests. This is in consideration that the timing of the bird nesting season varies greatly depending on several factors, such

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as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have also observed that changing climate conditions may result in the nesting bird season occurring earlier and/or later in the year than historical nesting season dates.

Evidence impact would be significant: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-5 for inclusion in the final MND (edits are in ~~strikethrough~~ and **bold**):

MM-BIO-5 (Revised): Pre-Construction Breeding Bird Survey

To maintain compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels.

Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts to migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities.

• ~~If project activities cannot be avoided during February 15 through September 15, a~~ **A** qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project

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disturbance. The survey will be conducted ~~at least seven days~~ **within 72 hours** prior to the onset of scheduled activities, such as mobilization and staging. ~~It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance.~~

• If no breeding birds or active nests are observed during the pre-construction survey or they are observed and **the qualified biologist determines they** will not be impacted, project activities may begin and no further mitigation will be required.

• If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone.

• If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency**, including CDFW,** to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency**, including CDFW**.

• Birds or their active nests will not be disturbed, captured, handled or moved. ~~Active nests cannot be removed or disturbed; however, nests can be removed or disturbed if determined inactive by a qualified biologist~~.

ENVIRONMENTAL DATA

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

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

ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Steven Recinos, Environmental Scientist at 909-731-5954 or by email at Steven.Recinos@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Jeff Brandt
6BBFAB19FE504F9...
For Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@lci.ca.gov

ATTACHMENTS

Attachment A: Mitigation Monitoring Reporting Plan

REFERENCES

California Department of Fish and Wildlife. 2023. Mohave Ground Squirrel Survey Guidelines.

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

California Department of Fish and Game. 2003. CDFG [currently CDFW] unpublished guidelines. Mohave Ground Squirrel Survey Guidelines. January 2003; minor process and contact changes in July 2010). Sacramento, CA

California Department of Fish and Wildlife. 2019. Mohave Ground Squirrel Range-CWHR M073 [ds908]. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System.

California Natural Diversity Database (CNDDB) Government [ds45]. 2024. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System.

Attachment A

Mitigation Monitoring and Reporting Plan

Biological Resources (BIO)		
Mitigation Measure (MM)	**Implementation Schedule**	**Responsible Party**
MM BIO-6 Visual surveys for Mohave ground squirrel shall be conducted by a qualified biologist prior to ground disturbing activities. Visual surveys shall be conducted between March 15 and April 15 according to the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Visual surveys shall be conducted on the Project site during daylight hours by a qualified biologist who can readily identify Mohave ground squirrel and white-tailed antelope squirrel (*Ammospermophilus leucurus*). If the survey or monitoring throughout the duration of the Project confirms presence of Mohave ground squirrel, the Project proponent shall fully avoid impacts to Mohave ground squirrel or should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel if impacts are unavoidable.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist

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MM BIO-1 Western Joshua trees are a state candidate for listing under CESA and will require a § 2081 FGC Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of MM BIO-6. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where take is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. The Project may also obtain take authorization through § 1927 of the Western Joshua Tree Conservation Act (WJTCA). Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the	Prior to initiation of all ground disturbing activities	Project proponent

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permittee to relocate one or more of the western Joshua trees.		
MM BIO-2 Although BUOW was not observed on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist shall conduct a focused BUOW survey in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW, 2012). Following the completion of the survey, the biologist shall prepare a letter report summarizing the results of the survey. The report would be submitted to the CDFW and the City prior to initiating any ground disturbance activities. If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required. If BUOW or signs of BUOW are observed during the survey, the site shall be considered occupied and the Project proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP if impacts are unavoidable.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist
MM BIO-5 To maintain compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist

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Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts to migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities. • A qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted within 72 hours prior to the onset of scheduled activities, such as mobilization and staging. • If no breeding birds or active nests are observed during the pre-construction survey or they are observed and the qualified biologist determines they will not be impacted, project activities may begin and no further mitigation will be required. • If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more		

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone. • If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency, including CDFW, to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency, including CDFW. • Birds or their active nests will not be disturbed, captured, handled or moved.		

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER F – LOZEAU DRURY

Comment Letter F

LOZEAU DRURY LLP
T 510.836.4200
F 510.836.4205
1939 Harrison Street, Ste. 150
Oakland, CA 94612
www.lozeaudrury.com
kylah@lozeaudrury.com

July 16, 2025

Via Email

Ryan Leonard, Senior Planner
Planning Department
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
rleonard@cityofhesperia.us

Re: Comment on Mitigated Negative Declaration, Cargo Solutions Truck Warehouses Hesperia Project (SCH 2025060948)

Dear Mr. Leonard:

This comment is submitted on behalf of Supporters Alliance For Environmental Responsibility ("SAFER") regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the Cargo Solutions Truck Warehouses Hesperia Project, which proposes the development of two truck warehouse buildings totaling 151,788 square-feet on an approximately 20.32-acre site at the southeast intersection of Poplar Street and Three Flags Avenue on Accessor's Parcel Numbers 3064-591-17, -18, -12, and -13 and 3064-631-01 in the City of Hesperia ("Project").

SAFER is concerned that the IS/MND is improper under the California Environmental Quality Act due to the IS/MND's failure to adequately assess and mitigate the Project's potentially significant environmental impacts. SAFER requests that an environmental impact report be prepared for the Project rather than an MND because there is a fair argument that the Project may have adverse environmental impacts. An EIR will ensure that potentially significant impacts of this Project are fully disclosed, analyzed, and mitigated. F-1

SAFER reserves the right to supplement this comment throughout the administrative process. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Kylah Staley
Lozeau Drury LLP

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER G - CALIFORNIA DEPARTMENT OF TRANSPORTATION

CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 8
464 WEST 4TH STREET
SAN BERNARDINO CA, 92401
(909) 963-8604
www.dot.ca.gov

Comment Letter G

July 21, 2025

Route & Postmile #: I-15/32.945
Cross Street: Southeast intersection of Three Flags Ave and Polar St.
GTS ID: 35673

City of Hesperia
Planning Division
Attn: Ryan Leonard
9700 Seventh Avenue,
Hesperia, CA, 92345

Subject: Cargo Solution Truck Warehouse and Truck Stop Hesperia Project

The California Department of Transportation (Caltrans) Local Development Review (LDR) branch has completed its review of the Initial Study/Mitigated Negative Declaration (IS/MND) and related documents for the proposed Cargo Solution Truck Warehouse and Truck Stop Hesperia Project.

The proposed project involves the development of two truck warehouse buildings with associated parking and circulation improvements on an approximately 20.32-acre site located at the southeast intersection of Polar Street and Three flags Avenue in the City of Hesperia, California (APNs: 3064-591-17, -18, -12, -13, and 3064-631-01). The site is currently vacant and designated as Commercial/Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan. The proposed development includes Truck Warehouse Building 1 on the western portion of the site (approximately 10.52 acres) and Truck Warehouse Building 2 on the eastern portion (approximately 9.8 acres), with each building featuring a dedicated parking lot and circulation areas to accommodate truck and employee vehicle access.

Site improvements will include building construction, loading docks, landscaping, driveways connections, internal drive aisles, stormwater infrastructure, lighting, and utility connections. Access to the project site is proposed via new driveways along Polar Street and Three Flags Avenue. The project is anticipated to generate new vehicle and truck trips that may impact local and regional traffic operations, including potential indirect effects on the State Highway System, particularly Interstate 15 (I-15), which is located approximately 1.5 miles west of the site. A traffic Impact Analysis will be prepared to evaluate project trip generation, intersection operations, and any necessary mitigation measures.

Construction is expected to commence in mid-2026 and take approximately 12 to 18 months to complete. The project is designed to comply with the City's Zoning standard for the CIBP designation, with operations primarily conducted within enclosed buildings to minimize

environmental impacts such as noise, emission, and light spillover.

Based on the information provided in the environmental documents made available for public review, we are submitting the following comments and recommendations for your consideration.

General:

1. Please include responses to the comments in this memorandum for your next review submittal.
2. Please see the attached pages for additional comments.

Safety Reviews:

3. The proposed project will generate additional trips on the State Highway System on US-395 and I-15. Please provide a Safety Analysis Report for I-15 and US-395 facilities affected by the proposed project. The Safety Analysis Report shall follow the attached guidance. See the attached guidance: Local Development Review (LDR) Safety Review Practitioner's Guidance. Please follow the steps below: G-1
   a. To request crash data on the State Highway System, please submit your request via our California Public Records Act (CPRA) portal at mycusthelp.com.
   b. Please analyze the existing crash data and discuss project's impact on safety as needed.
   c. Provide appropriate countermeasures to mitigate/reduce project's impact as needed.

Traffic Analysis Report:

4. Per previous review, the project is in the vicinity of I-15 facility on Main Street. Please include study area intersections for I-15 ramp/Main Street intersections, and street intersections leading to the project site in the TIA (for example, Mesa Linda St/Main St Intersection). G-2
5. Please include Northbound and Southbound I-15 off-ramp to Main St in the queuing analysis of the report. G-3
6. Please consider using the Intersection Safety and Operational Assessment Process (ISOAP) evaluation for recommending improvements at the proposed traffic signal intersection of US-395 and Poplar Street (refer to the attached ISOAP memo dated September 10, 2024). G-4
7. Truck Services specialist should review and concur with truck-related items in the report. G-5
8. A 2% per year growth rate is applied to background traffic, but there's no reference to SCAG, SBCTA, or Caltrans sources. Using a generic rate without justification can lead to inaccurate forecasts. Recommend supporting the growth assumption with data from a regional travel demand model or Caltrans resources. G-6
9. Although the project description includes a truck stop with 8 fueling stations, the TIA only analyzes two warehouses. This may underestimate traffic impacts. Recommend updating the TIA to include truck stop traffic or confirming its removal from the project. G-7
10. Although the TIA models area-wide traffic impacts, it does not confirm whether or how project-generated trips utilize Caltrans facilities such as US-395 or the I-15 ramps. The trip description states that approximately 60 percent of vehicle trips will come from or go to the Main Street ramps. However, the TIA does not include the Main Street ramps or the Main Street and Mesa Linda Street intersection in the list of analyzed intersections. This omission is concerning, as these are key access points to the regional transportation network. Additionally, based on the provided trip distribution figures, it is difficult to accept the assumption that no trucks associated with the project will use the Main Street ramps. It is recommended that the TIA clearly identify which Caltrans facilities will carry project G-8

traffic, quantify the number of trips expected to use each route, and include the relevant intersections in the traffic analysis. This information is critical for a transparent and complete assessment of potential impacts on state facilities. G-8

11. The background traffic volumes on US-395 and I-15 appear to be escalated from nearby local studies, but the TIA does not provide a complete reference to the source studies or include the full reports or trip count sheets. Additionally, these background volumes are not cross validated against Caltrans Performance Measurement System (PeMS) data or Caltrans traffic count station data. For consistency and transparency, recommend including the complete local study report or at minimum the relevant traffic count sheets used for background traffic estimation. Also recommend validating existing and future traffic volumes on Caltrans facilities using Caltrans PeMS or count station data to ensure alignment with actual observed trends and to support defensible forecasting. G-9
12. The TIA should address the horizon year assumption. The selected 2040 horizon is only 14 years beyond the project opening year (2026), not the typical 20- year planning horizon recommended for long-range traffic analysis. G-10

Initial Study/Mitigated Negative Declaration (IS/MND):

13. The project affects Caltrans intersections (e.g., US-395), but the IS/MND and TIA do not state whether work will occur in Caltrans right-of-way or if an encroachment permit is needed. Recommend clarifying this and identifying any required Caltrans permits. G-11
14. The TIA explains that a traffic signal at US-395 and Poplar Street must be installed by either this project or another (I-15 Industrial Park), depending on timing. The IS/MND does not clearly state who is responsible if Cargo Solutions is built first. Recommend adding a clear condition of approval that defines signal installation responsibility and reimbursement terms. G-12
15. While the VMT screening memo is referenced in the appendix, the IS/MND briefly says the site is in a "low VMT area" without explaining why or how that was determined. Recommend including a brief explanation or summary of the VMT screening criteria and findings in the IS/MND's transportation section. G-13

Equitable Access

If any Caltrans facilities are impacted by the project, they must comply with the American Disabilities Act (ADA) Standards upon project completion. Additionally, the project must ensure the maintenance of bicycle and pedestrian access throughout the construction phase. These access considerations align with Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users. G-14

Caltrans Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (R/W) requires a Caltrans-issued encroachment permit. G-15

For information regarding the Encroachment Permit application and submittal requirements, contact:

Caltrans Office of Encroachment Permits
464 West 4th Street, Basement, MS 619
San Bernardino, CA 92401-1400
(909) 383-4526
D8.E-permits@dot.ca.gov
https://dot.ca.gov/programs/traffic-operations/ep
Important Note: All permit applications must now be submitted

3

through our CEPS Online Portal at: https://ceps.dot.ca.gov/

Currently, no further review from the Local Development Review (LDR) Branch is required. Please be advised that LDR's point of contact role will conclude upon the completion of the development entitlement process. Once the project is entitled, the Encroachment Permit Office will serve as the primary point of contact moving forward.

Thank you again for including Caltrans in the review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D8@dot.ca.gov or call 909-963-8604.

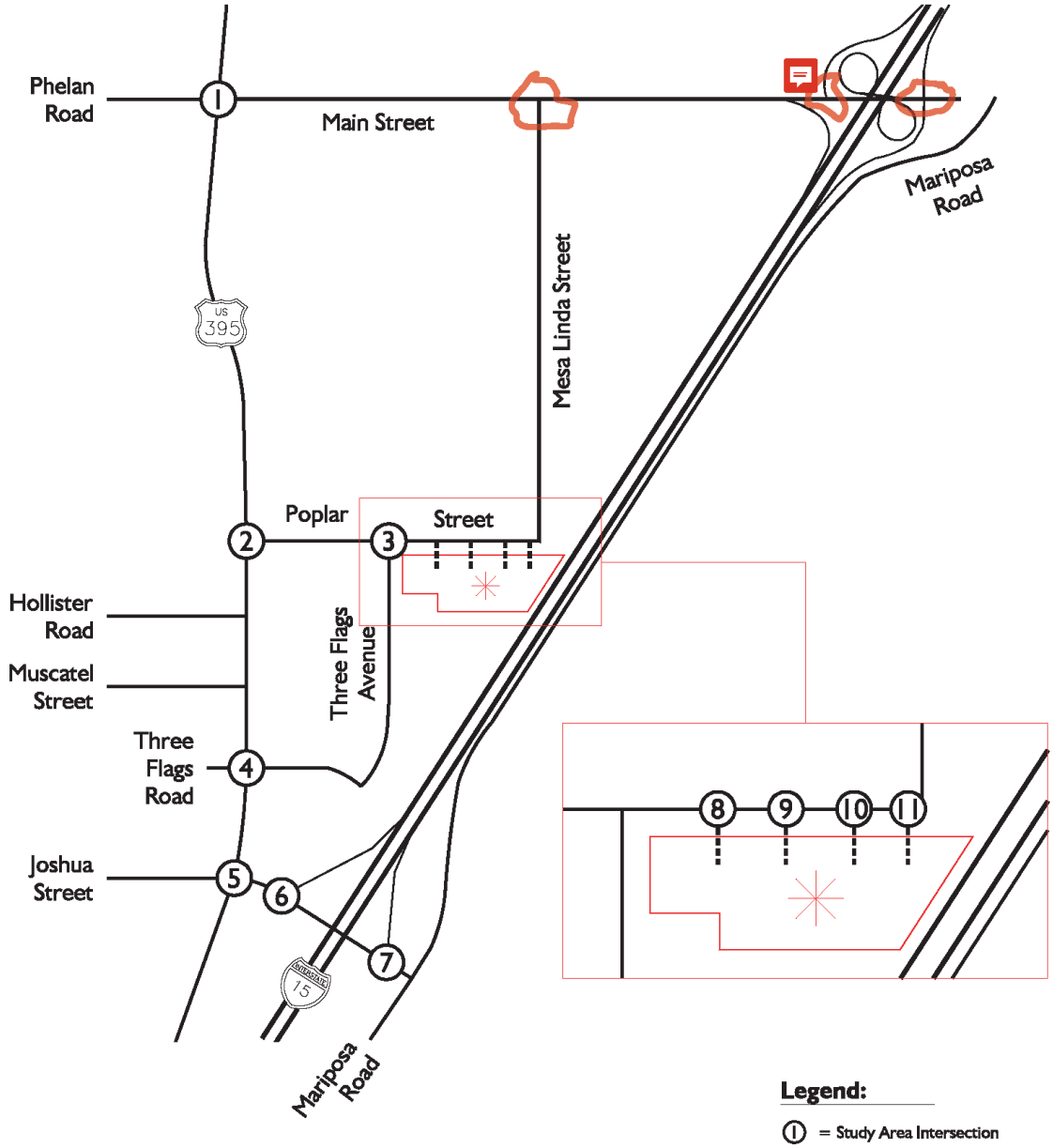
Sincerely,

Janki Patel

Janki Patel
Branch Chief - Local Development Review
Division of Transportation Planning
Caltrans District 8

4

Exhibit 1-1
Location Map



1219-2023-03
PROPOSED CARGO SOLUTION EXPRESS WAREHOUSE PROJECT TRAFFIC IMPACT STUDY,City of Hesperia, CA

RK engineering group, inc.

3.0 Existing Conditions & Circulation System

This section provides a discussion of existing study area conditions and traffic volumes.

3.1 Existing Traffic Controls & Intersection Geometrics

The *I-15 Industrial Park Project Traffic Impact Analysis*, dated October 2022, prepared by Dudek, is one of the most recently performed traffic impact analyses in the study area. The I-15 Industrial Park project is located south of Main Street, north of Poplar Street, and adjacent to the proposed Cargo Solution Express Warehouse Project.

To ensure consistency between the traffic impact analysis prepared by Dudek and within this analysis, the lane configurations and traffic controls illustrated in Figure 16 of the Dudek report have been utilized in this analysis and is shown in **Exhibit 3-1**.

One exception, however, is the intersection of Three Flags Avenue at Poplar Street (i.e., Int. #3). This study intersection has been identified in this analysis to be a three-legged intersection with south, east, and west legs. Figure 16 of the Dudek report denotes this intersection as a four-legged intersection. The north leg is proposed to be Lassen Road, a two-lane undivided arterial to be located between Poplar Street and Sultana Street. This roadway is not currently built and therefore the lane configurations have been adjusted accordingly.

Exhibit 3-1 identifies the roadway conditions, number of through traffic lanes, and intersection controls for the study area. The type of traffic control and number of lanes at an intersection are key inputs for the calculation of level of service.

3.2 Existing Traffic Volumes

Existing conditions traffic volumes are based on the 2021 peak hour traffic volumes displayed on Figure 17 of the Dudek report. A two percent (2%) annual growth rate has been applied for three (3) years (i.e., 6% total growth) to the 2021 peak hour traffic volumes to establish existing (2024) traffic volumes for the study intersection.

Existing Conditions (2024) weekday AM and PM peak hour volumes for the key study intersections are shown on **Exhibit 3-2**.

3.3 City of Hesperia General Plan Circulation Element

The City of Hesperia's Traffic Circulation Plan illustrates each roadway's street classification within the City of Hesperia and is shown in **Exhibit 3-3**.

Therefore, the cumulative analyses set forth below are conservative and could result in greater impacts than anticipated. Additionally, the analysis utilizes an ambient growth rate of two percent (2%) per year, which would already capture and account for most projects in the area. The growth rate methodology is considered conservative since it is applied to all movements in all the study intersections.

4.3 Planned Roadway Improvements

As documented in Section 5.1.1 of the *I-15 Industrial Park Project Traffic Impact Analysis*, dated October 2022, prepared by Dudek, several roadway improvements are planned as part of the I-15 Industrial Park development. However, to conservatively assess the level of service impacts associated with the proposed project, only roadway improvements that facilitate vehicular flow stemming from the I-15 Industrial Park project were considered (i.e., new legs to intersections). Consequently, roadway improvements aimed at improving intersection level of service (e.g., capacity improvements, traffic control devices, etc.) were not assumed. Additionally, the future year traffic analysis incorporates provisions for future traffic corridors to accommodate the flow of vehicles originating from adjacent cumulative projects. As a result, the following roadway improvements have been reviewed and incorporated in all future scenarios, (i.e., Project Opening Year (2026) Conditions and Horizon Year (2040) Conditions) as shown in **Table 4-3**:

Table 4-3
Planned Roadway Improvements

Study Intersection / Roadway	Planned Improvement
Study Intersection #2 U.S. Route 395 (NS) at Poplar Street (EW) (Dudek Intersection #13)	The west leg of U.S. Route 395 at Poplar Street will be built to consist of one left-turn pocket and one shared through/right-turn lane.
Study Intersection #3 Three Flags Avenue (NS) at Poplar Street (EW) (Dudek Intersection #16)	Lassen Road is to be built to a half width, with the ultimate ROW and Curb-to-Curb buildout pending development east of the roadway. Vehicles would be able to travel northbound and southbound along Lassen Road.
Poplar Street	Poplar Street is to be built to a 100-foot ROW, with a 72-foot Curb-to-Curb width. It must be noted that these widths proposed with the development of the Project appear to match the arterial classification.

The planned and project-specific intersection and roadway improvements are shown in **Exhibit 4-9**: Future Year Traffic Controls & Intersection Geometrics.

State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

Memorandum

To: DISTRICT DIRECTORS
DEPUTY DIRECTORS
DIVISION CHIEFS

Date: September 10, 2024

From: DAVID MAN *David S Man*
Chief, Division of Traffic Operations

RACHEL CARPENTER *Rhonda Chowdhury*
Chief Safety Officer

LISA RAMSEY *Lisa Ramsey*
Acting Chief, Division of Design

Subject: **INTERSECTION SAFETY AND OPERATIONAL ASSESSMENT PROCESS (ISOAP)**

This memorandum updates the process the Department uses to evaluate proposed traffic control and design geometrics for intersections and other access improvements proposed on the State Highway System. Intersection Safety and Operational Assessment Process (ISOAP) is an update and renaming of Intersection Control Evaluation (ICE) and supersedes Traffic Operations Policy Directive 13-02 and the August 23, 2013, memorandum "Intersection Control Evaluation (ICE) and Design Guidance." ISOAP places a greater emphasis on road safety performance consistent with the strategic direction of the Department. Intersection geometry and traffic control shall be determined through a performance-based analysis that considers all users and supports the principles of the Safe System Approach.

The ISOAP Information Guide shall govern the procedures for the performance-based determination analysis, including data collection, parameter choice, analysis methodology and scenarios, performance measures, review process, and reporting format.

Any project that has started using the existing ICE procedures and guidance may continue to do so provided that district acceptance and approval is received by November 15, 2024. All other proposed intersection improvements shall follow the ISOAP procedures.

Projects initiated by others using the existing ICE procedures and guidance that have prior consultation or an encroachment permit submittal with Caltrans and completed environmental process by November 15, 2024, may continue to do so through completion.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Any requests for exceptions to ISOAP must be approved by both Divisions of Safety Programs and Traffic Operations. The District ISOAP Coordinators will facilitate any proposed exception.

If you have questions about ISOAP, please contact Zifeng Wu, Chief of Transportation System Analysis Branch, at (916) 764-4074 or by email at <zifeng.wu@dot.ca.gov>.

c: Said Ismail, Deputy Division Chief, Division of Traffic Operations
Sri Balasubramanian, Deputy Division Chief, Division of Traffic Operations
Zhongren Wang, Chief, Office of Mobility and System Performance, Division of Traffic Operations
Paul Chung, Deputy Division Chief, Division of Design
Pyo Hong, Chief, Office of Standards and Procedures, Division of Design
Tina Lucas, Chief, Office of Project Support, Division of Design
Zifeng Wu, Chief, Transportation System Analysis Branch, Division of Traffic Operations

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Cargo Solutions Express-CUP22-00016 and TPM24-00003

State Clearing House SCH No.2025060948

City of Hesperia, California

September 2025

The following is a Mitigation Monitoring and Reporting Program (MMRP) for CUP22-00016 and TPM24-00003 located at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia (APNs: 3064-591-17, -18, -12, -13, and 3064-631-01). This MMRP has been prepared pursuant to Section 15097 of the CEQA Guidelines. This MMRP lists all applicable project Mitigation Measures that are required to be implemented with the Project. This MMRP includes implementation timing and responsible party to ensure proper enforcement of all mitigation measures to reduce project impacts. The City of Hesperia, as the Lead Agency, will utilize the MMRP to document the implementation of project mitigation measures, which ensure all project impacts are reduced to less than significance pursuant to The California Environmental Quality Act (CEQA).

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
4.4 Biological Resources				
Threshold 4.4a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans,	**MM BIO-1: Section 2081 CFGC Incidental Take Permit** Western Joshua trees are a state candidate for listing under CESA and will require a 2081 Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of **MM BIO-7**. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where "take" is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. **The**	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction

policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**Project may also obtain take authorization through § 1927 of the Western Joshua Tree Conservation Act (WJTCA).** **Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the permittee to relocate one or more of the western Joshua trees.** **MM BIO-2: Focused Borrowing Owl Survey** Although BUOW was not detected on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist **shall** conduct a focused BUOW survey in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012). Following the completion of the survey, the biologist **shall** prepare a letter report summarizing the results of the survey. The report would be submitted to the **CDFW and the** City prior to initiating any ground disturbance activities. If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required. If BUOW or signs of BUOW are observed during the survey, the site **shall** be considered occupied **and the Project proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP if impacts are unavoidable**. **MM BIO-3: Pre-Construction General Wildlife Survey**	Applicant	Field Verification	activities, and during operation 1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	Special-status wildlife species that have no designated status under the ESA, the CESA, and/or the NPPA, but are designated as sensitive or locally important by federal agencies, state agencies, local agencies such as the RCA, and nonprofit resource organizations such as the CNPS are referred to as "sensitive" in this section. The following measures will be implemented to minimize impacts to these species which include but are not limited to: Blainville's horned lizard and desert kit fox. The measures below will help to reduce direct and indirect impacts caused by construction on various sensitive species to less than significant levels. • A qualified biologist will conduct a pre-construction general wildlife survey for sensitive wildlife and potential nesting sites such as open ground, shrubs, and burrows within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance. • If sensitive species and/or active nesting sites are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required. • If any sensitive wildlife species are identified within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency. zone. • Sensitive wildlife species and/or potential nesting sites will not be disturbed, captured, handled or moved. **MM BIO-4: Loggerhead Shrike Survey and Protection Measures** The following measures are proposed in order to minimize impacts to loggerhead shrike, for which there is suitable habitat in the BSA. • If activities occur during the breeding/nesting period, a wildlife survey will be completed by a qualified biologist to identify potential loggerhead shrike activity in the area of the project activities.	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	• Additional species surveys to determine presence/absence of birds prior to disturbances, from May 1 until the work start date, if the work start date is prior to August 31. Surveys are to occur weekly in May, every other week in June, and once per month in July and August (assuming no loggerhead shrike are observed). • Incidental occurrences of other sensitive avian species such as Swainson's hawk, prairie falcon, and Cooper's hawk should also be recorded during the survey. **MM BIO-5: Pre-Construction Breeding Bird Survey** To maintain compliance with the MBTA and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels. Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts on migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities. • A qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted **within 72 hours** prior to the onset of scheduled activities, such as mobilization and staging. • If no breeding birds or active nests are observed during the pre-construction survey or they are observed and **the qualified biologist determines** they will not be impacted, project activities may begin and no further mitigation will be required. • If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone. • If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency, **including CDFW,** to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency, **including CDFW**. • Birds or their active nests will not be disturbed, captured, handled or moved.			
Threshold 4.4b) Have Substantial Adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	**MM BIO-6: Mitigation for Impacts to Western Joshua Tree and California Juniper Woodlands** **Avoidance and Minimization Measures** The entirety of the project area is currently planned for development. Approximately 19 acres is California juniper woodland. The California juniper woodland is a sensitive natural community, as such, impacts as a result of the project, shall be mitigated so that all impacts to these habitats are mitigated on acreage and tree basis. Proposed project activities including the construction phase, operations, and maintenance phase shall be designed to avoid California juniper woodland (and Joshua tree) habitat to the full extent practicable. If the California juniper (or associated Joshua trees) are removed as a result of project activities, then compensatory mitigation is required, as follows. The preferred compensatory mitigation is through an in-lieu fee to a qualified mitigation bank within the service area of the site, ideally within the same watershed. The project proponent shall coordinate with CDFW to identify appropriate mitigation banks and number of required mitigation credits to fully offset site impacts at a minimum of a 2:1 replacement to impact ratio.	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	However, applicant-responsible compensatory mitigation is acceptable through preparation of a Habitat Preservation and Protection Plan, to be approved by CDFW prior to project approval. **Habitat Preservation and Protection Plan** For applicant-responsible compensatory mitigation, then the project proponent shall enter into a binding legal agreement regarding the preservation of offsite lands describing the terms of the acquisition, enhancement, and management of those lands. Fee title to acquired habitat lands, or a conservation easement over these lands, shall be transferred to CDFW or to an entity approved by CDFW, along with financial assurances (funds) for preservation, rehabilitation, and enhancement of the land, and an endowment for permanent management of the lands. A formal Habitat Preservation and Protection Plan to detail methods for site preservation, restoration, monitoring, and protection shall be written. The plan will include permanent photo documentation points from the pre-restoration stage to the conclusion of the monitoring requirement. Photo documentation shall occur on a quarterly and annual basis or as required by CDFW. The number of western Joshua and California juniper trees existing onsite, transplanted, installed as container stock, will be recorded and qualitatively assessed quarterly and quantitatively assessed on an annual basis until performance criteria and/or contingency criteria are successfully attained. A final monitoring report will be provided at the conclusion of the post-construction restoration phase. The project proponent shall provide the final monitoring report to CDFW for approval of completion for the project.			
Threshold 4.4e) Have Substantial Adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	**MM BIO-7: Native Desert Vegetation Survey and Protected Plant Preservation Plan** A Preservation Plan will be prepared and submitted to the City, which is required by City Municipal Code. A native desert vegetation survey must be conducted to produce findings that will guide the formation of this plan. The survey objective is to evaluate the health and general condition of the western Joshua trees and creosote bush present on the project site. A project-specific plan will provide further guidance regarding the transplant and/or preservation of the western Joshua trees and protection for creosote rings "10 feet or greater in diameter" as per § 16.24.150 of City Municipal Code. Transplant suitability of the western Joshua trees will be determined by the results of the survey. This survey shall be conducted by a qualified City-approved biologist or arborist. The plan will incorporate survey data, identify and outline preconstruction survey methods for the native desert vegetation on the project site, describe preconstruction and construction-phase biological monitoring and transplant methods that are applicable, or outline any	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	identified CDFW permit and Memorandum of Understanding requirements for active relocation, if either is necessary. The Plan should be referred to for a detailing of protective actions regarding the western Joshua trees on the project site.			
	Mitigation Measure Biological Resources 8 (MM-BIO-8) (New): Mohave ground squirrel **Visual surveys for Mohave ground squirrels shall be conducted by a qualified biologist prior to ground disturbing activities. Visual surveys shall be conducted between March 15 and April 15 according to the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Visual surveys shall be conducted on the Project site during daylight hours by a qualified biologist who can readily identify Mohave ground squirrel and white-tailed antelope squirrel (*Ammospermophilus leucurus*). If the survey or monitoring throughout the duration of the Project confirms presence of Mohave ground squirrel, the Project proponent shall fully avoid impacts to Mohave ground squirrel or should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel if impacts are unavoidable.**	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation
4.5 Cultural Resources				
Threshold 4.5b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.	**MM CUL 1** If archaeological resources are discovered during construction activities, the contractor will halt construction activities in the immediate area of the find (within a 60-foot buffer) and notify the City of Hesperia. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology who will be notified and afforded the necessary time to assess the find. Work on the other portions outside the buffer area may continue during this assessment period. The archaeologist will also be afforded the necessary time and resources to recover, analyze, and curate the find(s). The qualified archaeologist will recommend the extent of archaeological monitoring necessary to ensure the protection of any other resources that may be in the area. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the South Central Coastal Information Center. Construction activities may continue on other parts of the project site while evaluation and treatment of prehistoric archaeological resources takes place. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities

	MM CUL 3 If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
Threshold 4.5c): Disturb any human remains, including those interred outside of formal cemeteries.	**MM CUL 2** If human remains are encountered during excavations associated with this project, all work will stop within a 30-foot radius of the discovery and the San Bernardino County Coroner will be notified (§ 5097.98 of the Public Resources Code). The Coroner will determine whether the remains are recent human origin or older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they will contact the NAHC. The NAHC will be responsible for designating the Most Likely Descendant (MLD). The MLD (either an individual or sometimes a committee) will be responsible for the ultimate disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. The MLD will make recommendations within 24 hours of their notification by the NAHC. These recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).	Project Construction Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project construction activities
4.7 Geology and Soils				
Threshold 4.7f): Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	**MM GEO 1** Before the beginning of project construction, the project applicant shall retain a qualified paleontologist to remain on-call for the duration of project ground disturbance activities. If paleontological resources are uncovered during project construction, the contractor shall halt construction activities in the immediate area and notify the City. The on-call paleontologist shall be notified and afforded the necessary time and funds to recover and analyze the finds and curate the find(s) with an accredited repository for paleontological resources. Subsequently, the monitor shall remain onsite for the duration of the ground disturbance to ensure the protection of any other resources that are found during construction on the project site	Project Applicant, Qualified Paleontologist	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
4.9 Hazards and Hazardous Materials				
Threshold 4.9a) Would the project create a significant hazard to the public or the environment	**MM HAZ-1** In the event that the future tenant will handle hazardous materials above the reportable quantity threshold, the lease agreement with the future tenant shall require the tenant to submit a Hazardous Materials Business Plan which would include an inventory of all hazardous materials used, stored, or otherwise managed	Project Applicant	Field Verification	1. City of Hesperia Planning Department

through the routine transport, use, or disposal of hazardous materials?	onsite to the County of San Bernardino County Fire Department – Hazardous Materials Division and the Fontana Fire Protection District. The recommendations of the Hazardous Materials Business Plan would be included in the lease agreement (signed by the tenant) as mandatory measures required to be implemented by the tenant **MM HAZ-2** In the event that the future occupant will handle hazardous materials above the reportable quantity threshold, the occupancy agreement shall require the occupant, in coordination with the San Bernardino County Fire Department, to identify routes along which hazardous materials may routinely be transported. If essential facilities such as schools, hospitals, child care centers, or other facilities with special evacuation needs are located along these routes, the future occupant shall develop an emergency response plan that can be implemented in the event of an unauthorized release of hazardous materials. The recommendations of the Emergency Response Plan would be included in the occupancy agreement (signed by the future occupant) as mandatory measures required to be implemented by the future occupant.			2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation
Threshold 4.9b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment**?**	Refer to **MM HAZ-1 and MM HAZ-2** under **Threshold 4.9a).**			
Threshold 4.9f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Refer to **MM TRANS-3** under **Threshold 4.17c).**			

4.17 Transportation				
Threshold 4.17a) Would the project conflict with a program plan, ordinance or policy addressing circulation system, including transit, roadway, bicycle and pedestrian facilities?	**MM TRANS-1** The Project Applicant would be required to implement operational improvements detailed in section 11.7 of the Traffic Impact Analysis (TIA) report to ensure that all affected intersections by project buildout would have an adequate level of service (LOS). **MM TRANS-2** The Project Applicant would be required to contribute to fair-share contributions for intersection operational improvements in the project area. The contributions are identified in section 11.8 of the Traffic Impact Analysis (TIA) report.	Project Applicant	Field Verification	1. City of Hesperia 2. City of Hesperia 3.Before construction
Threshold 4.17c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	**MM TRANS-3** Prior to construction, the General Contractor shall submit a detailed Construction Management Plan to be reviewed and approved by the City of Hesperia. The Construction Management Plan shall specify that the Construction Manager will schedule truck traffic and employee shifts to avoid creating trips during the peak traffic periods, as is feasible for construction operations. All measures, including identified truck routes and designated employee parking areas, shall be included in the Construction Management Plan. The Plan shall include but is not limited to the following provisions: ● The Construction Management Plan shall specify how traffic will be routed and controlled during the construction phase, including which lane(s) of traffic will be temporarily blocked off for construction work. ● Specification of permitted hours for construction-related deliveries and removal of heavy equipment and material. ● Specification of where construction workers would park their personal vehicles during project construction with a requirement that at no time shall construction worker vehicles block any driveways. If complaints are received by the project applicant regarding issues with construction worker vehicle parking, the project applicant shall identify alternative parking options for construction workers so as not to interfere with any surrounding parking availability. ● Identification of how emergency access to and around the project site will be maintained during project construction. ● Specification of haul routes for delivery or removal of heavy and/or oversized equipment or material loads. Where feasible, delivery or removal of oversized equipment or material loads shall be conducted during off-peak traffic periods. ● Provide pedestrian and bicycle connections around the project site and designate safe crossing locations for all pedestrian detours.	City of Hesperia and Construction Manager	Field Verification	1. City of Hesperia 2. City of Hesperia 3. During Construction

	• Maintain the security of the project site by erecting temporary fencing during the construction phase of the project. Any onsite night lighting used during the construction phase of the project shall be in compliance with the lighting requirements of the City of Hesperia. • If temporary lane closures are necessary for the installation of utilities, emergency access should be maintained at all times. • Flag persons and/or detours shall be provided as needed to ensure safe traffic operations. • Construction signs shall be posted to advise of reduced construction zone speed limits. • The project design shall include entry/exit gates for first responders' vehicles to gain access to the project site.			
Threshold 4.17d) Would the project result in inadequate emergency access?	**MM TRANS-3.** Refer to **Threshold 4.17c).**	City of Hesperia and Construction Manager	Construction Management Plan	1. City of Hesperia 2. City of Hesperia 3. During Construction
4.18 Tribal Cultural Resources				
Threshold 4.18b): cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be a significant resource to a California Native American tribe pursuant to the criteria set forth in subdivision (c) of Public Resource Code § 5024.1(c)?	**MM TCR-1** The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in MM CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM TCR-2 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities

	MM TCR-3 As specified by California Health and Safety Code § 7050.5, if human remains are found on the project site during construction or during archaeological work, the San Bernardino County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. The Coroner would determine within two working days of being notified, if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities

DATE: September 11, 2025

TO: Planning Commission

FROM: Nathan R. Freeman, Director of Development Services

BY: Ryan Leonard, Principal Planner

SUBJECT: Conditional Use Permit CUP22-00016 in conjunction with Tentative Parcel Map No. 20883 (TPM24-00003) (Applicant: Bobby Kang, CEO- Cargo Solutions Express; APNs: 3064-591-12,13,17,18, and 3064-631-01).

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2025-15, approving CUP22-00016 and Tentative Parcel Map No. 20883 (TPM24-00003) and adopting a Mitigated Negative Declaration.

BACKGROUND

Proposal: Conditional Use Permit CUP22-00016 has been filed to construct two warehouse buildings, each approximately 75,894 square feet in size, on approximately 20.3 gross acres (Attachment 1) in conjunction with Tentative Parcel Map No. 20883 (TPM24-00003).

Location: Southeast corner of Three Flags Road and Poplar Street.

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

ISSUES/ANALYSIS

Land Use: Cargo Solution Express is a freight and logistics company that provides trucking, intermodal, and international shipping services. The company operates a large fleet for both full truckload and less-than-truckload deliveries, including refrigerated freight, and maintains terminals in several states with a primary hub in Fontana. Services also include freight breakage, dedicated fleet operations, and truck dispatch to manage routing and scheduling.

The proposed project consists of the development of two warehouse buildings, each approximately 75,894 square feet in size, along with associated truck and trailer parking and support facilities. Phase 1 would include the construction of warehouse building 1 on the western portion of the site (approximately 10.5 acres) along with all required street improvements for the

entire 20.3 acre site. Phase 2 would include the construction of warehouse building 2 on the eastern portion (approximately 9.8 acres). Each building is designed to be identical, with an approximate 15,915-square-foot three-story office component overlooking an approximate 50,668-square-foot open warehouse area. An 8-foot-high decorative screen wall is also proposed along the future shared property line that bisects the site, which would prevent internal access between the two phases.

Parking: The proposed development complies with all site development regulations, including the minimum building requirements, landscaping, and number of parking spaces. The parking regulations require a minimum of 208 parking stalls based upon the requirements listed in Table 1. As proposed, the project provides more than the minimum number of parking spaces.

TABLE 1-PARKING REQUIREMENTS

	Proposed Building Square Footage	**Parking Formula**	**Spaces Required**	**Spaces Provided**
Total Warehouse Building 1	59,979 SF	20 spaces + 0.40/1,000 sq. ft. of building over 10,000 sq. ft	40	-
Total Office Building 1	15,915 SF	4 spaces per 1,000 sq. ft. gross floor area	64	-
Total Phase 1	75,8894 SF		104	123
Total Warehouse Building 2	59,979 SF	20 spaces + 0.40/1,000 sq. ft. of building over 10,000 sq. ft	40	-
Total Office Building 2	15,915 SF	4 spaces per 1,000 sq. ft. gross floor area	64	-
Total Phase 2	75,8894 SF		104	141
TOTAL	**151,788 SF**		**208**	**264**

Conventional parking spaces are located primarily in front of and west of building 1, and directly east of building 2. In addition, each warehouse building includes 28 dock doors. The dock doors for building 1 are located along the southern elevation, while the dock doors for Building 2 are located on the west elevation.

Phase 1 provides 70 truck and trailer stalls and 59 tractor stalls behind and to the east of building 1. Phase 2 provides 38 truck and trailer stalls and 51 tractor stalls to the west and south of building 2. In total, the project accommodates 108 truck and trailer stalls and 110 tractor stalls.

Screening: The project includes a total of 56 dock doors, 108 truck and trailer stalls, and 110 tractor stalls, all located along the southern and central portions of the site adjacent to the Interstate 15 freeway. To minimize visual impacts from the freeway and adjacent rights-of-way, the site will be enclosed with an 8-foot-high concrete screen wall along the perimeter. Additional landscaping along the freeway frontage and the street frontages will further enhance the screening of truck and trailer activities.

Access/Roadway Improvements: Primary access to project site would be provided by four driveway approaches located off of Poplar Street. During Phase 1 two driveway approaches will be constructed. The western driveway approach will provide full access for passenger cars while the eastern driveway will provide full access for warehouse truck traffic. Phase 2 will add two additional driveway approaches to the east. The western driveway approach will provide full

access for warehouse truck traffic while the eastern driveway will provide full access for passenger cars. Each driveway will be gated to restrict entry to the project and will be manned by a guard.

The overall project will be responsible for the construction of curb, gutter, and sidewalk along the project frontage of Poplar Street and Three Flags Road that will be constructed entirely within Phase 1. Implementation of the project will also require the construction of certain off-site improvements including the construction of a traffic signal at the intersection of Highway 395 and Poplar Street, or the payment of fair share fees towards the signal if it is constructed by other developers.

Architecture: The architecture of the proposed warehouse complies with the architectural requirements of the Specific Plan (Attachments 4 & 5). The large concrete tilt-up buildings within the project exhibit a clean, corporate look, exhibiting several exterior building colors and multiple expansion joints. The buildings have been designed to incorporate prominent glass features along the frontages of each building, enhanced corners, and center panels of the building. In addition, the west side of building 1 that is located at the corner of Three Flags Road and Poplar Street, and the south side of Building 2 that faces Interstate 15 features a decorative stone veneer tower element and decorative windows. The building height will be approximately 41 feet.

The project also satisfies the minimum landscaping requirements. The minimum required landscape coverage is 10% of the developed site; the project provides 141,311 square feet (15.9%) of total landscape coverage, which will be located primary around the perimeter of the site, including the frontage adjacent to the Interstate 15 freeway and viewable from the right-of-way.

TPM24-00003 (Parcel Map No. 20883): A tentative parcel map has been filed to consolidate the five existing parcels into two new parcels, effectively bisecting the overall site. Parcel 1 will encompass approximately 10.5 acres, and Parcel 2 will encompass approximately 9.8 acres.

Water and Sewer: Existing water lines include 12-inch water lines within Poplar Street and Three Flags Road. The project would connect to the existing water line located in Poplar Street.

Existing sewer lines include a 10-inch sewer line within Poplar Street and an 8-inch line within Three Flags Road. The project would connect to the existing sewer line located in Poplar Street.

Drainage: The Project would install new onsite storm drain lines throughout the site. The Project site's runoff would be collected by catch basins and storm drains and conveyed to aboveground infiltration basins. Two proposed aboveground stormwater basins will be located at the northern portion of the site. The infiltration system will be sized to handle the additional storm water due to the additional impervious area created by the buildings and parking lot.

Environmental: Approval of this development requires adoption of a Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA). The IS/MND prepared for the project (Attachment 6) concluded that the project will not have any significant negative impacts on the environment upon implementation of the recommended mitigation measures.

A biological assessment and protected plant plan were prepared for the project. The biological report shows that the site does not contain habitat for desert tortoises nor any other threatened or endangered species. However, a pre-construction survey for the burrowing owl will be

conducted prior to the issuance of a grading permit. A protected plant plan was also submitted, which found six Joshua Trees on the site. California Department of Fish and Wildlife will need to approve an Incidental Take Permit for Joshua Trees on the site to reduce impacts to Biological Resources to a less than significant impact level.

The environmental analysis also concluded that the proposed project would not result in any impacts to known archaeological resources or tribal cultural resources. However, there is potential for project-related construction to impact unknown or previously unrecorded archaeological resources. For this reason, mitigation measures are proposed in the event that cultural resources are inadvertently encountered during excavation activities. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law.

The mitigated negative declaration was circulated for public review from June 18, 2025, to July 21, 2025. During the public review period five comment letters were received from the following agencies/individuals:

- Mojave Water Agency: Confirming that the Mojave Water Agency does not have any conflicts with the project.

- Lozeau Drury: Concerned that the IS/MND was prepared improperly under the California Environmental Quality Act due to the IS/MND's failure to adequately assess and mitigate the project's potentially significant environmental impacts. Requests that an environmental impact report be prepared for the project.

- Southern California Gas: SoCalGas Distribution does not have any conflicts with the project.

- Mojave Desert Air Quality Management District: Does not have any conflicts with the project and stated that the owner/operator is required to obtain a Dust Control Plan (DCP) for the project.

- California Department of Fish and Wildlife: Requests that the proposed mitigation measures in the IS/MND be revised to ensure that potential project impacts remain at less than significant impact levels. These revised mitigation measures are incorporated in the conditions of approval and the Mitigation Monitoring and Reporting Program.

The IS/MND along with the comment letters and respones to the comment letters are included in Attachment 6.

Conclusion: The project conforms to the policies of the City's General Plan as well as the intent of the Specific Plan. In addition, the area surrounding the project site is oriented towards trucking related uses including truck repair and trucking companies.

CITY GOAL SUPPORTED BY THIS ITEM:

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

FISCAL IMPACT

None.

ALTERNATIVE(S)

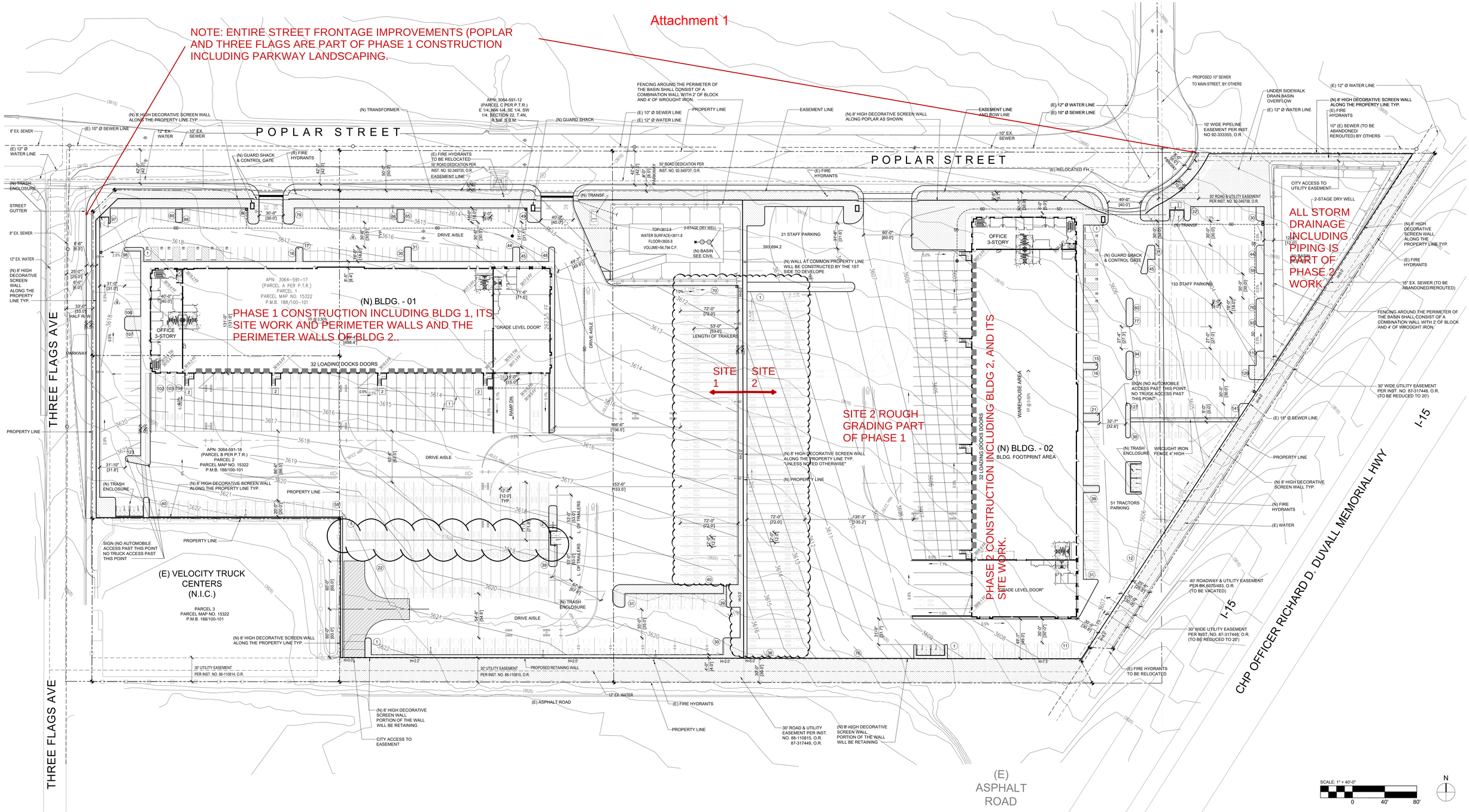
1. Provide alternative direction to staff.

ATTACHMENT(S)

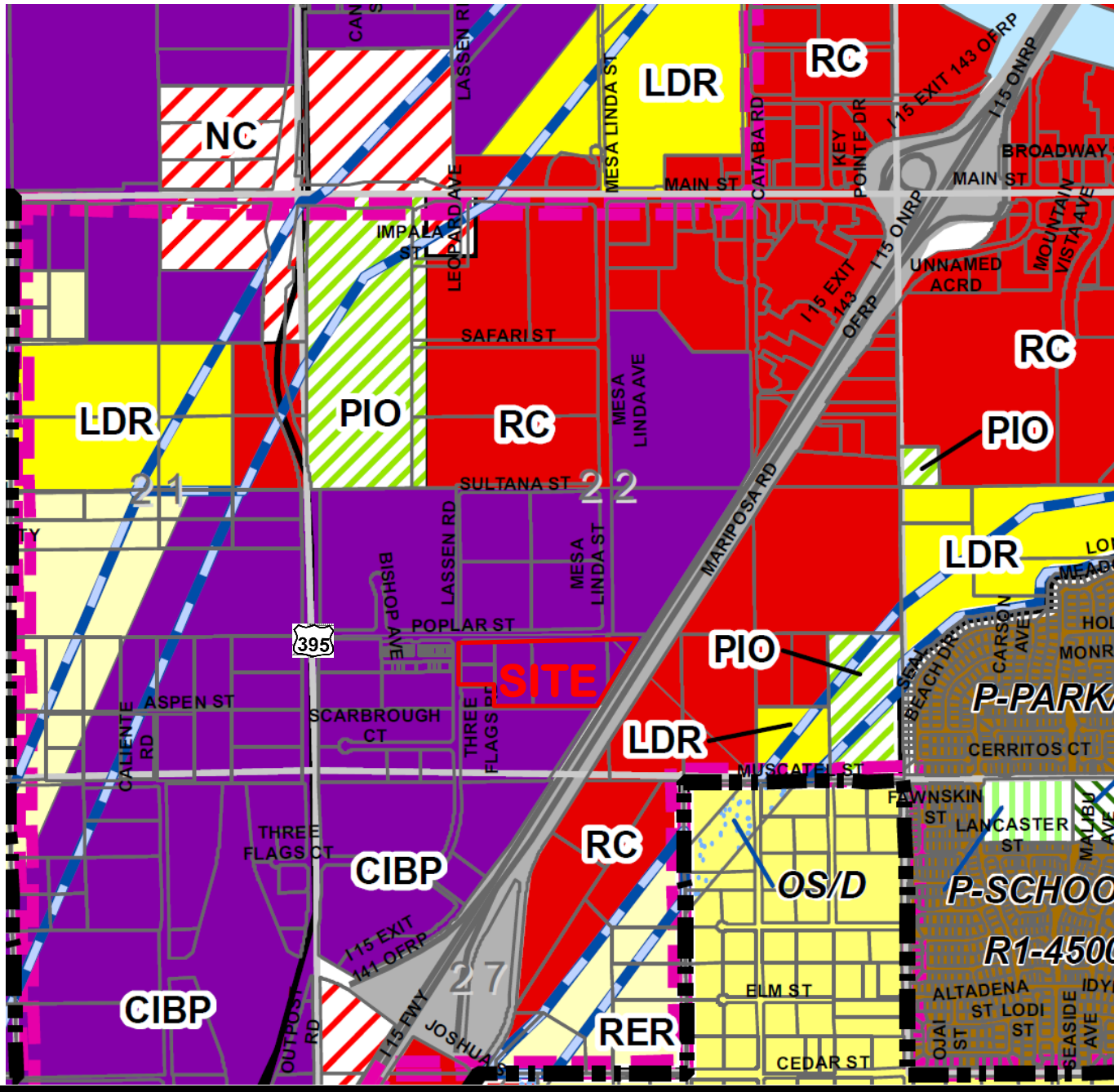
1. Site Plan
2. General Plan/Specific Plan Zoning
3. Aerial Photo
4. Color Elevations
5. Color Rendering
6. Initial Study/Mitigated Negative Declaration (IS/MND) with Comment Letters and Responses to Comments
7. Resolution No. PC-2025-15, with list of conditions

Attachment 1

NOTE: ENTIRE STREET FRONTAGE IMPROVEMENTS (POPLAR AND THREE FLAGS ARE PART OF PHASE 1 CONSTRUCTION INCLUDING PARKWAY LANDSCAPING.


POPLAR STREET
THREE FLAGS AVE
(N) BLDG. - 01
PHASE 1 CONSTRUCTION INCLUDING BLDG 1, ITS SITE WORK AND PERIMETER WALLS AND THE PERIMETER WALLS OF BLDG 2..
APN: 3064-591-17 (PARCEL A PER P.T.R.) PARCEL 1 PARCEL MAP NO. 15322 P.M.B. 188/100-101
APN: 3064-591-18 (PARCEL B PER P.T.R.) PARCEL 2 PARCEL MAP NO. 15322 P.M.B. 188/100-101
OFFICE 3-STORY
32 LOADING DOCKS DOORS
GRADE LEVEL DOOR
SITE 1
SITE 2
SITE 2 ROUGH GRADING PART OF PHASE 1
(N) BLDG. - 02
BLDG. FOOTPRINT AREA
PHASE 2 CONSTRUCTION INCLUDING BLDG 2, AND ITS SITE WORK.
ALL STORM DRAINAGE INCLUDING PIPING IS PART OF PHASE 2 WORK.
(E) VELOCITY TRUCK CENTERS (N.I.C.)
PARCEL 3 PARCEL MAP NO. 15322 P.M.B. 188/100-101
(N) TRANSFORMER
(N) GUARD SHACK & CONTROL GATE
(N) TRASH ENCLOSURE
(N) BASIN SEE CIVIL
2-STAGE DRY WELL
21 STAFF PARKING
133 STAFF PARKING
51 TRACTORS PARKING
WAREHOUSE AREA
(N) WALL AT COMMON PROPERTY LINE WILL BE CONSTRUCTED BY THE 1ST SIDE TO DEVELOPE
(N) 8' HIGH DECORATIVE SCREEN WALL ALONG THE PROPERTY LINE TYP.
(N) 8' HIGH DECORATIVE SCREEN WALL ALONG POPLAR AS SHOWN
(N) 8' HIGH DECORATIVE SCREEN WALL ALONG THE PROPERTY LINE TYP.

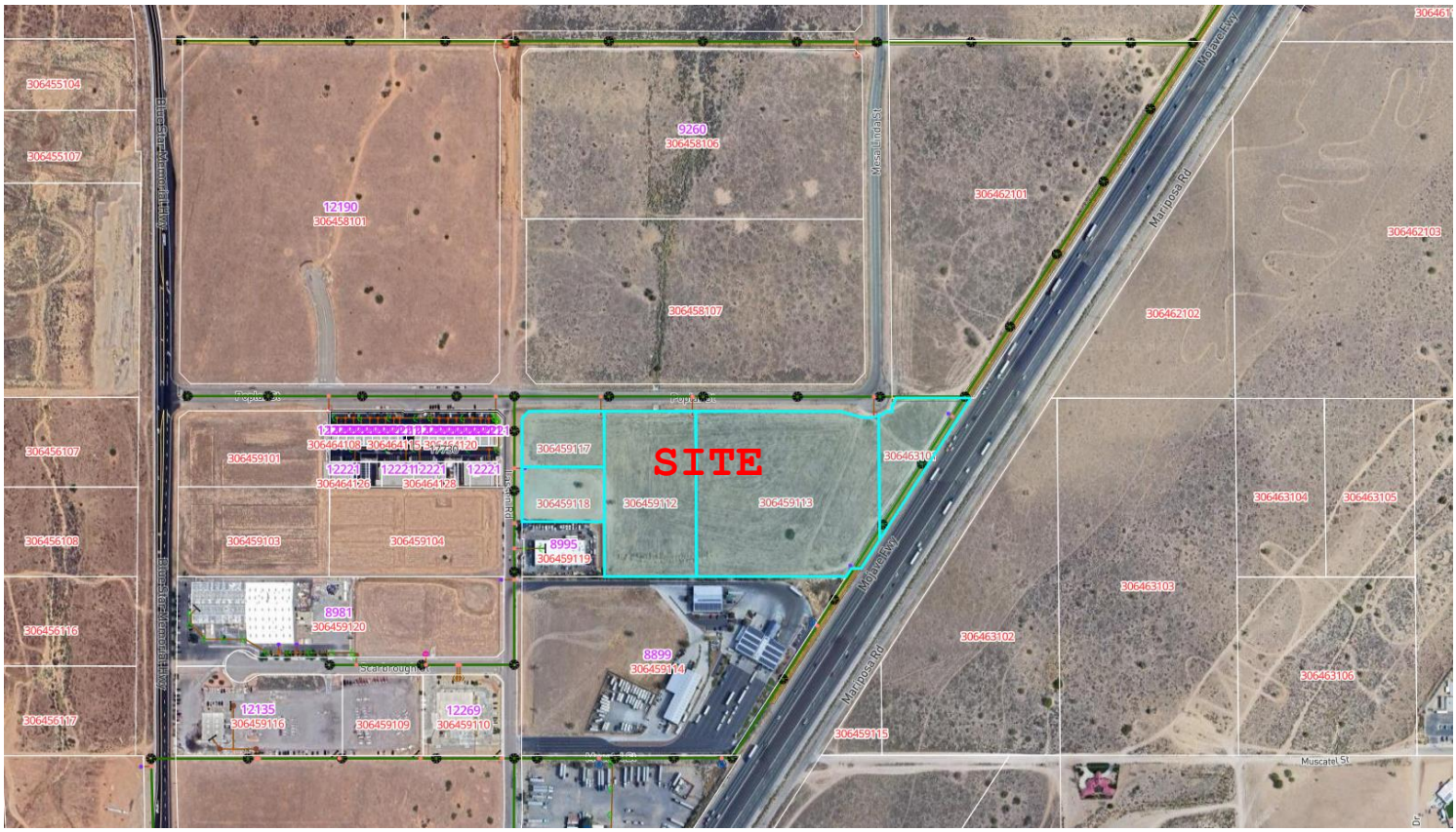
ATTACHMENT 2



APPLICANT(S): CARGO SOLUTIONS EXPRESS	**FILE NO(S):** CUP22-00016 & TPM24-00003
LOCATION: SOUTHEAST CORNER OF THREE FLAGS ROAD AND POPLAR STREET.	**APNs:** 3064-591-12,13,17,18, and 3064-631-01
PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP22-00016 TO CONSTRUCT TWO 75,894 SQUARE FOOT WAREHOUSES WITH ONSITE TRUCK STORAGE AND TRACTOR STALLS ON 20.3 GROSS ACRES IN CONJUNCTION WITH TENATIVE PARCEL MAP NO. 20883 (TPM24-00003) TO CONSOLODTE 5 PARCELS INTO TWO PARCELS WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN	N ↑

GENERAL PLAN AND ZONING MAP

ATTACHMENT 3



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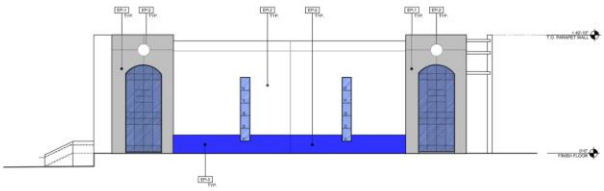
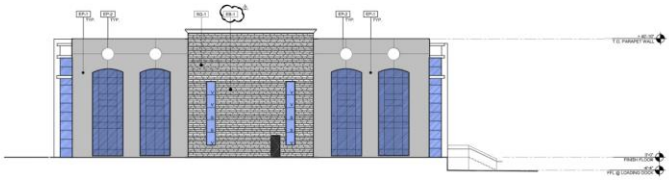
AERIAL

ATTACHMENT 4

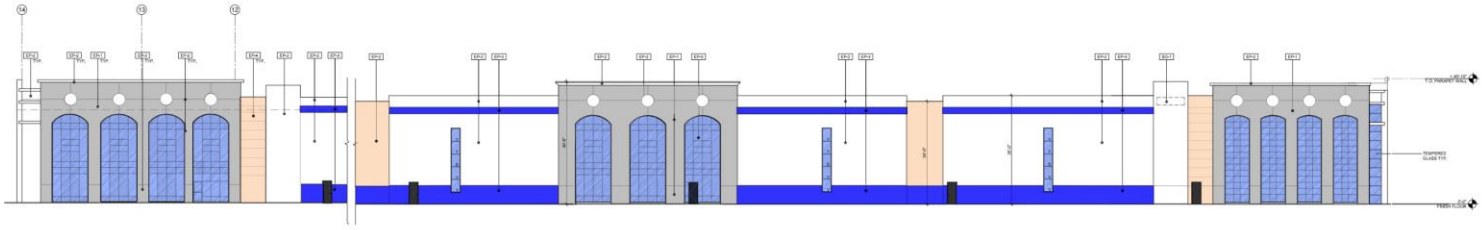
BUILDING - 01 _ WEST ELEVATION (LOADING DOCK)
BUILDING - 02 (SIMILAR)



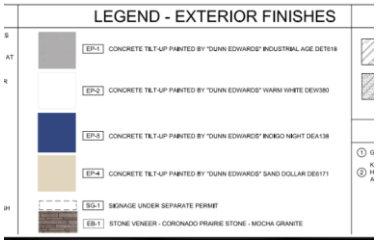
BUILDING - 01 _ SOUTH ELEVATION
BUILDING - 02 (SIMILAR)



BUILDING - 01 _ NORTH ELEVATION
BUILDING - 02 (SIMILAR)



BUILDING - 01 _ EAST ELEVATION (OFFICE) **BUILDING - 02 (SIMILAR)**



APPLICANT(S): CARGO SOLUTIONS EXPRESS	**FILE NO(S):** CUP22-00016 & TPM24-00003
LOCATION: SOUTHEAST CORNER OF THREE FLAGS ROAD AND POPLAR STREET.	**APNs:** 3064-591-12,13,17,18, and 3064-631-01
PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP22-00016 TO CONSTRUCT TWO 75,894 SQUARE FOOT WAREHOUSES WITH ONSITE TRUCK STORAGE AND TRACTOR STALLS ON 20.3 GROSS ACRES IN CONJUNCTION WITH TENATIVE PARCEL MAP NO. 20883 (TPM24-00003) TO CONSOLODTE 5 PARCELS INTO TWO PARCELS WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN	

COLOR ELEVATION

ATTACHMENT 5

APPLICANT(S): CARGO SOLUTIONS EXPRESS	**FILE NO(S):** CUP22-00016 & TPM24-00003
LOCATION: SOUTHEAST CORNER OF THREE FLAGS ROAD AND POPLAR STREET.	**APNs:** 3064-591-12,13,17,18, and 3064-631-01
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COLOR RENDERING

Attachment 6

CARGO SOLUTIONS TRUCK WAREHOUSES HESPERIA PROJECT
Initial Study and Mitigated Negative Declaration (IS/MND)

CEQA Analysis Prepared for:

City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
Attn: Ryan Leonard, Senior Planner

Prepared by:

UltraSystems Environmental Inc.
16431 Scientific Way
Irvine, CA 92618-4355
Telephone: 949-788-4900
FAX: 949/788-4901

June 2025

Project No. 7187

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PROJECT INFORMATION SHEET

1. Project Title	Cargo Solutions Truck Warehouses Hesperia Project
2. CEQA Lead Agency	**City of Hesperia** 9700 Seventh Avenue Hesperia, CA 92345 Ryan Leonard, Senior Planner (760) 947-1651 E: rleonard@cityofhesperia.us
3. Project Applicant	Bobby Kang, Owner **Cargo Solutions Express** 14587 Valley Boulevard Fontana, CA 92335 T: 909/263-6902 E: bobby@cargosolutionexpress.com
4. Project Location	
5. Assessor's Parcel Numbers	APNs 3064-591-17, 3064-591-18, and 3064-591-12
6. Project Site General Plan Designation(s)	Current: Com/Ind Business Park (CIBP)
7. Project Site Zoning Designation(s)	Current: Main Street and Freeway Corridor Specific Plan
8. Surrounding Land Uses and Setting	The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west.
9. Description of Project	The project proposes development of two truck warehouse buildings with associated surface parking lots.
10. Selected Agencies whose Approval is Required	City of Hesperia
11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code § 21080.3.1? If so, has consultation begun?	Letters were sent by the City of Hesperia (the Lead Agency) per Public Resources Code § 21074 to three local Native American tribes asking if they wished to participate in AB 52 consultation concerning the proposed project in the City of Hesperia. Native American Tribes have up to 30 days in which to respond to notification relating to

this proposed project. The San Manuel Band of Mission Indians (Yuhaaviatam of San Manuel) was the only tribe requesting consultation. This was conducted October and November 2022, and concluded November 3, 2022.

12. Other Public Agencies

Agencies that will review the proposed project include the following:

- California Regional Water Quality Control Board – Lahontan
- South Coast Air Quality Management District
- San Bernardino County Fire Department

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ACRONYMS AND ABBREVIATIONS

Acronym/Abbreviation	Term
AAQS	ambient air quality standards
AB 32	California Global Warming Solutions Act of 2006 (Assembly Bill 32)
AB 52	Assembly Bill 52
ACM(s)	Asbestos-Containing Material(s)
ADA	Americans with Disabilities Act
AFY	Acre-feet per year
AIA	Airport Influence Area
AMI	Area Median Income
amsl	above mean sea level
APE	Area of Potential Effect
APN	Assessor's Parcel Number
AQA	Air Quality Analysis
AQMP	Air Quality Management Plan
AR4	Fourth Assessment Report
ARB	California Air Resources Board
BAU	business as usual
BIOS	Biogeographic Information and Observation System
BMPs	Best Management Practices
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
CAL FIRE	California Department of Forestry and Fire Protection
CAL Green	California Green Building Standards
Caltrans	California Department of Transportation
CAO(s)	Cleanup and Abatement Order(s)
CAPCOA	California Air Pollution Control Officers Association
CASGEM	California Statewide Groundwater Elevation Monitoring
CAT	Climate Action Team
CBC	California Building Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDO(s)	Cease and Desist Order(s)
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFGC	California Fish and Game Code
cfs	cubic feet per second
CGS	California Geological Survey
CH4	methane
CHRIS	California Historic Resources Inventory System
City	City of Hesperia
CMP	Congestion Management Program
CMP	corrugated metal pipe

Acronym/Abbreviation	Term
CMPHS	CMP Highway System
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO2	carbon dioxide
CO2e	carbon dioxide equivalent
CRC	California Residential Code
CWA	Clean Water Act
DAMP	Drainage Area Management Plan
dB	decibel
dBA	A-weighted decibel scale
DOC	California Department of Conservation
DOSH	California Division of Safety and Health
DTSC	Department of Toxic Substances Control
du/ac	Dwellling units per acre
DWR	Department of Water Resources
EIR	Environmental Impact Report
EMS	Emergency Medical Services
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
ESA	Environmental Site Assessment
ESRL	Earth System Research Laboratory
EV	electric vehicle
EVCS	electric vehicle charging station
°F	degrees Fahrenheit
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zones
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHG	greenhouse gases
GIS	Geographic Information System
GPCD	gallons per capita per day
gpd	gallons per day
GWP	global warming potential
HABS	Historic American Building Survey
HCP	Habitat Conservation Plan
HFCs	hydroflourocarbons
HU	Hydrologic Unit
HVAC	heating, ventiliation and air conditioning
IPCC	Intergovernmental Panel on Climate Change
ISA	International Society of Arboriculture
IS/MND	Initial Study/Mitigated Negative Declaration
ITE	Institute of Transportation Engineers
L90	noise level that is exceeded 90% of the time

Acronym/Abbreviation	Term
Leq	equivalent noise level
LBP	Lead-Based Paint
LID	Low Impact Development
Lmax	root mean square maximum noise level
LOS	Level of Service
LRA	Local Responsibility Area
LSTs	Localized Significance Thresholds
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
mgd	million gallons per day
MLD	Most Likely Descendant
MM(s)	mitigation measure(s)
MMRP	Mitigation Monitoring and Reporting Program
MMTCO2e	million metric tons of CO2e
MND	Mitigated Negative Declaration
MPAH	Master Plan of Arterial Highways
MRZ	Mineral Resource Zone
MS4	Municiple Separate Storm Sewer permit
MT	Metric tons
N2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
National Core	National Community Renaissance
NASA	National Aeronautics and Space Administration
NCCP	Natural Communities Conservation Plan
ND	Negative Declaration
NO	nitric oxide
NOx	nitrogen oxides
NO2	nitrogen dioxide
NPDES	National Pollutant Discharge Elimination System
O3	Ozone
OPR	Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration
Pb	lead
PCB	polychlorinated biphenyl
PFCs	perfluorocarbons
PM	particulate matter
PM10	respirable particulate matter
PM2.5	fine particulate matter
ppm	parts per million
PPV	peak particle velocity
R-1	Single-family Residential zoning designation
R-3	High Density Residential zoning designation
RCRA	Resource Conservation and Recovery Act
RECs	Recognized Environmental Condition(s)
R-G	Medium Density Residential zoning designation

Acronym/Abbreviation	Term
RHNA	Regional Housing Needs Allocation
RMS	root mean square
ROG	Reactive organic gases
ROW	Right-of-way
RPS	Renewables Portfolio Standard
RWQCB	Regional Water Quality Control Board
§	section
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SCE	Southern California Edison Company
SF6	sulfur hexafluoride
SIP	State Implementation Plan
SLF	Sacred Lands File
SMARA	Surface Mining and Reclamation Act
SO2	sulfur dioxide
SoCalGas	Southern California Gas Company
SR-55	State Route 55
SR-91	State Route 91
SRA	State Responsibility Area
SRAs	source receptor areas
SRRE	Source Reduction and Recycling Element
STIP	Statewide Transportation Improvement Program
SUSMP	Standard Urban Stormwater Mitigation Plan
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAPs	Transportation Assembly Points
T-C	Town Center zoning designation
TCRs	Tribal Cultural Resources
TMP	Traffic Management Plan
UFPO	Urban Forest Protection Ordinance
UEI	Ultrasystems Environmental, Inc.
U.S.	United States
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
VdB	vibration decibels
VCP	vitrified clay pipe
VHFHSZ(s)	very high fire hazard severity zone(s)
VMT	vehicle miles traveled
VOC	volatile organic compound
WEG	wind erodibility group
WQMP	Water Quality Management Plan
WRI	World Resources Institute
ybp	years before present

1.0 INTRODUCTION

1.1 Proposed Project

The City of Hesperia (City) is processing a request to implement a series of discretionary actions that would ultimately allow for the development of two truck warehouses with associated parking lots (project) at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, -13, and 3064-631-01). The project proposes development of two truck warehouse buildings with an associated surface parking lot on an approximately 20.32-acre site.

1.1.1 Project Components

The proposed project would develop two truck warehouse buildings with associated surface parking lots. Refer to **Section 3.0**, Project Description, of this document for additional details.

1.1.2 Estimated Construction Schedule

Construction of the proposed project would be conducted in one phase. Construction is estimated to be from June 2025 to July 2026. Refer to **Section 3.0** for details.

1.2 Lead Agencies – Environmental Review Implementation

The City of Hesperia is the Lead Agency for the proposed project. Pursuant to the California Environmental Quality Act (CEQA) and its implementing regulations,[1] the Lead Agency has the principal responsibility for implementing and approving a project that may have a significant effect on the environment.

1.3 CEQA Overview

1.3.1 Purpose of CEQA

All discretionary projects within California are required to undergo environmental review under CEQA. A Project is defined in CEQA Guidelines § 15378 as the whole of the action having the potential to result in a direct physical change or a reasonably foreseeable indirect change to the environment and is any of the following:

> An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements.
>
> An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies. An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

1 Public Resources Code §§ 21000 - 21177 and California Code of Regulations Title 14, Division 6, Chapter 3.

CEQA Guidelines § 15002 lists the basic purposes of CEQA as follows:

Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.

Identify the ways that environmental damage can be avoided or significantly reduced.

Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures (MMs) when the governmental agency finds the changes to be feasible.

Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

1.3.2 Authority to Mitigate under CEQA

CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible. Under CEQA Guidelines § 15041 a Lead Agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the "nexus"[2] and "rough proportionality"[3] standards.

CEQA allows a Lead Agency to approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effect. In such cases, the Lead Agency must specifically identify expected benefits and other overriding considerations from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project.

1.4 Purpose of Initial Study

The CEQA process begins with a public agency making a determination as to whether the project is subject to CEQA at all. If the project is exempt, the process does not need to proceed any farther. If the project is not exempt, the Lead Agency takes the second step and conducts an Initial Study to determine whether the project may have a significant effect on the environment.

The purposes of an Initial Study as listed in § 15063(c) of the CEQA Guidelines are to:

Provide the Lead Agency with information necessary to decide if an Environmental Impact Report (EIR), Negative Declaration (ND), or Mitigated Negative Declaration (MND) should be prepared.

Enable a Lead Agency to modify a project to mitigate adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a ND or MND.

Assist in the preparation of an EIR, if required, by focusing the EIR on adverse effects determined to be significant, identifying the adverse effects determined not to be significant, explaining the reasons for determining that potentially significant adverse effects would not be

2 A nexus (i.e., connection) must be established between the mitigation measure and a legitimate governmental interest.

3 The mitigation measure must be "roughly proportional" to the impacts of the Project.

significant, and identifying whether a program EIR, or other process, can be used to analyze adverse environmental effects of the project.

Facilitate an environmental assessment early during project design.

Provide documentation in the ND or MND that a project would not have a significant effect on the environment.

Eliminate unnecessary EIRs.

Determine if a previously prepared EIR could be used for the Project.

In cases where no potentially significant impacts are identified, the Lead Agency may issue a ND, and no MMs would be needed. Where potentially significant impacts are identified, the Lead Agency may determine that MMs would adequately reduce these impacts to less than significant levels. The Lead Agency would then prepare a MND for the proposed project. If the Lead Agency determines that individual or cumulative effects of the proposed project would cause a significant adverse environmental effect that cannot be mitigated to less than significant levels, then the Lead Agency would require an EIR to further analyze these impacts.

1.5 Review and Comment by Other Agencies

Other public agencies are provided the opportunity to review and comment on the IS/MND. Each of these agencies is described briefly below.

A Responsible Agency (14 CCR § 15381) is a public agency, other than the Lead Agency, that has discretionary approval power over the Project, such as permit issuance or plan approval authority.

A Trustee Agency[4] (14 CCR § 15386) is a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California.

Agencies with Jurisdiction by Law (14 CCR § 15366) are any public agencies who have authority (1) to grant a permit or other entitlement for use; (2) to provide funding for the project in question; or (3) to exercise authority over resources which may be affected by the project. Furthermore, a city or county will have jurisdiction by law with respect to a project when the city or county having primary jurisdiction over the area involved is: (1) the site of the project; (2) the area in which the major environmental effects will occur; and/or (3) the area in which reside those citizens most directly concerned by any such environmental effects.

1.6 Impact Terminology

The following terminology is used to describe the level of significance of potential impacts:

A finding of ***no impact*** is appropriate if the analysis concludes that the project would not affect the particular environmental threshold in any way.

An impact is considered ***less than significant*** if the analysis concludes that the project would cause no substantial adverse change to the environment and requires no mitigation.

An impact is considered ***less than significant with mitigation incorporated*** if the analysis concludes that the project would cause no substantial adverse change to the environment

4 The four Trustee Agencies in California listed in CEQA Guidelines § 15386 are California Department of Fish and Wildlife, State Lands Commission, State Department of Parks and Recreation, and University of California.

with the inclusion of environmental commitments, or other enforceable measures, that would be adopted by the lead agency.

An impact is considered potentially significant if the analysis concludes that the project could have a substantial adverse effect on the environment.

An EIR is required if an impact is identified as ***potentially significant***.

1.7 Organization of Initial Study

This document is organized to satisfy CEQA Guidelines § 15063(d), and includes the following sections:

Section 1.0 - Introduction, which identifies the purpose and scope of the IS/MND.

Section 2.0 - Environmental Setting, which describes location, existing site conditions, land uses, zoning designations, topography, and vegetation associated with the project site and surroundings.

Section 3.0 - Project Description, which provides an overview of the project, a description of the proposed development, project phasing during construction, and discretionary actions for project approval.

Section 4.0 - Environmental Checklist, which presents checklist responses for each resource topic to identify and assess impacts associated with the proposed project, and proposes MMs, as needed, to reduce potential environmental impacts to less than significant.

Section 5.0 - References, which includes a list of documents cited in the IS/MND.

Section 6.0 - List of Preparers, which identifies the primary authors and technical experts that prepared the IS/MND.

Technical studies and other documents, which include supporting information or analyses used to prepare the IS/MND, are included in the following appendices:

Appendix A	Project Plans
Appendix B	CalEEMod Input and Results for Air Quality Analysis and Greenhouse Gas Emissions Analysis
Appendix C1	Biological Resources Evaluation
Appendix C2	Species Occurrence Potential Evaluation
Appendix D1	Cultural Resources Report
Appendix D2	Paleontological Records Search
Appendix E	Custom Soils Report
Appendix F	Rec Check Report
Appendix G	Water Quality Management Plan
Appendix H	Noise Data
Appendix I	Traffic Impact Analysis
Appendix J	Fuel Consumption

1.8 Findings from the Initial Study

1.8.1 No Impact or Impacts Considered Less than Significant

Based on IS findings, the project would have no impact or a less than significant impact on the following environmental categories listed from Appendix G of the CEQA Guidelines.

Aesthetics
Agriculture and Forestry Resources
Air Quality
Greenhouse Gas Emissions
Hydrology and Water Quality
Land Use and Planning
Mineral Resources
Noise
Population and Housing
Public Services
Recreation
Utilities and Service Systems
Wildfire

1.8.2 Impacts Considered Less than Significant with Mitigation Measures

Based on IS findings, the project would have a less than significant impact on the following environmental categories listed in Appendix G of the CEQA Guidelines when proposed MMs are implemented.

Biological Resources
Cultural Resources
Geology and Soils
Hazards and Hazardous Materials
Transportation and Traffic
Tribal Cultural Resources
Mandatory Findings of Significance

2.0 ENVIRONMENTAL SETTING

2.1 Project Location

The proposed Cargo Solutions Truck Warehouses Hesperia Project is located at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, -13, and 3064-631-01). Refer to **Figure 2.1-1,** which shows the project's location in a regional context. **Figure 2.1-2** depicts an aerial photo of the project site and the surrounding land.

2.2 Project Setting

The project site is currently undeveloped (Google Earth Pro, 2024). The project proposes two truck warehouse buildings with associated surface parking lots. See **Figure 2.2-1**, which depicts the topography of the site and surrounding area. Topography within the project site is relatively flat (Google Earth, 2024). Site photographs are provided in **Figure 2.2-2**.

2.2.1 Land Use and Zoning

The land use and zoning designations and existing development of the project site and its immediate vicinity are listed in **Table 2.2-1**. The City's General Plan Land Use and Zoning designations for the project site are Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan (City of Hesperia, 2023; City of Hesperia, 2010).

Table 2.2-1
SUMMARY OF EXISTING LAND USE, ZONING AND SPECIFIC PLAN DESIGNATIONS

Location	General Plan Designation	Zoning Designation	Existing Development
Project Site	Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan (MSFCSP)	Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan (MSFCSP)	Undeveloped land
North	CIBP under the MSFCSP	CIBP under the MSFCSP	Undeveloped land
South	CIBP under the MSFCSP	CIBP under the MSFCSP	Industrial and commercial land uses, and undeveloped land
East	CIBP under the MSFCSP	CIBP under the MSFCSP	Interstate-15 freeway, undeveloped land
West	CIBP under the MSFCSP	CIBP under the MSFCSP	Commercial and undeveloped land

Source: City of Hesperia, 2023; City of Hesperia, 2010; Google Earth Pro, 2024.

Figure 2.1-1
REGIONAL LOCATION

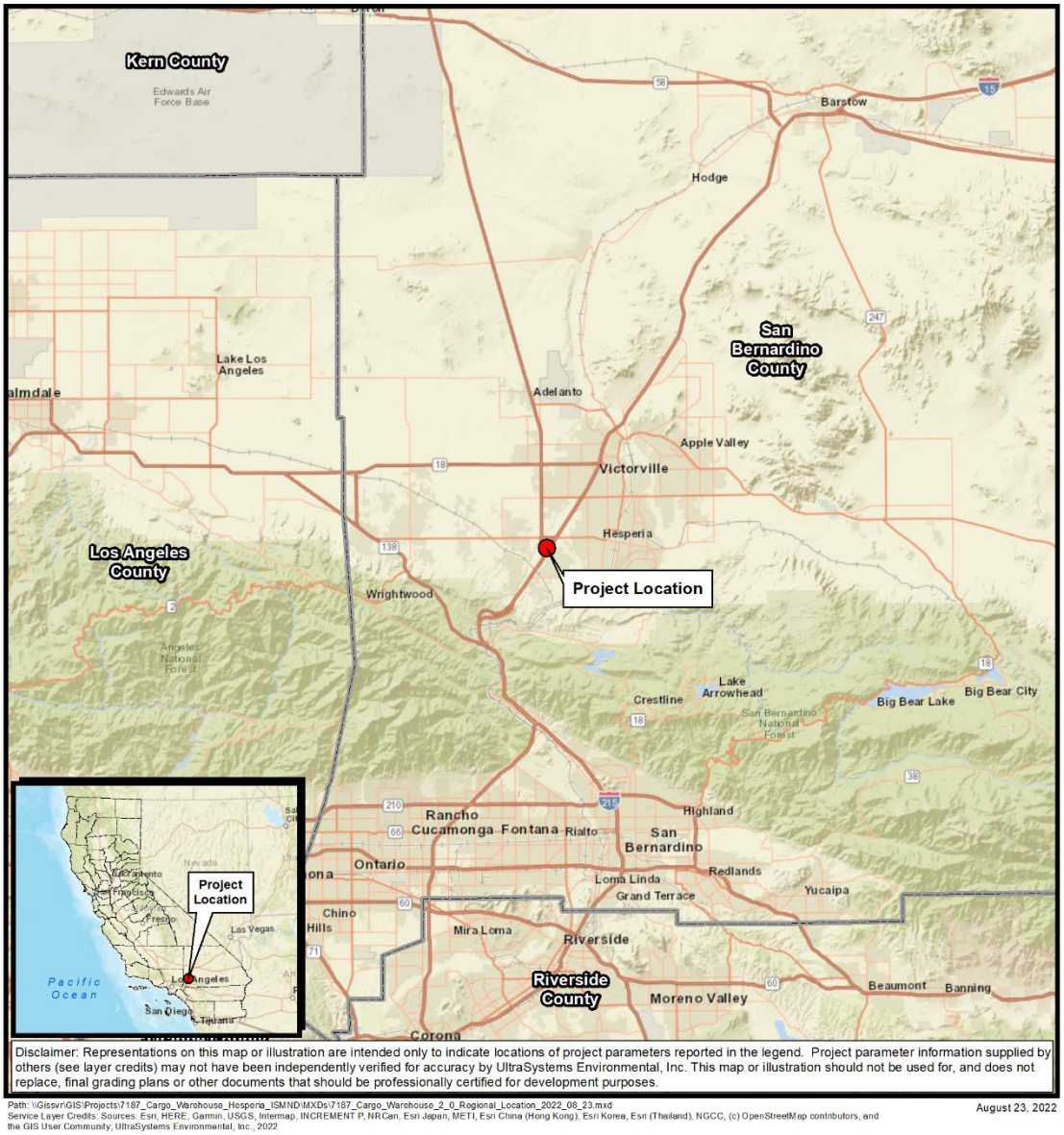


Figure 2.1-2
PROJECT LOCATION

Figure 2.2-1
TOPOGRAPHIC MAP

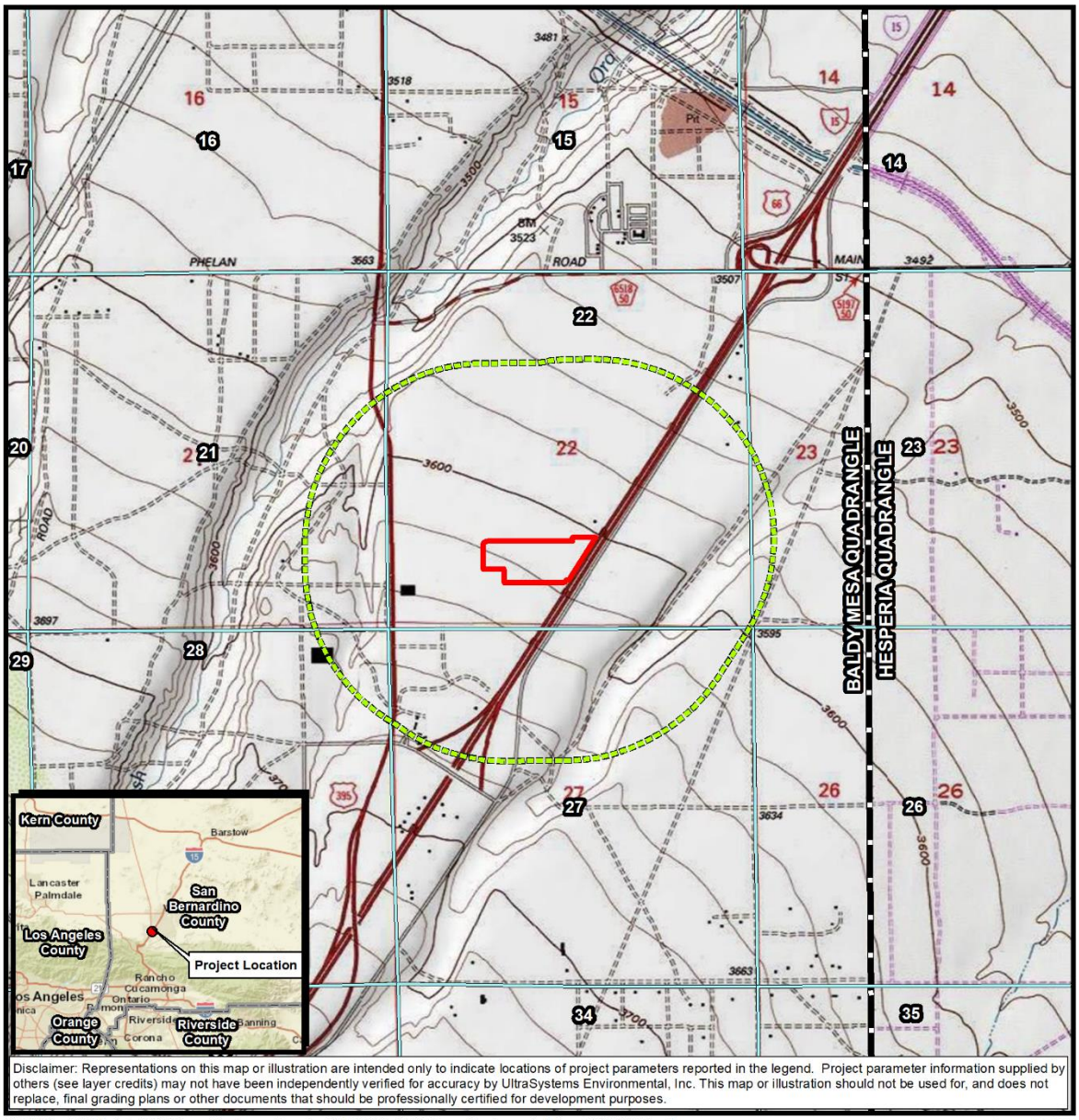


Figure 2.2-2
PROJECT SITE PHOTOGRAPHS

PHOTO 1: View looking at the southern portion of the project site along Poplar Street

PHOTO 2: View looking at the northern portion of project site from Three Sisters Truck Wash

PHOTO 3: View looking at the western portion of the project site along Three Flags Avenue

PHOTO 4: View looking at the southwestern portion of the project site along Poplar Street

Source: UltraSystems Environmental, 2022

2.3 Existing Characteristics of the Site

2.3.1 Climate and Air Quality

The project site is located within the Mojave Desert Air Basin (MDAB), which encompasses the desert portions of Kern, Los Angeles, Riverside and San Bernardino counties. The MDAB is classified as a dry-hot desert (BWh), with portions classified as dry-very hot desert (BWhh), to indicate that at least three months have maximum average temperatures over 100.4°F (MDAQMD, 2020a, p. 6-7). The MDAB is currently in federal nonattainment for ozone and $PM_{2.5}$ and state nonattainment for ozone and $PM_{10.}$

2.3.2 Geology and Soils

Topography within the project site is relatively flat. The existing surface elevation at the proposed project site ranges from approximately 3,267 feet to 3,297 feet above mean sea level. Surface topography is generally flat to slightly sloping with the highest elevations in the southwest corner of the site and the lowest surface elevations across the northeast corner of the site (Google Earth Pro, 2024). The project site is not located within an Alquist-Priolo Earthquake Fault Zone (A-P Fault Zone). The closest active fault system to the project site, the North Frontal fault system (within the Ord Mountain A-P fault zone), is approximately eight miles to the east.

2.3.3 Hydrology

The project is located within the Mojave River Watershed (USGS HU code 18090208), which encompasses approximately 4,500 square miles. The Mojave River Watershed drains the northern areas of the San Bernardino Mountains (USEPA, 2022; Google Earth Pro, 2024). The project site is located on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for San Bernardino County, California and Incorporated Areas (Map Number 06071C6495H, effective August 28, 2008); the site is located in Flood Hazard Zone X, defined on this FIRM as *Areas of minimal flood hazard* (FEMA, 2008).

2.3.4 Biology

The climate of Hesperia is arid and characteristic of the regional Mojave Desert. In the vicinity of Hesperia, the Mojave Desert receives on average 8.5 inches per year. Summers are typically dry with occasional and scattered monsoon rain events that originate in the Gulf of California, whereas winter precipitation events are more significant and originate from the jet stream off the Pacific Ocean. The Mojave Desert exhibits a dry season extending from April through October, with an average of 0.1 inch of rain per month, and a wetter season between November through March, with an average of 0.5 inch of rain per month. Summers (June through September) are very hot, with an average high of 94 degrees Fahrenheit (°F) and low of 65°F. Winters (November through March) are cooler, with an average high of 57°F and low of 35°F (WRCC, 2022a).

The project site is currently undeveloped and contains disturbed California juniper woodlands. However, there is evidence that the project site has seen frequent disturbances resulting from grading, vehicle use, and other events. Therefore, the project site does not offer optimal habitat to support a diverse array of special-status species. Due to development and disturbances in the area, just a small diversity of native and non-native plant species were observed within the BSA. Species observed included non-native, ornamental species in developed areas, non-native, weedy species in disturbed areas, and remnants of California juniper woodland community including one California

juniper and several western Joshua trees. During the field survey, five wildlife species were observed; no special-status plants or wildlife were observed during the field survey. There were also suitable burrows observed that were likely created by fossorial mammals such as ground squirrels, which were also observed. Further details about biology on the project site are in **Section 4.4**.

2.3.5 Public Services

Police

The San Bernardino County Sheriff's Department provides police protection and crime prevention services for the City of Hesperia and its sphere of influence on a contractual basis (Michael Brandman Associates, 2010, p. 3.13-1). The Hesperia Police Department is comprised of 58 sworn law enforcement personnel including one captain, one lieutenant, seven sergeants, five detectives, and 44 deputy sheriffs (City of Hesperia, 2022a).

Fire

The City of Hesperia and the sphere of influence are served by the San Bernardino County Fire Department (Michael Brandman Associates, 2010, p. 3.13-1). The city has three fire stations within city boundaries – Fire Stations 302, 304, and 305 (City of Hesperia, 2022b).

Schools

The Hesperia Unified School District (HUSD) provides school services to the City of Hesperia (Michael Brandman Associates, 2010, p. 3.13-2). The HUSD has 15 elementary schools, three middle schools, and six high schools (HUSD, 2022).

Libraries

The County of San Bernardino Library operates the Hesperia Branch Library located in Civic Center Plaza, at 9650 Seventh Avenue in the City of Hesperia. This state-of-the-art 20,000 square foot facility, constructed in 2006, provides library services for the City of Hesperia and its Sphere of Influence (Michael Brandman Associates, 2010a, p. 3.13-5).

Parks

The Hesperia Recreation and Park District (HRPD) provides park and recreational amenities to the city (Michael Brandman Associates, 2010a, p. 3.13-5). HRPD has 15 different parks and recreational centers to serve the city (HRPD, 2022).

2.3.6 Utilities

Water

The City of Hesperia is served by the Hesperia Water District (HWD), which manages the City's potable water system (Michael Brandman Associates, 2010a, p. 3.16-2).

Water Reclamation

The Victor Valley Wastewater Reclamation Authority (VVWRA) provides the treatment and distribution of reclaimed water within the City of Hesperia. During peak demand, recycled water is used to irrigate landscaping, offsetting potable water demands. During low water demand, the recycled water is used to recharge the groundwater basin (Michael Brandman Associates, 2010a, p. 3.16-4 to 3.16-5).

Sewer

Wastewater services are also provided by the VVWRA (Michael Brandman Associates, 2010a, p. 3.16-6).

Solid Waste

Advance Disposal Company currently provides residential and commercial waste collection and recycling programs under a franchise agreement with the City (Michael Brandman Associates, 2010a, p. 3.16-8).

Electricity

Electrical power is provided by Southern California Edison (SCE) (Michael Brandman Associates, 2010a, p. 3.16-9).

Natural Gas

Natural gas services to the City would be provided by SoCalGas (SoCalGas, 2022).

3.0 PROJECT DESCRIPTION

3.1 Project Background

The City of Hesperia (City) is processing a request to implement a series of discretionary actions that would ultimately allow for the development of two truck warehouses (project) on an approximately 20.32-acre site located at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, -13, and 3064-631-01). The project proposes to develop Truck Warehouse Building 1 with an associated parking lot on the western portion of the project site on an approximately 10.52-acre lot, and Truck Warehouse Building 2 with an associated parking lot on the eastern portion of the project site on an approximately 9.8-acre lot. The City is the Lead Agency for the purposes of the CEQA.

The entire approximately 20.32-acre project site is currently undeveloped land. The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west (Google Earth Pro, 2024).

The City's General Plan Land Use and zoning designation for the project site is Com/Ind Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan (City of Hesperia, 2023; City of Hesperia, 2010). The CIBP zoning designation is to create employment-generating uses in a business park setting. This zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings, which will produce only a small environmental impact, such as noise, vibration, air pollution, glare or waste disposal. Permitted uses include commercial storage facilities, manufacturing, offices, repair shops, warehousing and wholesale distribution centers, and other similar uses (The Arroyo Group, 2021, p. 196-197). Additional details on the land use and planning can be found in **Section 4.11** of this document.

3.2 Project Overview

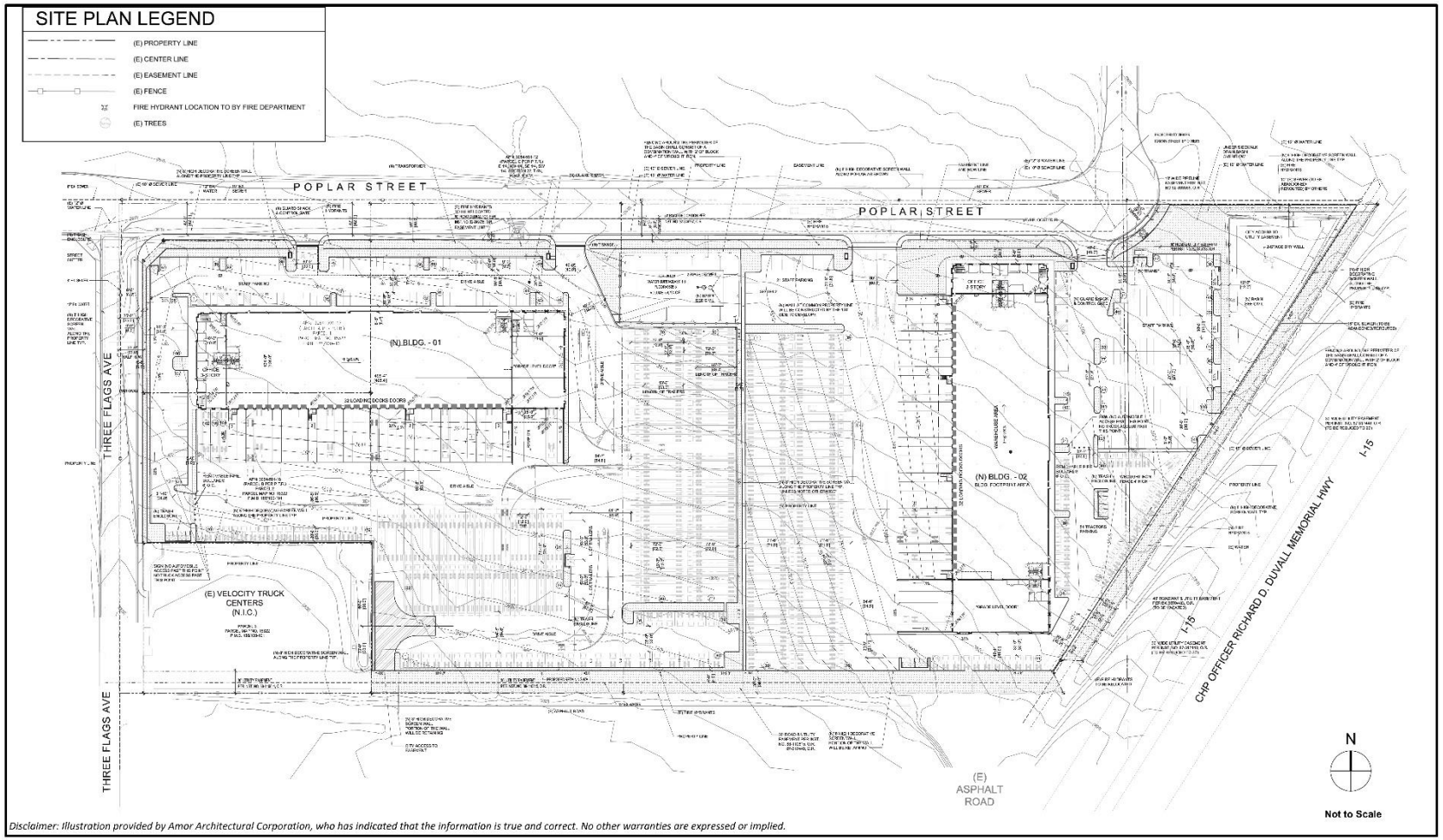
The project would consist of: (1) utility improvements; (2) construction of both truck warehouse buildings; (3) construction of a surface parking lot; and (4) landscaping. **Figure 3.2-1** is a site plan depicting the layout of the proposed project. **Table 3.2-1** summarizes the proposed project features.

Table 3.2-1
PROJECT SUMMARY

New Construction	Proposed Uses/Features	Square Feet	No. of Stories	Approximate Building Height (feet)
Truck Warehouse Building 1	Warehouse, office, and grade level doors	75,894	3	42
Surface Parking Lot for Truck Warehouse Building 1	Passenger vehicle and truck/trailer parking	121,975	N/A	N/A
Landscaping	Landscaping	26,864	N/A	N/A
Total Developed Area for Truck Warehouse 1		**224,733**	**N/A**	**N/A**
Truck Warehouse Building 2	Warehouse, office, and grade level warehouse space	75,894	3	42
Surface Parking Lot for Truck Warehouse Building 2	Passenger vehicle and truck/trailer parking	143,708	N/A	N/A
Landscaping	Landscaping	58,389	N/A	N/A
Total Developed Area for Truck Warehouse 2		**277,991**	**N/A**	**N/A**

Source: Amor Architectural Corporation, 2024

Figure 3.2-1
SITE PLAN



Source: Amor Architectural Corporation, July 24, 2024.

Cargo Solutions
Truck Warehouse
Site Plan

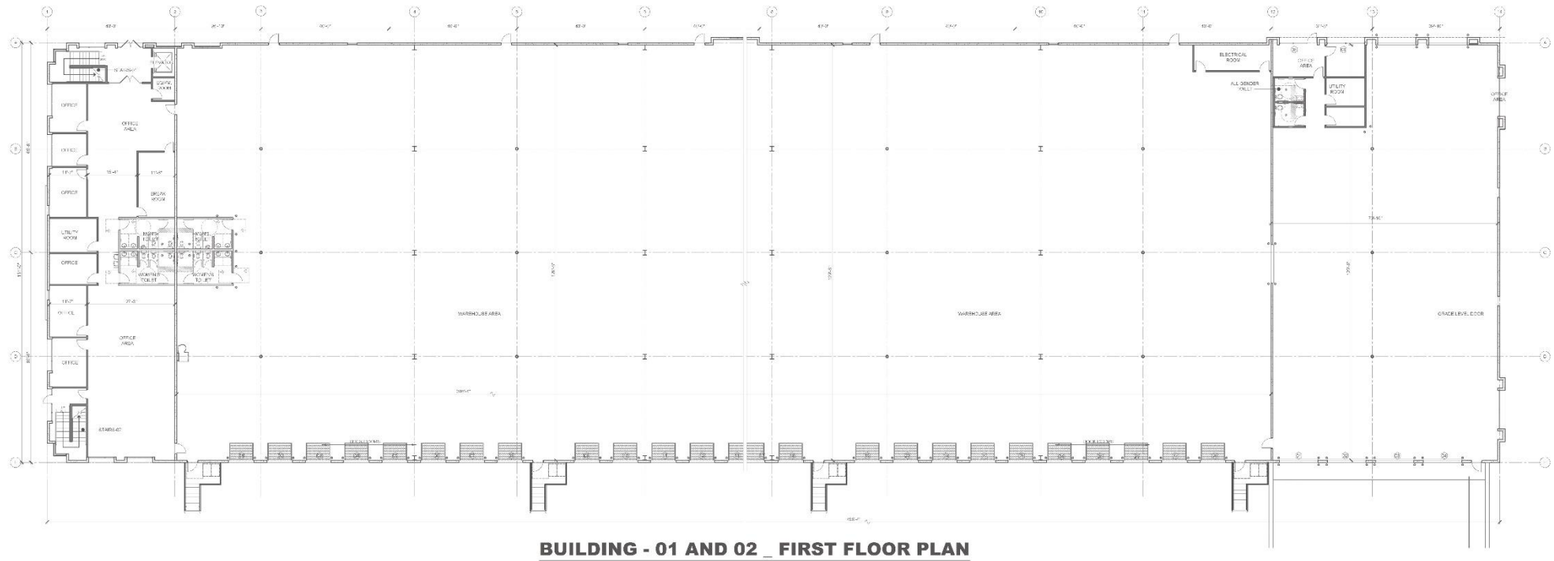
3.3 Proposed Project Features

3.3.1 New Construction

3.3.1.1 Truck Warehouse Buildings

The proposed truck warehouse buildings would be identical. Each truck warehouse building would be approximately 42 feet tall with three stories of office space overlooking an open warehouse floor and grade level warehouse space. Truck Warehouse Building 1 would be located on the west side of the project site and Truck Warehouse Building 2 would be located on the east side of the project site. **Figures 3.3-1** to **3.3-2** depict floor plans and elevations of the proposed truck warehouse buildings. Complete plans of the project can be found in **Appendix A**.

Figure 3.3-1
TRUCK WAREHOUSE BUILDINGS FLOOR PLAN

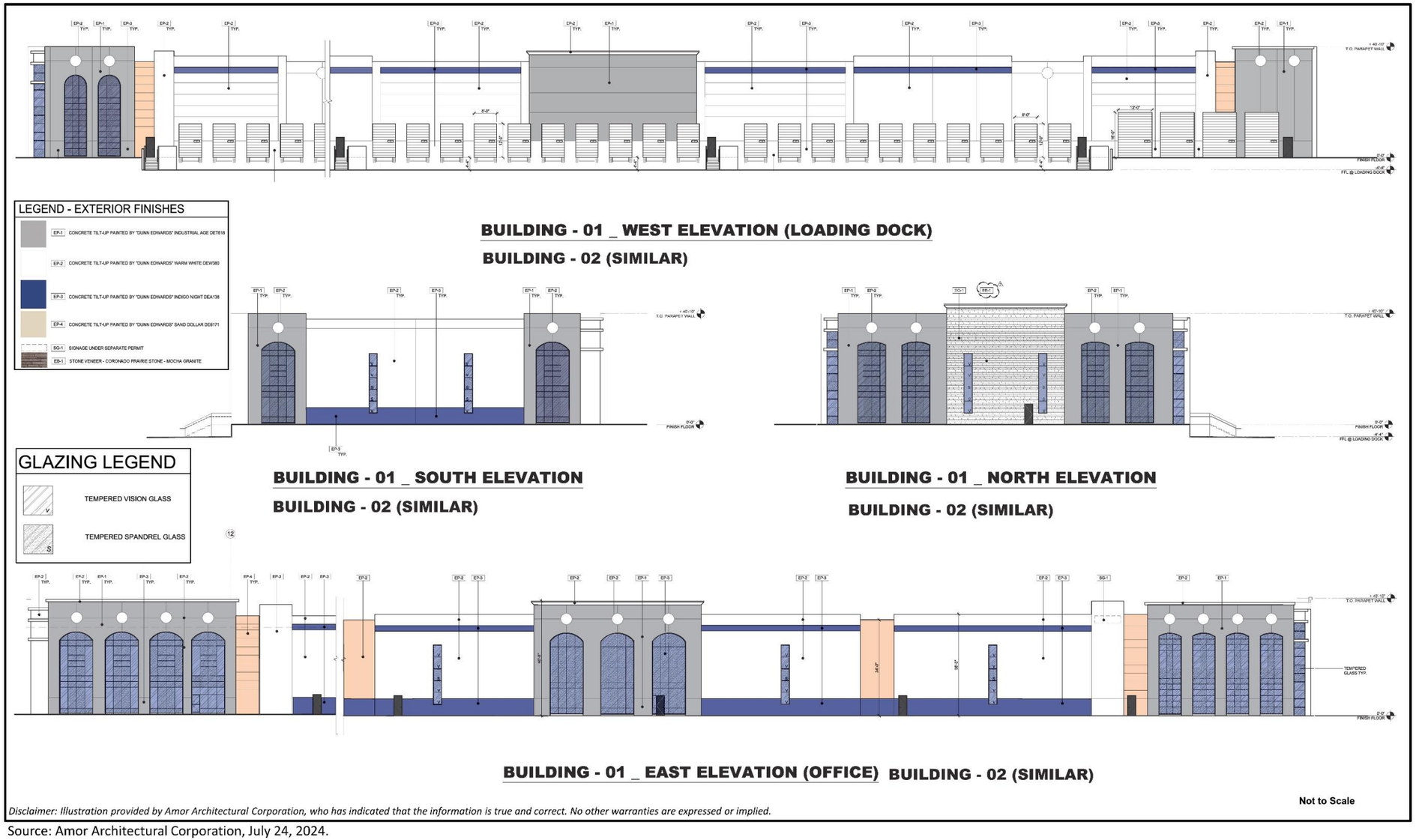


Disclaimer: Illustration provided by Amor Architectural Corporation, who has indicated that the information is true and correct. No other warranties are expressed or implied.

Source: Amor Architectural Corporation, July 24, 2024.

Cargo Solutions
Truck Warehouse
Buildings 1 and 2 Floor Plans

Figure 3.3-2
TRUCK WAREHOUSE BUILDINGS ELEVATIONS



Source: Amor Architectural Corporation, July 24, 2024.

Cargo Solutions
Truck Warehouse
Buildings 1 and 2 Elevations

3.3.2 Parking

Based on the § 16.20.080, Parking Requirements of the City's Municipal Code, the proposed truck warehouses would be required to have 238 auto parking stalls (City of Hesperia Municipal Code, 2024). The project proposes to develop 264 auto parking stalls that would consist of 123 auto parking stalls for Truck Warehouse Building 1 and 141 auto parking stalls for Truck Warehouse Building 2. Additionally, the project would provide tractor/trailer, tractor only parking, and dock door parking for each proposed building. Parking for each proposed building is detailed in **Table 3.3-1**.

Table 3.3-1
PROJECT PARKING SUMMARY

Proposed Building	Type of Parking	Number of Parking Stalls
Truck Warehouse Building 1	Auto parking	123
	Tractor/trailer parking	101
	Tractor only parking	59
	Dock door parking	32
	Total Parking	**315**
Truck Warehouse Building 2	Auto parking	141
	Tractor/trailer parking	76
	Tractor only parking	51
	Dock door parking	32
	Total Parking	**300**

3.3.3 Site Access and Circulation

The project site would have four driveways along Poplar Street for project ingress and egress. Each of the buildings would have two driveways. Circulation within the project site would be along the surface parking lot shown in the project site plan, **Figure 3.2-1**.

3.3.4 Exterior Lighting

The project proposes lighting throughout the site for safety and security purposes. Lighting for the project would comply with the requirements of the City's Municipal Code. Specifically, the project would be required to comply with § 16.16.410, Industrial Design Standards and Guidelines, which would ensure exterior lighting would not cause significant lighting and glare impacts (City of Hesperia Municipal Code, 2024).

3.3.5 Perimeter Fencing and Exterior Walls

The project site would be surrounded by an eight-foot-tall decorative screen wall with gates at entry ways. An approximately eight-foot-tall wrought iron fence would separate both truck warehouse buildings one and two.

3.3.6 Utilities

The project would require a sewer, domestic water, fire water, irrigation, gas and dry utilities connections to existing utility infrastructure in Poplar Street and Three Flags Avenue.

Sanitary Sewer - The project proposes two eight-inch sewer lateral connecting to an existing sewer in Poplar Street.

Domestic Water - The City of Hesperia is served by the Hesperia Water District (HWD), which manages the City's potable water system. New domestic water meters would be installed as required to meet project demands in compliance with the requirements of the city's Public Works Department. Construction would need to occur in the public right-of-way during installation of domestic water lines from the an existing main in Poplar Street to the project site.

Fire Water - The project proposes construction of a new six-inch fire water line from Poplar Street to the project site.

Dry Utilities - Southern California Edison (SCE) would provide electricity to the project site. Electrical utilities would be underground. Construction would need to occur in the public right-of-way during installation of a new utility connections to the project site.

Stormwater - The proposed site development and its drainage system would be comprised of storm drain pipe, concrete channel, onsite grate inlets with filtration device, and the infiltration/retention basin-1. The infiltration/retention basin-1 is sized to qualify for both WQMP volume as well as the detention volume for the proposed developed site. Detention volume has been calculated based upon the City of Hesperia "13.5-cf of retention per 100-sf of impervious area" rule (Allard Engineering, 2024).

Trash Service - Advance Disposal Company currently provides residential and commercial waste collection and recycling programs under a franchise agreement with the City (Michael Brandman Associates, 2010, p. 3.16-8).

Gas – Southern California Gas (SoCalGas) would provide gas service to the project site. Gas utilities would be installed underground to a gas service riser and meter at each building to be used for the AC units.

3.3.7 Security Features

The project site would be surrounded by a combination of eight-foot-tall decorative wall and gates at entry ways. Additionally, there would be 24-hour security cameras on the project site.

3.4 Offsite Improvements

The proposed project would widen the streets of Three Flags Avenue and Poplar Street to include AC pavement, curb and gutter, sidewalks, and connection to existing utility lines.

3.5 Project Operations

The truck warehouses would operate 24 hours per day, 7 days a week. Each truck warehouse is estimated to have approximately 224 total employees, resulting in a total of approximately 448 employees.

3.6 Construction Activities

Construction of the proposed project would be conducted in one phase. Construction is estimated to take place from October 2025 to November 2026. Further construction details for each construction phase are shown in **Table 3.6-1**.

For safety reasons, temporary barricades would be used to limit access to the site during project construction and maintain safe access for construction workers. Construction would occur during daylight and during regular business hours. Lighting for the construction site would be limited to the minimum amount of light needed for safety and security.

After site preparation is completed, infrastructure such as sewer laterals and storm drains would be installed and/or connected to existing facilities. The building foundations would be poured and framing of the buildings would begin. The final steps of construction would involve interior furnishings, detail work, and completion of common areas and outside landscaping.

The only offsite improvements would be installation of utility laterals and connections of laterals to mains. The construction contractor would use heavy equipment during grading; estimated numbers and types of equipment per construction phase are identified below in **Table 3.6-1**. Construction staging would be limited to the project site; no offsite areas would be used.

Construction Employees

Project construction workers would park their vehicles on the project site. Below is the anticipated number of construction employees by construction phase:

- **Grading:**
  - 30-40 employees
- **Offsite Phase:**
  - 20-30 employees
- **Vertical / Sitework Phase:**
  - 20-30 employees

Table 3.6-1
CONSTRUCTION PHASING AND EQUIPMENT DETAILS

Phase Name	Equipment Type	Number per Day	Hours Per Day	Horsepower	Load Factor
Grading Phase (2 months)	Graders	1	8	148	0.41
	Tractors/Loaders/Backhoes	1	8	84	0.37
	Scrapers	4	8	423	0.48
Off-Site Phase (2 months)	Excavators	2	8	36	0.38
	Tractors/Loaders/Backhoes	2	8	84	0.37
Vertical/Site Work Phase- Building Construction (7 months)	Rough Terrain Forklifts	4	8	96	0.4
	Tractors/Loaders/Backhoes	2	7	84	0.37
	Skid Steer Loaders	4	8	46	0.45
Vertical/Site Work Phase- Paving (1month)	Pavers	2	8	81	0.42
	Paving Equipment	2	8	89	0.36
	Rollers	2	8	36	0.38
Vertical/Site Work Phase- Architectural Coating (1 month)	Air Compressors	1	6	37	0.48

Source: Amor Architectural Corporation, 2024

3.7 Discretionary Actions

The proposed project includes applications for the following discretionary approvals by the City of Hesperia:

- Building permits
- Engineering permits
- Site Design

3.7.1 Other Permits and Approvals

Following the City's approval of the Initial Study/Mitigated Negative Declaration, the following permits/approvals, as shown in **Table 3.7-1,** would be required prior to construction.

Table 3.7-1
PERMITS AND APPROVALS

Agency	Permit or Approval
City of Hesperia Building & Safety Division	Site Plan review and approval and Grading and Building Permits
City of Hesperia Planning Division	Conditional Use Permit Design Review
San Bernardino County Fire Protection District	Building plan check and approval. Review for compliance with the current California Fire Code, current California Building Code, California Health & Safety Code and City of Hesperia Municipal Code. Plans for fire detection and alarm systems, and automatic sprinklers.
Lahontan Regional Water Quality Control Board (Region 6)	Water quality permits

4.0 ENVIRONMENTAL CHECKLIST

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or as a "Potentially Significant Unless Mitigation Incorporated," as indicated by the checklist on the following pages.

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

Determination (To Be Completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

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

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

Signature

6/16/2025
Date

Ryan Leonard, Senior Planner
Printed Name

City of Hesperia

Evaluation of Environmental Impacts

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Once the lead agency has determined that a particular physical impact may occur then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

"Negative Declaration: Less than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to less than significant level.

Earlier analyses may be use where, pursuant to the tiering, Program EIR, or other CEQA process, an affect has been adequately analyzed in an earlier EIR or negative declaration. (See Section 15063(c)(3)(D) of the CEQA Guidelines. In this case, a brief discussion should identify the following:

Earlier Analyses Used. Identify and state where the earlier analysis available for review.

Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached and other sources used or individuals contacted should be cited in the discussion.

Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

The explanation of each issue should identify:

The significance criteria or threshold, if any, used to evaluate each question; and

The mitigation measure identified, if any, to reduce the impact to less than significant.

4.1 Aesthetics

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			**X**	
b) Substantially damage scenic resources, including, but not limited to, trees, outcroppings, and historic buildings within a state scenic highway?			**X**	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			**X**	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			**X**	

A "visual environment" includes the built environment (development patterns, buildings, parking areas, and circulation elements) and natural environment (such as hills, vegetation, rock outcroppings, drainage pathways, and soils) features. Visual quality, viewer groups and sensitivity, duration, and visual resources characterize views. Visual quality refers to the general aesthetic quality of a view, such as vividness, intactness, and unity. Viewer groups identify who is most likely to experience the view. High-sensitivity land uses include residences, schools, playgrounds, religious institutions, and passive outdoor spaces such as parks, playgrounds, and recreation areas. Duration of a view is the amount of time that a particular view can be seen by a specific viewer group. Visual resources refer to unique views, and views identified in local plans, from scenic highways, or of specific unique structures or landscape features.

a) Would the project have a substantial adverse effect on a scenic vista?

Less than Significant Impact

Scenic vistas generally include extensive panoramic views of natural features, unusual terrain, or unique urban or historic features, for which the field of view can be wide and extend into the distance, and focal views that focus on a particular object, scene or feature of interest. The city's General Plan Open Space Element contains scenic vistas including Mojave River to the east, the San Bernardino and San Gabriel Mountain ranges to the south and the surrounding Victor Valley, along with neighboring hillsides and the natural desert environment. These scenic resources provide a visual

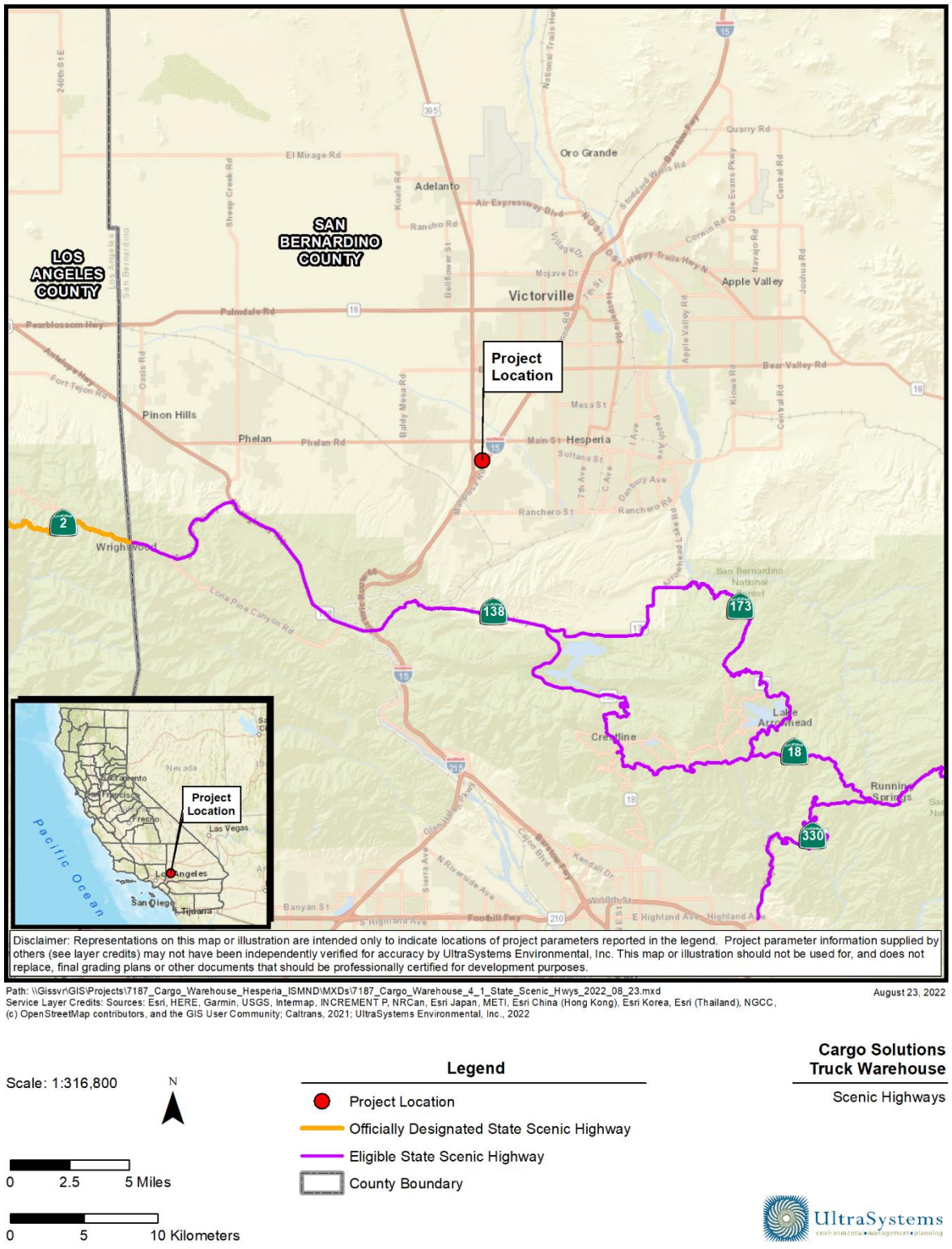
relief from the man-made structures in the city and also connect its residents to the natural environment (City of Hesperia, 2019a, p. OS-13). The project site is located in a semi-rural portion of the city and would not impact hillsides and natural desert environment. The Mojave River runs along the city's eastern border (Michael Brandman Associates, 2010a, p. 2-1). However, the project site is located on the western portion of the city, and has intervening developments that block views of the Mojave River. There are partial views of the San Bernardino and San Gabriel Mountains at the existing project site from the surrounding developments adjacent to the project site. The proposed project would develop buildings up to a height of approximately 42 feet tall, which would adhere to the project site's allowable maximum building height of 60 feet (The Arroyo Group, 2021, p. 198), and would be similar to the approximately 20- to 30-foot-tall industrial and commercial buildings surrounding the project site. Additionally, the project area does not have sensitive receivers such as residences adjacent to the site where views of the mountains would be permanently blocked. Viewers of the area would likely be people driving through the project area. The project area is largely vacant and viewers would have undisrupted views of the mountains continuing along Poplar Street or Three Flags Avenue. Therefore, the proposed project would not significantly impact views of scenic vistas compared to the existing setting, and impacts would be less than significant.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact

The California Department of Transportation (Caltrans) provides information regarding officially designated or eligible state scenic highways, designated as part of the California Scenic Highway Program. As shown in **Figure 4.1-1**, the closest officially designated state scenic highway to the project site is a portion of the State Route 2 (SR-2), which is approximately 15.1 miles southwest; portions of SR-138, which is eligible for designation but not officially designated, are approximately 6.7 miles south of the site (Caltrans, 2024). Due to the large distance between the project site and these highways, construction and implementation of the project would have no impacts on state scenic highways. Therefore, the project would have no impacts on trees, rock outcroppings and historic buildings within a state scenic highway.

Figure 4.1-1
STATE SCENIC HIGHWAYS



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

Less than Significant Impact

The project site is located within an emerging semi-rural portion of the city characterized by commercial, industrial and undeveloped land uses as shown in **Figure 4.1-2**. **Table 4.1-1** details the existing visual character and land uses of the project site and surrounding area**. Table 4.1-2** details applicable scenic quality goals and regulations, and how the proposed project would adhere to them.

Figure 4.1-2
VIEWS FOR SURROUNDING LAND USES IN THE PROJECT AREA

PHOTO 1: View looking north of the project site along Poplar Street.

PHOTO 2: View looking south from Three Flags Avenue and Poplar Street.

PHOTO 3: View looking southwest from Three Flags Avenue and Poplar Street to Stepping Stone Industrial Park.

PHOTO 4: View looking south to Little Sisters Truck Wash from southeastern section of project site.

Source: UltraSystems Environmental, 2022. Google Earth, 2019

Table 4.1-1
EXISTING VISUAL CHARACTER AND LAND USES IN THE PROJECT AREA

Location	General Characteristics	Existing Lighting	Building Height & Design	Landscaping
Project Site	Undeveloped	None	None	Undeveloped
Surrounding Areas				
North	Undeveloped	None	None	Undeveloped
South	Industrial (Truck repair shop)/commercial (truck car wash)	Exterior lighting for security purposes	Approximately 20-to 30-feet tall buildings with plastered concrete tilt-up exterior walls in varying colors.	Ornamental
East	Undeveloped	None	None	Undeveloped
West	Industrial Park and Business	Exterior lighting for security purposes	Approximately 20 feet tall buildings with plastered concrete tilt-up exterior walls in varying colors.	Ornamental
Source: Google Earth Pro, 2024 and UltraSystems Environmental, 2022.				

Construction

Construction of the proposed project would include views associated with construction activities, construction staging areas, grading, excavation, construction equipment, material storage areas, construction debris, exposed trenches, etc. Construction elements would be inconsistent with the visual character of the project vicinity. Project construction could temporarily degrade the existing visual character of the project area and its immediate surroundings. However, this impact would be short term and these elements would be removed following construction. Therefore, impacts in regard to construction would be less than significant.

Operation

The proposed project would develop two truck warehouses with associated surface parking lot and ornamental landscaping. The proposed project would be designed to adhere to the City's design guidelines to complement the existing buildings and architecture surrounding the project site. Additionally, the project area is part of the Main Street Freeway Corridor Specific Plan, which plans to develop the project area with similar industrial developments such as the proposed project due to its prime regional location to transportation corridors (The Arroyo Group, 2021, p. 196). Therefore, the project would not significantly impact the characteristics of the project area or public views. Impacts would be less than significant and no mitigation is required.

Table 4.1-2
PROJECT COMPLIANCE WITH SCENIC REGULATIONS IN REGARDS TO THE CITY OF HESPERIA MAIN STREET FREEWAY CORRIDOR SPECIFIC PLAN

Policy	Compliance
Goal UD-1: Strengthen the identity of the City of Hesperia and the Specific Plan area by building upon the surrounding natural resources and amenities, and create a new image for Main Street and the Freeway Corridor that expresses an attractive, inviting, high quality character and commercial vitality.	
Policy UD-1.4: Preserve views of the mountains – San Gabriel Mountains to the southwest and San Bernardino National Forest to the southeast	As detailed in **Section 4.1a)**, the project's buildings would adhere to the Com/Ind Business Park (CIBP) height requirements. Additionally, the proposed buildings would conform to the height requirements of the general plan and zoning, and be similar to surrounding developments. Therefore, views of the mountains would not be significantly impacted by the project, and the project would be consistent with this policy.
Goal UD-2: Create distinctive and attractive communities with a strong sense of place (Smart Growth principle).	
Policy UD-2.1: Establish development and design standards that encourage high quality of construction and lead to the creation of attractive developments.	The project site is currently an undeveloped lot with no significant aesthetic resources. The proposed project would adhere to the Com/Ind Business Park (CIBP) development requirements, which would create a high-quality development to the Specific Plan area. Therefore, the project would be consistent with this policy.
Goal UD-5: Encourage good design, and high-quality development within the Specific Plan area.	
Policy UD-5.3: Through design review, ensure that new development enhances the character of the Specific Plan area by requiring design qualities and elements that contribute to an active pedestrian environment, where appropriate, and ensuring that architectural elements support high-quality development.	The proposed project would adhere to the Com/Ind Business Park (CIBP) development requirements, which would create a high-quality development that would enhance character of the Specific Plan area. Therefore, the project would be consistent with this policy.

Source: City of Hesperia, 2021, p. 25 to 27

As shown above, the project would adhere to all applicable scenic regulations. Therefore, impacts would be less than significant and no mitigation is required.

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

Less Than Significant Impact

Project construction and operation would adhere to the Main Street Freeway Corridor Specific Plan (MSFCSP) site design standards and guidelines, which would ensure that exterior light and glare would not significantly impact surrounding land uses or nighttime skies (The Arroyo Group, 2021, p. 268). Therefore, impacts would be less than significant.

4.2 Agriculture and Forestry Resources

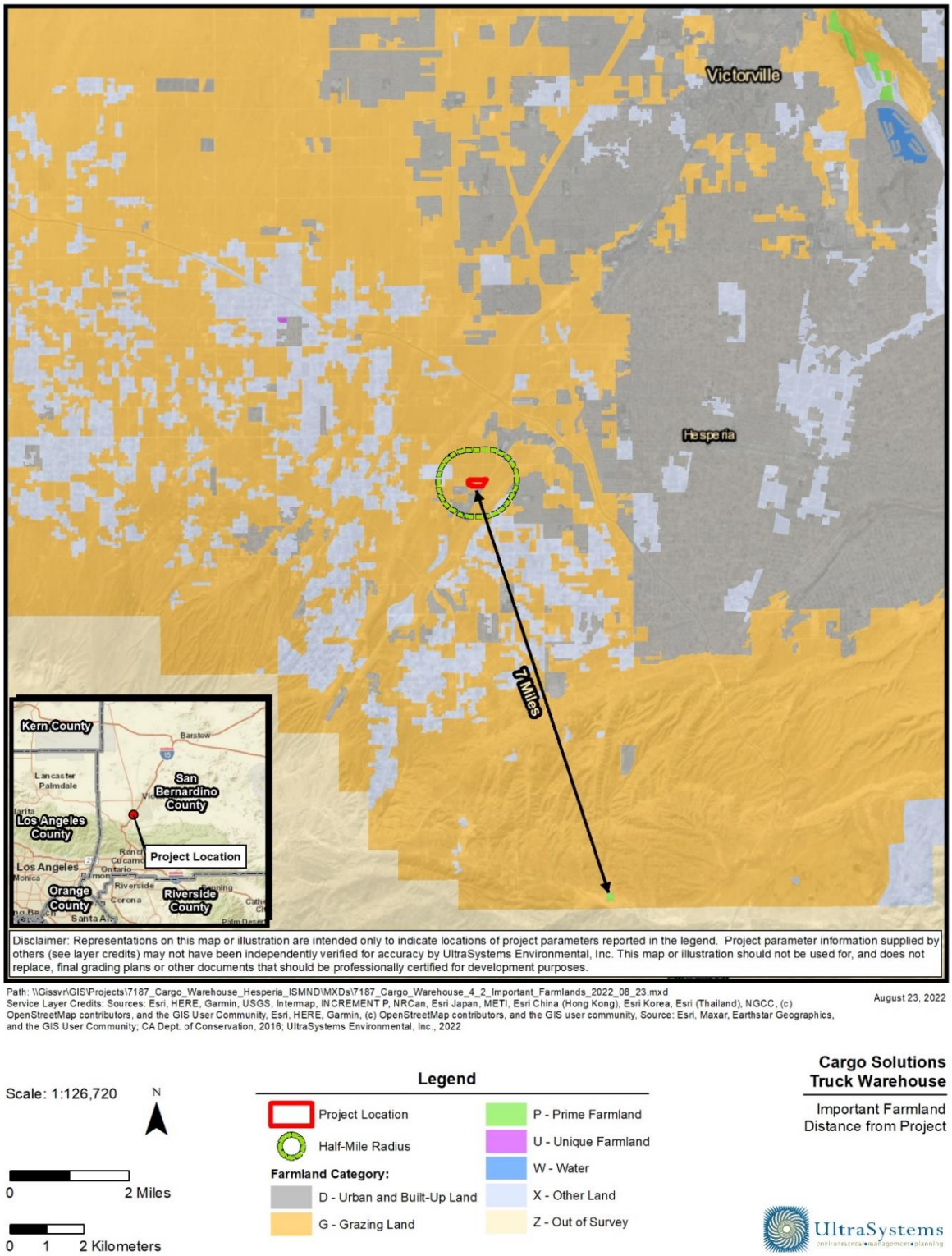
Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				**X**
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				**X**
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220(g)), timberland (as defined by Public Resources Codes § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?				**X**
d) Result in the loss of forest land or conversion of forest land to non-forest use?				**X**
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				**X**

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

No Impact

The project site is designated by the Division of Land Resource Protection (DLRP) as Grazing Land, which is not farmland (DOC, 2018) (see **Figure 4.2-1** below). Grazing Land is land on which the existing vegetation is suited to the grazing of livestock (DOC, 2019). Therefore, no farmland would be converted to non-agricultural use and no impacts would occur.

Figure 4.2-1
IMPORTANT FARMLAND CATEGORIES



b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact

The project site is zoned Commercial/Industrial Business Park (CIBP (City of Hesperia, 2020), and is not zoned for agricultural use. Williamson Act contracts are made only on land within agricultural reserves, and the project site is not within an agricultural reserve. Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract. No impact would occur.

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

No Impact

The project site is zoned Commercial/Industrial Business Park (CIBP) (City of Hesperia, 2020). The site is not zoned for forest, timberland, or timberland production use. Therefore, project development would not conflict with zoning for forest land or timberland, and no impact would occur.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact

The project site is currently undeveloped and does not have forest land. Therefore, project development would not result in the loss of forest land or conversion of forest land to non-forest use, and no impact would occur.

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

No Impact

The project site is undeveloped and has a zoning designation of Commercial/Industrial Business Park (CIBP) (City of Hesperia, 2020). No important farmland is near the project site; the nearest such farmland is Unique Farmland approximately seven miles southeast. No forest land is present on or near the project site. Therefore, project development would not cause conversion of farmland to non-agricultural use or conversion of forest land to non-forest use, and no impacts would occur.

4.3 Air Quality

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			**X**	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?			**X**	
c) Expose sensitive receptors to substantial pollutant concentrations?			**X**	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			**X**	

4.3.1 Pollutants of Concern

Criteria pollutants are air pollutants for which acceptable levels of exposure can be determined and an ambient air quality standard has been established by the U.S. Environmental Protection Agency (USEPA) and/or the California Air Resources Board (ARB). The criteria air pollutants of concern are nitrogen dioxide (NO_2), carbon monoxide (CO), particulate matter (PM_{10} and $PM_{2.5}$), sulfur dioxide (SO_2), lead (Pb), and ozone, and their precursors, such as reactive organic gases (ROG) (which are ozone precursors). Presented below is a description of the air pollutants of concern and their known health effects.

The project is in the southwestern San Bernardino County portion of the Mojave Desert Air Basin (MDAB), for which the Mojave Desert Air Quality Management District (MDAQMD) is substantially responsible for air pollution control. The MDAB is classified as a dry-hot desert (BWh), with portions classified as dry-very hot desert (BWhh), to indicate that at least three months have maximum average temperatures over 100.4°F (MDAQMD, 2020a, p. 6-7). **Table 4.3-1** shows the attainment status of the MDAB for each criteria pollutant for both the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). Presented below is a description of the air pollutants of concern and their known health effects.

Nitrogen oxides (NO_X) serve as integral participants in the process of photochemical smog production and are precursors for certain particulate compounds that are formed in the atmosphere, and for ozone. A precursor is a directly emitted air contaminant that, when released into the atmosphere, forms, causes to be formed, or contributes to the formation of a secondary air contaminant for which an ambient air quality standard (AAQS) has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more AAQSs. When NO_X and ROG are released into the atmosphere, they can chemically react with one another in the presence of sunlight

to form ozone. The two major forms of NO_X are nitric oxide (NO) and NO_2. NO is a colorless, odorless gas formed from atmospheric nitrogen and oxygen when combustion takes place under high temperature and/or high pressure. NO_2 is a reddish-brown pungent gas formed by the combination of NO and oxygen. NO_2 acts as an acute respiratory irritant and eye irritant and increases susceptibility to respiratory pathogens (USEPA, 2011).

Table 4.3-1
FEDERAL AND STATE ATTAINMENT STATUS

Pollutants	Federal Classification	State Classification
Ozone (O_3) – 1-hour standard	No Federal Standard	Nonattainment
Ozone (O_3) – 8-hour standard	Nonattainment	
Particulate Matter (PM_{10})	Attainment	Nonattainment
Fine Particulate Matter ($PM_{2.5}$)	Nonattainment	Attainment
Carbon Monoxide (CO)	Unclassified/Attainment	Attainment
Nitrogen Dioxide (NO_2)	Unclassified/Attainment	Attainment
Sulfur Dioxide (SO_2)	Unclassified/Attainment	Attainment
Sulfates	No Federal Standards	Attainment
Lead (Pb)	Unclassified/Attainment	Attainment
Hydrogen Sulfide (H_2S)	Unclassified	
Visibility Reducing Particles		

Sources: ARB, 2020a; USEPA, 2022a.

Carbon monoxide (CO) is a colorless, odorless non-reactive pollutant produced by incomplete combustion of fossil fuels. CO is emitted almost exclusively from motor vehicles, power plants, refineries, industrial boilers, ships, aircraft, and trains. In urban areas, automobile exhaust accounts for most CO emissions. CO is a non-reactive air pollutant that dissipates relatively quickly; therefore, ambient CO concentrations generally follow the spatial and temporal distributions of vehicular traffic. CO concentrations are influenced by local meteorological conditions – primarily wind speed, topography, and atmospheric stability. CO from motor vehicle exhaust can become locally concentrated when surface-based temperature inversions are combined with calm atmospheric conditions, a typical situation at dusk in urban areas between November and February. The highest levels of CO typically occur during the colder months of the year when inversion conditions are more frequent. In terms of health, CO competes with oxygen, often replacing it in the blood, thus reducing the blood's ability to transport oxygen to vital organs. The results of excess CO exposure can be dizziness, fatigue, and impairment of central nervous system functions. High concentrations are lethal (USEPA, 2010).

Particulate matter (PM) consists of finely divided solids or liquids, such as soot, dust, aerosols, fumes and mists. Primary PM is emitted directly into the atmosphere from activities such as agricultural operations, industrial processes, construction and demolition activities, and

entrainment of road dust into the air. Secondary PM is formed in the atmosphere from predominantly gaseous combustion by-product precursors, such as sulfur oxides, NO_X, and ROGs.

Particle size is a critical characteristic of PM that primarily determines the location of PM deposition along the respiratory system (and associated health effects) as well as the degradation of visibility through light scattering. In the United States, federal and state agencies have focused on two types of PM. PM_{10} corresponds to the fraction of PM no greater than 10 micrometers in aerodynamic diameter and is commonly called respirable particulate matter, while $PM_{2.5}$ refers to the subset of PM_{10} of aerodynamic diameter smaller than 2.5 micrometers, which is commonly called fine particulate matter.

PM_{10} and $PM_{2.5}$ deposition in the lungs results in irritation that triggers a range of inflammation responses, such as mucus secretion and bronchoconstriction, and exacerbates pulmonary dysfunctions, such as asthma, emphysema, and chronic bronchitis. Sufficiently small particles may penetrate the bloodstream and impact functions such as blood coagulation, cardiac autonomic control, and mobilization of inflammatory cells from the bone marrow. Individuals susceptible to higher health risks from exposure to PM_{10} airborne pollution include children, the elderly, smokers, and people of all ages with low pulmonary/cardiovascular function. For these individuals, adverse health effects of PM_{10} pollution include coughing, wheezing, shortness of breath, phlegm, bronchitis, and aggravation of lung or heart disease, leading, for example, to increased risks of hospitalization and mortality from asthma attacks and heart attacks (USEPA, 2022a).

Reactive organic gases (ROG) are defined as any compound of carbon, excluding CO, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. It should be noted that there are no state or national ambient air quality standards for ROG because ROGs are not classified as criteria pollutants. They are regulated, however, because a reduction in ROG emissions reduces certain chemical reactions that contribute to the formation of ozone. ROGs are also transformed into organic aerosols in the atmosphere, which contribute to higher PM_{10} and lower visibility. The term "ROG" is used by the ARB for this air quality analysis and is defined the same as the federal term "volatile organic compound" (VOC).

Ozone is a secondary pollutant produced through a series of photochemical reactions involving ROG and NO_X. Ozone creation requires ROG and NO_X to be available for approximately three hours in a stable atmosphere with strong sunlight. Because of the long reaction time, peak ozone concentrations frequently occur downwind of the sites where the precursor pollutants are emitted. Thus, ozone is considered a regional, rather than a local, pollutant. The health effects of ozone include eye and respiratory irritation, reduction of resistance to lung infection and possible aggravation of pulmonary conditions in persons with lung disease. Ozone is also damaging to vegetation and untreated rubber (USEPA, 2020c).

4.3.2 Climate/Meteorology

Air quality is affected by both the rate and location of pollutant emissions, and by meteorological conditions that influence movement and dispersal of pollutants. Atmospheric conditions such as wind speed, wind direction, and air temperature gradients, along with local topography, provide the link between air pollutant emissions and air quality.

The Project site is located within the Mojave Desert portion of the Mojave Desert Air Basin (MDAB), which is bordered in the southwest by the San Bernardino Mountains, which are separated from the

San Gabriel Mountains by the Cajon Pass (4,200 feet elevation). The MDAB is an assemblage of mountain ranges interspersed with long broad valleys that often contain dry lakes. Many of the lower mountains which dot the vast terrain rise from 1,000 to 4,000 feet above the valley floor. Prevailing winds in the MDAB are out of the west and southwest. These prevailing winds are due to the proximity of the MDAB to coastal and central regions and the blocking nature of the Sierra Nevada Mountains to the north; air masses pushed onshore in Southern California by differential heating are channeled through the MDAB (MDAQMD, 2020).

The nearest meteorological station is the Hesperia station (#043935, latitude 34.41667°, longitude: - 117.3°) (WRCC, 2022a), which is approximately 5.1 miles west of the project site, with a period of record from January 1, 1910 to June 30, 1977. However, data from another station near the project site, Victorville Pump Pt meteorological station (#049325; latitude 34.5350°, longitude: - 117.3058°) (WRCC, 2022b), approximately 9.5 miles north of the project site, were used because the period of record (November 1931 – November 2008) is more recent. The average high and low temperatures recorded there are 77.5°F and 43.9°F, respectively. Average winter (December, January, and February) high and low temperatures are approximately 60.1°F and 30.7°F, respectively, and average summer (June, July, and August) high and low temperatures are approximately 95.6°F and 58.4°F, respectively. The annual average of total precipitation is approximately 5.52 inches, which occurs mostly during the winter and relatively infrequently during the summer. Monthly precipitation averages approximately 0.93 inch during the winter (December, January, and February), approximately 0.43 inch during the spring (March, April, and May), approximately 0.35 inch during the fall (September, October, and November), and approximately 0.13 inch during the summer (June, July, and August).

4.3.3 Local Air Quality

The project site is served by the MDAQMD's Hesperia-Olive Street air monitoring site (ARB Number 36201), 6.0 miles east at 17288 Olive Street in Hesperia. This station monitors ozone and PM_{10}. The nearest station that monitors $PM_{2.5}$ and NO_2 is Victorville-14306 Park Avenue at 14306 Park Avenue in Victorville (ARB Number: 36306), about 4.4 miles north of the project. The ambient air quality data in the project vicinity as recorded from 2021 through 2023, along with applicable standards, are shown in **Table 4.3-2.**

Table 4.3-2
AMBIENT AIR QUALITY MONITORING DATA

Air Pollutant	Standard/Exceedance	2021	2022	2023
Ozone – Hesperia-Olive Street	Max. 1-hour Concentration (ppm) Max. 8-hour Concentration (ppm) # Days > Federal 8-hour Std. of 0.070 ppm # Days > California 1-hour Std. of 0.09 ppm # Days > California 8-hour Std. of 0.070 ppm	0.114 0.101 55 9 60	0.108 0.090 49 11 52	0.110 0.098 53 11 54
PM_{10} - Hesperia-Olive Street	Max. 24-hour Concentration (µg/m^3) Est. # Days > Fed. 24-hour Std. of 150 µg/m^3 Federal Annual Arithmetic Mean (12 µg/m^3)	426.5 1 28.7	135.0 0 27.2	176.2 1 27.9
$PM_{2.5}$ - Victorville-14306 Park Avenue	Max. 24-hour Concentration (µg/m^3) # Days > Fed. 24-hour Std. of 35 µg/m^3 State Annual Average (12 µg/m^3)	87.1 1 10.2	24.6 0 9.0	25.6 0 7.8
NO_2 – Victorville-14306 Park Avenue	Max. 1-hour Concentration (ppm) State Annual Average (0.030 ppm) # Days > California 1-hour Std. of 0.18 ppm	0.060 0.012 0	0.060 0.012 0	0.060 0.010 0

Source: ARB, 2022a.

4.3.4 Air Quality Management Plan (AQMP)

The MDAQMD's jurisdiction comprises the Mojave Desert Air Basin, which encompasses the desert portions of Kern, Los Angeles, Riverside and San Bernardino counties. The MDAQMD is required to produce plans to show how air quality would be improved in the region. The California Clean Air Act (CCAA) requires that these plans be updated triennially to incorporate the most recent available technical information.[5]

The Project is located in the jurisdiction of the MDAQMD. Under the Federal Clean Air Act the MDAQMD has adopted a variety of attainment plans for a variety of nonattainment pollutants. The District has primary responsibility for regulating stationary sources of air pollution located within its jurisdictional boundaries. It implements air quality programs required by state and federal mandates, enforces rules and regulations based on air pollution laws and educates businesses and residents about their role in protecting air quality and the risks of air pollution (MDAQMD, 2022).

The 1995 Final Mojave Desert Planning Area, Federal Particulate Matter (PM10) Attainment Plan (MDAQMD, 1995) was adopted by the MDAQMD board on July 31, 1995. A Certification of District Measures to Reduce PM Pursuant to Former Health & Safety Code §39614(d) was received and filed by the ARB on January 27, 2020 (MDAQMD, 2020a). The 2008 MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area) was adopted by the MDAQMD board. The USEPA designated the Western Mojave Desert area as non-attainment for the 8-hour ozone National Ambient Air Quality Standard (NAAQS) pursuant to the provisions of the Federal Clean Air Act (FCAA). A portion of the Mojave Desert Air Quality Management District (MDAQMD) is included in the Western Mojave Desert non-attainment area. The most recent attainment plan that was approved by USEPA is the MDAQMD 2008 Ozone Attainment Plan adopted in 2008. The most recently

5 CCAA of 1988.

adopted State plan is the 1996 Triennial Revision to the 1991 Air Quality Attainment Plan (MDAQMD, 2008).

4.3.5 Sensitive Receptors

Some people, such as individuals with respiratory illnesses or impaired lung function because of other illnesses, persons over 65 years of age, and children under 14, are particularly sensitive to certain pollutants. Facilities and structures where these sensitive people live or spend considerable amounts of time are known as sensitive receptors. For the purposes of a CEQA analysis, the MDAQMD considers a sensitive receptor to be a receptor such as a residence, schools, daycare centers, playgrounds and medical facilities. The following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated with a health risk assessment (MDAQMD, 2020a):

- Any industrial project within 1,000 feet.
- A distribution center (40 or more trucks per day) within 1,000 feet.
- A major transportation project (50,000 or more vehicles per day) within 1,000 feet.
- A dry cleaner using perchloroethylene within 500 feet.
- A gasoline dispensing facility within 300 feet.

The proposed project's distance from the nearest sensitive receptor exceeds all these threshold distances. Therefore, a health risk assessment is not needed.

4.3.6 Applicable Mojave Desert Air Quality Management District Rules

Rule 403 (Fugitive Dust Control Rule)

During construction, the project would be subject to MDAQMD Rule 403 (fugitive dust control) (MDAQMD, 2020c). The general requirement prohibits a person from causing or allowing emissions of fugitive dust from construction (or other fugitive dust source) such that the presence of such dust remains visible in the atmosphere beyond the property line of the emissions source, except during high winds. MDAQMD Rule 403 also prohibits construction activity from causing incremental PM_{10} concentrations to exceed 100 micrograms per cubic meter when determined as the difference between upwind and downwind samples collected on federal reference method samplers at the property line for a minimum of five hours, except during high winds.

Rule 1113 (Architectural Coatings)

Construction of this project will include the application of architectural coatings and be subject to MDAQMD Rule 1113 (Architectural Coatings). Among other applicable entities, Rule 1113 requires anyone who supplies, sells, offers for sale, manufactures, blends or repackages any architectural coating for use within the MDAQMD, as well as any person who applies or solicits the application of any architectural coating within the District, o use coatings that contain VOC less than or equal to the VOC limits specified in Table 1 of the rule.

4.3.7 Impact Analysis

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact

The proposed project site is located in the western portion of the City of Hesperia, within the jurisdiction of the MDAQMD. The project is compatible with the general plan land use and zoning discussed in detail in **Section 4.11**. The air quality plans are based upon existing and projected land uses in the planning area. The most recent air quality plan is the MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area), which was adopted on June 9, 2008. The project is compatible with the air quality plan.

The MDAQMD has developed criteria in the form of emissions thresholds for determining whether emissions from a project are regionally significant. They are useful for estimating whether a project is likely to result in a violation of the NAAQS and/or whether the project is in conformity with plans to achieve attainment. **Table 4.3-3** shows MDAQMD CEQA significance thresholds for both construction and operation. A project is considered to have a regional air quality impact if emissions from its construction and/or operational activities exceed the corresponding MDAQMD significance thresholds.

Table 4.3-3
MDAQMD THRESHOLDS OF SIGNIFICANCE FOR CRITERIA POLLUTANTS

Pollutant	Emission Threshold (lbs/day)	Emission Threshold (short tons/year)
Volatile Organic Compounds (VOC)	137	25
Nitrogen Oxides (NO_x)	137	25
Carbon Monoxide (CO)	548	100
Sulfur Oxides (SO_x)	137	25
Particulate Matter (PM_{10})	82	15
Fine Particulate Matter ($PM_{2.5}$)	65	12

Source: MDAQMD, 2020a, Table 6.

Estimated criteria pollutant emissions from the project's onsite and offsite project activities were calculated using the California Emissions Estimator Model (CalEEMod), Version 2022.1.1.29. CalEEMod (CAPCOA, 2023) is a planning tool for estimating emissions related to land use projects.

The construction emissions accounted for the wall construction, while operational emissions did not consider the wall as an emission source. To ensure accuracy, two separate CalEEMod analyses were conducted—one for construction emissions and another for operational emissions. Model-predicted project emissions are compared with applicable thresholds to assess regional air quality impacts. The project traffic study (RK Engineering, 2024) provided the vehicle miles traveled and number of trips for the operational emissions. It was also assumed that the construction contractor would comply

with all pertinent MDAQMD rules. CalEEMod inputs and detailed results are provided in **Appendix B**.

Table 4.3-4 shows the project schedule used for the air quality analysis. The proposed project would be built in one phase. Construction is estimated to take place in five subphases from October 2025 to November 2026:

- Grading
- Off-Site Trenching
- Vertical/Site Work- Building Construction
- Vertical/Site Work- Paving
- Vertical/Site Work- Architectural Coating

Details for each construction subphase are shown in **Table 4.3-4**.

Table 4.3-4
CONSTRUCTION SCHEDULE

Construction Subphase	Start Date	End Date
Grading	October 1, 2025	November 28, 2025
Off-site Trenching	November 29, 2025	February 13, 2026
Vertical/Site Work- Building Construction	February 14, 2026	September 17, 2026
Vertical/Site Work- Paving	September 18, 2026	October 20, 2026
Vertical/Site Work- Architectural Coating	October 21, 2026	November 16, 2026

Source: Calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).

These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the project site) would primarily generate NO_X emissions. The quantity of emissions generated daily would vary, depending on the amount and types of construction activities occurring at the same time.

As shown in **Table 4.3-5**, the project's annual emissions would not exceed Mojave Desert Air Quality Management District significance thresholds for any criteria pollutant during construction.

Table 4.3-5
MAXIMUM ANNUAL REGIONAL CONSTRUCTION EMISSIONS

Year	Maximum Emissions (Tons/year)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Maximum Annual Emissions, 2025	0.08	0.73	0.70	0.08	0.03
Maximum Annual Emissions, 2026	0.51	1.09	1.87	0.11	0.05
MDAQMD Significance Thresholds (short tons per year)	*25*	*25*	*100*	*15*	*12*
Significant (Yes or No)	**No**	**No**	**No**	**No**	**No**

Source: Calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).

As shown in **Table 4.3-6** maximum daily construction emissions would not exceed MDAQMD regional thresholds. Therefore, the project's short-term regional air quality impacts would be less than significant**.**

Table 4.3-6
MAXIMUM DAILY REGIONAL CONSTRUCTION EMISSIONS

Construction Activity	Maximum Emissions (lbs/day)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Maximum Daily Emissions, 2025	3.47	31.79	29.02	3.38	1.43
Maximum Daily Emissions, 2026	41.10	12.14	22.34	1.28	0.50
MDAQMD Significance Thresholds	*137*	*137*	*548*	*82*	*65*
Significant? (Yes or No)	**No**	**No**	**No**	**No**	**No**

Source: Calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).

Regional Operational Emissions

The project proposes to develop Truck Warehouse Building 1 with an associated parking lot on the western portion of the project site, and Truck Warehouse Building 2 with an associated parking lot on the eastern portion of the project site. Operational emissions generated by area sources, motor vehicles, and energy demand would result from normal day-to-day activities of the project. The results of these calculations are presented in **Table 4.3-7** and **Table 4.3-8**. As seen in the tables, for each criteria pollutant, operational emissions would be below the pollutant's MDAQMD significance threshold. Therefore, regional operational emissions would be less than significant.

Table 4.3-7

MAXIMUM ANNUAL PROJECT OPERATIONAL EMISSIONS

Operational Emission Source	Pollutant (short tons/year)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Area Source Emissions	0.73	0.01	0.59	<0.005	<0.005
Energy Source Emissions	0.01	0.15	0.13	0.01	0.01
Mobile Source Emissions	0.08	0.61	0.78	0.33	0.09
Maximum Annual Operational Emissions	**0.82**	**0.77**	**1.5**	**0.34**	**0.1**
MDAQMD Significance Thresholds (short tons per year)	*25*	*25*	*100*	*15*	*12*
Significant? (Yes or No)	**No**	**No**	**No**	**No**	**No**

Source: Calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).

Table 4.3-8
MAXIMUM DAILY PROJECT OPERATIONAL EMISSIONS

Emission Source	Pollutant (lbs/day)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Area Source Emissions	4.57	0.06	6.6	0.01	0.01
Energy Source Emissions	0.05	0.85	0.71	0.06	0.06
Mobile Source Emissions	0.47	3.34	5.0	1.8	0.5
Total Operational Emissions	**5.09**	**4.25**	**12.31**	**1.87**	**0.57**
MDAQMD Significance Thresholds	*137*	*137*	*548*	*82*	*65*
Significant? (Yes or No)	**No**	**No**	**No**	**No**	**No**

Source: Calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impact

Since the MDAB is currently in federal nonattainment for ozone and $PM_{2.5}$ and state nonattainment for ozone and PM_{10}, related projects may exceed an air quality standard or contribute to an existing or projected air quality exceedance. However, as discussed above, the mass daily and annual

construction and operational emissions generated by the project would not exceed any of the MDAQMD's significance thresholds. Therefore, the project would not contribute a cumulatively considerable increase in emissions of the pollutants for which the MDAB is in nonattainment. Thus, cumulative air quality impacts associated with the project would be less than significant.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact

Construction of the project would generate short-term and intermittent emissions. Following the MDAQMD's CEQA Guidelines (MDAQMD, 2020a), residences, schools, daycare centers, playgrounds, and medical facilities are considered sensitive land uses. The nearest sensitive receptor is a single-family residence 1,114 feet southeast of the project boundary.

The following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated:

- Any industrial project within 1,000 feet.
- A distribution center (40 or more trucks per day) within 1,000 feet.
- A major transportation project (50,000 or more vehicles per day) within 1,000 feet.
- A dry cleaner using perchloroethylene within 500 feet.
- A gasoline dispensing facility within 300 feet.

The project proposes to develop to develop Truck Warehouse Building 1 with the associated parking lot on the western portion of the project site, and Truck Warehouse Building 2 with the associated parking lot on the eastern portion of the project site. It does not meet the criteria listed above. Thus, the impacts on sensitive receptors would be less than significant.

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

Less than Significant Impact

A project-related significant adverse effect could occur if the construction or operation of the proposed project would result in the generation of odors that would be perceptible in adjacent sensitive areas. Potential odor sources associated with the Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction associated with the proposed project's long-term operational uses. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the construction and are thus considered less than significant. Therefore, the project would not create substantial objectionable odors and this impact would be less than significant.

4.4 Biological Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		**X**		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		**X**		
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				**X**
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native nursery sites?			**X**	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		**X**		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				**X**

4.4.1 Methodology

This section is based on the biological surveys, research, and analyses conducted for the Biological Resources Evaluation (BRE; UltraSystems, 2022), provided in **Appendix C1** of this document.

UltraSystems biologists researched readily available information, including relevant literature, databases, agency web sites, various previously completed reports and management plans, GIS data, maps, aerial imagery from public domain sources, and in-house records to identify the following: 1) habitats, special-status plant and wildlife species, jurisdictional waters, critical habitats, and wildlife

corridors that may occur in and near the project site; and 2) local or regional plans, policies, and regulations that may apply to the project. Plant and wildlife species protected by federal agencies, state agencies, and nonprofit resource organizations, such as the California Native Plant Society (CNPS), are collectively referred to as *special-status species*. Some of these plant and wildlife species are afforded special legal or management protection because they are limited in population size, and typically have a limited geographic range and/or habitat. The following data sources were accessed by UltraSystems for synthesis of data within this report.

- Information on California plants for education, research and conservation, provided by Calflora (Calflora, 2022)
- California Department of Fish and Wildlife California Wildlife Habitat Relationships (CWHR) Life History Accounts and Range Maps (CDFW, 2022a)
- California Department of Fish and Wildlife BIOS Habitat Connectivity Viewer (CDFW, 2022b).
- U. S. Geological Survey (USGS) 7.5-Minute Topographic Map *Baldy Mesa* Quadrangle (USGS, 2015) and current aerial imagery (Google Earth, 2022).
- The Web Soil Survey, provided by the U. S. Department of Agriculture (USDA) Natural Resources Conservation Service (Soil Survey Staff, 2022).
- California Natural Diversity Database (CNDDB), provided by the California Department of Fish and Wildlife (CNDDB, 2022a).
- Information, Planning and Conservation (IPaC), provided by the U.S. Fish and Wildlife Service (USFWS; USFWS, 2022a).
- Critical Habitat Portal, provided by the USFWS (USFWS, 2022b).
- Inventory of Rare and Endangered Plants of California, 8th Edition, provided by the California Native Plant Society (CNPS, 2022a).
- National Hydrography Dataset, provided by the USGS (USGS, 2022c).
- National Wetlands Inventory (NWI), provided by the USFWS (USFWS, 2022c).
- Sawyer, J.O., T. Keeler-Wolf, J.M. Evens, 2009. A Manual of California Vegetation, Second Edition, provided by California Native Plant Society Press.
- EPA Waters GeoViewer, provided by U. S. Environmental Protection Agency (USEPA; USEPA, 2022h).

4.4.2 Discussion of Impacts

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status

species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less Than Significant with Mitigation Incorporated

Plant and wildlife species listed under the federal Endangered Species Act (ESA) or under the California Endangered Species Act (CESA) are referred to collectively as *listed species* in this section. Plant and wildlife species not listed under ESA or CESA but still protected by federal agencies, state agencies, local or regional plans, and/or nonprofit resource organizations, such as the California Native Plant Society (CNPS), are collectively referred to as *sensitive species* in this section. The *term special-status species* is used when collectively referring to both listed and sensitive species.

Environmental Setting

The City of Hesperia is located in southwestern San Bernardino County, California. The biological study area (BSA) is surrounded by primarily vacant land with some commercial developments, as shown in **Figure 4.4-1**. The BSA may potentially provide some suitable habitat for special status plant and wildlife species, although not optimal. The project site itself has a relatively flat topography. Elevations in the BSA range from 3,606 to 3,620 feet above mean sea level (amsl). The project site is currently undeveloped. Stormwater runoff generated on the project site is discharged as sheet flow in a northeast direction to Poplar Street.

Habitat Assessment Survey

UltraSystems Environmental, Inc (UltraSystems) biologist Dr. Michael Tuma conducted a habitat assessment survey on March 4, 2022 and staff biologist Matthew Sutton completed the survey on August 24, 2022 to assess the habitats, plants and wildlife that occur within the BSA. Three land cover types were mapped within the BSA, and are described later in this section (see **Figure 4.4-2**). Disturbed California juniper covers nearly 100 percent of the project site (see **Appendix C2** Figure 6, *Land Cover Types*). The BSA is comprised of developed/ornamental and disturbed California juniper woodlands. Six living Joshua trees (State Candidate Threatened, or SCT) and one California juniper were observed on the project site; however, the project site is dominated by ruderal species such as red brome and prickly Russian thistle. There is evidence that the project site was formerly vegetated with Joshua tree/juniper woodlands, but past significant disturbances have occurred that have resulted in compacted soils and dominance by ruderal species. Plant and wildlife species that were recorded during the habitat assessment survey can be accessed in **Appendix C2**, *Plant and Wildlife Species Recorded During the Field Surveys*.

Figure 4.4–1
PROJECT LOCATION AND BIOLOGICAL STUDY AREA

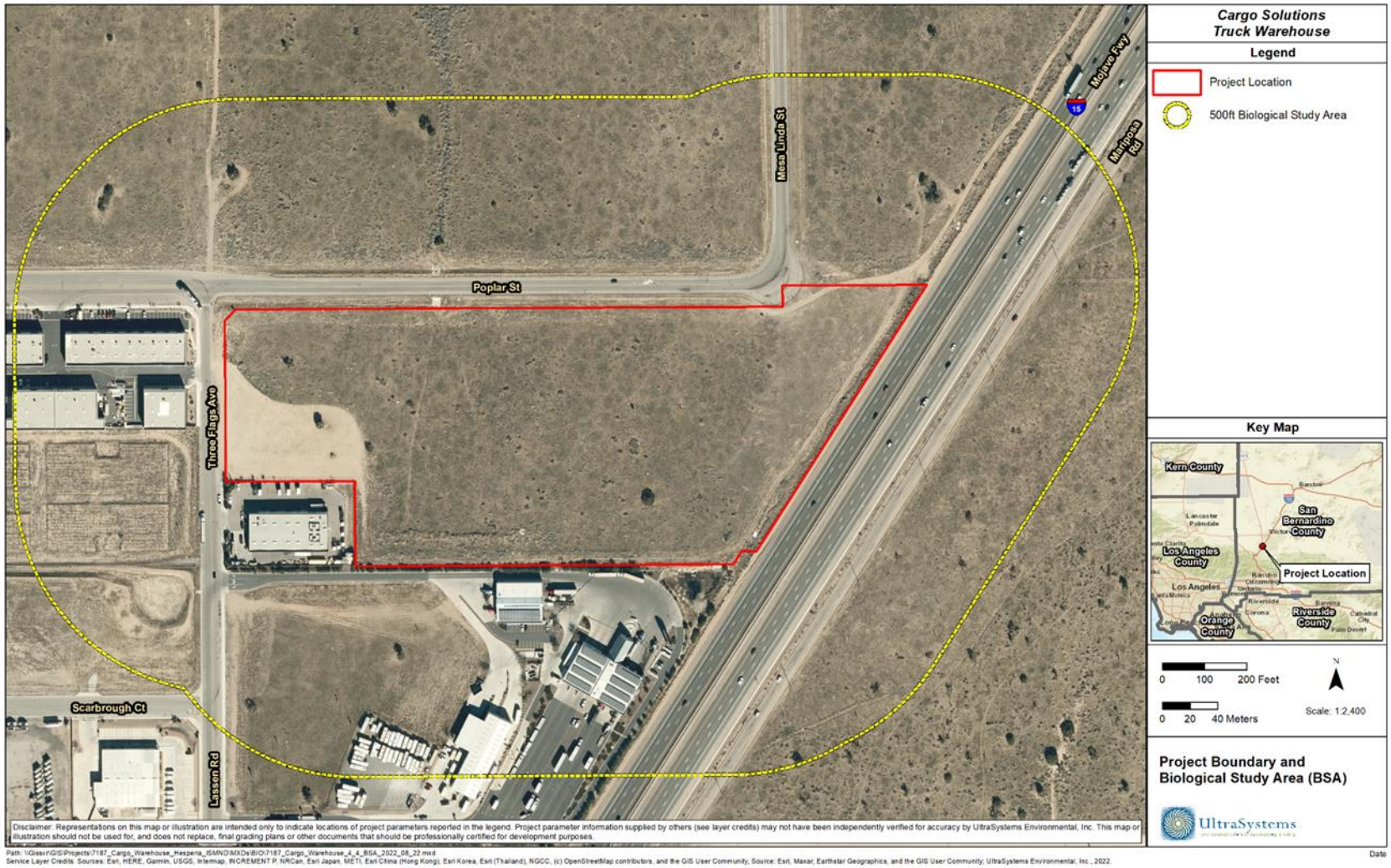
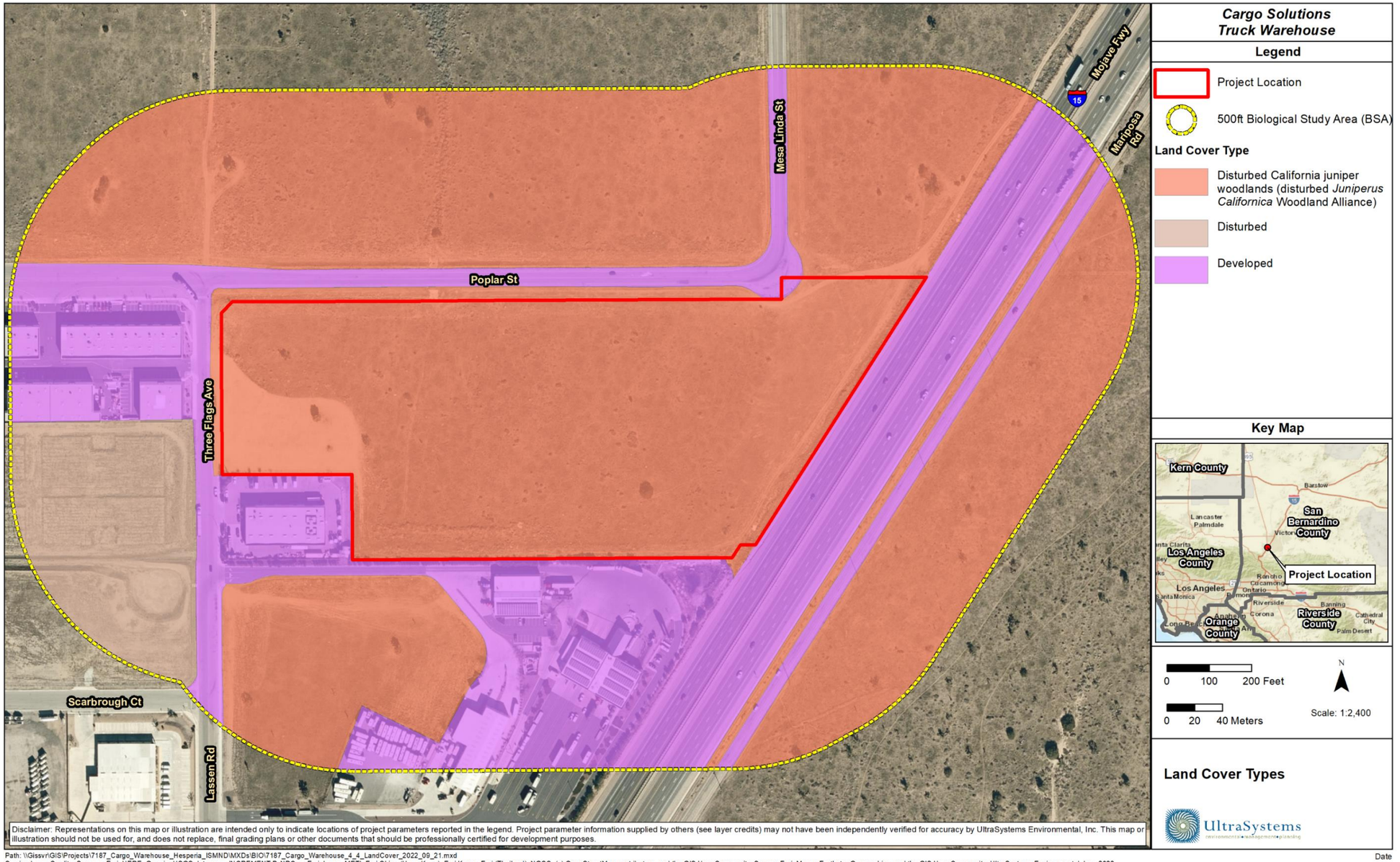


Figure 4.4–2
LAND COVER MAP



Impacts to Special Status Plants

One western Joshua tree (SCT) was observed on the project site. The literature review and field surveys concluded that the remaining plant species in the plant inventory have no more than a low potential to occur within the BSA due to a lack of suitable habitat, soils, and/or other factors to support them; these species are not anticipated to be significantly impacted as a result of the project.

Direct and indirect impacts to western Joshua tree are anticipated as a result of project construction. Therefore, acquisition of a California Fish and Game Code (FGC) § 2081 Incidental Take Permit (ITP), which is discussed below, will be required. The ITP may require on- or offsite mitigation, as well as a monitoring plan. Additionally, mitigation will be required to maintain compliance with the native desert vegetation protection as provided in the City of Hesperia Municipal Code.

Based on a literature review of publicly available databases (hereafter, plant inventory; USFWS 2022a, CNDDB 2022a, CNPS, 2022a) for reported observations within a ten-mile radius of the project site, one listed and seven sensitive plant species identified by one of the following means: of those eight total plant species, six sensitive plant species were determined to have a low potential to occur in the BSA, including within the project site, due to one or more of the following reasons: species were reported by the CNDDB or IPaC in the plant inventory, were recognized as occurring based on previous surveys or knowledge of the area, or were observed during the habitat assessment survey or other surveys (see **Figure 4.4-3)**. In addition, Joshua tree was observed on the project site during the field surveys. Joshua tree is a state candidate for listing as a threatened species (CNDDB, 2022b). These species and the remaining species determined to be unlikely to occur within the BSA are identified in **Appendix C2**, *Special-Status Species Inventory and Potential Occurrence Determination*. The project site contains low-quality suitable habitat for six of the seven sensitive plant species documented in the plant inventory, and therefore these six species were determined to have a low potential to occur in the BSA. No other special-status plant species were observed during the surveys, including the remaining seven sensitive plant species determined to have a low potential to occur. Joshua tree was observed during the field survey and, it is anticipated that construction of the project will result in significant impacts to listed plant species within the BSA. Therefore, mitigation is required.

Impacts to Special-Status Wildlife

Literature Review Results and Discussion

Based on a literature review of publicly available databases (hereafter, wildlife inventory; USFWS 2022a, CNDDB 2022a) for reported observations within a ten-mile radius of the project site, 16 listed and 20 sensitive wildlife species were reported within a 10-mile radius of the BSA because they were either reported in the wildlife inventory, recognized as occurring based on previous surveys or knowledge of the area, or observed during the habitat assessment survey or other surveys (see **Figure 4.4-4,** which displays species identified in the CNDDB wildlife inventory within a two-mile radius of the BSA). Of those 36 total species, four listed and 13 sensitive wildlife species were determined to have a low potential to occur, and 19 special-status wildlife species were determined to be unlikely to occur or are not expected to occur because the BSA lacks suitable habitat or is outside of the geographic range of these species. All species that were evaluated and their occurrence potential determinations are provided in **Appendix C2**, *Special-Status Species Inventory and Potential Occurrence Determination*. Nine special-status wildlife species were determined to have a low potential to occur in the BSA and it is anticipated that construction of the project will have less than a significant impact to these nine wildlife species.

High Potential to Occur in the BSA

Burrowing Owl

The burrowing owl (BUOW) is a small, crepuscular (active at dusk and dawn), ground-inhabiting owl that is found largely throughout the southern United States. Typical BUOW habitat is open, dry, flat ground or low rolling hills with sparse vegetation and available burrows (Gallagher, 1997). BUOWs spend most of their time on the ground or on low perch sites such as fence posts and dirt mounds. They are generally found in open country, where tree or shrub canopies cover less than 30 percent of the habitat (Center for Biological Diversity et al., 2003). Typical habitat includes annual and perennial grasslands, shortgrass prairies, open agricultural areas (particularly rangelands), desert floors, and vacant lots in residential areas and university campuses. Other habitat includes oak savannah; grass, forb, and open shrub stages of pinyon-juniper and ponderosa pine habitat; sandy beaches and coastal dunes; and river bottom lands (Center for Biological Diversity et al., 2003). BUOWs inhabiting urban landscaped areas may live in vacant fields/lots, pastures, airports, athletic fields, golf courses, cemeteries, city parks, road shoulders, drainage sumps, railroad beds, irrigation ditches, and road cuts (Center for Biological Diversity et al., 2003). The BUOW is primarily a dry grassland species, but it persists and can even thrive in some landscapes that are highly altered by human activity, such as agricultural areas in the Central and Imperial Valleys (Shuford et al., 2008). They require large open expanses of sparsely vegetated areas on gently rolling or level terrain with an abundance of active small mammal burrows (Shuford et al., 2008). Vegetation cover and height that prevents the owl from observing approaching predators places the BUOW at a severe disadvantage (Center for Biological Diversity et al., 2003). They are the only small owl likely to be seen perched in the open daylight (Sibley, 2000).

Suitable BUOW habitat must also support the primary prey items for BUOWs, such as insects and small mammals. BUOWs are opportunistic predators preying primarily on a broad array of arthropods (centipedes, spiders, beetles, crickets, and grasshoppers), and small rodents, but they also eat birds, amphibians, reptiles, and carrion. They may hunt from a perch, hover, hawk, run, walk, dive or hop after prey.

There is suitable nesting, sheltering, and foraging habitat within the BSA for BUOW. The project site contains sparse shrub cover and friable soils which are preferred conditions for BUOW. Furthermore, burrowing owl are generally adaptive to disturbances and the frequent grading of the project site would not necessarily deter this species from establishing there. It is anticipated that construction of the project could have a significant impact to BUOW and therefore mitigation is proposed.

Moderate Potential to Occur in the BSA

Loggerhead shrike

The loggerhead shrike (*Lanius ludovicianus*) is a California Department of Fish and Wildlife (CDFW) Species of Special Concern, which is a species, subspecies, or distinct population of an animal (fish, amphibian, reptile, bird and mammal) native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria: is extirpated from the state or, in the case of birds, in its primary seasonal or breeding role; is listed as federally-, but not state-, threatened or endangered; meets the state definition of threatened or endangered, but has not formally been listed; is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for state threatened or endangered status; has naturally small populations exhibiting high susceptibility to risk from any

factor(s), that if realized, could lead to declines that would qualify it for state threatened or endangered status. Loggerhead shrike is also a USFWS Bird of Conservation Concern (BCC), which is a bird species listed in the USFWS 2008 Birds of Conservation Concern report. The report identifies species, subspecies, and populations of all migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that, without additional conservation actions, are likely to become candidates for listing under the ESA. While all of the bird species included in the report are priorities for conservation action, the list makes no finding with regard to whether they warrant consideration for ESA listing.

Loggerhead shrike is a common resident and winter visitor in lowlands and foothills throughout California. This species inhabits areas with scattered shrubs, trees, posts, fences, utility lines, or other hardwood – conifer, valley foothill riparian, pinyon-juniper, juniper, desert riparian, and Joshua tree habitats. The BSA is in the known distributional range of the species and contains potentially suitable nesting and foraging habitat (open habitat, Joshua trees). Due to these factors, there is moderate potential for the species to occur in the BSA. Construction of the project would involve grading of the entire project site and the Joshua trees and juniper would be significantly impacted as a result. Although there is suitable habitat for loggerhead shrike on the project site, the area of suitable habitat that would be destroyed by grading activities is relatively small and does not represent an expansive area of suitable habitat for this species. Therefore, the loss of this area would not have a substantial effect on the availability of loggerhead shrike habitat or population levels statewide. These impacts do not meet the threshold of significance set forth in § 15065 of the California Environmental Quality Act (CEQA) Guidelines. Therefore, construction of the project would have a less than significant impact to loggerhead shrike.

Figure 4.4-3
CNDDB KNOWN OCCURRENCES PLANT SPECIES AND HABITATS

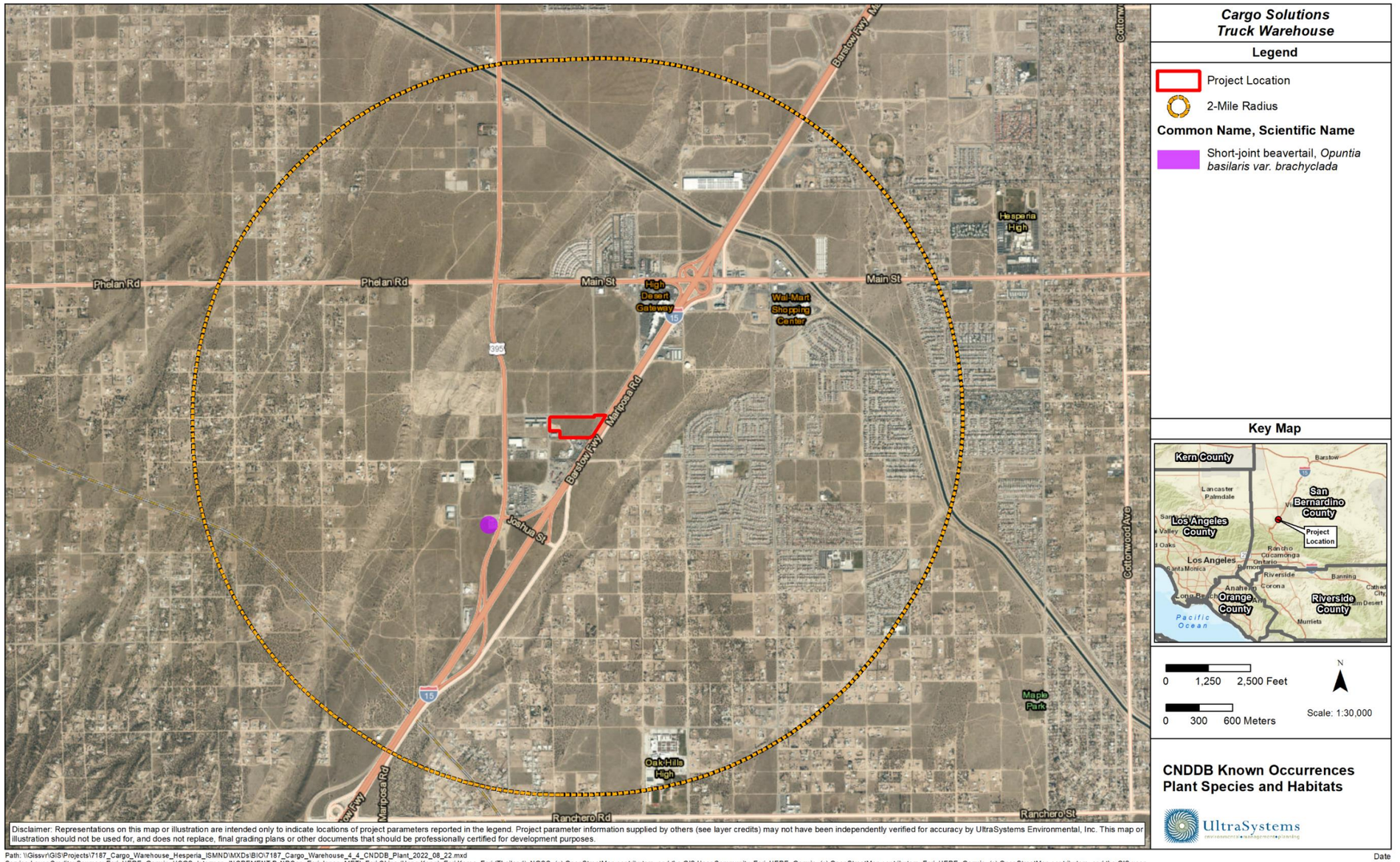
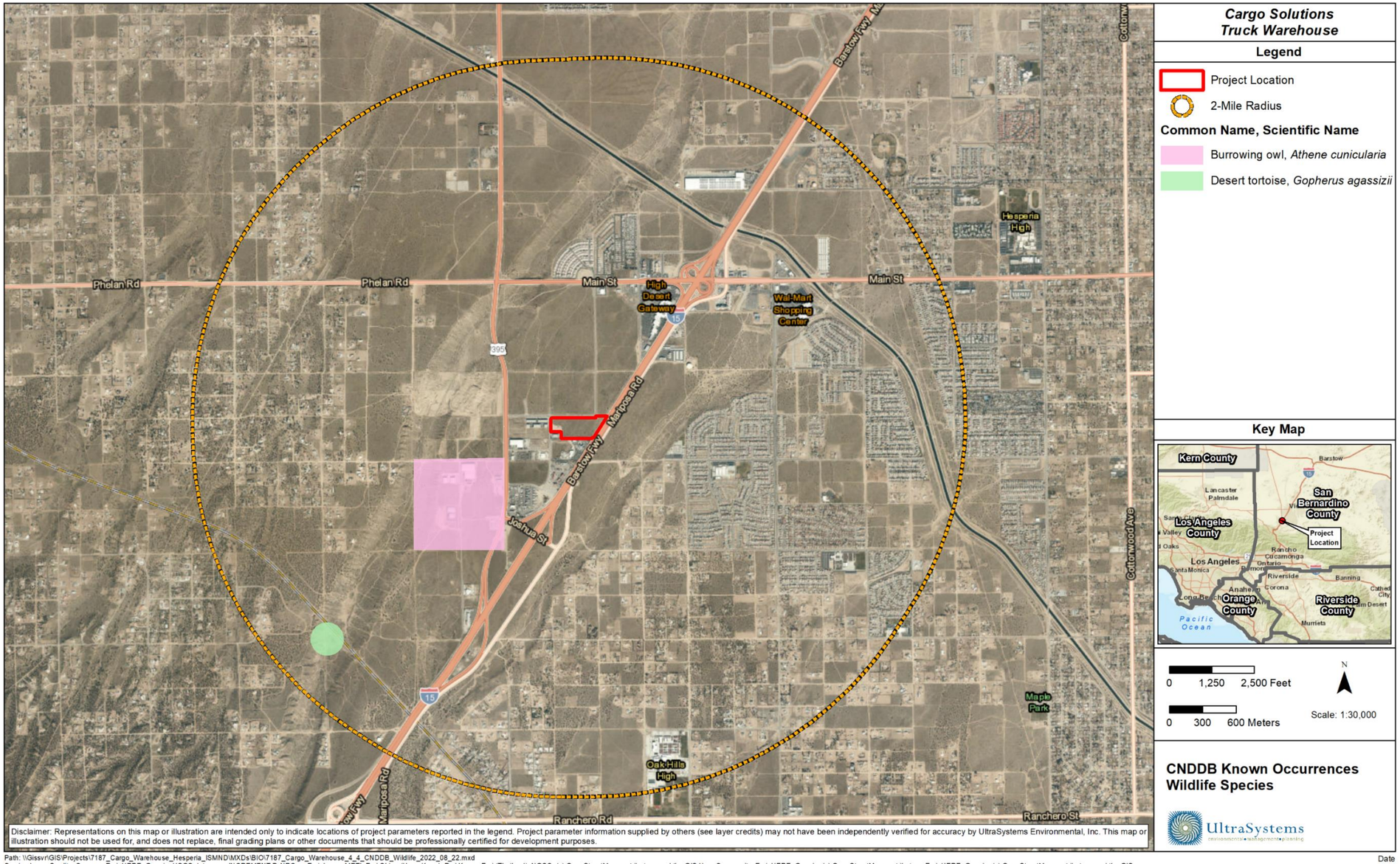


Figure 4.4-4
CNDDB KNOWN OCCURRENCES WILDLIFE SPECIES



Path: \\Gissvr\GIS\Projects\7187_Cargo_Warehouse_Hesperia_ISMND\MXDs\BIO\7187_Cargo_Warehouse_4_4_CNDDB_Wildlife_2022_08_22.mxd
Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community; CDFW, August 2022; UltraSystems Environmental, Inc., 2022.

General Wildlife Surveys Results and Discussion

Due to frequent disturbances within the BSA, including regular vegetation clearance, frequent traffic noise, and human activity levels, it is not likely that a diverse array of special-status species would establish in or utilize the BSA. It is unlikely that raptors would build nests within the BSA. The BSA lacks dense stands of trees with contiguous canopies to provide good cover for raptor nests.

No listed wildlife species were observed within the BSA during the biological surveys. The results of the literature review and field surveys concluded that the following sensitive wildlife species have a low potential to occur within the BSA: quino checkerspot butterfly, Crotch's bumble bee, Mohave ground squirrel, and desert tortoise. All of the listed wildlife species in the wildlife inventory were determined to have no more than a low potential to occur. Therefore, no direct impacts to listed endangered, threatened, or candidate wildlife are anticipated as a result of construction of the project.

No special-status wildlife species were observed within the BSA during the biological surveys. The results of the literature review and field surveys concluded that the following sensitive wildlife species have low potential to occur within the BSA: desert kit fox, prairie falcon, Blainville's horned lizard, Swainson's hawk, and Cooper's hawk. See **Appendix C2**, *Special-Status Species Inventory and Potential Occurrence Determination* for further discussion of these species.

Special-status species may occur on the project site for occasional foraging activities or as flyovers, but were not observed during surveys and do not appear to reside permanently within the BSA. The project site is surrounded by open space and some commercial buildings. Noise, traffic, and other human disturbances associated with the presence of the commercial buildings in the vicinity may deter many special-status wildlife species from utilizing the BSA. In addition, there is evidence that the project site and other disturbed areas in the BSA frequently undergo vegetation removal or grading, which would likely deter fossorial and ground-nesting birds from utilizing the project site for nesting.

However, the BSA contains trees, shrubs, and other physical features that could potentially provide foraging, nesting, and cover habitats to support some bird species (year-round residents, seasonal residents, and migrants). A majority of the birds observed during the field could potentially breed within the BSA; these are protected by the Migratory Bird Treaty Act (MBTA) and § 3503, § 3503.5, and § 3513 FGC. Refer to the recommended mitigation measures below, which would reduce potential project impacts to the biological resources discussed herein.

General Plant Surveys Results and Discussion

As previously discussed, one special-status plant species, western Joshua tree, was observed during the field survey. Six living individuals were observed, along with numerous stumps. An additional Joshua tree, which appeared to have been living prior to grading as indicated by a single trunk with live (green) leaves observed in the soil pile pushed up by the grading, was also observed. Joshua tree is a state candidate for listing as a threatened species (CNDDB, 2022b). It is anticipated that the project will directly impact western Joshua tree. Therefore, mitigation is required. Implementation of measure **BIO-1** will reduce impacts to species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS, to a less than significant level.

Due to frequent disturbances within the BSA, including grading, frequent traffic noise, and human activity levels, it is not likely that a diverse array of special-status species would establish in or utilize the BSA. It is unlikely that raptors would build nests within the BSA. The BSA lacks dense stands of trees with contiguous canopies to provide good cover for raptor nests. In addition, the BSA only offers minimal habitat value for fossorial species such as and Mohave ground squirrel.

Sensitive wildlife could potentially be impacted by construction and project development, and mitigation is recommended. Implementing the recommended mitigation measures **BIO-2** through **BIO-5** will help to minimize or avoid impacts to sensitive wildlife that could potentially occur within the BSA.

Several mitigation measures would be implemented in order to minimize and avoid impacts to loggerhead shrike, burrowing owl, and other special-status wildlife species that could potentially occur on the project site. Mitigation measure **BIO-1** involves acquisition of a § 2081 FGC Incidental Take Permit. Mitigation measure **BIO-2** provides for the instatement of focused burrowing owl surveys and protection measures. Implementation of mitigation measure **BIO-3** provides for the instatement of a pre-construction general wildlife survey. Mitigation measure **BIO-4** provides for a loggerhead shrike survey and protection measures, and **BIO-5** provides for a pre-construction breeding bird survey. All recommended surveys shall be conducted by a qualified biologist. With the implementation of mitigation measures **BIO-2** through **BIO-5**, the impacts of construction and project operations to sensitive wildlife would be less than significant.

Mitigation Measures

MM BIO-1: **§2081 FGC Incidental Take Permit**

Western Joshua trees are a state candidate for listing under CESA and will require a § 2081 FGC Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of **MM BIO-6**. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where take is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW.

MM BIO-2: **Focused Burrowing Owl Survey**

Although BUOW was not observed on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist would conduct a focused BUOW survey in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012).

Following the completion of the survey, the biologist would prepare a letter report summarizing the results of the survey. The report would be submitted to the City prior to initiating any ground disturbance activities.

If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required.

If BUOW or signs of BUOW are observed during the survey, the site would be considered occupied. The biologist would implement mitigation measure **BIO-2** and contact the City of Hesperia, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures, prior to commencing project activities. The list of potential measures to avoid and minimize impacts to BUOWs described below would be implemented.

BUOW Protection Measures

If BUOWs or signs of BUOW are observed during the survey, then the site would be considered occupied and the biologist shall contact the City, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures discussed below, prior to commencing project activities.). If no BUOW or signs of BUOW are observed during the focused surveys, the components of this measure (discussed below) would not be applicable.

Planning BUOW Protection

Grading, construction, and other project activities on all grassland habitat will be delayed until the qualified biologist has implemented burrow exclusion and closure. No ground-disturbing activities within 165 feet of an active BUOW burrow will be permitted until burrow exclusion and closure have been implemented. No destruction of foraging habitat will be permitted until burrow exclusion and closure have been implemented.

Preconstruction BUOW Protection

Prior to the initiation of grading and construction activities, the biologist shall implement passive relocation of an active BUOW burrow by installing a one-way door and then permanently excluding the BUOW from returning once it is confirmed that no BUOW individuals remain in the burrow. A biological monitor will visit the site daily to verify that the burrow is empty by monitoring and scoping the burrow.

Construction BUOW Protection Measures

A biological monitor will be onsite to monitor any BUOW or signs of BUOW. If any BUOW are observed then the biologist will consult with the County EMD and CDFW to determine the appropriate measures.

MM BIO-3: Pre-Construction General Wildlife Survey

Special-status wildlife species that have no designated status under the ESA, the CESA, and/or the NPPA, but are designated as sensitive or locally important by federal agencies, state agencies, local agencies such as the RCA, and nonprofit resource organizations such as the CNPS are referred to as sensitive in this section. The following measures will be implemented to minimize impacts to these species which include but are not limited to: Blainville's horned lizard and desert kit fox. The measures below will help to reduce direct and indirect impacts caused by construction on various sensitive species to less than significant levels.

- A qualified biologist will conduct a pre-construction general wildlife survey for sensitive wildlife and potential nesting sites such as open ground, shrubs, and burrows within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance.

- If sensitive species and/or active nesting sites are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required.

- If any sensitive wildlife species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency. zone.

- Sensitive wildlife species and/or potential nesting sites will not be disturbed, captured, handled or moved.

MM BIO-4: Loggerhead Shrike Survey and Protection Measures

The following measures are proposed in order to minimize impacts to loggerhead shrike, for which there is suitable habitat in the BSA.

- If activities occur during the breeding/nesting period, a wildlife survey will be completed by a qualified biologist to identify potential loggerhead shrike activity in the area of the project activities.

- Additional species surveys to determine presence/absence of birds prior to disturbances, from May 1 until the work start date, if the work start date is prior to August 31. Surveys are to occur weekly in May, every other week in June, and once per month in July and August (assuming no loggerhead shrike are observed).

- Incidental occurrences of other sensitive avian species such as Swainson's hawk, prairie falcon, and Cooper's hawk should also be recorded during the survey.

MM BIO-5: Pre-Construction Breeding Bird Survey

To maintain compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels.

Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird

season to avoid potential direct impacts to migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities.

- If project activities cannot be avoided during February 15 through September 15, a qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance.

- If no breeding birds or active nests are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required.

- If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone.

- If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency.

- Birds or their active nests will not be disturbed, captured, handled or moved. Active nests cannot be removed or disturbed; however, nests can be removed or disturbed if determined inactive by a qualified biologist.

Level of Significance After Mitigation

Implementing mitigation measures **BIO-1** through **BIO-5** would reduce to special-status plant and wildlife species to a less than significant degree. Several mitigation measures would be implemented in order to minimize and avoid impacts to loggerhead shrike, burrowing owl, and other special-status wildlife species that could potentially occur on the project site. Mitigation measure **BIO-1** involves

acquisition of a § 2081 FGC Incidental Take Permit. Mitigation measure **BIO-2** provides for the instatement of focused burrowing owl surveys and protection measures. Implementation of mitigation measure **BIO-3** provides for the instatement of a pre-construction general wildlife survey. Mitigation measure **BIO-4** provides for a loggerhead shrike survey and protection measures, and **BIO-5** provides for a pre-construction breeding bird survey. All recommended surveys shall be conducted by a qualified biologist. With the implementation of mitigation measures **BIO-1** through **BIO-5**, the impacts of construction and project operations to special-status plants and wildlife would be less than significant.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

Less Than Significant with Mitigation Incorporated

Land Cover Type Mapping

The project site is situated on relatively level ground; no ephemeral, intermittent, or perennial streams or rivers were identified in the literature review or observed during the biological survey. The BSA does not support riparian habitat. There was one land cover type observed within the project site and three altogether within the BSA. The project site is covered by disturbed California juniper woodland, which is considered a sensitive plant community on the *CDFW California Natural Community List* (CDFW, 2022a). Direct impacts to this sensitive plant community are anticipated as a result of project development. Therefore, mitigation is required. Please refer to mitigation measure **BIO-6** in **Section 4.4(e),** Native Desert Vegetation Survey and Protected Plant Preservation Plan. A native desert vegetation survey must be conducted to produce findings that will guide the formation of this plan. The survey objective is to evaluate the health and general condition of the western Joshua trees and creosote bush present on the project site. A project-specific plan will provide further guidance regarding the transplant and/or preservation of the western Joshua trees and protection for creosote rings and other native vegetation, per § 16.24.150 of City Municipal Code (see Section 4.4[e]).

Direct impacts to sensitive plant communities are anticipated as a result of construction of the project, and therefore mitigation is proposed. The land covers mapped in the BSA are described below.

Disturbed California Juniper Woodlands

The entire project area (approximately 19 acres) was mapped as disturbed California juniper woodlands. Approximately 56.1 acres of disturbed California juniper woodlands was mapped within the BSA, including areas off the project site. California juniper woodland community occurs on ridges, slopes, valleys, alluvial fans, and valley bottoms in soils that are porous, rocky, coarse, sandy, or silty, and often very shallow (Sawyer et al., 2009; CNPS, 2022b). The project site appears to have been a former California juniper woodland that has been mostly cleared from the site. Natural vegetation remaining on the project site in this community includes one large California juniper shrub and several western Joshua trees. A recent grubbing of the site, likely conducted within a month prior to the biological reconnaissance survey, removed several western Joshua trees, as evidenced by stumps in the ground and numerous branches and other Joshua tree parts distributed on the ground surface. Less disturbed examples of California juniper woodland community are distributed in the project vicinity, including off-site portions of the BSA. Other native shrub species observed in this community

in off-site locations include peach thorn (*Lycium cooperi*), Great Basin sagebrush (*Artemisia tridentata*), Nevada ephedra (*Ephedra nevadensis*), rubber rabbitbrush (*Ericameria nauseosa*), California buckwheat (*Eriogonum fasciculatum*), and California broomsage (*Lepidospartum squamatum*). The distribution of this community within the BSA is depicted in **Appendix C2**, Figure 6 Land Cover Types.

Developed

Approximately 24.3 acres of developed land cover type was mapped within the BSA, including areas off the project site. No developed land cover type was mapped within the project boundary. Developed areas include structures, roads, sidewalks, paving, and other impermeable surfaces that are associated with industrial development in the area and that cannot support vegetation. Developed areas in the BSA include commercial buildings south and west of the project site, segments of Poplar Street, the Mojave Freeway (I-15), Three Flags Avenue, Mariposa Road, and Mesa Linda Street (see **Appendix C2**, Figure 6 *Land Cover Types*).

Disturbed

Approximately five acres of disturbed land cover type was mapped within the BSA, including areas off the project site. No disturbed land cover was mapped within the project boundary. Disturbed lands consist of exposed soils that have undergone some type of disturbance such as compaction by vehicle traffic, mowing, disking, excavation or other type of alteration of the soil surface. These lands often consist of ruderal vegetation dominated by non-native, weedy species. An extensive area of disturbed lands is located in the western portion of the project site and in other, smaller areas on the project site and within the BSA on adjacent lands. The larger disturbed area is bare ground that has been used as a parking area for a long period. Other disturbed lands on the project site and within the BSA include dirt trails and unpaved road shoulders. These areas are mostly bare but include sparsely distributed weedy vegetation that includes red brome (*Bromus rubens*) and prickly Russian thistle (*Kali tragus*). The distribution of disturbed lands within the BSA is depicted in **Appendix C2**, Figure 6 *Land Cover Types*.

Mitigation Measures

Refer to **MM BIO-6** above in Threshold 4.4e), which addresses mitigation for impacts to disturbed California juniper woodlands. This mitigation measure involved the creation of a Native Desert Vegetation Survey and Protected Plant Preservation Plan. See the discussion in Threshold 4.4e) for more information.

Level of Significance After Mitigation

After implementation of **MM BIO-6**, which is discussed later in this section in Threshold e), impacts to sensitive natural communities would be less than significant.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact

The project site is situated on relatively level ground, and no ephemeral, intermittent, or perennial streams or rivers were identified in the literature review or observed during the biological survey. Vegetation within the BSA primarily consists of non-native annual grasses and forbs.

An NWI-mapped riverine wetland is located approximately 0.65 west of the project site (USFWS, 2022c). Drainages, depressions, and other topographic features that would be conducive to wetlands formation were not observed within the BSA. Runoff from the project site travels to the southwest, joining this riverine area, however the project proponent has prepared a *Water Quality Management Plan* (WQMP) which is designed to retain stormwater generated onsite (Allard Engineering, 2022a; see **Section 4.10** Hydrology and Water Quality).

A desktop study for wetlands and other waters of the U.S. or State determined that the project site does not contain drainages with a definable bed, bank, channel, or evidence of an ordinary high-water mark. Neither wetland hydrology, wetland soils, nor wetland plants were observed during the field surveys. It was determined that state or federal protected wetlands and other waters do not occur on the project site. No impact would occur and mitigation is not required.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native nursery sites?

Less Than Significant Impact

The BSA does not contain CDFW Natural Landscape Blocks, Essential Connectivity Areas, or other CDFW-mapped wildlife corridors. The nearest CDFW-mapped wildlife corridor to the project site is Choke-point, 395 South of Ridgecrest. This linkage is located approximately 1.2 miles south of the project site (CDFW, 2022c). The areas adjacent to the project to the south and west are developed with structures intended for commercial use. Although the project area and its surroundings contain undeveloped areas that could function as a local wildlife movement corridor, the proposed project will be constructed in an area that would not result in significant new habitat fragmentation, and would not significantly impede the passage of wildlife because there will still be available local movement corridors in the vicinity after construction of the project, therefore resulting in less than significant impact.

Construction and operation of the proposed project would not significantly interfere with the movement of native resident or migratory fish or wildlife species or with native resident or migratory wildlife corridors. Less than significant impact would occur, and mitigation is not proposed.

Impacts to native wildlife nursery sites are not anticipated as a result of the project. There were no observations during the biological survey that indicate native species give birth and raise young within the BSA. No impact to native wildlife nursery sites is anticipated as a result of the project, and no mitigation is proposed.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant with Mitigation Incorporated

The following native desert plants are subject to the regulations implemented in Chapter 16.24 of the City Municipal Code, as per § 16.24.150:

1. *"The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:*
   (a)Dalea, Spinosa (smoketree)
   (b) All species of the family Agavaceae (century plants, nolinas, yuccas)
   (c) All species of the genus Prosopis (mesquites).
2. *Creosote rings, ten feet or greater in diameter.*
3. *All Joshua trees (mature and immature)."*

The project site contains approximately 20 to 30 western Joshua trees, a species that qualifies for protection under Article II, § 16.24.150, which also provides that "*all plants protected or regulated by the State Desert Native Plants Act (i.e., Food and Agricultural Code 80001 et seq.) shall be required to comply with the provisions of those statues prior to the issuance of any county development permit or land use application approval. The county agricultural commissioner is the responsible agency for the issuance of any required wood tags, seals or permits*" (City of Hesperia; 1997). A qualified City-approved biologist or arborist should be retained to conduct any future relocation/transplanting activities and should follow the protocol of the City's Municipal Code. As provided in § 16.24.120 of

City Municipal Code, "*any person who willfully removes, or harvests or transplants a living desert native plant shall first obtain approval from the county to do so in accordance with the procedures set forth in Sections 16.24.040 or 16.24.110 et seq*." (City of Hesperia, 1997). The City of Hesperia considers all western Joshua trees as one of the protected vegetation types.

To mitigate for the impacts to the protected native desert vegetation on the project site, the project proponent will implement mitigation measure **BIO-6** which proposes that a native desert vegetation survey is conducted to aid in the creation of a Preservation Plan as required by the City. After implementation of **BIO-6,** which is further discussed below, impacts to protected native desert vegetation would be reduced to a less than significant degree.

Mitigation Measures

MM BIO-6: Native Desert Vegetation Survey and Protected Plant Preservation Plan

A Preservation Plan will be prepared and submitted to the City, which is required by City Municipal Code. A native desert vegetation survey must be conducted to produce findings that will guide the formation of this plan. The survey objective is to evaluate the health and general condition of the western Joshua trees and creosote bush present on the project site. A project-specific plan will provide further guidance regarding the transplant and/or preservation of the western Joshua trees and protection for creosote rings "10 feet or greater in diameter" as per § 16.24.150 of City Municipal Code. Transplant suitability of the western Joshua trees will be determined by the results of the survey. This survey shall be conducted by a qualified City-approved biologist or arborist. The plan will incorporate survey data, identify and outline preconstruction survey methods for the native desert vegetation on the project site, describe preconstruction and construction-phase biological monitoring and transplant methods that are applicable, or outline any identified CDFW permit and Memorandum of Understanding requirements for active relocation, if either is necessary. The Plan should be referred to for a detailing of protective actions regarding the western Joshua trees on the project site.

Level of Significance After Mitigation

Implementing measure **BIO-6** would reduce impacts of removals of the protected native desert vegetation to a less than significant degree.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact

The project will not conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The project is not located in an area covered by conservation plans such as those listed above. The plant protections implemented by City's Municipal Code are discussed in the previous **Section e).** Therefore, there would be no impacts.

4.5 Cultural Resources

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?				**X**
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		**X**		
c) Disturb any human remains, including those interred outside of formal cemeteries?		**X**		

Information from UltraSystems' Cultural Resources Inventory Report, (see **Appendix D1),** prepared for the Cargo Solutions Truck Warehouses Project, City of Hesperia, San Bernardino County, dated September 25, 2024 has been included within this section.

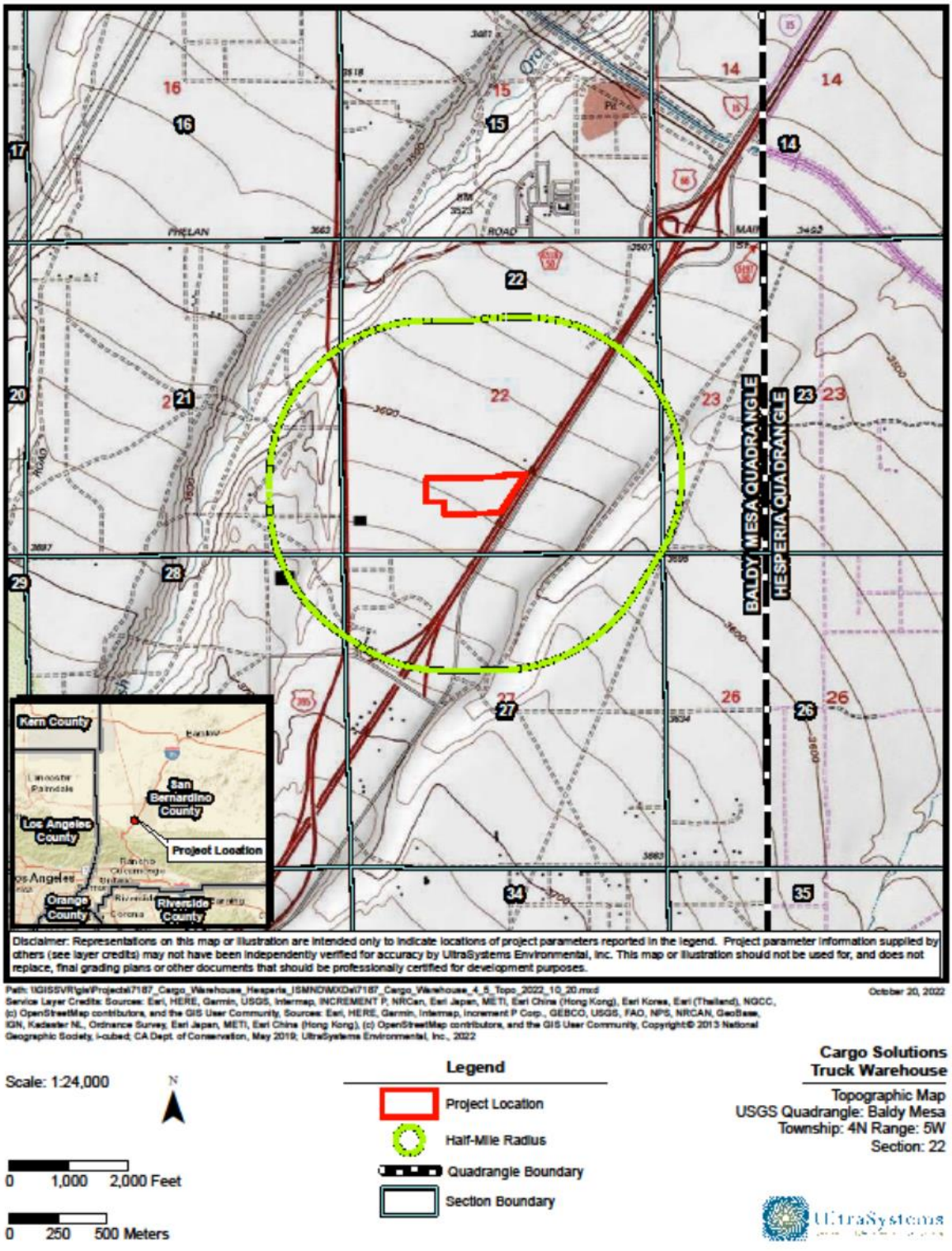
4.5.1 Methodology

A cultural resources inventory was conducted by Megan B. Doukakis, Assistant Project Archaeologist, on October 4, 2022 for the Cargo Solutions Truck Warehouses Project site (see **Figure 4.5-1).** The inventory includes a California Historic Resources Inventory System (CHRIS) records and literature search at the South Central Coastal Information Center (SCCIC) at California State University, Fullerton. Additionally, a request was made to the Native American Heritage Commission (NAHC) to conduct a search of their Sacred Lands File (SLF) for potential traditional cultural properties as well as to provide a list of local Native American tribal organizations to contact. The NAHC request was made on August 17, 2022, and a reply was received on October 7, 2022; letters were sent to the listed tribes on October 11, 2022 and follow-up telephone calls were conducted following conclusion of the two-week response period on October 25, 2022. A pedestrian field survey of the project site was conducted on August 31, 2022.

4.5.2 Existing Conditions

As noted, a cultural resources records search was conducted at the SCCIC on October 4, 2022. One prehistoric and one historic cultural resource sites were listed for the project parcel. Two prior surveys included the project parcel, one with positive results for a prehistoric isolate, and six other surveys were conducted within the one-half mile buffer of the project parcel (see **Section 4.1** and **Tables 4.1-1** and **Table 4.1-2** in **Appendix D1**). The pedestrian field survey undertaken for this project noted the presence of an historic trash scatter (see **Section 4.3** in **Appendix D1**) but was negative for prehistoric resources.

Figure 4.5-1
TOPOGRAPHIC MAP



4.5.3 Impact Analysis

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?

No Impact

A historical resource is defined in § 15064.5(a)(3) of the *CEQA Guidelines* as any object, building, structure, site, area, place, record, or manuscript determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. Historical resources are further defined as being associated with significant events, important persons, or distinctive characteristics of a type, period or method of construction; representing the work of an important creative individual; or possessing high artistic values. Resources listed in or determined eligible for the California Register, included in a local register, or identified as significant in a historic resource survey are also considered as historical resources under CEQA.

Similarly, the National Register criteria (contained in Code of Federal Regulations Title 36 § 60.4) are used to evaluate resources when complying with Section 106 of the National Historic Preservation Act. Specifically, the National Register criteria state that eligible resources comprise districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that (a) are associated with events that have made a significant contribution to the broad patterns of our history; or (b) that are associated with the lives of persons significant in our past; or (c) that embody the distinctive characteristics of a type, period, or method of construction, or that possess high artistic values, or that represent a significant distinguishable entity whose components may lack individual distinction; or (d) that have yielded or may be likely to yield, information important to history or prehistory.

A substantial adverse change in the significance of an historical resource, as a result of a project or development, is considered a significant impact on the environment. Substantial adverse change is defined as physical demolition, relocation, or alteration of a resource or its immediate surroundings such that the significance of the historical resource would be materially impaired. Direct impacts are those that cause substantial adverse physical change to a historic property. Indirect impacts are those that cause substantial adverse change to the immediate surroundings of a historic property, such that the significance of a historical resource would be materially impaired.

The two archaeological sites located in the project boundary consisted of a single prehistoric isolate and an historic homestead. An historic homestead (36-010288) covered approximately a quarter section of land that includes the current project parcel (Alexandrowicz 2000; McKenna. 2015). This 160-acre area was homesteaded by John E. Dufton in 1892. Structural debris and historic refuse scatters were present during the 2000 and 2005 surveys but no structural remains from the homestead were identified. No historic features were identified within the project boundary, and none were observed during the current project survey.

With the found historic trash scatter not meeting criteria to qualify as a significant historic resource, there would be no substantial adverse change in the significance of a historical resource pursuant to in § 15064.5, and therefore the project would have no impact in this regard.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less than Significant Impact with Mitigation Incorporated

An archaeological resource is defined in § 15064.5(c) of the CEQA Guidelines as a site, area or place determined to be historically significant as defined in § 15064(a) of the CEQA Guidelines, or as a unique archaeological resource defined in § 21083.2 of the Public Resources Code as an artifact, object or site that contains information needed to answer important scientific research questions of public interest or that has a special and particular quality such as being the oldest or best example of its type, or that is directly associated with a scientifically-recognized important prehistoric or historic event or person.

Historical USGS topo maps and aerial photos indicate that the project site has always been open desert land, indicating it has been minimally disturbed, with the native surface soil remaining. There has been some shallow grading to build berms around the boundary and some discing. The cultural resources investigation conducted by UltraSystems, which included a CHRIS records search of the project site and buffer zone, a search of the SLF by the NAHC, and pedestrian field survey, suggests there is a medium potential for undisturbed unique archeological resources exist on the project site.

Based on the SCCIC cultural resources records search, it was determined that there is one prehistoric resource consisting of an isolate obsidian nodule, and one historic cultural resource consisting of an 1890s homestead but with no features located within the project parcel itself, previously recorded within the project site boundary. Within the half-mile buffer zone, there have been ten recorded historic period resources. **Table 4.1-1 in Appendix D1** summarizes these resources. The ten historic-era resources break down to three dirt roads and seven refuse deposits.

According to the records at the SCCIC, there have been eight previous cultural resource studies within portions of the 0.5-mile buffer of the project (See Attachment D and **Table 4.1-2** in **Appendix D1**). Two of these studies are located within the project boundary and six of these studies are located outside of the project boundary but in the half-mile buffer zone.

The entire project area was surveyed by McKenna in 1991 (SB-02476) for a Phase I Linear Survey for the Hesperia Improvement District (McKenna 1991). This project indicated that the far east margin of the project boundary may be sensitive for cultural resources. In the southwest corner of the project boundary a Cultural Resources Assessment (SB-04036) took place on 1.44 acres for a proposed office building construction (Cerreto 2004). This survey was positive for an isolated flaked pyroclastic nodule of obsidian (36-020263).

A NAHC SLF search was conducted on and within a half-mile buffer around the project site. The NAHC letter of October 7, 2022 was negative for the presence of a traditional cultural property within this area. Twenty representatives of 14 Native American tribes were contacted requesting a reply if they have knowledge of cultural resources in the area that they wished to share and asking if they had any questions or concerns regarding the project. These tribes included:

- Agua Caliente Band of Cahuilla Indians
- Chemehuevi Indian Tribe
- Gabrielino – Tongva Tribe
- Morongo Band of Mission Indians
- Quechan Tribe of the Fort Yuma Reservation
- San Fernando Band of Mission Indians

- Gabrielino Band of Mission Indians – Kizh Nation
- Gabrielino/Tongva San Gabriel Band of Mission Indians
- Gabrielino / Tongva Nation
- Gabrielino Tongva Indians of California Tribal Council
- San Manuel Band of Mission Indians
- Santa Rosa Band of Cahuilla Indians
- Serrano Nation of Mission Indians
- Twenty-Nine Palms Band of Mission Indians

There have been five responses to the outreach contacts from the 15 tribes. On October 12, 2022, Patricia Garcia-Plotkin, Director for the Agua Caliente Band of Cahuilla Indians indicated through email the project is not located within the Tribe's Traditional Use Area and that they are deferring any comments to closer tribes. Jill McCormick, Historic Preservation Officer for the Quechan Tribe of the Fort Yuma Reservation responded though email on October 12, 2022, indicating that the tribe does not wish to comment on this project and defers to more local tribes. Ryan Nordness, Cultural Resources Analyst for the San Manuel Band of Mission Indians indicated through email on October 18, 2022 that the proposed project is located 0.4 miles south of two known prehistoric privy/scatter sites and 0.6 miles northeast from a lithic scatter and hearth site. The area is of concern to the tribe and the Band's cultural resources department is interested to consult whenever this project moves into AB 52/CEQA territory. During a telephone call October 25, 2022, Chairperson Anthony Morales, Chairperson of the Gabrieleno/Tongva San Gabriel Band of Mission Indians indicated that he did not have much information about the project area. But due to the resources present Mr. Morales would like to be informed of any artifacts that are encountered. Christina Conley, Tribal Consultant and Administrator for the Gabrielino Tongva Indians of California Tribal Council indicated that the tribe does not have any comment as it is outside of their tribal area. They defer to sister tribes. (See Attachment C in **Appendix D1**.)

Following up on the initial letter and email contacts, telephone calls were conducted on October 25, 2022, by Assistant Project Archaeologist Megan Doukakis to complete the outreach process. These calls were to the 14 tribal contacts who had not already responded to UEI mailing and email. Seven telephone calls were placed with no answer and so messages were left describing the project and requesting a response. These were to Chairperson Sandonne Goad, Chairperson of the Gabrielino/Tongva Nation; Councilmember Charles Alvarez, for the Gabrielino Tongva Tribe; Ann Brierty, Tribal Historic Preservation Officer for the Morongo Band of Mission Indians; Robert Martin, Chairperson for the Morongo Band of Mission Indians; Donna Yocum, Chairperson for the San Fernando Band of Mission Indians; Wayne Walker, Co-Chairperson for the Serrano Nation of Mission Indians; Anthony Madrigal, Historic Preservation Officer for the Twenty-Nine Palms Band of Mission Indians. In a call to Andrew Salas, Chairperson for the Gabrieleno Band of Mission Indians - Kizh Nation, there was no answer, and the mailbox was full so no message could be left. In a call to Sierra Pencille, Chairperson of the Chemehuevi Indian Tribe, the tribal receptionist asked that we leave a message for the Chairperson and a message was left. In a call to Lovina Redner, Tribal Chair of the Santa Rosa Band of Cahuilla Indians, the tribal receptionist answered and indicated that Tribal Chair Redner was not in the office and transferred our call to the Chair's voicemail where a message was left. In a call to Mark Cochrane, Co-Chairperson of the Serrano Nation of Mission Indians, the phone number was out of service. In a call to Darrell Mike, Chairperson for the Twenty-Nine Palms Band of Mission Indians, the tribal receptionist indicated that the Chairperson was not in so she sent us to his assistant's phone; the assistant did not answer, and a message was left.

An intensive level pedestrian survey of the project site was conducted on August 31, 2022. The survey consisted of walking over, visually inspecting and photographing the exposed ground surface of the project site in parallel north/south transects spaced 15 meters apart across the

project site. In this way the ground surface in the project area was carefully examined for any evidence of human activities dating to the historic (i.e., 50 years or older) or prehistoric periods.

The project site was seen to have been heavily disturbed by grubbing at some point between October 2020 and June 2022, with most of the vegetation and a significant amount of soil being bulldozed into a long berm along the southern portion of the parcel. The project area slopes downward gently towards the bottom of the valley and the Mojave River to the northeast. The vegetation was observed to consist mostly of thistle with a handful of Joshua trees and a juniper tree, as well as small grasses and brush. Ground visibility was very good (95-100 percent) with thistle brush being the only obscuring factor.

During the survey, the ground surface within and adjacent to the project area was inspected for any evidence of human activities dating to the prehistoric or historic periods. During survey preparation, a dirt road was noted crossing the project area from north to south which first appears on USGS topographic maps as early as 1902, first appearing on a historical aerial photo in 1938 (NETR Online). During the current survey this road segment within the project area was found to have been obliterated during the aforementioned grubbing between 2020 and 2022.

An historical refuse scatter was noted in the eastern half of the project parcel. The refuse scatter consisted of cans, a tobacco tin, and fragments of historical glass. There were five metal containers consisting of meat and beverage cans and a tobacco tin. The historical glass consisted of approximately 15 bottle body fragments with a range of colors (opaque white, colorless, aqua, brown, sun-colored amethyst) along with an aqua bottle base fragment containing the text "DR W…" The coordinates, descriptions, and photos of this refuse scatter were recorded and a site record Update has been prepared for the site. This feature has been determined to be a component of the larger CA-SBR-10288H site, the John E. Dufton homestead (see **Section 4.1.1** in **Appendix D1**). See the Continuation Sheet for CRM TECH 3937-1H in **CONFIDENTIAL** Attachment E of **Appendix D1**.

No further historic features or artifacts were observed, and no prehistoric features or artifacts were observed in the project area.

Two archaeological resources – one prehistoric and one historic – were identified in the CHRIS record literature search in the project site. These consist of a single worked nodule of obsidian (36-020263) located in the north-central portion of the project parcel. The prehistoric isolate is a small isolated pyroclastic nodule of obsidian located near the west end of the project boundary (Cerreto and Cunningham 2004). There are two or three small blade-like flakes removed from the nodule indicating a bipolar reduction technique was used. No prehistoric cultural resources were observed during the current archaeological survey and the obsidian nodule was not relocated.

The historic resource consists of the John E. Dufton homestead (CA-SBR-10288H) which encompasses the project site and a large area to the north, though no features were recorded within the current project site itself. There are seven historic period refuse deposits and three historic period dirt roads located within the half-mile radius of the project area, several of which have since been lost due to grading and plowing. Historical maps indicate that the project site had been open land. The pedestrian survey located and recorded a light scatter of historic refuse in the eastern portion of the project parcel, which has been recorded as a component of CA-SBR-10288H. The cultural resources study's findings based on the records search and pedestrian survey suggest that there is a medium potential for the presence of prehistoric cultural resources

The San Manuel Band of Mission Indians indicated they are aware of one prehistoric and two historic recorded sites in the vicinity of the project parcel. There was no further information regarding potential cultural resources or recommendations from tribal contacts (see **Section 4.2** and Attachment C in **Appendix D1**).

The light refuse scatter observed in the eastern area of the project site does not warrant preservation. However, as a component of the larger Dufton homestead site there is the potential for further subsurface artifacts and features of this site to be present. A monitor should be present during grading and trenching in these areas to recover material from these potential deposits to better understand the nature of the use of this homestead possibly dating back to the 1890s.

Grading activities would cause new subsurface disturbance and may result in the unanticipated discovery of prehistoric and/or historic archeological resources.

While the project site as a whole appears to be disturbed only in the upper levels of soil with some grading to build the berms and some discing, it is not recommended that an archaeological monitor be present during ground-disturbing activities throughout the project site, but only as noted above. However, if prehistoric and/or historic items are observed during subsurface activities, work should be stopped in that area and a qualified archaeologist and Native American monitor be retained to assess the finding(s) and retrieve the material.

Mitigation Measure

MM CUL-1 If archaeological resources are discovered during construction activities, the contractor will halt construction activities in the immediate area of the find (within a 60-foot buffer) and notify the City of Hesperia. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology who will be notified and afforded the necessary time to assess the find. Work on the other portions outside the buffer area may continue during this assessment period. The archaeologist will also be afforded the necessary time and resources to recover, analyze, and curate the find(s). The qualified archaeologist will recommend the extent of archaeological monitoring necessary to ensure the protection of any other resources that may be in the area. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the South Central Coastal Information Center. Construction activities may continue on other parts of the project site while evaluation and treatment of prehistoric archaeological resources takes place.

Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

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

archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

Level of Significance After Mitigation

With implementation of Mitigation Measures **MM CUL-1** and **MM CUL-2** above, the project would result in less than significant impacts to archeological resources.

c) Would the project disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant Impact with Mitigation Incorporated

As previously discussed in **Section 4.5.b) above,** the project would be built on relatively undisturbed land that has only been superficially graded and is in open desert land. No human remains have been previously identified or recorded onsite.

The project proposes grading activities for the installation of infrastructure including water, sewer, and utility lines, and for construction of the proposed buildings. Grading would involve new subsurface disturbance and could result in the unanticipated discovery of unknown human remains, including those interred outside of formal cemeteries. In the unlikely event of an unexpected discovery, implementation of **mitigation measure CUL-2** would ensure that impacts related to the accidental discovery of human remains would be less than significant.

California Health and Safety Code § 7050.5 specifies the procedures to follow during the unlikely discovery of human remains. CEQA § 15064.5 describes determining the significance of impacts on archeological and historical resources. California Public Resources Code § 5097.98 stipulates the notification process during the discovery of Native American human remains, descendants, disposition of human remains, and associated grave goods.

Mitigation Measure

MM CUL-3 If human remains or funerary objects are encountered during any activities and excavations associated with this project, all work will stop within a 100-foot radius of the discovery and the San Bernardino County Coroner will be notified pursuant to § 5097.98 of the Public Resources Code and that code enforced for the duration of the project. The Coroner will determine whether the remains are recent human origin or older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they will contact the NAHC. The NAHC will be responsible for designating the Most Likely Descendant (MLD). The MLD (either an individual or sometimes a committee) will be responsible for the ultimate disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. The MLD will make recommendations within 24 hours of their notification by the NAHC. These recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).

Level of Significance After Mitigation

With adherence to applicable codes and regulations protecting cultural resources and with implementation of Mitigation Measure **MM CUL-3** above, the proposed project would result in less than significant impacts to human remains.

4.6 Energy

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			**X**	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			**X**	

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

Less than Significant Impact

According to CEQA Guidelines § 15126.2(d), "uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement that provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified." Therefore, the purpose of this analysis is to identify any significant irreversible environmental effects of project implementation that cannot be avoided.

Both construction and operation of the project would lead to the consumption of limited, slowly renewable, and non-renewable resources, committing such resources to uses that future generations would be unable to reverse. The new development would require the commitment of resources that include (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the project.

Construction Impact Analysis

The following forms of energy (units in parentheses) are anticipated to be expended during project construction:

- Diesel fuel for off-road equipment (gallons).
- Electricity to deliver water for use in dust control (kilowatt-hours [kWh]).
- Motor vehicle fuel for worker commuting, materials delivery, and waste disposal (gallons).

Transportation Energy

Project construction would consume energy in the form of petroleum-based fuels associated with the use of offroad construction vehicles and equipment on the project site, construction workers' travel to and from the project site, and delivery and haul truck trips hauling solid waste from and delivering building materials to the project site.

During project construction, trucks and construction equipment would be required to comply with the ARB's anti-idling regulations. ARB's In-Use Off-Road Diesel Fueled Fleets regulation would also apply (ARB, 2016). Vehicles driven to or from the project site (delivery trucks, construction employee vehicles, etc.) are subject to fuel efficiency standards established by the Federal Government. Therefore, project construction activities regarding fuel use would not result in wasteful, inefficient, or unnecessary use of energy.

Electricity

During project construction, energy would be consumed in the form of electricity associated with the conveyance and treatment of water used for dust control and, on a limited basis, powering lights, electronic equipment, or other construction activities necessitating electrical power.

Since electricity usage associated with lighting and construction equipment that utilizes electricity is not easily quantifiable, the estimated electricity usage during project construction is speculative.

Lighting used during project construction would comply with Title 24 standards/requirements (such as wattage limitations). This compliance would ensure that electricity use during project construction would not result in the wasteful, inefficient, or unnecessary use of energy. Lighting would be used in compliance with applicable City of Hesperia Municipal Code requirements to create enough light for safety.

Natural Gas

Construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. Therefore, the proposed project is not anticipated to have a demand for natural gas during project construction.

Operational

Energy would be consumed during project operations related to space and water heating, water conveyance, solid waste disposal, and vehicle trips of workers. Project operation energy usage, which was estimated by the California Emissions Estimator Model (CalEEMod) (CAPCOA, 2023) as part of the air quality and greenhouse gas emissions analyses (refer to **Section 4.3**), is shown in **Table 4.6-1**.

Table 4.6-1
ESTIMATED PROJECT OPERATIONAL ENERGY USE

Energy Type	Units	Value	Per Capita[a]
Onroad Motor Vehicle Travel (Fuel)[b]	Gallons gasoline/year	24,752	101
	Gallons diesel/year	38,818	159
Electricity Use	Kilowatt-hours per year	1,342,282	5,501
Natural Gas Use	1,000 BTU per year	3,153,900	12,926

[a] Based upon estimated employee population of 244, provided by the client. The per capita value for the onroad motor vehicle fuel consumption is calculated from the total fuel consumption.
[b] Onroad Motor Vehicle Fuel Consumption calculated by UltraSystems using EMFAC2021(v1.0.2) emissions inventory web platform tool (ARB, 2022) and CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023); see Appendix B1.
Electricity Use calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).
Appendix J: Fuel Consumption

The proposed project would adhere to applicable federal, state, and local requirements for energy efficiency, including Title 24 standards. It would not result in the inefficient, wasteful, or unnecessary consumption of building energy. Additionally, there would not be any inefficient, wasteful, or unnecessary energy usage in comparison to similar development projects of this nature regarding construction-related fuel consumption. Therefore, the implementation of the proposed project would result in less than significant impacts on energy resources.

Continued use of energy resources is consistent with the anticipated growth within the city and the general vicinity and would not result in energy consumption requiring a significant increase in energy production for the energy provider. Therefore, the energy demand associated with the project would be less than significant.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less than Significant Impact

Title 24

The proposed project would comply with the California Green Building Standards (CAL Green) Code (California Code of Regulations, Title 24, Part 11), which includes mandatory measures for nonresidential site development, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality.

City of Hesperia General Plan

The Conservation Element of the City of Fontana General Plan provides the public, decision-makers, and staff a guide to set policy that will identify resources that should be preserved, and set the

foundation for the preservation of these resources by utilizing a variety of tools that will promote the sustainability and environmental integrity of the City of Hesperia (City of Hesperia, 2019a, p. XV).

City of Hesperia Climate Action Plan

In July 2010, the City of Hesperia adopted a Climate Action Plan (CAP), which outlines strategies to reduce community-related and City operations-related greenhouse gas emissions to a degree that would not hinder or delay the implementation of AB 32. The CAP strategy is primarily based on the land use, transportation, and conservation policies that are part of the General Plan Update; recent specific plans; and major development plans in the city. Implementation of these plans not only helps to ensure that the city will be developed in ways that produce lower greenhouse gas emissions (Michael Brandman Associates, 2010b, p. 1 and 2), but will also reduce energy consumption.

The proposed project would adhere to applicable federal, state, and local requirements for energy efficiency, including Title 24 standards, the General Plan, and the City of Hesperia Climate Action Plan. Therefore, impacts would be less than significant.

4.7 Geology and Soils

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			**X**	
ii) Strong seismic ground shaking?			**X**	
iii) Seismic-related ground failure, including liquefaction?				**X**
iv) Landslides?				**X**
b) Result in substantial soil erosion or the loss of topsoil?			**X**	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			**X**	
d) Be located on expansive soil, as defined in Table 18-1 B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			**X**	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				**X**
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		**X**		

The information in this section is based on the *Custom Soils Report for San Bernardino County, California, Mojave River Area* prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), dated August 22, 2022 (USDA, 2022a). A complete copy of this report is included in **Appendix E** of this IS/MND.

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less Than Significant Impact

The Alquist-Priolo Zones Special Studies Act (A-P Act) defines active faults as those that have experienced surface displacement or movement during the last 11,700 years. The nearest Alquist-Priolo zone is the Ord Mountain fault zone about eight miles east of the project site (see **Figure 4.7-1)**. The project site is not located within an Alquist-Priolo Earthquake Fault Zone (A-P Fault Zone). The closest active fault system to the project site, the North Frontal fault system (within the Ord Mountain fault zone), is approximately eight miles to the east (see **Figure 4.7-2**).

Although the project is a seismically active region of Southern California, the project would be constructed in accordance with standard engineering practices and design criteria prescribed by the current California Building Code (CBC; Title 24 California Code of Regulations [CCR]), which would reduce the significance of potential impacts of seismic and geologic hazards. The CBC also dictates detailed design requirements, structural design, soils, and foundations considerations, and regulates the design and construction of excavations, foundations, building frames, retaining walls, and other building elements to reduce the effects of seismic shaking and adverse soil conditions. This would ensure that public safety risks are minimized due to any potential seismic shaking event. Therefore, impacts would be less than significant.

Figure 4.7-1
ALQUIST PRIOLO FAULT ZONES

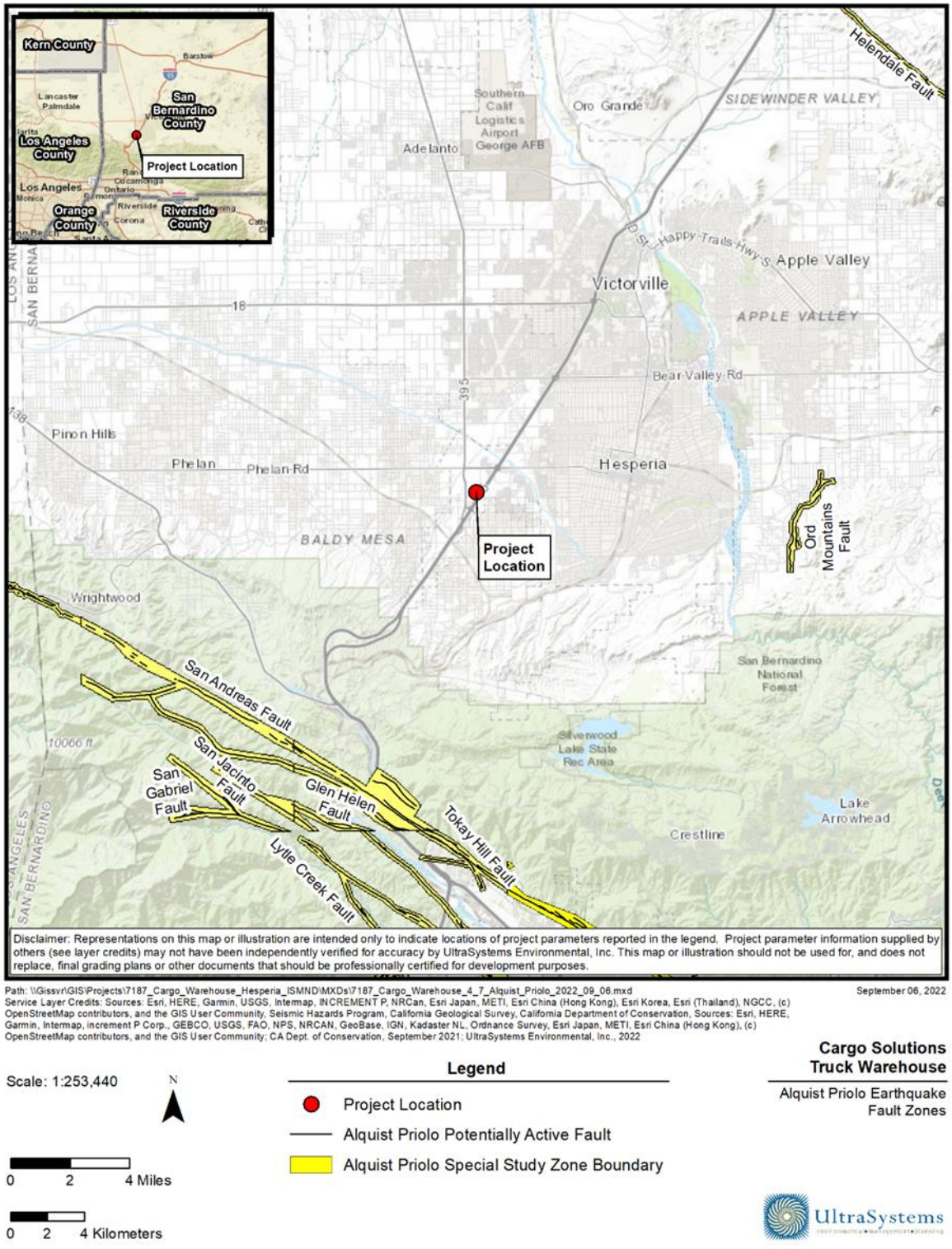
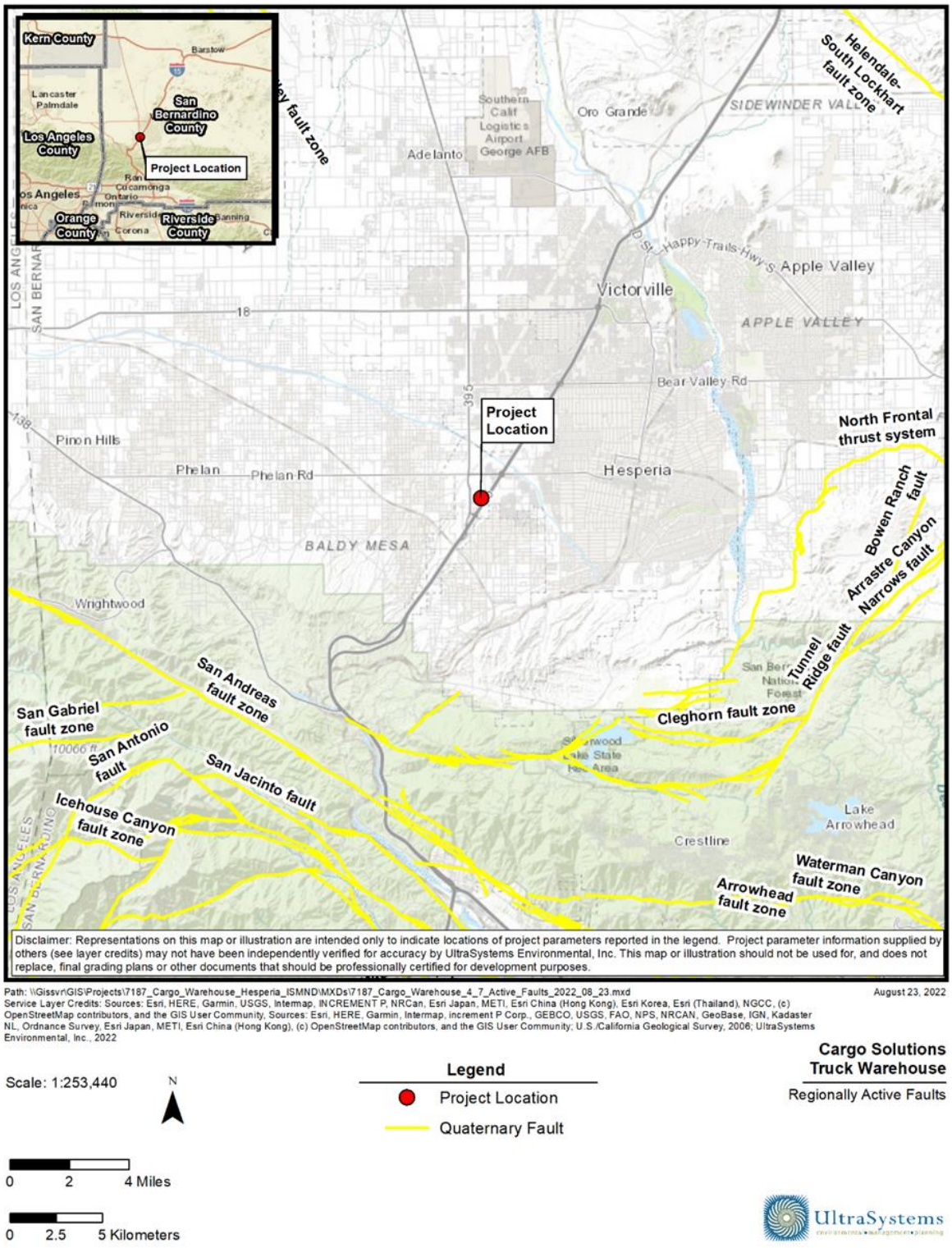


Figure 4.7-2
REGIONALLY ACTIVE FAULTS



ii) Strong seismic ground shaking?

Less Than Significant Impact

Seismic shaking is measured by the moment magnitude (Mw), which is the seismic moment of an earthquake, converted to a magnitude scale that roughly parallels the original Richter scale (ML). Since the Mw is not based on the same measurements as ML (local or surface-wave), the different magnitudes may vary, particularly for larger quakes. The Mw scale is based on the seismic moment and is uniformly applicable to all sizes of earthquakes. Because it associates directly with the energy released from an earthquake, it is the standard in modern seismology (USGS, 2022a).

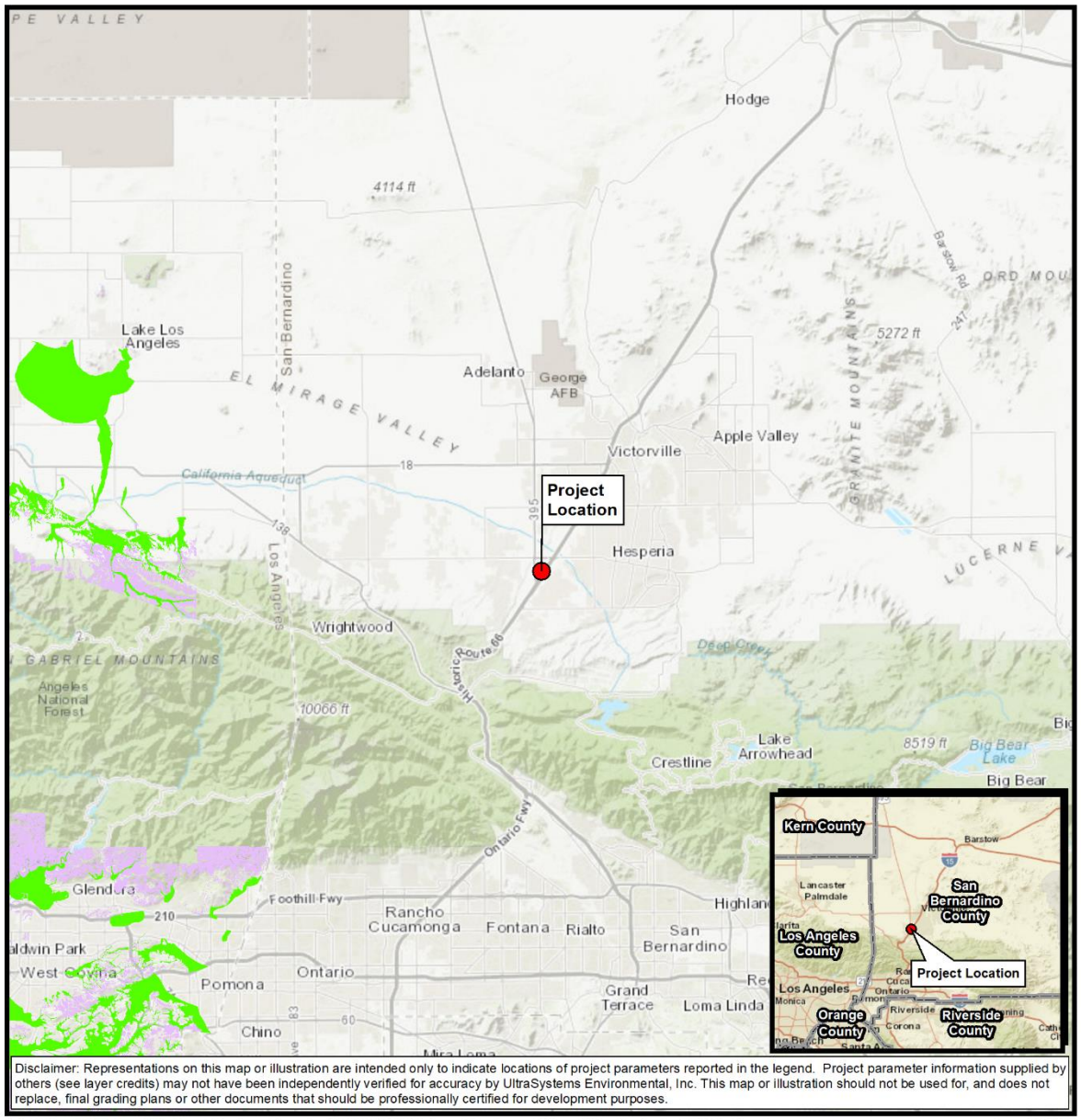
As shown in **Figures 4.7-1** and **4.7-2**, the project is located within a seismically active region of southern California, and all structures in the region are susceptible to collapse, buckling of walls, and damage to foundations from strong seismic ground shaking. The North Frontal fault system is eight miles east of the project site and has a probable Mw of 6.0 to 7.1 (SCEC, 2013). The proposed project would comply with applicable federal, state, and local regulations, including the current California Building Standards Code (Title 24, CCR), which would minimize the potential risks associated with strong seismic ground shaking. Therefore, impacts would be less than significant.

iii) Seismic-related ground failure, including liquefaction?

No Impact

Liquefaction typically occurs when saturated or partially saturated soils behave like a liquid, as a result of losses in strength and stiffness in response to applied stress caused by ground shaking or other sudden changes in stress conditions. The project site is not in a liquefaction zone and would not require further investigation for liquefaction (see **Figure 4.7-3**). Therefore, there would be no impact in regard to liquefaction.

Figure 4.7-3
LANDSLIDES AND LIQUEFACTION



Path: \\Gissvr\GIS\Projects\7187_Cargo_Warehouse_Hesperia_ISMND\MXDs\7187_Cargo_Warehouse_4_7_Landslides_Liquefaction_2022_08_23.mxd August 23, 2022
Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community; U.S./California Geological Survey, 2021; UltraSystems Environmental, Inc., 2022

Scale: 1:506,880

N

0 4 8 Miles

0 4 8 Kilometers

Legend
- Project Location
- Landslide Zone
- Liquefaction Zone

Cargo Solutions Truck Warehouse
Landslides and Liquefaction Hazard Zones

UltraSystems environmental • management • planning

iv) Landslides?

No Impact

Landslides occur when the stability of the slope changes from a stable to an unstable condition. A change in the stability of a slope can be caused by several factors, acting together or alone. Natural causes of landslides include groundwater (pore water) pressure acting to destabilize the slope, loss of vegetative structure, erosion of the toe of a slope by rivers or ocean waves, weakening of a slope through saturation by snow melt or heavy rains, earthquakes adding loads to a barely stable slope, earthquake-caused liquefaction destabilizing slopes, and volcanic eruptions.

The topography within the project site is relatively flat; the existing surface elevation at the proposed project site ranges from approximately 3,267 feet to 3,297 feet above mean sea level. Surface topography is generally flat to slightly sloping with the highest elevations in the southwest corner of the site and the lowest surface elevations across the northeast corner of the site (Google Earth, 2024). Additionally, the project site is not located within or adjacent to any landslide zones (see **Figure 4.7-3**). Due to the flat nature of the topography on and in the vicinity of the project site, there are no known landslides near the site, nor is the site in the path of any known or potential landslides. Therefore, the probability of slope stability hazards affecting the site is considered negligible and no impacts are anticipated.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact

Construction

§ 402 of the Federal Clean Water Act (CWA), as well as the state Porter-Cologne Water Quality Control Act (Porter-Cologne) requires construction projects that may potentially result in soil erosion to implement best management practices (BMPs) to eliminate or reduce sediment and other pollutants in stormwater runoff. If one or more acres of soil would be disturbed, a National Pollutant Discharge Elimination System (NPDES) permit is required to be obtained. NPDES permits establish enforceable limits on discharges, require effluent monitoring, designate reporting requirements, and require construction and post-construction BMPs to eliminate or reduce point and non-point source discharges of pollutants, including soil (SWRCB, 2022).

As further detailed in **Section 4.10**, Hydrology and Water Quality, the project applicant would be required to obtain coverage under the Statewide General Construction Permit prior to project construction. This NPDES permit would require the Legally Responsible Person (LRP), such as the project owner, to prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to ground-disturbing construction activities to identify construction BMPs to eliminate or reduce soil erosion and pollutants in stormwater and non-stormwater discharges (including soil erosion by wind) to stormwater sewer systems and other drainages. The LRP would upload Permit Registration Documents (PRDs) to the State Water Resources Control Board (SWRCB) online Stormwater Multi-Application and Report Tracking System (SMARTS). PRDs include a Notice of Intent (NOI), site map, risk assessment, SWPPP, post-construction water balance, annual fee, and signed certification statement by the LRP attesting to the validity of the information. These preventive measures during construction are intended to eliminate or reduce soil erosion. Therefore, construction-related impacts regarding soil erosion or the loss of topsoil would be less than significant.

Operation

The project site is located within an area that has generally flat topography. Impacts from soil erosion or the loss of topsoil would be less than significant because the proposed project must be designed to minimize, to the maximum extent practicable, the introduction of pollutants that may result in significant impacts generated from site runoff to the stormwater conveyance system. Additionally, the proposed project would create a much larger area of impermeable surfaces compared to the existing undeveloped land. Therefore, the potential for substantial soil erosion or the loss of topsoil would be less than significant.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact

Landslides and Liquefaction

As described in **Section 4.7 a)**, the project site is not located within a landslide or liquefaction zone (see **Figure 4.7-3**). Therefore, there would be less than significant impact in regards to landslides and liquefaction.

Lateral Spreading

Seismically-induced lateral spreading involves primarily lateral movement of earth materials due to ground shaking. It differs from slope failure in that complete ground failure involving large movement does not occur due to the relatively smaller gradient of the initial ground surface. Lateral spreading is demonstrated by near-vertical cracks with predominantly horizontal movement of the soil mass involved. The topography at the project site and in the immediate vicinity of the site is gently sloping, with no significant nearby slopes or embankments and bedrock. Under these circumstances, the potential for lateral spreading at the project site is considered low. Therefore, impacts from lateral spreading would be less than significant.

Subsidence

The major cause of ground subsidence is the excessive withdrawal of groundwater. Soils with high silt or clay content are particularly susceptible to subsidence. The project site is not in an area of subsidence (USGS, 2022b). Project development would not exacerbate hazards related to ground subsidence. Therefore, no impacts related to subsidence would occur.

Collapsible Soils

Collapse occurs in saturated soils in which the space between individual particles is filled with water. This water exerts pressure on the soil particles which influences how tightly the particles themselves are pressed together. The soils lose their strength beneath buildings and other structures.

The site is not mapped within a zone of potentially liquefiable soils (refer to **Figure 4.7-3**). Additionally, the proposed project would comply with applicable federal, state, and local regulations, including the current California Building Standards Code (Title 24, CCR), which would minimize the

potential risks associated with soil collapse. Therefore, impacts would be less than significant and no mitigation would be required.

d) Would the project be located on expansive soil, as defined in Table 18-1 B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less than Significant Impact

Expansive soils shrink and swell with changes in soil moisture. Soil moisture may change from landscape irrigation, rainfall, and utility leakage. Repeated changes in soil volume due to water content fluctuations may compromise structure foundations. The expansion index of soil can be determined by that soil's plasticity index, which is one of the standard measures (Atterberg limits) used to indicate the plasticity characteristics of the soil; the expansion index is the range of water content in which a soil exhibits the characteristics of a plastic solid and the plastic limit is the water content that corresponds to an arbitrary limit between the plastic and semisolid states of soil. As shown in **Table 4.7-1**, the soil mapped on the project site has a plasticity index of 2.3 percent on the site; when the plasticity index is less than 5 percent, contact is entirely elastic. These ratings correlate to an expansion index of Moderate on the site.

The project would be designed and constructed in accordance with the requirements of the City of Hesperia and the CBC, which require that soil tests be performed on sites where expansive soils may occur and include building foundation requirements appropriate to site-specific conditions, such as expansive soils. Therefore, less than significant impacts related to collapsible soils would occur.

Table 4.7-1
USDA SOILS MAPPED ON THE PROJECT SITE

Soil Name (Map Unit Designation)	K Factor (Whole Soil)	Wind Erodibility Group	Plasticity Index Rating
Hesperia Loamy Fine Sand, 2 to 5% slopes	0.28	2	2.3%

Source: Custom Soils Report for San Bernardino County, California, Mojave River Area. Prepared by the USDA NRCS, dated August 22, 2022.

The project would be designed and constructed in accordance with the requirements of the City of Hesperia and the CBC, which require that soil tests be performed on sites where expansive soils may occur and include building foundation requirements appropriate to site-specific conditions, such as expansive soils. Therefore, less than significant impacts related to collapsible soils would occur.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact

The project site would connect to the City of Hesperia's existing sewer system. Therefore, the project would not use septic tanks or alternative wastewater disposal systems. For this reason, no impacts associated with septic tanks or alternative wastewater disposal systems would occur.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact with Mitigation Incorporated

Paleontological resources are the preserved fossilized remains of plants and animals. Fossils and traces of fossils are preserved in sedimentary rock units, particularly fine- to medium-grained marine, lake, and stream deposits, such as limestone, siltstone, sandstone, or shale, and in ancient soils. They are also found in coarse-grained sediments, such as conglomerates or coarse alluvium sediments. Fossils are rarely preserved in igneous or metamorphic rock units. Fossils may occur throughout a sedimentary unit and are more likely to be preserved subsurface, where they have not been damaged or destroyed by previous ground disturbance, amateur collecting, or natural causes such as erosion.

The property is situated in the Mojave Desert geomorphic province. The Mojave Desert province is a wedge-shaped area that is enclosed on the southwest by the San Andreas fault zone, the Transverse Ranges province, and the Colorado Desert province, on the north and northeast by the Garlock fault zone, the Tehachapi Mountains and the Basin and Range province, and on the east by the Nevada and Arizona state lines and the Colorado River. The project site boundary is underlain by Hesperia Loamy Fine Sand which is derived from the parent material of granite alluvium emanating from the San Bernardino Mountains to the south. The soils are well drained with a depth of more than 80 inches to a restrictive feature, and the slope is two to five percent (USDA, 2022b).

A paleontology records search by the Natural History Museum of Los Angeles County dated August 28, 2022 (Bell 2022) (**Appendix D2**) yielded records of six fossil localities in the project region, as listed in **Table 4.7-2**.

Table 4.7-2
PALEONTOLOGICAL RECORDS SEARCH RESULTS

Locality Number	Location	Formation	Taxa	Depth*
LACM VP 1224	North of Hesperia, near Dean Ave. & Dean Place	Shoemaker Gravel Formation	Camel family (Camelidae)	Unknown
LACM VP 3353	Second Street at sand & gravel pit; near the top of the bluff, west bank of Mojave River	Shoemaker Gravel Formation	Horse (*Equus*)	Unknown
LACM VP 3352	West bank of the Mojave River, north end of Victorville (more precise locality not available)	Shoemaker Gravel Formation	Horse (*Equus*)	Unknown
LACM VP 3498	West of Portland Cement Co. plant in bluffs on the west side of Mojave River, midway between I-15 and Air Expressway Rd.	Shoemaker Gravel Formation	Horse (*Equus*), Deer (Cervidae), Antelope (Antilocapridae)	Unknown
LACM VP 7786	Southern California	Alluvium	Vole (*Microtus mexicanus*)	10-11 Feet
LACM VP 5942 - 5950	Along Avenue S from Palmdale to Lake Los Angeles	Unknown formation (Holocene)	Kingsnake (*Lampropeltis*), Lizard (Lacertilia), Leopard lizard (*Gambelia*), Snake (Ophidia), Gopher snake (*Pituophis*), Rabbit (*Lagomorpha*), Rodent (Rodentia), Pocket Gopher (*Thomomys*), Pocket Mouse (*Chaetodippus*),Kangaroo Rat (*Dipodomys*),Birds (Aves)	0-9 Feet

Source: Los Angeles County Natural History Museum (NHMLA), 2022
***Below Ground Level (BGL)**

Any substantial excavations below the uppermost layers should be closely monitored to quickly and professionally collect any specimens without impeding development. Grading and excavation activities associated with the development of the project would cause new subsurface disturbance and could result in the unanticipated discovery of paleontological resources. In the event of an unexpected discovery, implementation of mitigation measure **GEO-1** would ensure paleontological resources or unique geologic features are not significantly affected.

Mitigation Measure

MM GEO-1 Before the beginning of project construction, the project applicant shall retain a qualified paleontologist to remain on-call for the duration of project ground disturbance activities. If paleontological resources are uncovered during project construction, the contractor shall halt construction activities in the immediate area and notify the City. The on-call paleontologist shall be notified and afforded the necessary time and funds to recover and analyze the finds and curate the find(s) with an accredited repository for paleontological resources. Subsequently, the monitor shall remain onsite for the duration of the ground disturbance to ensure the protection of any other resources that are found during construction on the project site.

Level of Significance After Mitigation

With the implementation of **MM GEO-1**, potential impacts on paleontological resources would be reduced to a less than significant level.

4.8 Greenhouse Gas Emissions

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

4.8.1 Background Information on Greenhouse Gas Emissions

Life on earth depends on energy coming from the sun. About half the light reaching Earth's atmosphere passes through the air and clouds to the surface, where it is absorbed and then radiated upward in the form of infrared heat. About 90 percent of this heat is then absorbed by carbon dioxide (CO_2) and other greenhouse gases (GHG) and radiated back toward the surface, which is warmed to a life-supporting average of 59 degrees Fahrenheit (°F).

Human activities are changing the natural greenhouse. Over the last century, the burning of fossil fuels such as coal and oil has increased the concentration of atmospheric CO_2. This happens because the coal or oil burning process combines carbon in the fuel with oxygen in the air to make CO_2. To a lesser extent, the clearing of land for agriculture, industry, and other human activities has increased concentrations of GHGs (NASA, 2018).

GHGs are defined under the California Global Warming Solutions Act of 2006 (AB 32) as CO_2, methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulfur hexafluoride (SF_6).[6]

Associated with each GHG species is a "global warming potential" (GWP), which is a value used to compare the abilities of different GHGs to trap heat in the atmosphere. GWPs are based on the heat-absorbing ability of each gas relative to that of CO_2, as well as the decay rate of each gas (the amount removed from the atmosphere over a given number of years). The GWPs of CO_2, CH_4 and N_2O are 1, 25 and 298, respectively (GMI, 2019). "Carbon dioxide equivalent" (CO_2e) emissions are calculated by weighting each GHG compound's emissions by its GWP and then summing the products. HFCs, PFCs, and SF_6 would not be emitted in significant amounts by project sources, so they are not discussed further.

Carbon Dioxide (CO_2). Carbon dioxide is a colorless, odorless gas consisting of molecules made up of two oxygen atoms and one carbon atom. CO_2 is produced when an organic carbon compound (such as wood) or fossilized organic matter (such as coal, oil, or natural gas) is burned in the presence of oxygen. Since the industrial revolution began in the mid-1700s, industrial activities have increased in scale and distribution. Prior to the industrial revolution, CO_2 concentrations were stable at a range

[6] http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_0001-0050/ab_32_bill_20060927_chaptered.pdf.

of 275 to 285 ppm (IPCC, 2007a). The National Oceanic and Atmospheric Administration's Earth System Research Laboratory indicates that global concentration of CO_2 was 413.67 parts per million (ppm) in March 2020 (ESRL, 2020). These concentrations of CO_2 exceed by far the natural range over the last 650,000 years (180 to 300 ppm) as determined from ice cores.

Methane (CH_4). Methane is a colorless, odorless non-toxic gas consisting of molecules made up of four hydrogen atoms and one carbon atom. CH_4 is combustible, and is the main constituent of natural gas, a fossil fuel. CH_4 is released when organic matter decomposes in low oxygen environments. Natural sources include wetlands, swamps and marshes, termites, and oceans. Anthropogenic sources include the mining of fossil fuels and transportation of natural gas, digestive processes in ruminant animals such as cattle, rice paddies, and the buried waste in landfills. Over the last 50 years, human activities such as growing rice, raising cattle, using natural gas, and mining coal have added to the atmospheric concentration of CH_4. Other anthropogenic sources include fossil-fuel combustion and biomass burning.

Nitrous Oxide (N_2O). Nitrous oxide is a colorless, non-flammable gas with a sweetish odor, commonly known as "laughing gas," and sometimes used as an anesthetic. N_2O is naturally produced in the oceans and in rainforests (USEPA, 2019b). Manmade sources of N_2O include the use of fertilizers in agriculture, nylon and nitric acid production, cars with catalytic converters and the burning of organic matter. Concentrations of N_2O also began to rise at the beginning of the industrial revolution.

4.8.2 Regulatory Setting

GHGs are regulated at the national, state, and air basin level; each agency has a different degree of control. The United States Environmental Protection Agency (USEPA) regulates at the national level; the California Air Resources Board (ARB) regulates at the state level, and the Mojave Desert Air Quality Management District (MDAQMD) regulates at the air basin level in the Hesperia area.

4.8.2.1 Federal Regulations

The USEPA collects several types of GHG emissions data. These data help policy makers, businesses, and the USEPA track GHG emissions trends and identify opportunities for reducing emissions and increasing efficiency. The USEPA has been maintaining a national inventory of GHG emissions since 1990 and in 2009 established mandatory reporting of GHG emissions from large GHG emissions sources.

EPA is also getting GHG reductions through partnerships and initiatives, evaluating policy options, costs, and benefits, advancing the science, partnering internationally and with states, localities, and tribe, and helping communities adapt.

4.8.2.2 Corporate Average Fuel Economy (CAFE) Standards

In May 2010, the USEPA finalized the first-ever national GHG emissions standards under the Clean Air Act, and the National Highway Traffic Safety Administration (NHTSA) finalized Corporate Average Fuel Economy (CAFE) standards under the Energy Policy and Conservation Act (USEPA, 2022d). The 2010 CAFE standards were for model year 2012 through 2016 light-duty vehicles. In April 2020, NHTSA and USEPA amended the CAFE and GHG emissions standards for passenger cars and light trucks and established new less stringent standards, covering model years 2021 through 2026 (USEPA, 2022d). Portions of the April 2020 revisions are currently being revised as part of the

development of new CAFE standards for model years 2024-2026 passenger cars and light trucks (NHTSA, 2021).

Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule

On September 27, 2019, the USEPA and the NHTSA published the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program (ARB, 2020a), revoked California's authority to set its own GHG emissions standards and to set zero emission vehicle (ZEV) mandates in California. The loss of the ZEV sales requirements would likely result in additional gasoline-fueled vehicles being sold in the State and criteria emissions increasing. On April 30, 2020, USEPA and NHTSA issued the Final SAFE Rule, (ARB, 2020b) which relaxed the federal GHG emissions and CAFE standards resulting in the probable increase of CO_2 emissions. However, this regulation was repealed on December 21, 2021 by the Biden administration (NHTSA, 2021).

4.8.2.3 State Regulations

Executive Order (EO) S 3-05

On June 1, 2005, the governor issued EO S 3-05, which set the following GHG emission reduction targets:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels;
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

To meet these targets, the Climate Action Team (CAT)[7] prepared a report to the Governor in 2006 that contained recommendations and strategies to help ensure that the targets in EO S-3-05 are met.

Assembly Bill 32 (AB 32)

In 2006, the California State Legislature enacted the California Global Warming Solutions Act of 2006, also known as AB 32. AB 32 focuses on reducing GHG emissions in California. GHGs, as defined under AB 32, include CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6. AB 32 required that GHGs emitted in California be reduced to 1990 levels by the year 2020. The ARB is the state agency charged with monitoring and regulating sources of emissions of GHGs that cause global warming. AB 32 also required that by January 1, 2008, the ARB determine what the statewide GHG emissions level was in 1990, and it approve a statewide GHG emissions limit, so it may be applied to the 2020 benchmark. The ARB approved a 1990 GHG emissions level of 427 million metric tons of CO_2e ($MMTCO_2e$), on December 6, 2007, in its Staff Report. Therefore, in 2020, emissions in California were required to be at or below 427 $MMTCO_2e$.

Under the "business as usual or (BAU)" scenario established in 2008, statewide emissions were increasing at a rate of approximately one percent per year as noted below. It was estimated that the 2020 estimated BAU of 596 $MMTCO_2e$ would have required a 28 percent reduction to reach the 1990 level of 427 $MMTCO_2e$.

[7] The Climate Action Team (CAT) members are state agency secretaries and the heads of agencies, boards, and departments, led by the Secretary of the California Environmental Protection Agency (Cal/EPA). They coordinate statewide efforts to implement global warming emission reduction programs and the state's Climate Adaptation Strategy.

Climate Change Scoping Plan

The Scoping Plan released by the ARB in 2008 (ARB, 2008) outlined the state's strategy to achieve the AB 32 goals. This Scoping Plan, developed by ARB in coordination with the CAT, proposed a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce dependence on oil, diversify our energy sources, save energy, create new jobs, and enhance public health. It was adopted by ARB at its December 2008 meeting.

In August 2011, the Scoping Plan was re-approved by the Board and included the Final Supplement to the Scoping Plan Functional Equivalent Document (ARB, 2011). This document included expanded analysis of project alternatives and updated the 2020 emission projections by considering updated economic forecasts. The updated 2020 BAU estimate of 507 $MMTCO_2e$ yielded that only a 16 percent reduction below the estimated new BAU levels would be necessary to return to 1990 levels by 2020. The 2011 Scoping Plan expanded the list of nine Early Action Measures into a list of 39 Recommended Actions contained in Appendices C and E of the Plan.

In May 2014, the ARB developed, in collaboration with the CAT, the First Update to California's Climate Change Scoping Plan (Update) (ARB, 2014), which showed that California was on track to meet the near-term 2020 GHG limit and is well positioned to maintain and continue reductions beyond 2020 as required by AB 32. In accordance with the United Nations Framework Convention on Climate Change, the ARB has mostly transitioned to the use of the Intergovernmental Panel on Climate Change's (IPCC's) Fourth Assessment Report (AR4)'s 100-year GWP (IPCC, 2007b) in its climate change programs. The ARB recalculated the 1990 GHG emissions level with the AR4 GWPs to be 431 $MMTCO_2e$; therefore the 2020 GHG emissions limit established in response to AB 32 is now slightly higher than the 427 $MMTCO_2e$ in the initial Scoping Plan.

In November 2017, the ARB published the 2017 Scoping Plan (ARB, 2017) which builds upon the former Scoping Plan and Update by outlining priorities and recommendations for the state to achieve its target of a 40 percent reduction in GHGs by 2030, compared to 1990 levels. The major elements of the framework proposed are enhancement of the Renewables Portfolio Standard (RPS) and the Low Carbon Fuel Standard; a Mobile Source Strategy, Sustainable Freight Action Plan, Short-Lived Climate Pollutant Reduction Strategy, Sustainable Communities Strategies, and a Post-2020 Cap-and-Trade Program; a 20 percent reduction in GHG emissions from the refinery sector; and an Integrated Natural and Working Lands Action Plan.

In December 2022, the ARB approved the 2022 Scoping Plan update (ARB, 2022c), which proposes actions to further reach the state's carbon neutrality and climate goals for reducing GHG emissions to 85 percent below 1990 levels by 2045. These actions include reducing fossil fuel combustion with clean fuels and technologies, reducing short-lived climate pollutants, supporting sustainable development, and increasing carbon sequestration.

Renewables Portfolio Standard (Scoping Action E-3)

The California Energy Commission estimates that in 2000 about 12 percent of California's retail electric load was met with renewable resources. Renewable energy includes (but is not limited to) wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas. California's current RPS was intended to increase that share to 33 percent by 2020. Increased use of renewables will decrease California's reliance on fossil fuels, thus reducing emissions of GHGs from the electricity sector. Most recently, Governor Brown signed into legislation Senate Bill (SB) 350 in

October 2015, which requires retail sellers and publicly-owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030.

Senate Bill 375 (SB 375)

Senate Bill (SB) 375 passed the Senate on August 30, 2008, and was signed by the governor on September 30, 2008. Per SB 375, the transportation sector is the largest contributor of GHG emissions and contributes approximately 45 percent of the GHG emissions in California, with automobiles and light trucks alone contributing almost 30 percent. SB 375 indicates that GHGs from automobiles and light trucks can be reduced by new vehicle technology. However, significant reductions from changed land use patterns and improved transportation also are necessary. SB 375 states, "Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32." SB 375 does the following: (1) requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions; (2) aligns planning for transportation and housing; and (3) creates specified incentives for the implementation of the strategies.

Executive Order B-30-15

On April 29, 2015, the governor issued EO B-30-15 which added an interim target of GHG emissions reductions to help ensure the State meets its 80 percent reduction by 2050, as set in EO S-3-05. The interim target is reducing GHG emissions by 40 percent by 2030. It also directs State agencies to update the Scoping Plan, update Adaptation Strategy every three years, and take climate change into account in their planning and investment strategies. Additionally, it requires the State's Five-Year Infrastructure Plan will take current and future climate change impacts into account in all infrastructure projects.

Title 24

Although not originally intended to reduce GHGs, California Code of Regulations Title 24 Part 6: California's Building Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. The 2016 standards have been published and became effective July 1, 2017. The requirement for when the 2008 standards must be followed is dependent on when the application for the building permit is submitted. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The 2019 Standards improve upon the 2016 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. Buildings whose permit applications are dated on or after January 1, 2020, must comply with the 2019 Standards. The 2019 Standards constitute a major step towards meeting the Zero Net Energy goal by the year 2030 and were the last of three updates to move California towards achieving that goal. The California Energy Commission updates the standards every three years. The 2022 Energy Code, adopted August 11, 2021 by the CEC and approved by the California Building Standards Commission in December 2021, took effect for all buildings whose permit applications are applied for on or after January 1, 2023.

4.8.2.4 The Mojave Desert Air Quality Management District (MDAQMD)

The Mojave Desert Air Quality Management District maintains a set of rules and regulations to improve and maintain healthy air quality for the entire population within its jurisdiction. When

developing new regulations, the MDAQMD must comply with complex procedures established by statutes in federal and state codes. Its regulations development process is based on the specific nature of the regulation and its potential impacts.

4.8.2.5 Local Regulations

City of Hesperia Climate Action Plan (CAP)

In compliance with Goal CN-7 in the City's General Plan (City of Hesperia, 2019a), the City of Hesperia prepared a climate action plan (CAP) with the coordination of regional councils of government, and it was approved in July 2010 (Michael Brandman Associates, 2010b). The CAP strategy is primarily based upon the land use, transportation, and conservation policies that are part of the General Plan Update, recent specific plans, and major development plans in the City. The concept is that design, density, and pattern of land uses impact the amount people drive and the options available for using less polluting and energy-consuming modes of transportation such as walking, bicycling, and transit. The plans also promote energy efficiency in buildings, government operations, and through more efficient water use. Implementing these plans helps ensure that the city will be developed in ways that produce fewer greenhouse gas emissions.

This CAP identifies policies within the City of Hesperia General Plan Update that would decrease the City's emissions of greenhouse gases. This CAP also lists implementation strategies that add more details and specific actions to the General Plan policies and clarify how the reductions would occur. This CAP demonstrates that the General Plan Update policies and CAP strategies would reduce emissions to the reduction target. The CAP includes strategies in the following categories:

- CEQA compliance.
- Parking measures.
- Mixed use development.
- Energy efficiency.
- Transit oriented development.
- Water conservation and reuse.
- Compact development.
- Waste reduction and recycling.
- Pedestrian connections.
- Regional cooperation.
- Bicycle infrastructure.
- Governmental operation.

The City of Hesperia's updated General Plan (City of Hesperia, 2019a) includes goals and policies in several elements that aim to reduce GHG emissions and energy consumption by:

Goal: CN-6 Provide programs and incentives to encourage residents, businesses and developers to reduce consumption and efficiently use energy resources.

Implementation Policy CN-6.1: Develop a green building program in the City to educate the development community and promote the conservation of natural resources.

Implementation Policy CN-6.2: Encourage the use of green building standards and Leadership in Energy and Environmental Design (LEED) or similar programs in both private and public projects.

Implementation Policy CN-6.3: Provide incentives like technical assistance and low interest loans for projects that are energy efficient and contain energy conservation measures

Implementation Policy CN-6.4: Educate the public about energy conservation techniques.

Implementation Policy CN-6.5: Coordinate with the local energy provider in developing policies and procedures to reduce energy consumption in existing and future developments.

Implementation Policy CN-6.6: Encourage residents and businesses to utilize the incentives provided by the local energy providers to retrofit their buildings and businesses for energy efficiency and conservation.

Implementation Policy CN-6.7: Continue the existing recycling program and utilization of the material recovery facility program while exploring additional methods of reducing waste.

Goal: CN-7 Develop, promote and implement policies to reduce and limit Greenhouse Gas Emissions.

Implementation Policy CN-7.1: Coordinate with the regional councils of government in developing appropriate regional climate action policies.

Implementation Policy CN 7.2: In conjunction with regional councils of government, prepare and implement a city climate action plan.

Implementation Policy CN-7.3: Coordinate with neighboring cities and public jurisdictions in the preservation of air quality resources.

Implementation Policy CN-7.4: Promote the utilization of alternative energy resources such as wind and solar in new development.

Implementation Policy CN 7.5: Promote the utilization of environmentally sensitive construction materials to limit impacts on the ozone, global climate change and mineral resources.

Implementation Policy CN 7.6: Preserve land resources for the utilization of energy resources, including wind and solar energy resources.

Implementation Policy CN 7.7: Promote energy conservation through site layout, building design, natural light and efficient mechanical and electrical products in development.

Implementation Policy CN 7.8: Continue the existing recycling program and utilization of the material recovery facility program while exploring additional methods of reducing waste.

Implementation Policy CN 7.9: Promote sustainable principles in development that conserves such natural resources as air quality and energy resources.

4.8.3 GHG Emissions

4.8.3.1 National Emissions

The United States is the second largest emitter of GHGs globally (behind China) and emitted approximately 6.0 billion metric tons of CO_2 equivalent ($MTCO_2e$) in 2018 (WRI, 2021a), not including GHG absorbed by forests and agricultural land. The largest source of GHG in the United States (34.2 percent) is electrical power generation (WRI, 2021b). Burning fossil fuels for transportation accounted for the second largest portion (28.4 percent). The remaining 37.1 percent of U.S. GHG emissions was contributed by building, manufacturing/construction, agriculture, fugitive, industrial, waste, bunker fuels, and other fuels.

4.8.3.2 State Emissions

The World Resources Institute (WRI) reports that in 2018, the average GHG emissions per capita in the United States was 17.74 $MTCO_2e$ (WRI, 2021c) but with a total GHG emissions in California of 425.3 $MMTCO_2e$ in 2018 (ARB, 2020c), California had an average GHG emissions per capita of only 10.76 $MTCO_2e$ (USCB, 2021). California had a larger percentage of its total GHG emissions coming from the transportation sector (40 percent) and a smaller percentage of its total GHG emissions from the electricity generation sector; i.e., California has 12 percent.

4.8.3.3 Local Emissions

The CAP's purpose is to (1) navigate the city government and Hesperia community towards a 29 percent per capita GHG emissions reduction by 2020 while adapting to climate change effects, and (2) guide the city staff on the implementation of key provisions of the CAP with a monitoring framework. The City of Hesperia CAP shows existing and projected GHG emissions. The city's existing (2009) community-wide GHG emissions were 0.639 $MMTCO_2e$ and its projected 2020 and buildout year (2025) inventories were 0.955 $MMTCO_2e$ and 1.256 $MMCO_2e$, respectively. **Table 4.8-1** shows the results of the community-wide baseline inventory, the projected 2020 inventory, and the projected buildout inventory. The emissions forecast estimates future emissions under a Business as Usual (BAU) scenario. The BAU scenario assumes that no special effort has been made to reduce GHG emissions. Therefore, the future emissions depicted in **Table 4.8-1** present how GHG emissions may increase in Hesperia if no reduction programs are implemented.

Table 4.8-1
CITY OF HESPERIA COMMUNITY BUSINESS AS USUAL EMISSIONS

Community Sector	Greenhouse Gas Emissions ($MTCO_2e$ per year)		
	2009	2020	Buildout (2025)
Transportation: Automobiles, Light Duty Trucks, Medium Duty Trucks	199,414	249,365	302,008
Transportation: Heavy Duty Diesel Trucks	200,392	250,587	303,488
Transportation: Other	7,454	9,321	11,288
Natural Gas	34,507	87,734	136,118
Electricity	135,824	233,019	321,378
Solid Waste	28,394	48,713	67,184
Wood Burning Fireplaces and Stoves.	9,528	16,073	22,023
Refrigerants	23,906	59,836	92,825
Total	**639,419**	**954,648**	**1,256,312**
Population	102,896	176,527	243,456
Per Capita Emissions	6.2	5.4	5.2

Source: City of Hesperia, 2010.

4.8.4 Impact Thresholds

CEQA Guidelines §15064.4 provides discretion to the lead agency whether to: (1) use a model or methodology to quantify GHG emissions resulting from a project, and which model or methodology to use; or (2) rely on a qualitative analysis or performance-based standards. In addition, CEQA does not provide guidance to determine whether the project's estimated GHG emissions are significant, but recommends that lead agencies consider several factors that may be used in the determination of significance of project-related GHG emissions, including:

- The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

CEQA Guidelines § 15130(f) describes that the effects of GHG emissions are by their very nature cumulative and should be analyzed in the context of CEQA's requirements for cumulative impact analysis. Additionally, CEQA Guidelines § 15064(h)(3) states that a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides requirements to avoid or lesson the cumulative problem.

The MDAQMD has established thresholds of significance for GHG emissions, applicable to both construction and operations regardless of whether they are stationary or mobile sources. The MDAQMD's GHG emissions thresholds are 548,000 pounds per day (lbs/day) CO_2e or 100,000

MT/year CO_2e. However, to provide a more conservative analysis, the City recommends evaluating the Project's GHG emissions against the South Coast Air Quality Management District 's (SCAQMD's) GHG thresholds.

To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, SCAQMD convened a GHG CEQA Significance Threshold Working Group (Working Group). At the Working Group meeting #15 (SCAQMD, 2010), SCAQMD staff proposed to adopt a tiered approach for evaluating GHG emissions for development projects where SCAQMD is not the lead agency:

- **Tier 1. Exemptions:** If a project is exempt from CEQA, project-level and cumulative GHG emissions are less than significant.
- **Tier 2. Consistency with a Locally Adopted GHG Reduction Plan:** If the project complies with a GHG emissions reduction plan or mitigation program that avoids or substantially reduces GHG emissions in the project's geographic area (i.e., city or county), project-level and cumulative GHG emissions are less than significant.
- **Tier 3. Numerical Screening Threshold:** If GHG emissions are less than the numerical screening level threshold, project-level and cumulative GHG emissions are less than significant. For projects that are not exempt or where no qualifying GHG reduction plans are directly applicable, SCAQMD requires an assessment of GHG emissions. SCAQMD, under Option 1, proposed land use-specific thresholds: 1,400 $MTCO_2e$ for commercial projects; 3,500 MT CO_2e for residential projects; or 3,000 MT CO_2e for mixed-use industrial projects. Option 2 was a "bright-line" screening-level threshold of 3,000 $MTCO_2e$ per year for all land use types.[8]
- **Tier 4. Performance Standards:** If emissions exceed the numerical screening threshold, a more detailed review of the project's GHG emissions is warranted. The SCAQMD has proposed an efficiency target for projects that exceed the bright-line threshold. The current recommended approach is per-capita efficiency targets. The SCAQMD is not recommending use of a percentage emissions reduction target. Instead, the SCAQMD proposed a 2020 efficiency target of 4.8 MT CO_2e per year per service population for project-level analyses and 6.6 MT CO_2e per year per service population for plan-level projects (e.g., program-level projects such as General Plans).

The 3,000 $MTCO_2e$ per year threshold is based on a 90 percent emission "capture" rate methodology. A 90 percent emission capture rate means that, for a specific geographic area, new facilities whose unmitigated emissions exceed the threshold would account for more than 90 percent of all new unmitigated GHG emissions (Smith and Krause, 2008, p. 3-15). Projects whose emissions exceed the threshold would be subject to a detailed analysis of potential environmental impacts from GHG emissions, while those whose emissions are below the threshold would be excluded from detailed analysis. A GHG significance threshold based on a 90 percent emission capture rate is appropriate to address the long-term adverse impacts associated with global climate change because medium and large projects will be required to implement measures to reduce GHG emissions, while small projects, which are generally infill development projects that are not the focus of the State's GHG reduction targets, are allowed to proceed. Further, a 90 percent emission capture rate sets the emission threshold low enough to capture a substantial proportion of future development projects and demonstrate that cumulative emissions reductions are being achieved while setting the emission

8 The 3,000-$MTCO_2e$ threshold is discussed in detail below.

threshold high enough to exclude small projects that will, in aggregate, contribute approximate one percent of projected statewide GHG emissions in the Year 2050.

The City understands that the 3,000 $MTCO_2e$/yr threshold for residential/commercial uses was proposed by SCAQMD a decade ago and was adopted as an interim policy; however, no permanent, superseding policy or threshold has since been adopted. The 3,000 $MTCO_2e$/yr threshold was developed and recommended by SCAQMD, an expert agency, based on substantial evidence as provided in the Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold document (Smith and Krause, 2008) and subsequent Working Group meetings (the latest of which occurred in 2010). SCAQMD has not withdrawn its support of the interim threshold and all documentation supporting the interim threshold remains on the SCAQMD website on a page that provides guidance to CEQA practitioners for air quality analysis (and where all SCAQMD significance thresholds for regional and local criteria pollutants and toxic air contaminants also are listed). Further, as stated by SCAQMD, this threshold "uses the Executive Order S-3-05 goal [80% below 1990 levels by 2050] as the basis for deriving the screening level" and, thus, remains valid for use now. Lastly, this threshold has been used for hundreds, if not thousands of GHG analyses performed for projects located within the SCAQMD jurisdiction. Thus, for purposes of this analysis, if Project-related GHG emissions do not exceed the 3,000 $MTCO_2e$/year threshold, then Project-related GHG emissions would clearly have a less than significant impact. On the other hand, if Project-related GHG emissions exceed 3,000 MTCO2e/yr, the Project would be considered a substantial source of GHG emissions.

Based on the foregoing guidance, the City of Hesperia has elected to rely on compliance with a local air district threshold in the determination of significance of Project-related GHG emissions. Specifically, the City has selected the interim 3,000 $MTCO_2e$/yr threshold recommended by SCAQMD staff for residential and commercial sector projects against which to compare Project-related GHG emissions.

4.8.5 Impact Analysis

4.8.5.1 Methodology

Short-term construction GHG emissions and long-term operational GHG emissions were assessed using the California Emissions Estimator Model (CalEEMod) Version 2022.1.1.29 (CAPCOA, 2023). This analysis focused upon emissions of CO_2, CH_4, N_2O and CO_2e only.

a) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact

California has enacted several pieces of legislation that relate to GHG emissions and climate change, much of which set aggressive goals for GHG reductions within the state. Per Senate Bill 97, the California Natural Resources Agency adopted amendments to the CEQA Guidelines, which address the specific obligations of public agencies when analyzing GHG emissions under CEQA to determine a project's effects on the environment. However, neither a threshold of significance nor any specific mitigations are included or provided in these CEQA Guideline amendments.

GHG Significance Threshold

As noted above, the City of Hesperia has set 3,000 metric tons of $C0_2e$ per year as its significant emissions threshold for GHG.

Construction GHG Emissions

Construction is an episodic, temporary source of GHG emissions. Emissions are generally associated with the operation of construction equipment and the disposal of construction waste. As explained by the California Air Pollution Control Officers Association (CAPCOA) in its 2008 white paper (CAPCOA, 2008), the information needed to characterize GHG emissions from manufacture, transport, and end-of-life of construction materials would be speculative at the CEQA analysis level. CEQA does not require an evaluation of speculative impacts (*CEQA Guidelines* § 15145). Therefore, the construction analysis does not consider such GHG emissions, but does consider non-speculative onsite construction activities, and offsite hauling, and construction worker trips. All GHG emissions are identified on an annual basis.

Estimated GHG emissions from the Cargo Solutions Truck Warehouse Project's onsite and offsite project construction activities were calculated using CalEEMod, Version 2022.1.1.29. The results of the analysis are presented in **Table 4.8-2**. The GHG emissions from the Cargo Solutions Truck Warehouse Project's construction activities would be **526.57 short tons of CO_2e**. This is below the annual threshold of 3,000 metric tons per year. Thus, GHG impacts from construction are considered individually less than significant.

Table 4.8-2
PROJECT CONSTRUCTION-RELATED GHG EMISSIONS

Year	Annual Emissions (metric tons)			
	CO_2	CH_4	N_2O	CO_2e
2025	182.33	0.01	0.00	183.16
2026	**339.55**	**0.01**	**0.01**	**343.41**
Total	521.89	0.02	0.01	526.57
MDAQMD Significance Thresholds				*3,000*
Significant? (Yes or No)				**No**

Source: Appendix B; MDAQMD, 2020; CAPCOA, 2022

Operational GHG Emissions

Operational GHG emissions calculated by CalEEMod are shown in **Table 4.8-3**. The amortized value of construction emissions for a 30-year period of **17.55 metric tons CO_2e** was added to the Cargo Solutions Truck Warehouses project's annual operational GHG emissions. Total annual unmitigated emissions from the project would be **1,251 metric tons CO_2e**. Modeling results are provided in **Appendix B.**

Table 4.8-3
PROJECT OPERATIONAL GHG EMISSIONS

Emissions Source	Estimated Project-Generated GHG Emissions ($MTCO_2e$ per year)
Area Sources	2.22
Energy Demand (Electricity & Natural Gas)	493
Mobile (Motor Vehicles)	600
Solid Waste Generation	44.4
Water Demand	94
Refrigerants	0.01
Construction Emissions[a]	17.55
Total	**1,251**
MDAQMD Significance Threshold	*3,000*
Significant? (Yes or No)	**No**

Source: Appendix B; MDAQMD, 2016; CAPCOA, 2022.

[a] *Total construction GHG emissions were amortized over 30 years and added to those resulting from the operation of the project.*

Therefore, under the first significance criterion, GHG emissions would be less than significant, and no mitigation is necessary.

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG?

Less than Significant Impact

The San Bernardino County Transit Authority (SBCTA) authorized the preparation of a county-wide Regional Greenhouse Gas Reduction Plan. This plan was adopted in March 2021. The plan contains multiple reduction measures that would be effective in reducing GHG emissions throughout the SBCTA region. The lack of development in the immediate area of the project as well as in the city may preclude residents from obtaining employment or commercial services within city boundaries, thus compelling residents to travel outside of city boundaries for employment and commercial services. It is important to note that the California Department of Transportation as well as the Counties of Los Angeles and San Bernardino are engaged in an effort to construct a multi-modal transportation corridor consisting of public transit, a new freeway, and bicycle lanes known as the High Desert Corridor (HDC). The aforementioned regional program will reduce potential GHG emissions related to excessive vehicle miles traveled (VMT) to levels that are less than significant.

Those Partnership jurisdictions, including Hesperia, choosing to complete and adopt local Climate Action Plans (CAPs) that are consistent with the County's GHG Reduction Plan, and with the prior Regional Plan Program EIR and the addendum or supplemental CEQA document prepared by SBCOG, will be able to tier their future project-level CEQA analyses of GHG emissions from their CAP. In 2010, the City of Hesperia completed a CAP. As part of this effort, the City of Hesperia has selected a goal to

reduce its community GHG emissions to a level that is 40 percent below its 2020 level of GHG emissions by 2030. The City will meet and exceed this goal subject to reduction measures that are technologically feasible and cost-effective through a combination of state (~70 percent) and local (~30 percent) efforts. The Pavley vehicle standards, the State's low carbon fuel standard, the RPS, and other state measures will reduce GHG emissions in Hesperia's on-road, off-road, and building energy sectors in 2030.

As was noted in **Section 4.8.3.3**, the Climate Action Plan (CAP), as presented in the City's General Plan (City of Hesperia, 2019a), has the following purposes:

- Outline a course of action for the City government and the citizens of Hesperia to reduce per capita greenhouse gas emissions 29 percent below business as usual by 2020 and adapt to the effects of climate change.

- Provide clear guidance to City staff regarding when and how to implement key provisions of the CAP. This CAP sets out an implementation and monitoring framework for monitoring its strategies.

The CAP identifies policies within the City of Hesperia General Plan Update that would decrease the City's emissions of greenhouse gases. This CAP also lists implementation strategies that add more details and specific actions to the General Plan policies and clarify how the reductions would occur.

The project will comply with all relevant energy-reducing provisions of Title 24, Parts 6 and 11, which indirectly reduce GHG emissions by reducing energy use. Because the project will not interfere with or conflict with any plan to reduce GHG emissions, its GHG emissions impacts will be less than significant.

4.9 Hazards and Hazardous Materials

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		**X**		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		**X**		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school?				**X**
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				**X**
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				**X**
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		**X**		
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				**X**

The analysis in this section is based in part upon the RecCheck report prepared by Environmental Record Search, dated September 13, 2022 (Environmental Records Search, 2022) (**Appendix F**). The RecCheck presents information based on hazards databases to determine if the project site contains potential hazardous materials.

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

Less than Significant Impact with Mitigation Incorporated

Based on the RecCheck report, the project site contains no potential areas of concern/contamination (Environmental Records Search, 2022, p. 1).

Construction

Transportation of hazardous materials/waste is regulated by *California Code of Regulations* (CCR) Title 26. The California Highway Patrol (CHP) and the California Department of Transportation (Caltrans) enforce federal and state regulations and respond to hazardous materials transportation emergencies. Emergency responses are coordinated as necessary among federal, state and local governmental authorities and private persons through a state-mandated Emergency Response Plan. Due to the significant short-term risks to public health and the environment associated with hazardous waste management during transportation of wastes, specific Commercial Hazardous Waste Shipping Routes are designated with the intent of minimizing the distance that wastes are transported and the proximity to vulnerable locations.

Construction of the proposed project would involve transport, storage, and use of chemical agents, solvents, paints, and other hazardous materials commonly associated with construction activities. Chemical transport, storage, and use would comply with Resource Conservation and Recovery Act (RCRA); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Occupational Safety and Health Administration (OSHA); California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5, Hazardous Waste Control); California Division of Safety and Health (DOSH); South Coast Air Quality Management District (SCAQMD); and San Bernardino County Fire Protection District Hazardous Materials Division (HMD) requirements. The construction contractor would maintain equipment and supplies onsite for containing and cleaning up small spills of hazardous materials, and in the event of a release of hazardous materials of quantity and/or toxicity that onsite workers could not safely contain and clean up, would notify the HMD immediately.[9] Therefore, compliance with applicable laws and regulations during project construction would reduce the potential for accidental releases of hazardous materials, and construction hazards impacts would be less than significant.

Operation

The proposed project includes construction of two truck warehouse buildings and associated surface parking lot and landscaping. During operations, the future occupant (Cargo Solutions) may require the routine transport of hazardous materials for maintaining supplies onsite and for disposal of waste offsite. Transportation of hazardous materials can result in accidental spills, leaks, toxic releases, fire, or explosion.

The project site is located within an industrial and commercial portion of the city, with the closest residences to the project site located along Muscatel Street, approximately 0.22 mile southeast of the

[9] The Hazardous Materials of the San Bernardino County Fire Protection District is designated by the State Secretary for Environmental Protection as the Certified Unified Program Agency or "CUPA" for the County of San Bernardino in order to focus the management of specific environmental programs at the local government level. (San Bernardino County Fire Protection District, 2022).

project site (Google Earth Pro, 2024). Since hazardous materials must not be transported through existing residential areas, the occupant would propose routes that are surrounded primarily by existing industrial land uses.

The United States Department of Transportation (USDOT) Office of Hazardous Materials Safety prescribes strict regulations for the safe transportation of hazardous materials, as described in Title 49 of the Code of Federal Regulations (CFR), and implemented by Title 13 of the CFR. Appropriate documentation would be provided for all hazardous waste that is transported, as required by existing hazardous materials regulations. Chapter 6.95 of the California Health and Safety Code requires businesses that handle more than a specified amount of hazardous materials onsite to submit a Hazardous Materials Business Plan to firefighters, health officials, planners, public safety officers, health care providers, regulatory agencies, and other interested persons (see mitigation measure **HAZ-1** below). The business plan must include an inventory of the hazardous materials handled, facility floor plans showing where hazardous materials are stored, an emergency response plan, and provisions for employee safety and emergency response training.

Further, proper documentation would be required to identify which hazardous materials would be transported and which routes they would be transported along. As such, **MM HAZ-2** (see below) would be implemented to ensure that the occupant would provide proper hazardous materials transportation information.

In addition to the suggested mitigation measures, the occupant would be required to comply with existing regulations, standards, and guidelines established by the US Environmental Protection Agency, State of California, County of San Bernardino, and City of Hesperia related to storage, use, and disposal of hazardous materials, which would reduce the potential risk of hazardous materials exposure to a level that is less than significant.

Mitigation Measures

The following mitigation measure would be adopted to minimize or avoid impacts related to routine transport, use, or disposal of hazardous materials:

MM HAZ-1 In the event that the future tenant will handle hazardous materials above the reportable quantity threshold, the lease agreement with the future tenant shall require the tenant to submit a Hazardous Materials Business Plan which would include an inventory of all hazardous materials used, stored, or otherwise managed onsite to the County of San Bernardino County Fire Department – Hazardous Materials Division and the Fontana Fire Protection District. The recommendations of the Hazardous Materials Business Plan would be included in the lease agreement (signed by the tenant) as mandatory measures required to be implemented by the tenant.

MM HAZ-2 In the event that the future occupant will handle hazardous materials above the reportable quantity threshold, the occupancy agreement shall require the occupant, in coordination with the San Bernardino County Fire Department, to identify routes along which hazardous materials may routinely be transported. If essential facilities such as schools, hospitals, child care centers, or other facilities with special evacuation needs are located along these routes, the future occupant shall develop an emergency response plan that can be implemented in the event of an unauthorized release of hazardous materials. The recommendations of the Emergency Response

Plan would be included in the occupancy agreement (signed by the future occupant) as mandatory measures required to be implemented by the future occupant.

Level of Significance After Mitigation

In addition to compliance with established regulatory framework, compliance with mitigation measures **HAZ-1** and **HAZ-2** would provide for the implementation of established safety practices, procedures, and reporting requirements, to ensure that potentially significant impacts regarding hazardous materials are minimized or eliminated. Impacts to the public or the environment resulting from the routine transport, use, or disposal of hazardous materials would be less than significant after mitigation.

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

Less than Significant Impact with Mitigation Incorporated

Construction

As mentioned above, the RecCheck report found no potential areas of concern/contamination on the project site (Environmental Records Search, 2022, p. 3-4). Additionally, the construction of the proposed project would adhere to applicable federal, state and local regulations in regard to the safe handling and transportation of hazardous materials during construction. The construction contractor would maintain equipment and supplies onsite for containing and cleaning up small spills of hazardous materials and would train construction workers on such containment and cleanup. In the event of a release of hazardous materials of quantity and/or toxicity that onsite construction workers could not safely contain and clean up, the project proponent would notify the County of San Bernardino County Fire Department - Hazardous Materials Division immediately. Therefore, impacts would be less than significant during construction.

Operation

There is a potential that the proposed project could create a significant hazard to the public or the environment during operation through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Typical incidents that could result in accidental release of hazardous materials involve: leaking storage tanks; spills during transport; inappropriate storage; inappropriate use; and/or natural disasters. Accidental releases such as these could cause contamination of soil, surface water, groundwater, and toxic fumes. Depending on the nature and extent of the contamination, groundwater supplies could become unsuitable for use as a domestic water source. Human exposure to contaminated soil or water could have potential health effects depending on a variety of factors, including the nature of the contaminant and the degree of exposure.

Chemicals and wastes stored in aboveground or underground storage tanks would follow guidelines mandated by the federal and state agencies. Aboveground tanks storing hazardous chemicals would have secondary containment to collect fluids that are accidentally released. Underground storage tanks and connecting piping would be double-walled and would have monitoring devices with alarms installed to constantly monitor for unauthorized releases in accordance with federal and state standards.

Applicable existing standards include the Cal/OSHA operational requirements, California Health and Safety Code § 25270.7, and San Bernardino County Fire Department regulations regarding the installation and operation of underground tanks. These existing measures would minimize impacts to a less than significant level.

Transportation of hazardous materials could result in accidental spills, leaks, toxic releases, fire, or explosion, and there is a potential for licensed vendors to transport hazardous materials to and from the project site. As discussed previously, the proposed project is subject to compliance with all applicable federal, state and local laws (including Title 49 of the CFR) and regulations pertaining to the transport, use, disposal, handling and storage of hazardous waste. Additionally, with the implementation of mitigation measures **HAZ-1** and **HAZ-2**, the future occupant would coordinate with the city to ensure that transportation, handling and use of hazardous materials would create less than significant impacts. Therefore, with compliance with these regulations and measures, the proposed project would reduce the likelihood and severity of accidents during transit, thereby ensuring that potential impacts would be less than significant.

Mitigation Measures

Refer to mitigation measures **HAZ-1** and **HAZ-2** above.

Level of Significance After Mitigation

In addition to compliance with the established regulatory framework, compliance with mitigation measures **HAZ-1** and **HAZ-2** would provide for the implementation of established safety practices, procedures and reporting requirements, to ensure that potentially significant impacts regarding the accidental release of hazardous materials would be less than significant with the implementation of mitigation measures.

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

No Impact

No schools are located within 0.25 miles of the project site. The closest school to the project site is Canyon Ridge High School, located at 12850 Muscatel St #5566, approximately 0.42 miles southeast of the project site (Google Earth Pro, 2024). The project would not be within 0.25 mile of an existing or a proposed school; therefore, no impacts to schools would occur and mitigation is not required.

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

No Impact

Government Code § 65962.5 requires the Department of Toxic Substances Control (DTSC) to compile and update, at least annually, lists of the following:

- Hazardous waste and substances sites from the DTSC EnviroStor database.

- Leaking Underground Storage Tank (LUST) sites by county and fiscal year in the State Water Resources Control Board (SWRCB) GeoTracker database.

- Solid waste disposal sites identified by SWRCB with waste constituents above hazardous waste levels outside waste management units.

- SWRCB Cease and Desist Orders (CDOs), and Cleanup and Abatement Orders (CAOs).

- Hazardous waste facilities subject to corrective action pursuant to § 25187.5 of the Health and Safety Code, identified by DTSC.

These lists are collectively referred to as the "Cortese List." The project site is not included on the Cortese List (refer to **Figure 4.9-1**). Therefore, there would be no impacts.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact

The nearest public-use airport to the project site is Hesperia Airport, approximately five miles to the southeast (see **Figure 4.9-2**). The project site is outside of Hesperia Airport's safety, runway protection, obstacle free, and noise contour zones (Ray A. Vidal, 1991). Therefore, project development would not cause airport-related hazards, or excessive noise, to persons at the project site, and no impacts would occur.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact with Mitigation Measures Incorporated

Construction

The project would comply with applicable City regulations, such as the City's Fire Code in regard to providing adequate emergency access, as well as the California Building Standards Code. Prior to the issuance of building permits, the City of Hesperia would review project site plans, including location of all buildings, fences, access driveways and other features that may affect emergency access. Fire lanes would be provided for adequate emergency access. The site design for the proposed project includes access and fire lanes that would accommodate emergency ingress and egress by fire trucks, police units, and ambulance/paramedic vehicles. All onsite access and sight-distance requirements would be in accordance with City and Caltrans design requirements. The City's review process and compliance with applicable regulations and standards would ensure that adequate emergency access would be provided at the project site at all times.

Figure 4.9-1
PROJECT CORTESE LIST MAP

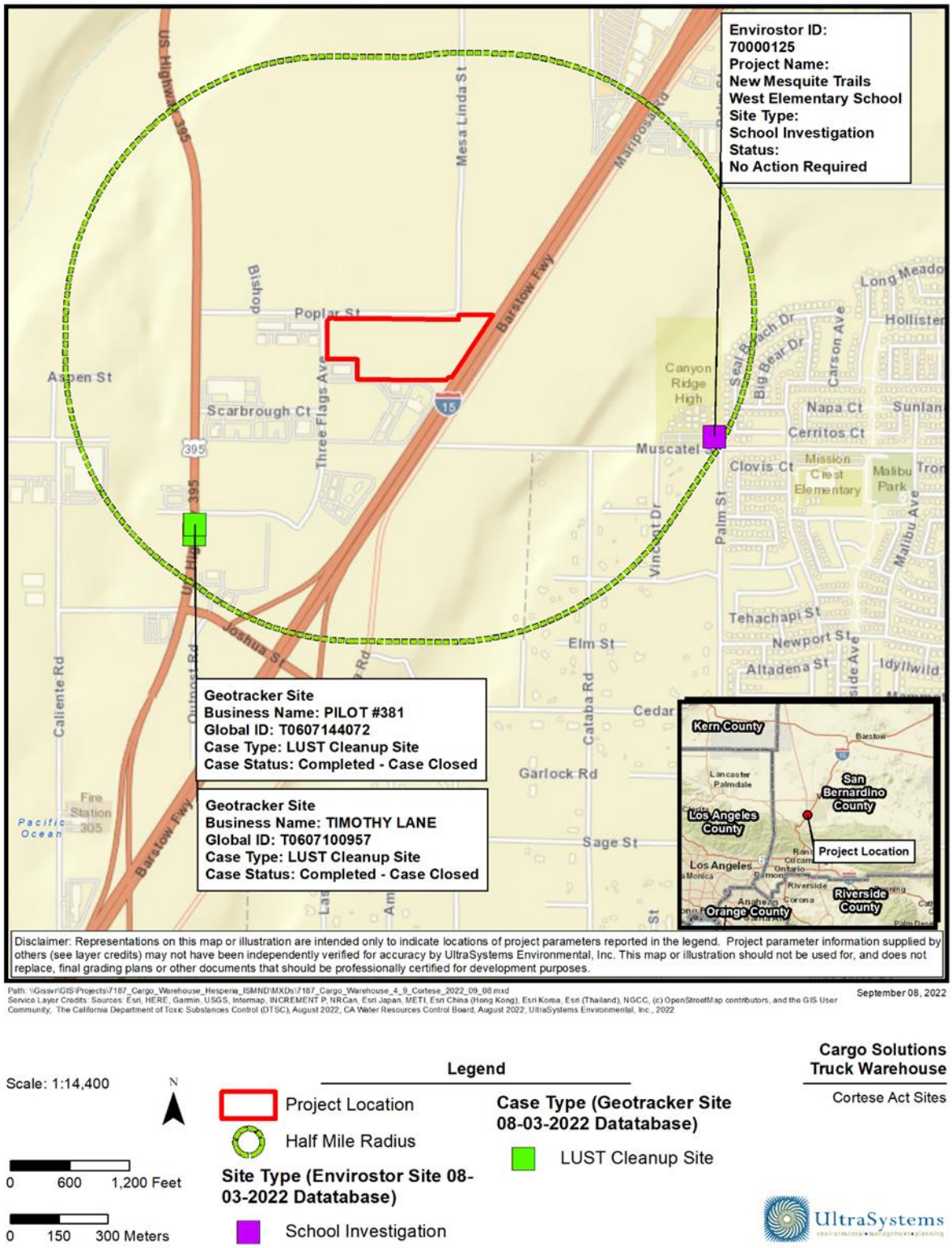
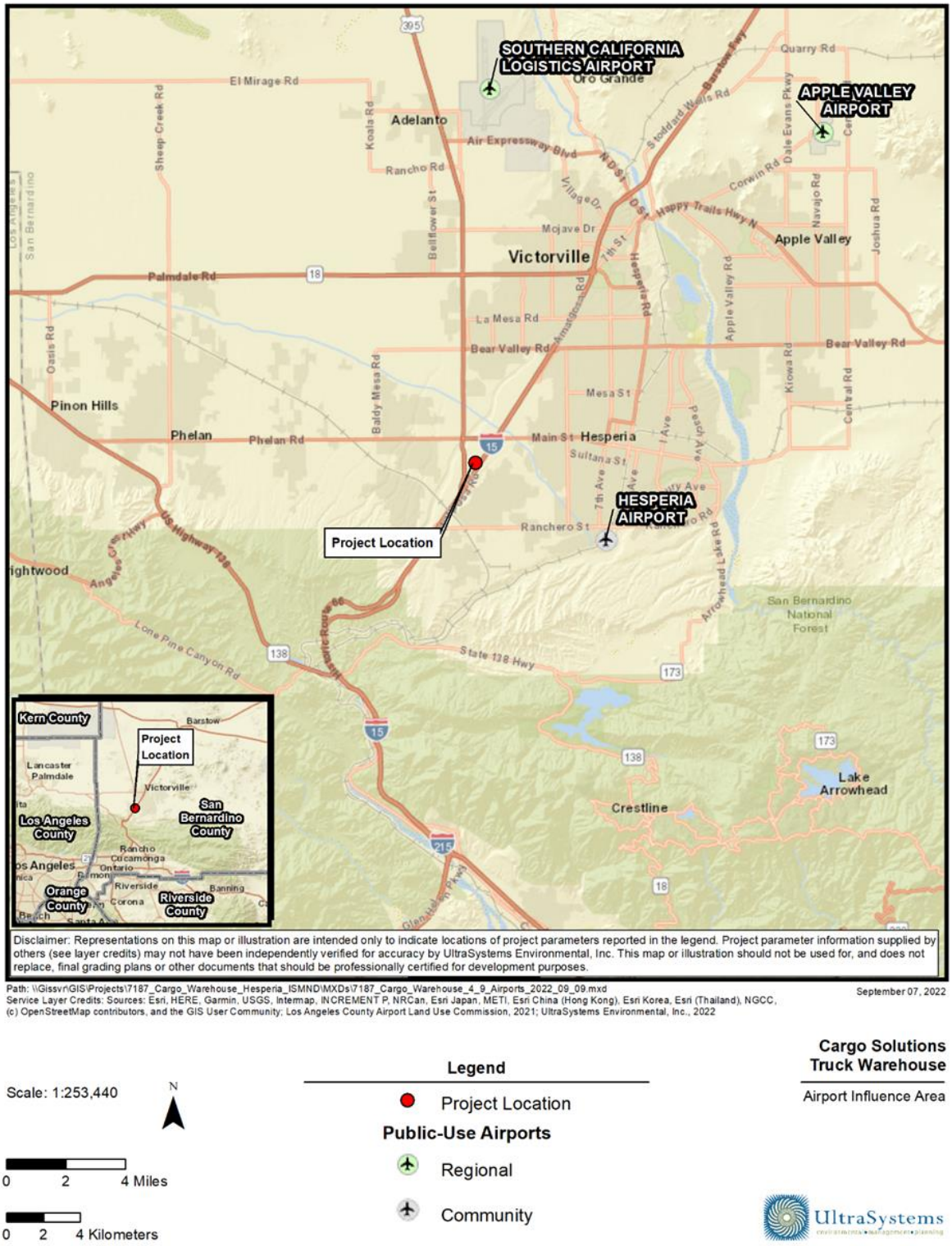


Figure 4.9-2
AIRPORTS IN THE PROJECT REGION



During the construction phase of the project, there may be temporary lane closures that could increase hazards due to geometric design features or incompatible uses. However, the preparation of a construction management plan, as detailed in mitigation measure **TRANS-3**, would reduce the potential for hazards due to geometric design features and incompatible uses to less than significant during the project construction phase.

Mitigation Measures

Refer to mitigation measure **TRANS-3** in **Section 4.17.**

Level of Significance After Mitigation

After implementation of mitigation measure **TRANS-3**, the project would have less than significant construction-phase impacts on emergency access.

Operation

City of Hesperia Hazard Mitigation Plan

The City of Hesperia Hazard Mitigation Plan (HMP) was adopted by the City Council in 2017. The purpose of the City's HMP is to provide a plan for reducing and/or eliminating risk in the City of Hesperia. The goals of the LHMP are to: protect life, property, and the environment; improve public awareness; protect the continuity of government; and improve emergency management preparedness, collaboration and outreach. The City, in cooperation with the San Bernardino County Fire Department, Hazardous Materials Division, will enforce disclosure laws that require all users, generators and transporters of hazardous materials and wastes to clearly identify the materials they store, use or transport. Users, generators and transporters are required to notify the appropriate city, county, state and federal agencies of a change in the quantity or type of hazardous materials and any violations. The Community Emergency Response Team (CERT) Program initiated by the City of Hesperia educates people about disaster preparedness and trains citizens to be self-sufficient following a major disaster (City of Hesperia, 2017, p. 3-7 to 3-12).

The HMP states that interstates would serve as major emergency response and evacuation routes (City of Hesperia, 2017, p. 4-70). As detailed in **Section 4.17**, the project would potentially impact surrounding intersection's level of service (LOS). However, the project would be required to implement **MM TRANS-1**, which would ensure that the Project Applicant would implement all the necessary operational improvements listed in the Section 11.7 of Traffic Impact Analysis (TIA) report (**Appendix I**) to ensure that all affected intersections by project development would operate at an adequate LOS. Additionally, the project would implement **MM TRANS-2**, which would ensure that the Project Applicant contribute to fair-share contributions for intersection operational improvements, resulting in less than significant LOS at all intersections affected in the project area. Therefore, project development would have less than significant impacts on emergency and evacuation plans.

Mitigation Measures

Refer to mitigation measure **TRANS-1** and **TRANS-2** in **Section 4.17.**

Level of Significance After Mitigation

After implementation of mitigation measure **TRANS-1** and **TRANS-2**, the project would have less than significant operational-phase impacts on emergency access.

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

No Impact

The California Department of Forestry and Fire Protection (CAL FIRE) developed Fire Hazard Severity Zones (FHSZ) for State Responsibility Areas (SRA) and Very High FHSZ Local Responsibility Areas (LRA). As shown on **Figure 4.9-3** Fire Hazard Severity Zone - *State Responsibility Area* and **Figure 4.9-4**, Fire Hazard Severity Zone - *Local Responsibility Area*, the project site is not located within either an SRA FHSZ or a Very High FHSZ in LRA for San Bernardino County (CAL FIRE, 2022). Therefore, there would be no impact.

Figure 4.9-3
FIRE HAZARD SEVERITY ZONES - STATE RESPONSIBILITY AREA

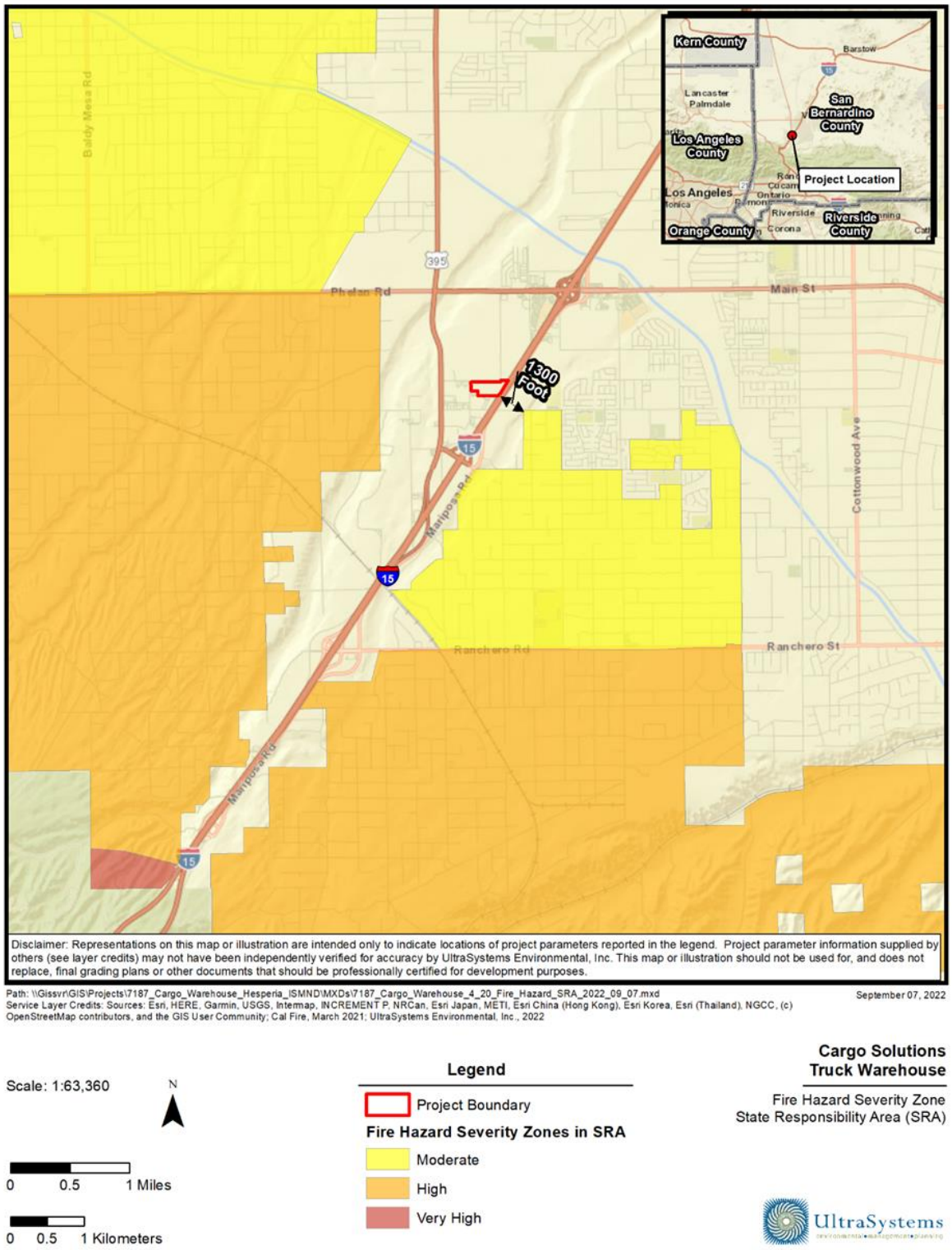
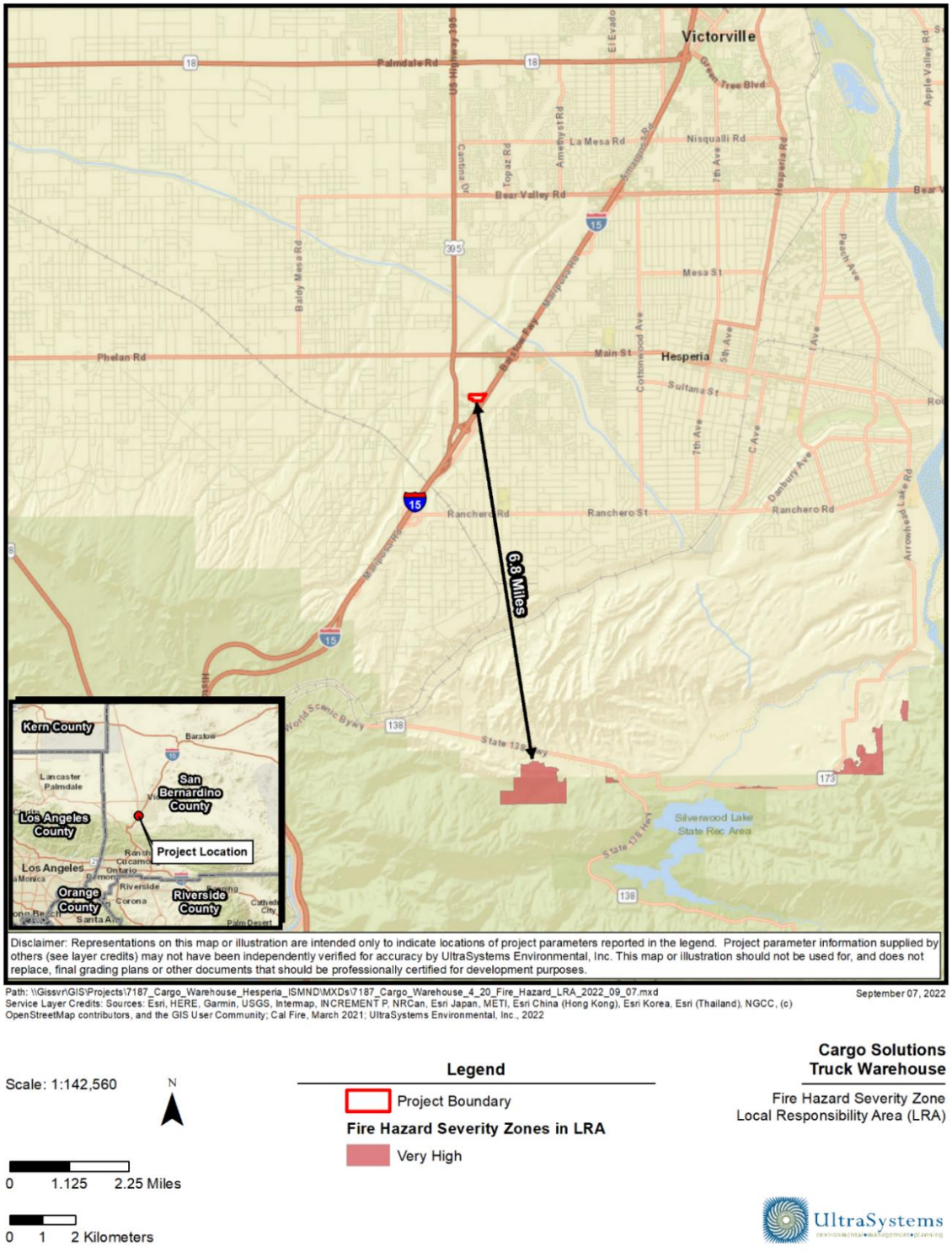


Figure 4.9-4
FIRE HAZARD SEVERITY ZONES - LOCAL RESPONSIBILITY AREA



Disclaimer: Representations on this map or illustration are intended only to indicate locations of project parameters reported in the legend. Project parameter information supplied by others (see layer credits) may not have been independently verified for accuracy by UltraSystems Environmental, Inc. This map or illustration should not be used for, and does not replace, final grading plans or other documents that should be professionally certified for development purposes.

Path: \\Gissvr\GIS\Projects\7187_Cargo_Warehouse_Hesperia_ISMND\MXDs\7187_Cargo_Warehouse_4_20_Fire_Hazard_LRA_2022_09_07.mxd
September 07, 2022
Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community; Cal Fire, March 2021; UltraSystems Environmental, Inc., 2022

Scale: 1:142,560

N

0 1.125 2.25 Miles

0 1 2 Kilometers

Legend

Project Boundary

Fire Hazard Severity Zones in LRA

Very High

Cargo Solutions Truck Warehouse

Fire Hazard Severity Zone
Local Responsibility Area (LRA)

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4.10 Hydrology and Water Quality

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			**X**	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			**X**	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on or offsite;			**X**	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			**X**	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			**X**	
iv) impede or redirect flood flows?				**X**
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				**X**
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			**X**	

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact

The California State Water Resources Control Board (SWRCB) requires its nine Regional Water Quality Control Boards (RWQCBs) to develop water quality control plans (Basin Plans) designed to preserve and enhance water quality and protect the beneficial uses of all Regional waters.

Specifically, Basin Plans designate beneficial uses for surface waters and groundwater, set narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the State antidegradation policy, and describe implementation programs to protect all waters in the Regions (RWQCB 1995). In addition, Basin Plans incorporate by reference all applicable State and Regional Board plans and policies, and other pertinent water quality policies and regulations. The proposed project is under the jurisdiction of the Lahontan (Region 6) RWQCB.

As shown in **Figure 10.4-1,** *USGS Surface Waters and Watersheds*, the project site is located within the Oro Grande Wash hydrologic unit (HU; USGS HU code 180902080704), which drains an area of approximately 24 square miles. The Oro Grande HU is located within the larger Bell Mountain Wash-Mojave River Watershed (USGS HU code 1809020807), which encompasses approximately 276 square miles. The Oro Grande Wash HU drains the Oro Grande Wash and its tributaries beginning at the headwaters of the Wash, southeast of Baldy Mesa and approximately 0.6 mile west of Cajon Summit (USEPA, 2022h; Google Earth Pro, 2022).

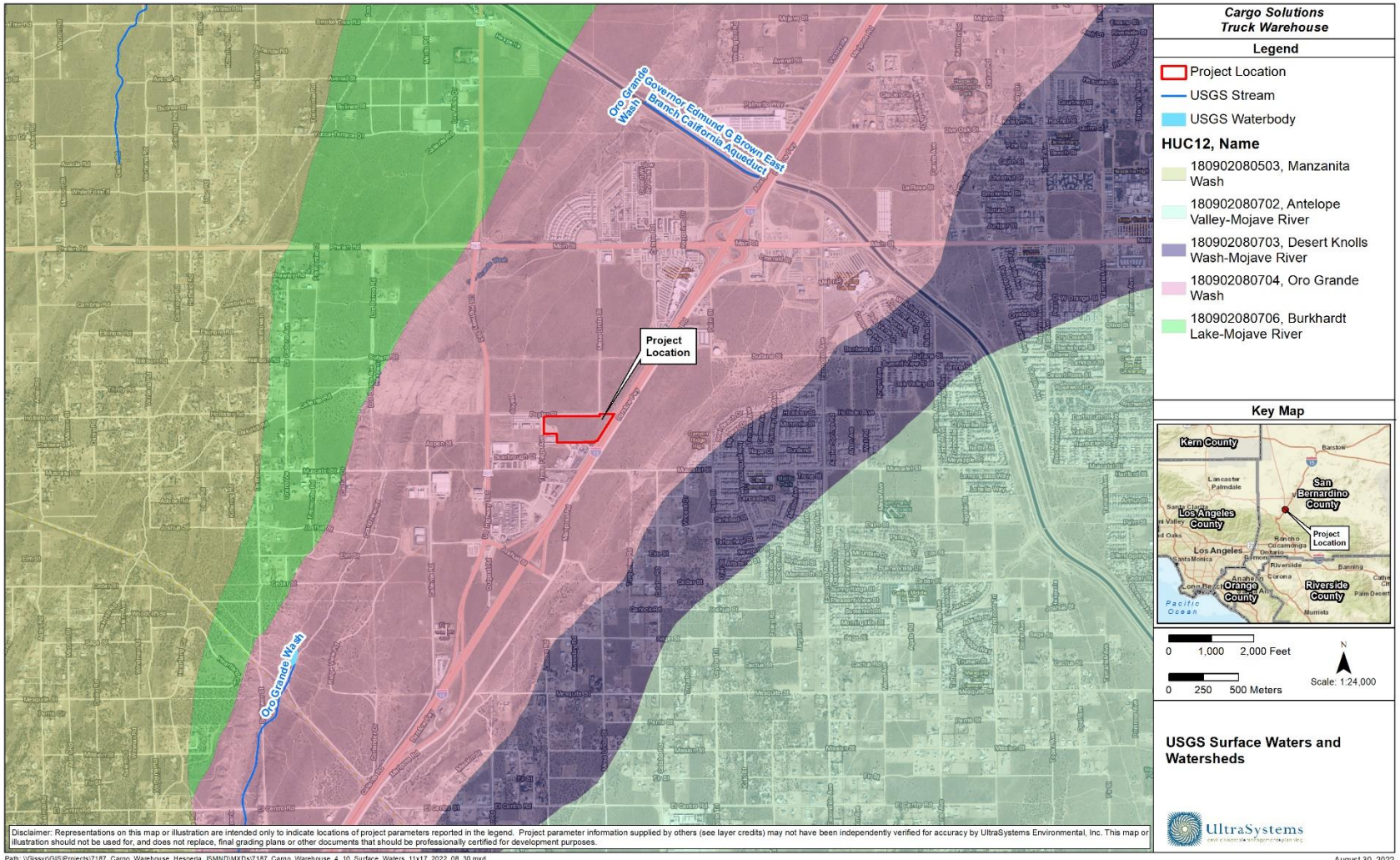
The project has prepared a preliminary Water Quality Management Plan (WQMP; Allard Engineering, 2024), which is designed to retain and treat stormwater generated onsite. The WQMP proposes one 20.33-acre drainage area (DA-1) containing drainage systems in two drainage management areas (DMA-1 and DMA-2).

DMA-1 (10.5 acres) would consist of swales, grated inlets with filter inserts and pipes that would convey the flows to the proposed infiltration/retention Basin-1 at the northeast corner in DMA-1. The proposed Basin-1 would be comprised of a two-stage pit system (Maxwell Plus Drywell System) at the northeast corner in DMA-1. The proposed infiltration/retention Basin-1 is sized to qualify for the required WQMP design capture volume (DCV) volume (30,956 cf) as well as the required detention volume (55,572 cf) from the drainage management area DMA-1 (Allard Engineering, 2024, p. 1-2).

DMA-2 (9.83 acres) would also consist of swales, grated inlets with filter inserts and pipes that would convey the flows to the proposed infiltration/retention Basin-2 with two-stage pit system (Maxwell Plus Drywell System) at the northwest corner in the drainage management area DMA-2. The proposed infiltration/retention Basin-2 is sized to qualify for the required DCV (28,981 cf) as well as the required detention volume (52,035 cf) from the drainage management area DMA-1 (Allard Engineering, 2024, p. 1-2).

Detention volume has been calculated based upon the City of Hesperia "13.5-cubic feet (cf) per 100-square feet (sqft) of impervious area" rule. Required combined detention volume (107,606 cf) exceeds the combined water quality volume (59,937 cf) from DMA-1 & DMA-2. The infiltration/retention Basin-1 with two-stage pit system will drain out at the northeast corner of DMA-1 to Poplar Street via an under-sidewalk parkway drain when the basin reaches capacity. The infiltration/retention Basin-2 with two-stage pit system will drain out at the northeast corner of DMA-2 to Poplar Street via under-sidewalk parkway drain when Basin-2 reaches capacity (Allard Engineering, 2024, p. 1-2). The proposed project site would maintain consistency with the existing drainage pattern in the area. (Allard Engineering, 2024, p. 4-12).

Figure 4.10-1
USGS SURFACE WATERS AND WATERSHEDS



Development of the project has the potential to result in two types of water quality impacts: (1) short-term impacts due to construction-related discharges; and (2) long-term impacts from operation. Temporary soil disturbance would occur during project construction, due to earth-moving activities such as excavation and trenching for foundations and utilities, soil compaction and moving, cut and fill activities, and grading. Disturbed soils are susceptible to high rates of erosion from wind and rain, resulting in sediment transport via stormwater runoff from the project area. Erosion and sedimentation affect water quality of receiving waters through interference with photosynthesis, oxygen exchange, and respiration, growth, and reproduction of aquatic species. Runoff from construction sites may include sediments and contaminants such as oils, fuels, paints, and solvents. Additionally, other pollutants such as nutrients, trace metals and hydrocarbons can attach to sediment and be carried by stormwater into storm drains which, under some circumstances, may discharge into the Mojave River and eventually to its terminus, East Cronise (Dry) Lake, located in Cronise Valley north of Interstate 15, east of the Cronise Mountains and west of the Soda Mountains, approximately 10 miles west of Zzyzx.

Spills and mishandling of construction materials and waste may also potentially leave the project site and negatively impact water quality. The use of construction equipment and machinery may potentially result in contamination from petroleum products, hydraulic fluids, and heavy metals. Contamination from building preparation materials such as paints and solvents, and landscaping materials such as fertilizers, pesticides, and herbicides may also potentially degrade water quality during project construction. Trash and demolition debris may also be carried into storm drains and discharged into receiving waters.

Construction Pollutants Control

The project proponent is required by the SWRCB to obtain coverage under a General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2022-0057-DWQ; also called the General Permit), as authorized by § 402 of the Clean Water Act, for projects which would disturb one or more acres of soil during construction. The Construction General Permit requires potential dischargers of pollutants into waters of the U.S. to prepare a site-specific Stormwater Pollution Prevention Plan (SWPPP), which establishes enforceable limits on discharges, requires effluent monitoring, designates reporting requirements, and requires construction best management practices (BMPs) to reduce or eliminate point and non-point source discharges of pollutants. Additionally, BMPs must be maintained and inspected before and after each precipitation event, and repaired or replaced as necessary. Because the project is required by the SWRCB to comply with all applicable conditions of the General Permit (Order 2022-0057-DWQ), potential violations of water quality standards or waste discharge requirements during project construction would be less than significant.

Operational Pollutant Controls

National Pollutant Discharge Elimination System (NPDES; General Permit No. CAS000004), Waste Discharge Requirements (WDRs) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (General Permit) requires that the permittees develop a Storm Water Management Program (SWMP). The City of Hesperia is a permittee (County of San Bernardino, 2003).

The SWMP regulates the discharge of pollutants into waters of the U.S. through stormwater and urban runoff conveyance systems, including flood control facilities. These conveyance systems are commonly referred to as municipal separate storm sewer systems (MS4s), or storm drains. In this context, the NPDES Permit is also referred to as an MS4 Permit.

A Phase II Small MS4 is any MS4 that is not already regulated under the Phase I storm water program. Regarding the City of Hesperia, the Phase II Small MS4 serves a small urbanized area as designated by the Bureau of Census. Principal permittees and co-permittees must regulate discharges of pollutants in urban runoff from man-made sources into storm water conveyance systems within their jurisdiction; for example, the Mojave Desert.

New development and redevelopment can significantly increase pollutant loads in stormwater and urban runoff, because increased population density results in proportionately higher levels of vehicle emissions, vehicle maintenance wastes, municipal sewage wastes, household hazardous wastes, fertilizers, pet waste, trash, and other pollutants (SWRCB, 2022). MS4 Permits require new development and significant redevelopment projects to incorporate post construction low impact development BMPs into project to reduce or eliminate the quantity, and improve the quality of, stormwater being discharged from the project site.

A preliminary WQMP (Allard Engineering, 2024), included in **Appendix G** of this document, has been prepared for the proposed project site in accordance with the *Mojave River Watershed Technical Guidance Document for Water Quality Management Plans* (County of San Bernardino, 2016). The *Stormwater Management Program for the Mojave River Watershed* (SWMP; County of San Bernardino, 2003) and the required WQMP includes the implementation of Low Impact Development (LID) features to ensure that most stormwater runoff is treated and retained onsite.

The preliminary WQMP includes structural BMPs, including use of efficient irrigation systems and landscape design, water conservation, smart controllers, and source control; and completion of grade of landscaped areas at a minimum of one to two inches below top of curb, sidewalk, or pavement, preservation the existing drainage patterns (Allard Engineering, 2024, pp. 4-5 to 4-9). These LID BMPs are highly effective at removing water pollutants such as sediment, nutrients, trash, metals, bacteria, oil and grease, and organic compounds while reducing the volume and intensity of stormwater flow leaving a site.

The WQMP also includes non-structural Source Control BMPs including (but not limited to): education of property owners, tenants, and occupants on stormwater BMPs; activity restrictions; landscape management BMPs; BMP maintenance; implementation of a spill contingency plan; implementation of a litter/debris control program; employee training; implementation of a drop inlets inspection program; housekeeping of loading docks; vacuum sweeping of private streets and parking lots; and compliance with all other applicable NPDES permits (Allard Engineering, 2024, pp. 4-5 to 4-9).

After implementation and design of both Source Control BMPs and Site Design BMP measures, runoff from DMA-1 and DMA-2 would be directed to proposed infiltration/retention Basin 1 and Basin 2, which are designed with two-stage pit systems to contain sediment and debris carried by incoming water. Floating trash, paper, pavement oil, etc. are removed by debris shields in each chamber; these shielding devices are equipped with a screen to filter suspended material and are vented to prevent siphoning of floating surface debris as the system drains. Additionally, settling chambers are equipped with absorbent sponges to remove pavement oils (Torrent Resources, Inc., 2012), as specified in Permit § E.12.e (ii)(c) *Numeric Sizing Criteria for Storm Water Retention and Treatment*.

With implementation of construction and operational BMPs, potential impacts to water quality would be less than significant and mitigation is not proposed.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less than Significant Impact

The project site is located within the Upper Mojave River Valley Groundwater Basin (Basin ID 6-42), which covers approximately 645 square miles and underlies a north-south valley with the Mojave River occasionally flowing through the valley from the San Bernardino Mountains on the south, and northward into the Middle Mojave River Valley Groundwater Basin at the City of Helendale. This groundwater basin is bounded on the northeast by the Helendale fault zone, which forms a barrier to the groundwater flow in the regional fan unit, but does not appear to be a barrier to groundwater flow in the floodplain unit. Average precipitation varies across the basin from 5 to 36 inches; the average for the basin is approximately 12 inches (DWR, 2004).

The nearest water well (State Well Number 04N05W21H001S; California Statewide Groundwater Elevation Monitoring Program [CASGEM] Well Identification Number: 4044) is located approximately 0.7 miles northwest of the project. This active well is designated for observation purposes and is drilled to a depth of 670 feet. The most recent measurement, conducted on September 11, 2023, recorded a groundwater elevation of 658.6 feet below ground surface (bgs). The highest groundwater level was 647.4 feet bgs, measured on January 17, 1996 (CASGEM 2024).

The proposed project is within the service area of the Hesperia Water District (District). Water is supplied to the city from the groundwater aquifer, and is extracted using deep well water pumps and booster pumps in the distribution system. The city's water is extracted through 18 wells placed throughout Hesperia, where the water is regularly tested and treated per applicable state and federal regulations (City of Hesperia, 2008).

According to the City's Urban Water Management Plan (UWMP), the District can supply water to meet the needs of the service area through 2045 on a 25-year planning horizon with anticipation of both normal and dry conditions. Hesperia has reliable supplies to meet demand in normal, single dry years, and five consecutive dry year conditions through 2045 (Tully and Young, 2020).

The project would not substantially deplete groundwater supplies or result in a substantial net deficit in the aquifer volume or lowering of the local groundwater table. The project would have a less than significant impact in this regard and mitigation is not required.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial erosion or siltation on or offsite;

Less Than Significant Impact

The project site is relatively flat with average slope of less than 2 percent (Allard Engineering 2024, p. 3-2). Elevations on the site range from approximately 3,606 to 3,620 feet above mean sea level (amsl; Google Earth Pro, 2022b). The southern segment of the project site contains slightly higher elevations that the northern segment. There is no evidence that the project site supports ephemeral, intermittent, or perennial streams or rivers. The site currently drains to the north toward Poplar

Street; the design of the project would direct water to the northeast corner (in DMA-1) and to the northwest corner (in DMA-2; Allard Engineering, 2024, pg. 3-1).

Construction

As described in **Section 4.10 a),** temporary soil disturbance would occur during project construction, due to earth-moving activities such as excavation and trenching for foundations and utilities, soil compaction and moving, cut and fill activities, and grading. Disturbed soils are susceptible to high rates of erosion from wind and rain, resulting in sediment transport via stormwater runoff from the project area.

The project owner would be required to have a SWPPP prepared by a certified qualified SWPPP developer. The required SWPPP would be project-specific and would prescribe site-specific stormwater BMPs which would be intended to minimize or avoid having soil leave the project site, through either stormwater or wind, and thus minimize or avoid soil erosion onsite and siltation in receiving waters. With implementation of a project specific SWPPP and proper maintenance and replacement of required stormwater BMPs (as necessary), potential impacts that could potentially result in substantial erosion or siltation on- or offsite would be minimized or avoided, and impacts would be less than significant.

Operation

As detailed in **Section 4.10 a)**, the LID BMPs proposed as part of project design would minimize or avoid on- or offsite erosion and siltation by a combination of maintaining drainage patterns, installation of landscaping, and installation of LID BMPs which would prevent erosion and prevent siltation-laden stormwater from leaving the site. Applicable regulations and guidelines (e.g., the SWMP), and installation of LID BMPs, including site design, infiltration, pre-treatment BMPs, etc., would limit pollutant discharges from project. The project's adherence to existing requirements and implementation of the project's WQMP would reduce erosion and siltation during operation; therefore, impacts resulting from operation of the project would be less than significant. Mitigation is not required.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

<u>Less than Significant Impact</u>

As discussed in the project's preliminary WQMP, the project design would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

As detailed in the proposed project's WQMP and in **Section 4.10 a)** above, the proposed project would incorporate structural BMPs in compliance with the requirements of the SWMP for the Mojave River Watershed. The project proposes installation of two infiltration/retention basins in DMA-1 and

DMA-2 which, combined, retain stormwater onsite to the maximum extent practicable. The required combined detention volume (107,606 cubic feet) exceeds the combined water quality volume (59,937 cubic feet). The infiltration/retention Basins would drain out at the northeast and northwest corners of the site to Poplar Street via storm drain only when Basins reach capacity. (Allard Engineering, 2024, p. 3-1).

The SWMP and the project WQMP would require the implementation of water quality features to ensure that runoff is both retained and treated prior to discharge into native soils (infiltration), storm drains or other regional conveyance facilities, as described above. Therefore, upon adherence to existing state water quality requirements, including SWMP requirements, the proposed project would minimize or avoid causing a substantial increase in the rate or amount of surface runoff in a manner which would: (1) result in flooding on- or offsite; (2) would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff; or (3) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant, and no mitigation is proposed.

iv) Impede or redirect flood flows?

No Impact

The project site is located on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for San Bernardino County, California, and Incorporated Areas (Map Number 06071C6475H, effective August 28, 2008); the site is not located a Special Flood Hazard Area (SFHA) and above the elevation of the 0.2 percent annual chance (500-year) flood areas (FEMA, 2008; Google Earth Pro 2022b). The project site is located above the nearest 100- or 500-year floodplain and the proposed project would not impede or redirect flood flows. No impact would occur, and mitigation is not required.

d) In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

No Impact

Two dams or reservoirs are within a 10-mile radius of the project site: Cedar Springs and Amethyst Basin. The project would not be located within the dam breach inundation areas of either of these dams or reservoirs (DWR, 2023) and would not be at risk of flood hazards due to dam breaches. As discussed previously, the project site is located above the 500-year floodplain and would not be at risk of inundation by flood hazards.

The tsunami inundation area nearest to the project site is the City of Long Beach, located approximately 60 miles southwest of the project site (FCGS, 2021), and therefore would not be at risk of inundation by tsunami.

A seiche is an oscillating wave, formed by earthquakes or winds, in an enclosed or partially enclosed waterbody. The nearest waterbody to the project site in which a seiche could form is Cedar Springs, approximately 8.75 miles southeast of the project site; however, flood water resulting from a seiche at that location would be directed into the Mojave River, east of the project site. The project site is

not within the dam breach inundation areas mapped for this waterbody (DWR, 2023), and the project would not be at risk of inundation by seiche.

The proposed project would not be at risk of inundation by flood hazards, tsunami, or seiche, and would therefore not be at risk of release of pollutants due to inundation. No impact would occur, and mitigation is not required.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact

Groundwater in the Upper Mojave River Valley Groundwater Basin (Basin ID 6-42) is recharged by natural storm water flows, infiltration of the Mojave River and tributaries, imported supplies from the Mojave Water Agency to recharge basins, and irrigation and wastewater return flow. Local supply of groundwater is naturally recharged by surface water from the Mojave River and the Mojave River watershed. Most of this water enters aquifers from the San Bernardino Mountains as rain or snow. Additionally, there are recharge sites in the floodplain aquifer along the Mojave River in Hesperia and southern Apple Valley through the operation of the MWA Regional Recharge and Recovery Project (Tully and Young, 2020).

As discussed in **Section 4.10 a)**, the proposed project would comply with the Construction General Permit by developing and implementing a site-specific SWPPP and construction stormwater BMPs throughout the construction phase. The proposed project would also comply with the SWMP by incorporating LID BMPs into project design, which would avoid or minimize the amount and type of pollutants leaving the project, entering receiving waters, and impacting water quality and beneficial uses defined for these waters by the Basin Plan (RWQCB, 1995). In addition, the LID BMPs would allow stormwater infiltration into the local aquifer, similar to the existing infiltration conditions and minimize or avoid impacts to groundwater quality and beneficial uses of the Upper Mojave River Valley Groundwater Basin (RWQCB, 1995). The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. No impact would occur, and mitigation is not required.

4.11 Land Use and Planning

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?				**X**
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			**X**	

a) Would the project physically divide an established community?

No Impact

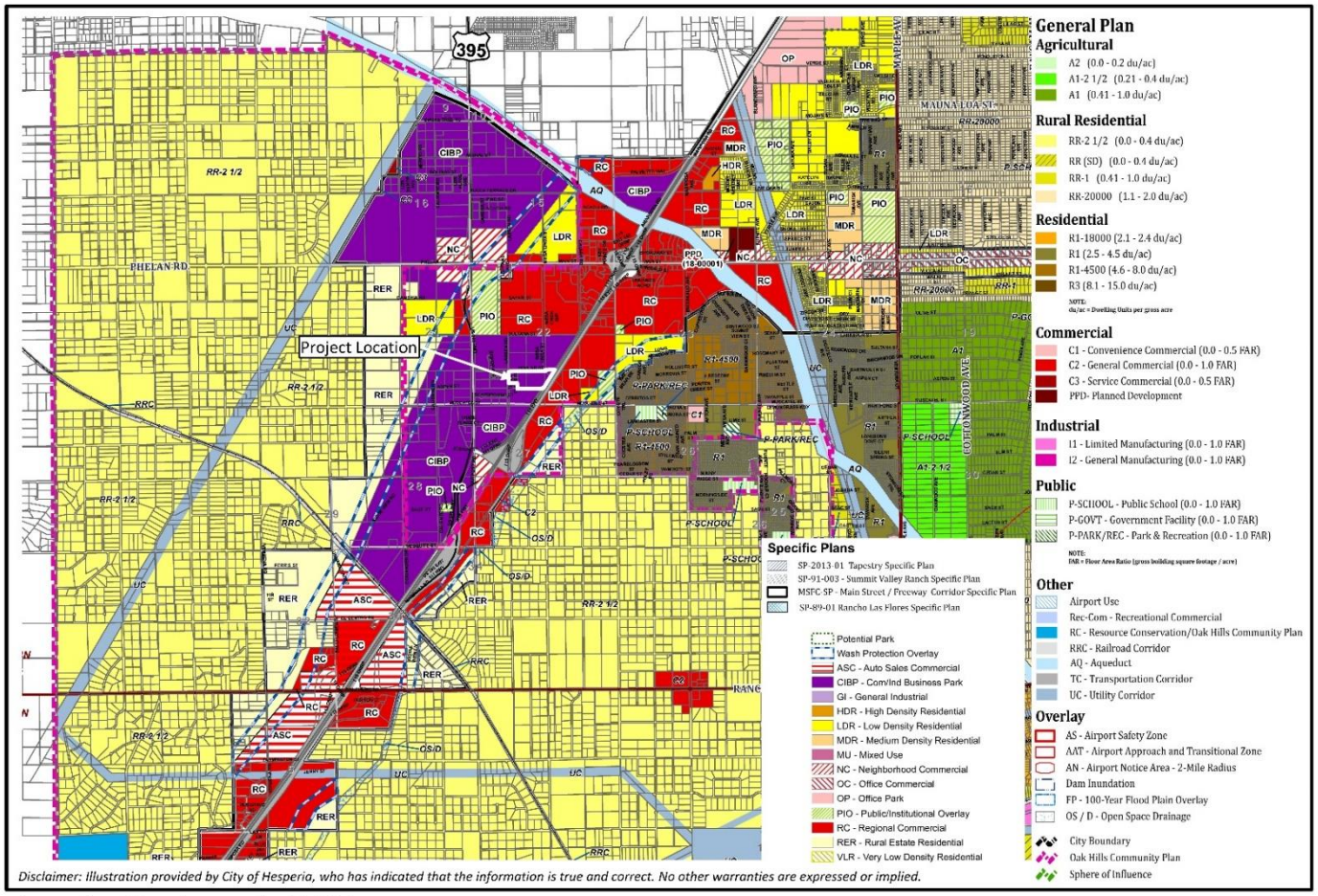
The entire project site is currently undeveloped land. The project site is located in a semi-rural and lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west (Google Earth Pro, 2024). The proposed project would stay within project site boundaries and would not extend into rights-of-way (ROWs) or other property. Therefore, project development would not physically divide an established community, and no impact would occur.

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

Less than Significant Impact

The City's General Plan land use and zoning designation for the project site is Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan (City of Hesperia, 2020; City of Hesperia, 2010). Refer to **Figure 4.11-1** below, which depicts the General Plan land use and zoning designations of the project site and surrounding areas. The purpose of the CIBP zoning designation is to create employment-generating uses in a business park setting. This zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings, which will produce only a small environmental impact, such as noise, vibration, air pollution, glare or waste disposal. Permitted uses include commercial storage facilities, manufacturing, offices, repair shops, warehousing and wholesale distribution centers, and other similar uses (The Arroyo Group, 2021, p. 196-197). The project proposes two truck warehouse buildings that would have warehouse, office, grade level door areas, and associated surface parking lot and landscaping. The proposed project would be consistent with the city's General Plan and zoning designation standards for the project site.

Figure 4.11-1
GENERAL PLAN LAND USE AND ZONING DESIGNATION



Source: City of Hesperia, November 18, 2021.

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General Plan Land Use and Zoning

A consistency analysis of the proposed project in regards to applicable City of Hesperia General Plan Land Element and the Main Street and Freeway Corridor Specific Plan (MSFCSP) goals and policies is provided below in **Tables 4.11-1** and **4.11-2**, respectively.

Table 4.11-1
CONSISTENCY ANALYSIS: PROPOSED PROJECT COMPARED TO APPLICABLE CITY OF HESPERIA GENERAL PLAN LAND USE ELEMENT GOALS AND POLICIES

Goals and Policies	Consistency Analysis
Goal LU-1: Regulate development so that the density of residential development and the intensity of non-residential development are appropriate to the property, surrounding properties, and the general neighborhood.	
Policy LU-1.1: Require that new construction, additions, renovations, and infill developments be sensitive to neighborhood context and building form and scale.	The project would be a new construction project that is surrounded by similar industrial developments with similar building heights. Therefore, the project would be in compliance with this policy.
Policy LU-1.3: Require that new construction, additions, renovations, and infill developments be sensitive to the intent of the land use designations, incorporating neighborhood context as well as building form and scale.	The proposed buildings would be surrounded by similar industrial developments and would follow the project site's Com/Ind Business Park (CIBP) land use designation requirements. Therefore, this project would be consistent with this policy.
Goal LU-4: Promote industrial development within the City which will expand its tax base and provide a range of employment activities, while not adversely impacting the community or environment.	
Policy LU-4.2: Encourage a diverse mix of industrial and service businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.	The proposed project would construct and operate two industrial truck warehouse developments on an undeveloped and underutilized lot within the city, which would create additional jobs for the local workforce. Therefore, this project would be consistent with this policy.
Policy LU-4.3: Discourage the re-zoning of industrial land to other uses as sufficient industrial land should be maintained to provide a full range of industrial businesses to the community and surrounding areas.	The proposed project would adhere to its CIBP zoning and would provide an industrial development to the community and surrounding areas. Therefore, this project would be consistent with this policy.
Policy LU-4.6: Incorporate varied planes and textures and variety in building materials on industrial buildings to achieve high quality architectural design.	The proposed project would be built with a variety of high-quality materials that would adhere to the City's design guidelines, which would complement the industrial buildings surrounding the project. Therefore, the project would be consistent with this policy.
Policy LU-4.8: Require delivery areas to be separated from pedestrian areas.	The project has planned the office use and warehouse use on opposite sides of the buildings. Additionally, all truck parking areas are not within pedestrian rights-of-way (ROWs) such as sidewalks. Therefore, the project would be consistent with this policy.
Policy LU-4.9: Include full architectural treatment on all sides of buildings facing streets.	The proposed project would include full architectural treatment on all sides facing streets. Therefore, the project would comply with this policy.

Goals and Policies	Consistency Analysis

Sources: City of Hesperia, 2019a, p. XIX to XXIV. City of Hesperia General Plan. Accessed online at https://www.cityofhesperia.us/DocumentCenter/View/15728/General-Plan-Update-August-2019 , accessed on August 30, 2022.

Table 4.11-2
CONSISTENCY ANALYSIS: PROPOSED PROJECT COMPARED TO APPLICABLE CITY OF HESPERIA MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN GOALS AND POLICIES

Goals and Policies	Consistency Analysis
Goal LU-2: Create a jobs/housing balance in the City.	
Policy LU-2.1: Designate land near Interstate-15 and Highway 395 for freeway-oriented commercial and industrial/business park development.	The proposed project would construct and operate two industrial truck warehouse developments located between the I-15 and the U.S. 395 freeways. Therefore, the project would be consistent with this policy.
Policy LU-2.2: Add to the City's industrial land base where logically and physically possible to do so.	The proposed project would be located in a Com/Ind Business Park (CIBP) zoned area and within proximity to truck routes such as the I-15 and U.S.-395. Therefore, the project would be consistent with this policy.

Sources: The Arroyo Group, 2021, p. 24. City of Hesperia Main Street and Freeway Corridor Specific Plan. Accessed online at https://www.cityofhesperia.us/DocumentCenter/View/15940/MSFCSP-update , accessed on August 30, 2022.

As shown in **Tables 4.11-1** and **4.11-2**, the proposed project would adhere to all applicable land use goals and policies of the city's General Plan Land Use Element and the Main Street and freeway Corridor Specific Plan. Therefore, impacts would be less than significant.

4.12 Mineral Resources

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

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

and

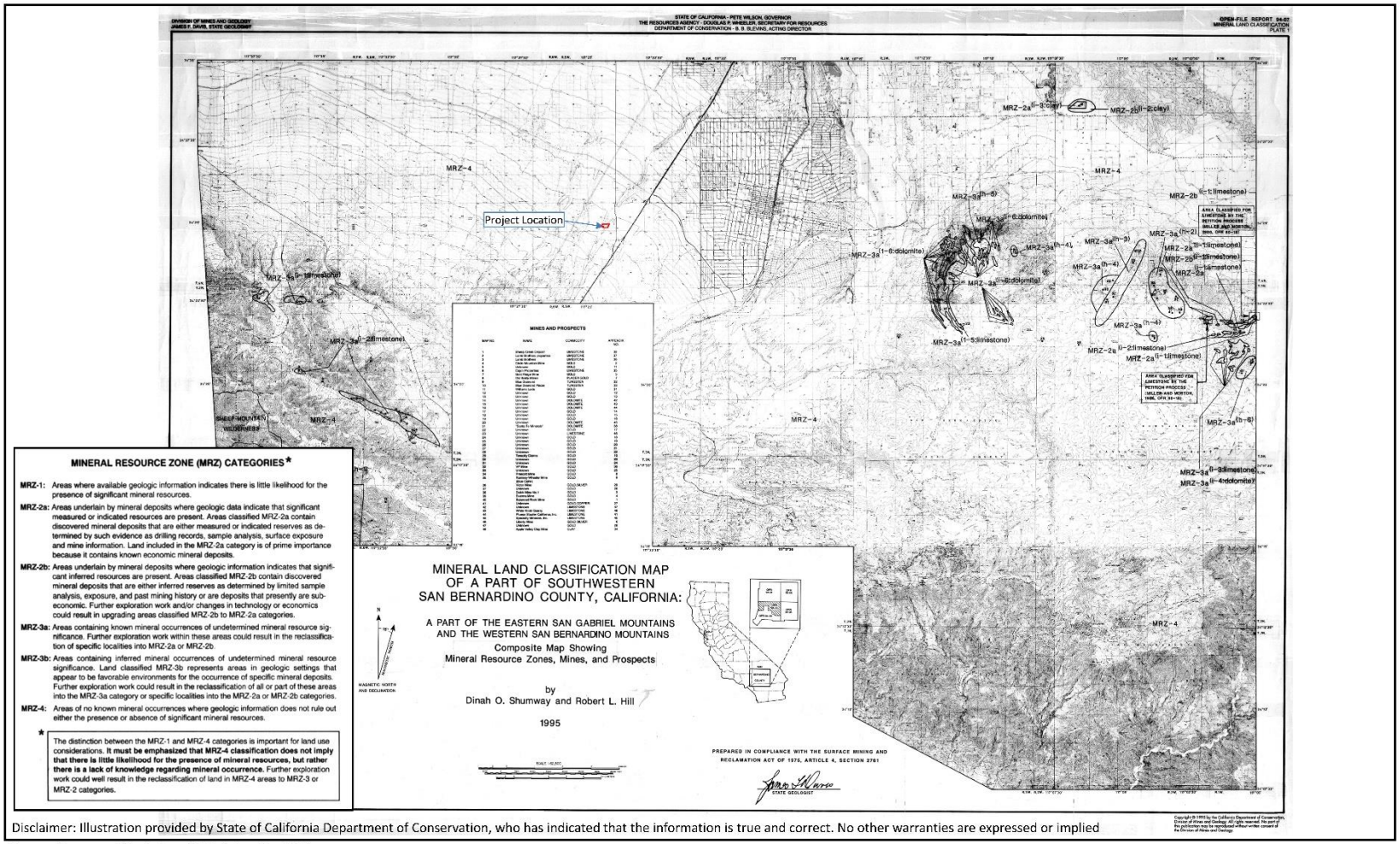
b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Less Than Significant Impact

The project site area is designated Mineral Resource Zone (MRZ-3a) by the California Department of Conservation (DOC), meaning that geologic data indicate that this area may contain significant aggregate deposit (DOC, 1993); see **Figure 4.12-2**. According to the proposed Hesperia General Plan Conservation and Open Space Element, the City of Hesperia currently has not identified any known mineral resources that would be of value to the region and the residents of the state (City of Hesperia, 2019a). Additionally, the project site is not scaled large enough for a mining operation.

The nearest mine to the project site mapped by the Division of Mines Reclamation (DMR) is a White Knob and White Ridge Mine at Crystal Creek Road and Gateway Road in the County of San Bernardino approximately 11.7 miles to the southeast (DOC, 2022a). The nearest oil or gas well to the project site is a plugged well approximately eight miles southwest of the project site (DOC, 2022b); see **Figure 4.12-2**. Therefore, project development would not cause a loss of availability of known mineral resources valuable in regards to the region with less than significant impact.

Figure 4.12-1
DESIGNATED MINERAL RESOURCE ZONE



Disclaimer: Illustration provided by State of California Department of Conservation, who has indicated that the information is true and correct. No other warranties are expressed or implied

Source: Shumway, Dinah O. and Hill, Robert L., 1995.

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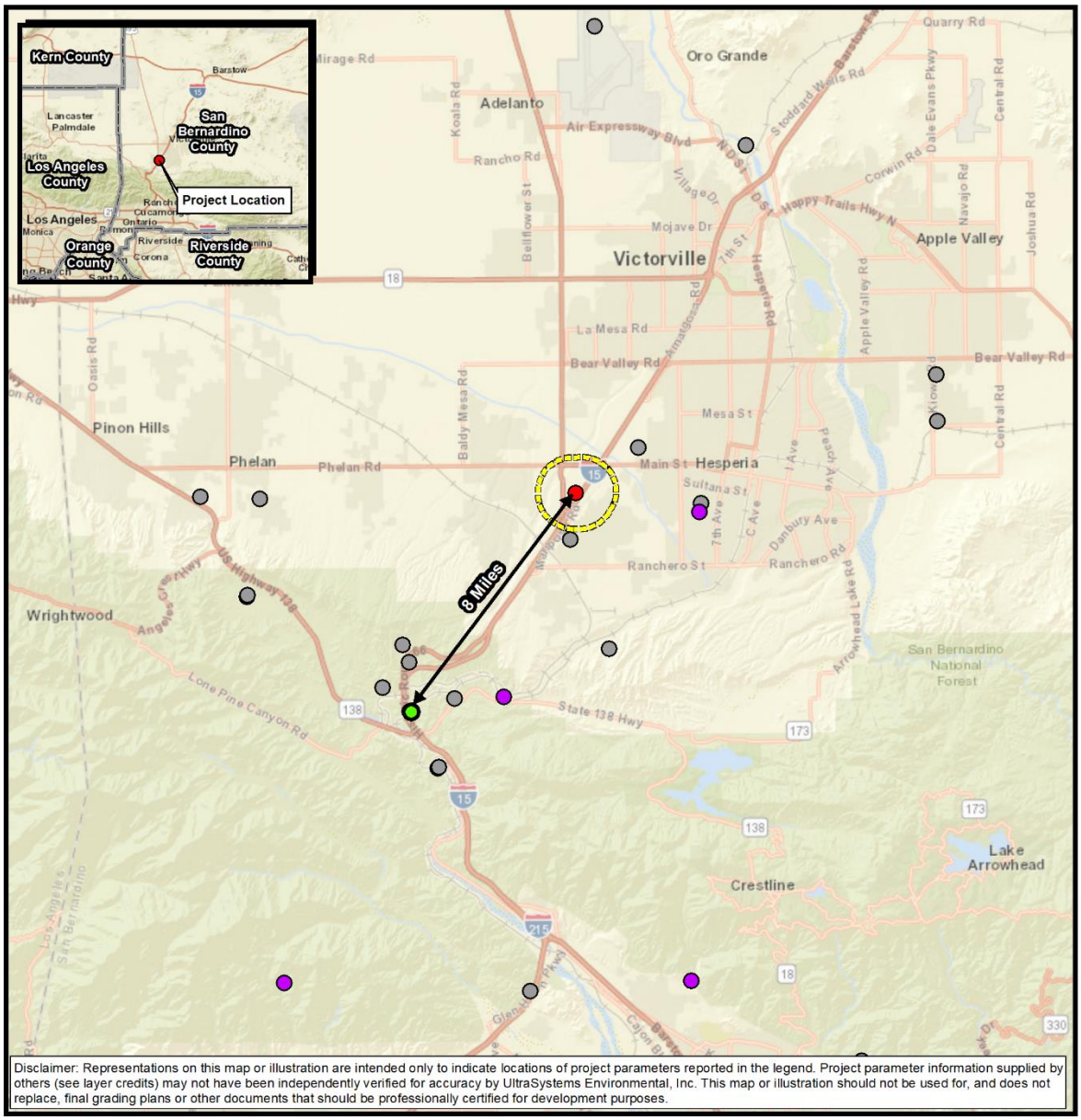
Designated Mineral Resource Zones

Figure 4.12-2
OIL AND GAS WELLS



4.13 Noise

Would the project result in:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

4.13.1 Characteristics of Sound

Sound is a pressure wave transmitted through the air. It is described in terms of loudness or amplitude (measured in decibels), frequency or pitch (measured in hertz or cycles per second), and duration (measured in seconds or minutes). The decibel (dB) scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. Because the human ear is not equally sensitive to all frequencies, a special frequency-dependent rating scale is used to relate noise to human sensitivity. The A-weighted decibel scale (dBA) provides this compensation by discriminating against upper and lower frequencies in a manner approximating the sensitivity of the human ear. The scale is based on a reference pressure level of 20 micro pascals (zero dBA). The scale ranges from zero (for the average least perceptible sound) to about 130 (for the average human pain level).

4.13.2 Noise Measurement Scales

Several rating scales have been developed to analyze adverse effects of community noise on people. Since environmental noise fluctuates over time, these scales consider that the effect of noise on people depends largely upon the total acoustical energy content of the noise, as well as the time of day when the noise occurs. Those that are applicable to this analysis are as follows:

- L_{eq}, the equivalent noise level, is an average of sound level over a defined time period (such as 1 minute, 15 minutes, 1 hour or 24 hours). Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure.
- L_{90} is a noise level that is exceeded 90 percent of the time at a given location; it is often used as a measure of "background" noise.

- L_{max} is the root mean square (RMS) maximum noise level during the measurement interval. This measurement is calculated by taking the RMS of all peak noise levels within the sampling interval. L_{max} is distinct from the peak noise level, which only includes the single highest measurement within a measurement interval.
- CNEL, the Community Noise Equivalent Level, is a 24-hour average L_{eq} with a 4.77-dBA "penalty" added to noise during the hours of 7:00 p.m. to 10:00 p.m., and a 10-dBA penalty added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime (Hendriks, 2013). The logarithmic effect of these additions is that a 60-dBA 24-hour L_{eq} would result in a calculation of 66.7 dBA CNEL.
- L_{dn}, the day-night average noise, is a 24-hour average L_{eq} with an additional 10-dBA "penalty" added to noise that occurs between 10:00 p.m. and 7:00 a.m. The L_{dn} metric yields values within 1 dBA of the CNEL metric. As a matter of practice, L_{dn} and CNEL values are considered to be equivalent and are treated as such in this assessment.

4.13.3 Existing Noise

The proposed project includes the construction and operation of two truck warehouses at the southeast corner of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California. The western half of the project site (20.32 acres) will include the first truck warehouse building and surface parking for trucks and cars. The eastern half of the project site (9.8 acres) will include the second truck warehouse building and additional surface parking for trucks and cars. The project site will be divided and surrounded by an eight-foot-tall wall that serves as a property line and will help to attenuate noise during operation.

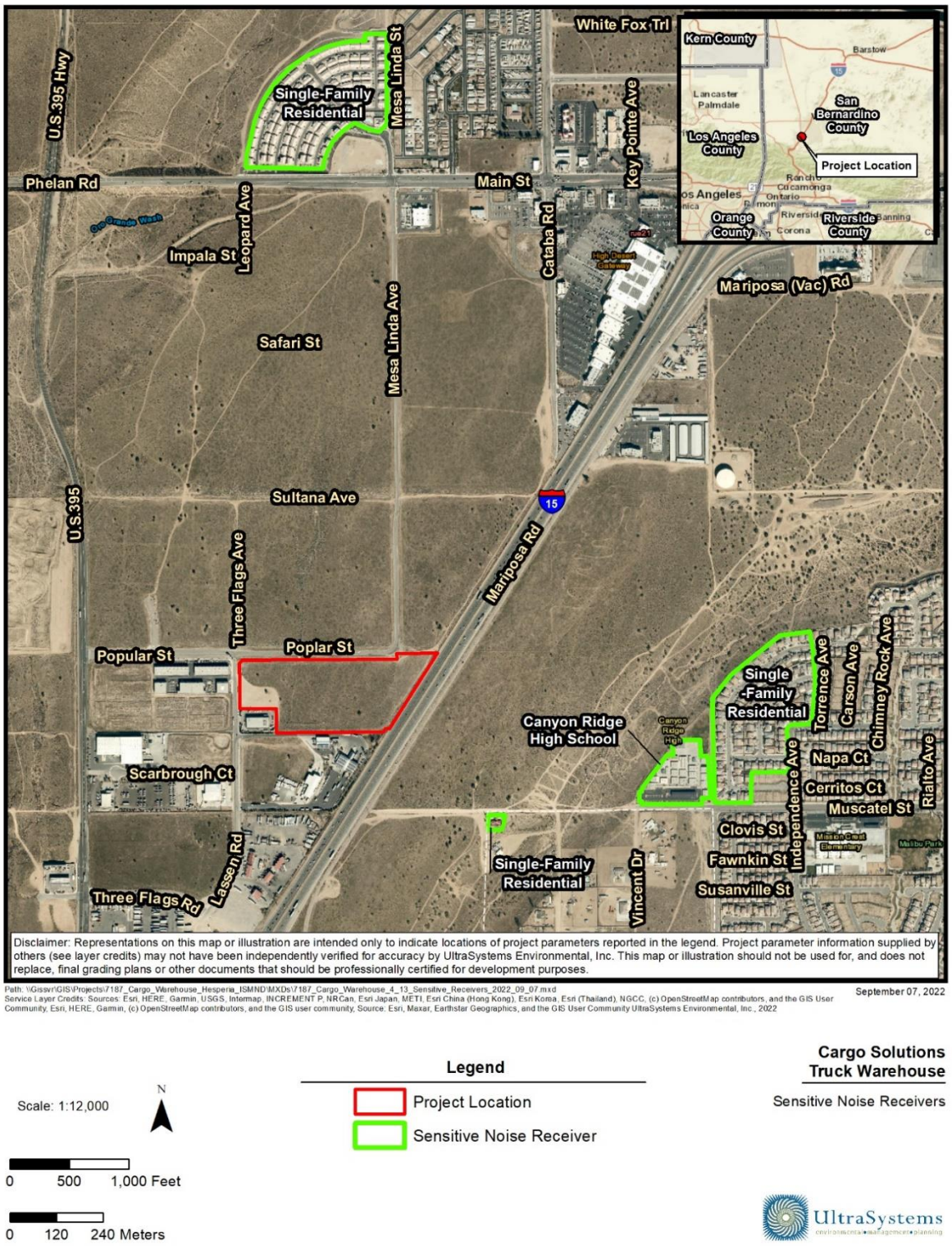
The City of Hesperia's General Plan lists a "*Noise Sensitive Land Use"* as a land use associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise, such as residential dwellings, transient lodging, dormitories, hospitals, educational facilities, public assembly facilities, amphitheaters, congregate care facilities, childcare facilities, and libraries (City of Hesperia, 2019a). Additionally, the City's Municipal Code has applicable noise standards in regard to construction noise, interior noise, and exterior noise (City of Hesperia Municipal Code, 2022). The closest noise sensitive land use to the project site is a rural single-family dwelling southeast of the project site, on the east side of the I-15 freeway and on the south side of Muscatel Road (Google Earth Pro, 2022). Noise sensitive land uses are shown in **Figure 4.13-1**. **Table 4.13-1** summarizes information about them.

Table 4.13-1
NOISE SENSITIVE LAND USES IN PROJECT AREA

Description	Location	Distance From Site Boundary (feet)[a]	Nearest Ambient Sampling Point[b]
Single-family Residence (Southeast)	12623 Muscatel Street	1,079	1
Canyon Ridge High School (Southeast)	12850 Muscatel Street	2,192	2
Single-family Residence (East)	9048 Seal Beach Drive	2,395	3
Single-family Residence (North)	9800 Mesa Linda Drive	4,059	4

[a]These distances were not used for the construction noise calculations; see **Section 4.13.6**.
[b]See **Figure 4.13-2** for locations of ambient noise sampling points.

Figure 4.13-1
SENSITIVE RECEIVERS NEAR THE PROJECT SITE



Freeway traffic (passenger vehicles and trucks) and traffic on heavily traveled surface streets are the largest contributors to ambient noise levels. City roadways that generate the most traffic noise include the major north-south trending I-15 and US Highway 395, due to their higher traffic volumes and vehicle speeds. The nearest east-west roadway that generates significant noise is Main Street, about 0.75 mile north of the project site. The project site is adjacent to the aforementioned freeways; the closest large noise-generating roadway to the project site is I-15 freeway, approximately 28 feet southeast of the project site and abutting the project boundary (Google Earth Pro, 2022).

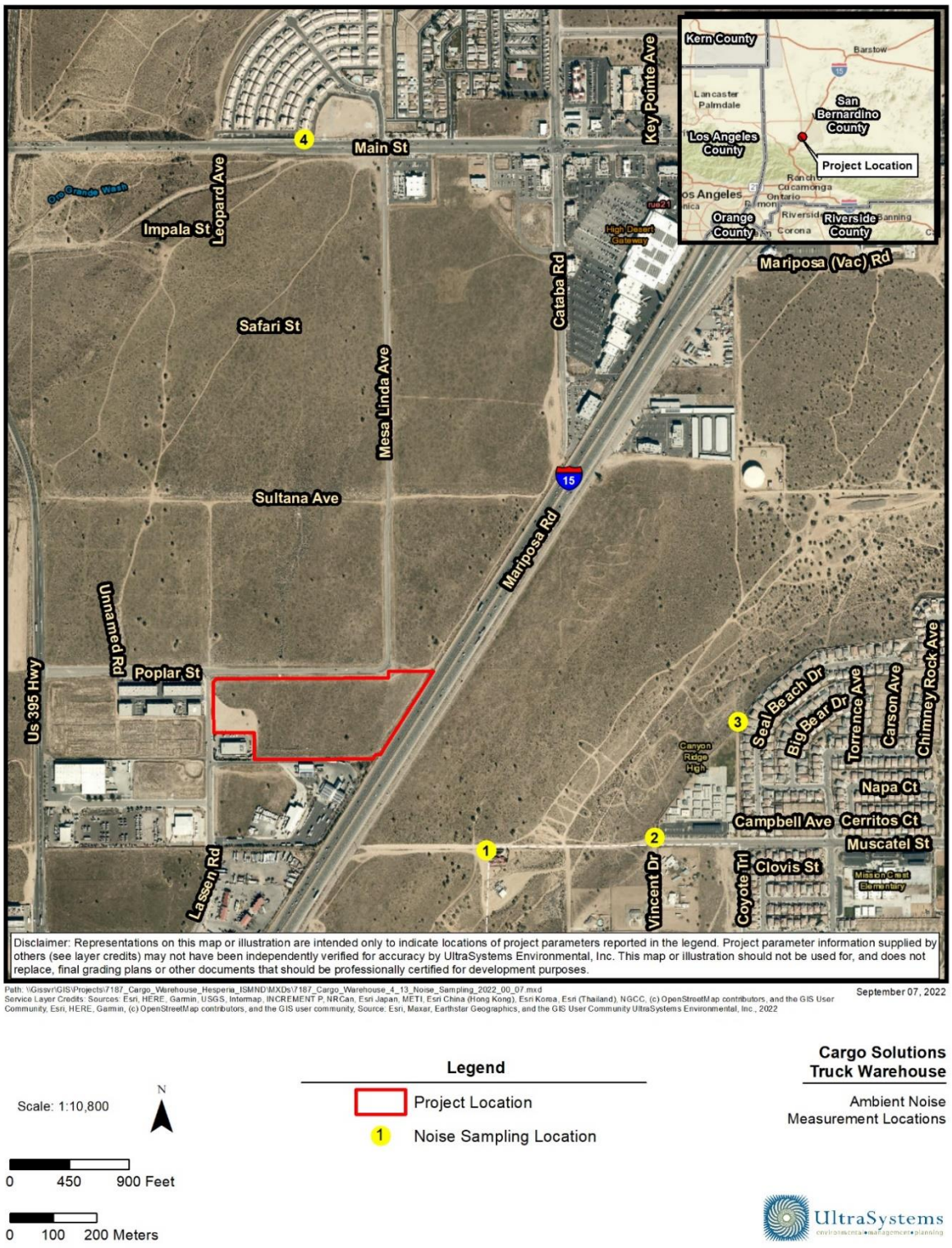
UltraSystems conducted ambient noise sampling at four locations around the project site area, as shown in **Figure 4.13-2**. **Table 4.13-2** lists the measurement points, sampling locations, and measurement results. Details of the ambient sampling methods and results are provided in **Appendix H**. The samples were taken between 10:52 a.m. and 12:53 p.m. on Thursday, August 25, 2022. The 15-minute L_{eq} values ranged from 49.8 dBA to 71.5 dBA. The lowest of these values was measured at Point 2, which is located in front of Canyon Ridge High School along Muscatel Street southeast of the project site. The maximum ambient noise level was located at Point 4, located in front of a single-family residence along Main Street approximately 0.75 mile north of the project site.

Table 4.13-2
AMBIENT NOISE MEASUREMENT RESULTS

Point	Data Set	Sampling Time	Address	Sound Level (dBA)			Notes
				L_{eq}	L_{max}	L_{90}	
2	S270	10:52 a.m. – 11:07 a.m.	12850 Muscatel Street	49.8	62.6	45.7	Southwest corner of Canyon Ridge High School, east-southeast of project site
3	S271	11:22 a.m. – 11:37 a.m.	9048 Seal Beach Drive	50.6	62.8	47.5	In front of residential wall on Canyon Ridge High School property east of project site
1	S272	11:58 a.m. – 12:13 p.m.	12623 Muscatel Street	53.1	61.1	49.8	In front of a rural single-family residence southeast of project site
4	S273	12:38 p.m. - 12:53 p.m.	9800 Mesa Linda Street	71.5	89.2	51.9	In front of single-family housing tract along residential wall north of project site

Source: UltraSystems, 2022.

Figure 4.13-2
AMBIENT NOISE MEASUREMENT LOCATIONS



4.13.4 Regulatory Setting

State of California

The California Department of Health Services (DHS) Office of Noise Control, which no longer exists, studied the correlation of noise levels with effects on various land uses. The most current guidelines prepared by the state noise officer are contained in the "General Plan Guidelines" issued by the Governor's Office of Planning and Research in 2003 and reissued in 2017 (OPR, 2017). These guidelines establish four categories for judging the severity of noise intrusion on specified land uses:

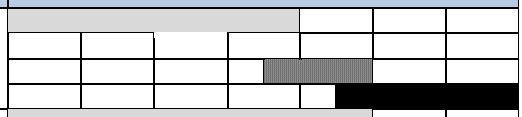
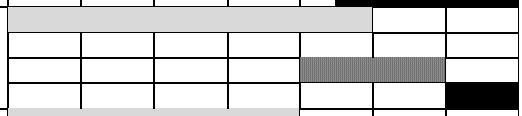
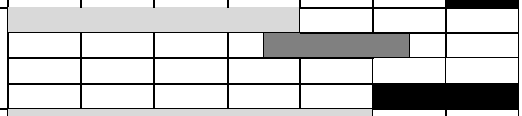
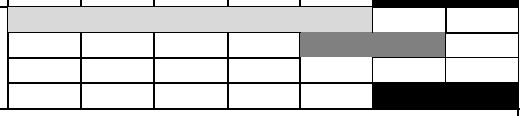
- Normally Acceptable: Is generally acceptable, with no mitigation necessary.
- Conditionally Acceptable: May require some mitigation, as established through a noise study.
- Normally Unacceptable: Requires substantial mitigation.
- Clearly Unacceptable: Probably cannot be mitigated to a less-than-significant level.

The types of land uses addressed by the state standards, and the acceptable noise categories for each, are presented in Table 4.13-4. There is some overlap between categories, which indicates that some judgment is required in determining the applicability of the numbers in a given situation.

Title 24 of the California Code of Regulations requires performing acoustical studies before constructing dwelling units in areas that exceed 60 dBA L_{dn}. In addition, the California Noise Insulation Standards identify an interior noise standard of 45 dBA CNEL for new multi-family residential units. Local governments frequently extend this requirement to single-family housing.

Table 4.13-4
CALIFORNIA LAND USE COMPATIBILITY FOR COMMUNITY NOISE SOURCES

Land Use Category	Noise Exposure (dBA, CNEL)						
	55	60	65	70	75	80	
Residential – Low-Density Single-Family, Duplex, Mobile Homes							
Residential – Multiple Family							
Transient Lodging – Motel, Hotels							
Schools, Libraries, Churches, Hospitals, Nursing Homes							
Auditoriums, Concert Halls, Amphitheaters							
Sports Arena, Outdoor Spectator Sports							

Land Use Category	Noise Exposure (dBA, CNEL)
Playgrounds, Neighborhood Parks	
Golf Courses, Riding Stables, Water Recreation, Cemeteries	
Office Buildings, Business Commercial and Professional	
Industrial, Manufacturing, Utilities, Agriculture	

	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements.
	Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply system or air conditioning will normally suffice.
	Normally Unacceptable: New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
	Clearly Unacceptable: New construction or development should generally not be undertaken.

Source: Governor's Office of Planning and Research, 2017.

City of Hesperia General Plan Noise Element

The City of Hesperia General Plan Noise Element has the following applicable goals and associated policies for addressing noise issues in the community (City of Hesperia, 2019a):

Goal: NS-1 To achieve and maintain an environment which is free from excessive or harmful noise through identification, control and abatement.

Policy NS-1.1: Incorporate noise reduction features during site planning and into land use planning decisions to mitigate anticipated noise impacts on affected residential noise-sensitive land uses.

Policy NS-1.2; Control and abate undesirable sounds through the use of the land use compatibility criteria shown in Exhibit NS-1, Table N-3, and Municipal Code Section 16.20.125(B).

Policy NS-1.3; Enforce the California Noise Insulation Standards (California Code of Regulations, Title 24). Title 24 requires that an acoustical analysis be performed for all new multifamily residences in areas where the exterior sound level exceeds 60 dBA CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 dBA CNEL or below.

Policy: NS-1.4; Require that an acoustical analysis be performed for all new single-family residences in areas where the exterior sound level exceeds 60 dBA CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 dBA CNEL or below.

Policy NS-1.5; Require the design and construction of commercial, industrial, office and mixed-use structures developments with noise attenuation methods to minimize excessive noise upon noise-sensitive land uses.

Policy NS-1.6: Provide developers and builders with development noise policy guidelines. The guidelines shall provide specific design criteria, minimum standards for submittal of acoustical studies and descriptions of acceptable noise mitigation measures.

Policy NS-1.7: Ensure that areas of frequent outdoor use … are not subjected to inappropriate noise levels resulting from transportation systems.

Policy NS-1.8: Coordinate with state and local agencies to maintain and enforce noise control policies and standards.

Policy NS-1.9: Encourage commercial, industrial, office and mixed-use developments to locate loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noisier components away from noise-sensitive land uses.

Policy NS-1.10: Limit the hours of construction activity in, and around, residential areas in order to reduce the intrusion of noise in the early morning and late evening hours and on weekends and holidays.

Policy NS-1.11: Limit delivery hours for businesses with loading areas or docks fronting, siding, or bordering or gaining access on driveways adjacent to noise-sensitive areas.

Policy NS-1.12: Implement nighttime and daytime on-site noise level limits to address noise generated by commercial and industrial uses where it affects abutting residential and other noise sensitive land uses.

Policy NS-1.13: Ensure adequate noise control measures at construction sites by requiring that construction equipment be fitted with manufacturer-recommended mufflers and ensuring physical separation of machinery maintenance and staging areas from adjacent residential uses.

Policy NS-1.14: Encourage noise compatible land uses within airport influence areas in accordance with federal and state noise standards and guidelines.

Policy NS-1.15: Require an avigation easement for new residential development within the Airport Noise Area, as defined in the Land Use Element.

Policy NS-1.16: Review the noise element when major changes in the noise environment occur. Building Design Goal: NS-2 To achieve and maintain an environment which is free from excessive vibration.

Goal: NS-2 To achieve and maintain an environment which is free from excessive vibration.

Policy NS 2.1: Control exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels as set forth in Table NS-1 and Municipal Code Section 16.20.130.

Policy NS 2.2: Evaluate potential vibration impacts during site planning and into land use planning decisions for proposed residential building within 200 feet of the centerline of the nearest track of the BNSF and UP railroad.

To the extent that the foregoing applies to the proposed project, the project design and operational characteristics are compatible with the Noise Element's goals, objectives and policies.

The City of Hesperia exterior and interior noise standards are shown in **Table 4.13-5**.

Table 4.13-5
CITY OF HESPERIA INTERIOR AND EXTERIOR NOISE STANDARDS

Land Use Categories		Community Noise Equivalent Level (dBA CNEL)	
Categories	**Land Uses**	**Interior[a]**	**Exterior[b]**
Residential	Single Family, Duplex, Multiple Family	45[c]	65
	Mobile Homes	n/a	65[d]
Commercial Industrial Institutional	Hotel, Motel, Transient Lodging	45	65[e]
	Commercial Retail, Bank, Restaurant	55	n/a
	Office Building, Research and Development, Professional Offices, City Office Building	50	n/a
	Amphitheatre, Concert Hall, Meeting Hall	45	n/a
	Gymnasium (Multipurpose)	50	n/a
	Sports Club	55	n/a
	Manufacturing, Warehousing, Wholesale, Utilities	65	n/a
	Movie Theatres	45	n/a
Institutional	Hospitals, School Classrooms	45	65
	Church, Library	45	n/a
Open Space	Parks	n/a	65

Land Use Categories		Community Noise Equivalent Level (dBA CNEL)	
Categories	**Land Uses**	**Interior[a]**	**Exterior[b]**

a. Indoor environment excluding: bathrooms, toilets, closets, corridors.
b. Outdoor environment limited to:
Private yard of single family
Multi-family private patio or balcony which is served by a means of exit from inside.
Mobile home park
Hospital patio
Park picnic area
School playground
Hotel and motel recreation area
c. Noise level requirement with closed windows
Mechanical ventilation system or other means of natural ventilation shall be provided per Building Code.
d. Exterior noise level should be such that interior noise level will not exceed 45 dBA CNEL.
e. Except those areas affected by aircraft noise.

Source: Kimley-Horn (2010), p 10.

City of Hesperia Municipal Code

The City of Hesperia's regulations with respect to noise are included in Municipal Code Article V § 16.20.125 (Noise) and 16.20.130 (Vibration). The City of Hesperia Municipal Code noise standards are shown in **Table 4.13-6**.

City of Hesperia Municipal Code § 16.20.125

A) Noise Measurement. Noise will be measured with a sound level meter, which meets the standards of the American National Standards Institute (ANSI Section S1.4-1979, Type 1 or Type 2). Noise levels shall be measured using the "A" weighted sound pressure level scale in decibels (ref. pressure = 20 micro-newtons per meter squared). The unit of measure shall be designated as dB(A). The building official shall be the noise control officer.

B) Noise Standards.

1. The following table describes the noise standard for emanations from any source, as it affects adjacent properties:

Table 4.13-6
CITY OF HESPERIA NOISE STANDARDS

Affected Land Use (Receiving Noise)	Maximum Noise Level (dB)	Time Interval
A-1, A-2, R-1, R-3, and RR Zone Districts	55	10:00 p.m. – 7:00 a.m.
A-1, A-2, R-1, R-3, and RR Zone Districts	60*	7:00 a.m. – 10:00 p.m.
C-1, C-2, C-3, C-4, C-R, AP, and P-I Zone Districts	65*	Anytime
I-1 and I-2 Zone Districts	70*	Anytime

Affected Land Use (Receiving Noise)	Maximum Noise Level (dB)	Time Interval

* Due to wind noise, the maximum permissible noise level may be adjusted so that it is no greater than 5 dB(A) above the ambient noise level.

2. No person shall operate or cause to be operated any source of sound at any location or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed:

   a. The noise standard for that receiving land use (as specified in subsection (B)(1) of this section) for a cumulative period of more than thirty (30) minutes in any hour; or

   b. The noise standard plus five dB(A) for a cumulative period of more than fifteen (15) minutes in any hour; or

   c. The noise standard plus ten dB(A) for a cumulative period of more than five minutes in any hour; or

   d. The noise standard plus fifteen (15) dB(A) for a cumulative period of more than one minute in any hour; or

   e. The noise standard plus twenty (20) dB(A) for any period of time.

C) If the measured ambient level exceeds any of the first four noise limit categories above, the allowable noise exposure standard shall be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level.

D) If the alleged offense consists entirely of impact noise or simple tone noise, each of the noise levels in subsection (B)(1) of this section shall be reduced by five dB(A).

E) Exempt Noises. The following sources of noise are exempt:

1. Motor vehicles not under the control of the industrial use;

2. Emergency equipment, vehicles and devices;

3. Temporary construction, repair, or demolition activities between seven a.m. and seven p.m. except Sundays and federal holidays.

City of Hesperia Municipal Code § 16.20.130

The maximum allowable vibration at or beyond the lot line of a vibration-producing activity is peak particle velocity of 0.2 inch per second. Construction activities are exempt from this restriction as long as they occur between 7:00 a.m. and 7:00 p.m., except Sundays and holidays.

4.13.5 Significance Thresholds

Two criteria were used for judging noise impacts. First, noise levels generated by the proposed project must comply with all applicable relevant federal, state, and local standards and regulations. Noise impacts on the surrounding community are limited by local noise ordinances, which are implemented through investigations in response to nuisance complaints. It is assumed that all existing regulations for the construction and operation of the proposed project will be enforced. In addition, the proposed project should not produce noise levels that are incompatible with adjacent noise-sensitive land uses.

The second measure of impact used in this analysis is a significant increase in noise levels above existing ambient noise levels as a result of the introduction of a new noise source. An increase in noise level due to a new noise source has a potential to adversely impact people. The proposed project would have a significant noise impact if it would:

- Expose persons to or generate noise levels in excess of standards prescribed by the City of Hesperia Municipal Code; or
- Include construction activities within the hours prohibited by the Municipal Code, without a permit; or
- Result in total (ambient plus project-related) short-term noise exposures exceeding 80 dBA L_{eq}
- Contribute, with other local construction projects, to a significant cumulative noise impact; or
- Increase operational exposures at sensitive receivers (mainly because of an increase in traffic flow) by 5 dBA CNEL or more.

4.13.6 Impact Analysis

a) Would the project result in generation of substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact

Noise impacts associated with commercial and industrial projects include short-term and long-term impacts. Construction activities, especially heavy equipment operation, would create noise effects on and adjacent to the construction site. Long-term noise impacts include those from project-generated onsite and offsite operational noise sources. Onsite (stationary) noise sources from the project site would include operation of mechanical equipment such as air conditioners, landscape and building maintenance; and onsite automobile and truck traffic. Offsite noise would be attributable to project-induced traffic, which would cause an incremental increase in noise levels within and near the project vicinity.

Construction

Noise impacts from construction activities are a function of the noise generated by the operation of construction equipment, onroad delivery and worker commuter vehicles, the location of equipment, and the timing and duration of the noise-generating activities. For the purpose of this analysis, it is estimated that the proposed project would be built in one phase, whose subphases are listed in **Table 4.13-7**. **Table 4.3-4** lists the starts and ends of the subphases. Construction is anticipated to take about eleven months, from February 2025 to December 2025. This was taken into account in the analysis of construction noise.

The types and numbers of pieces of equipment to be deployed during each construction phase were determined as part of the air quality and greenhouse gas emissions analyses for this project. (See **Appendix B**.) For each equipment type, **Table 4.13-7** shows an average noise emission level (in dB at 50 feet, unless otherwise specified) and a "usage factor," which is an estimated fraction of operating time that the equipment would be producing noise at the stated level.

Table 4.13-7
CONSTRUCTION EQUIPMENT CHARACTERISTICS

Phase	Equipment Type	Horse-power	No. of Pieces	Usage Factor	dBA @ 50 Feet
1 – Grading	Graders	148	1	0.41	85
	Tractor/Loader/Backhoes	84	1	0.37	85
	Scrapers	367	4	0.48	84
2 – Offsite Phase – Poplar Street - Trenching	Excavators	158	2	0.38	77
	Tractor/Loader/Backhoes	84	1	0.37	85
2 – Offsite Phase– Three Flags Ave – Trenching	Excavators	158	2	0.38	77
	Tractor/Loader/Backhoes	84	2	0.37	85
3 – Vertical/Site Work Phase - Building Construction	Rough Terrain Forklifts	231	4	0.30	67
	Tractor/Loader/Backhoes	84	3	0.37	85
	Skid Steer Loaders	65	4	0.40	80
4 – Vertical/Site Work Phase - Paving	Pavers	81	2	0.42	77
	Paving Equipment	89	2	0.4	85
	Rollers	36	2	0.38	74
5 - Vertical/Site Work Phase - Architectural Coating	Air Compressors	37	1	0.48	81

Source: CalEEMod Version 2020.4.0 and FHWA, 2006.

Using calculation methods published by the Federal Transit Administration (FTA, 2018), UltraSystems estimated the average hourly exposures at the nearest sensitive receiver for each construction phase. The receivers evaluated included single-family houses along the south side of Muscatel Street, southeast of the project site; Canyon Ridge High School along the north side of Muscatel Street, east-southeast of the project site; a single-family house along the north side of Main Street, north of the project site; and a single-family house on Seal Beach Drive east of the project site (see **Figure 4.13-1**). The distances used for the calculation were measured from the receivers to the approximate center of activity of each construction phase, since that would be the average location of construction equipment most of the time.

Table 4.13-8 shows the results of the construction noise calculations. The combination of building construction and trenching would create the highest exposures at any of the sensitive receivers. This is why the table shows two distances: first the distance from the building construction noise source then the distance from the trenching noise source. Given the low exposure levels, noise attenuation by walls shielding some of the receivers was not calculated. Given that the Municipal Code exempts construction activities from noise exposure limits and that the total noise exposures (ambient plus project-related) will be less than 80 dBA L_{eq}, the noise impacts from construction will be less than significant and no mitigation is necessary.

Table 4.13-8
MAXIMUM ESTIMATED CONSTRUCTION NOISE LEVELS

Sensitive Receivers	Distance (feet)	15-minute L_{eq} (dBA)	
		Existing	Projected
1 - 12623 Muscatel Street	1,445, 2,057	53.1	55.1
2 - 12850 Muscatel Street	2,402, 3,023	49.8	51.2
3 - 9048 Seal Beach Drive	2,858, 3,414	50.6	51.4
4 - 9800 Mesa Linda	4,456. 4,100	71.5	71.5

Operations

Onsite

Onsite (stationary) noise sources from the Proposed Project in the operational phase would include automobiles and heavy-duty trucks entering, exiting, and idling within the project. According to the CalEEMod Version 2022.1.1.29 analysis for this project, the maximum hourly traffic would be 168.3 passenger vehicles and 92.1 heavy-duty trucks (CAPCOA, 2022). The maximum hourly noise exposure for a given number of individual arrivals is (FTA, 2018, p. 44):

$$L_{eq} = SEL + 10 \log(V) + C_S \log(S/50) - 35.6$$

where

SEL = sound exposure level of one vehicle[10]

[10] The sound exposure level (SEL) is equivalent to the total sound energy experienced during a measurement period, as if it had all occurred in one second.

V = number of vehicles per hour

C_S = speed constant (15 for trucks, 30 for autos)

S = average vehicle speed, miles per hour (15 miles per hour)

No information on SEL values for diesel trucks was publicly available. A typical noise exposure level for a heavy-duty diesel truck at 50 feet and moving at 50 miles per hour is about 82 dBA (FHWA, 2019, p. 69). This is the same as the SEL for a diesel bus (FTA, 2018, p. 78). It is reasonable, for the purpose of this analysis, to use 82 dBA for the trucks. Therefore, for 92.1 heavy-duty trucks per hour, the L_{eq} would be 58.2 dBA at 50 feet. The SEL for automobiles was assumed to be 74 dBA (FTA, 2018, p. 44). A similar analysis for onsite automobile use results in an estimate of 45.0 dBA at 50 feet. Total onsite mobile source noise would be 58.4 dBA L_{eq}. Increases in L_{eq} at the closest residence used for the construction noise analysis would essentially be undetectable. Noise impacts from onsite sources would be less than significant.

Offsite

The principal noise source in the project area is traffic on local streets. The project may contribute to a permanent increase in ambient noise levels in the project vicinity due to project-generated vehicle traffic on neighborhood roadways and at intersections. A noise impact would occur if the project contributes to a permanent increase in ambient noise levels affecting sensitive receivers along roadways that would carry project-generated traffic. According to the CalEEMod Version 2022.1.1.29 analysis for this project, the project would generate 260.4 trips per day (CAPCOA, 2022).

The proposed warehouses are close to two major transportation corridors: U.S. Highway 395 and Interstate 15. Traffic to and from U.S. 395 would likely follow Three Flags Avenue and Poplar Street; all project entrances and exits would be on Poplar Street. An offramp from the southbound I-15 leads to Joshua Street and then U.S. 395, and the aforementioned route to the facility. An offramp from the northbound I-15 leads to Mariposa Road, and then Joshua Street and again the aforementioned route to the project site. All these alternatives pass through industrial and commercial areas, with few sensitive receivers.

I-15 is the predominant onroad traffic noise source in the project area and is the nearest source to surrounding sensitive receivers. According to Caltrans (2024), the 2021 average annual daily traffic (AADT) on I-5 north of its intersection with US Route 395 was 133,000 vehicles per day. Assuming that all project traffic travels on I-5, the increase in traffic would be 0.2 percent.

Given the logarithmic nature of the decibel, traffic volume needs to be doubled in order for the noise level to increase by 3 dBA, the minimum change perceived by the average human ear (ICF Jones & Stokes, 2009). A doubling is equivalent to a 100% increase. Because the maximum increase in traffic along any route to and from the project site is far below 100%, the increase in roadway noise experienced at sensitive receivers would not be perceptible to the human ear. Therefore, roadway noise associated with project operation would not expose a sensitive land use to noise levels that are considered incompatible with or in excess of adopted standards, and impacts would be less than significant.

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact

Vibration is sound radiated through the ground. Vibration can result from a source (e.g., subway operations, vehicles, machinery equipment, etc.) causing the adjacent ground to move, thereby creating vibration waves that propagate through the soil to the foundations of nearby buildings. This effect is referred to as groundborne vibration. The peak particle velocity (PPV) or the RMS velocity are usually used to describe vibration levels. PPV is defined as the maximum instantaneous peak of the vibration level, while RMS is defined as the square root of the average of the squared amplitude of the level. PPV is typically used for evaluating potential building damage, while RMS velocity in dB is typically more suitable for evaluating human response.

The background vibration velocity level in residential areas is usually around 50 vibration decibels (VdB). The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels for most people. Most perceptible indoor vibration is caused by sources within buildings such as operation of mechanical equipment, movement of people, or the slamming of doors. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the groundborne vibration from traffic is rarely perceptible.

Construction Vibration

Construction activities for the project have the potential to generate low levels of groundborne vibration. The operation of construction equipment generates vibrations that propagate though the ground and diminish in intensity with distance from the source. Vibration impacts can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage of buildings at the highest levels. The construction activities associated with the project could have an adverse impact on both sensitive structures (i.e., building damage) and populations (i.e., annoyance). The receiver at the stated distance is a single-family residence at 12623 Muscatel Street.

Pile drivers or other major vibration sources will not be used for construction of the Cargo Solutions Truck Warehouses Project. The question is whether the equipment that will be deployed will have significant vibration impacts. In 2018, the FTA published standard vibration levels for construction equipment operations, at a distance of 25 feet. The construction related vibration levels for the nearest sensitive receivers for major construction phases are shown in **Table 4.13-9**. These calculations were based on the distances from the construction activity to the closest sensitive receiver.

Table 4.13-9
VIBRATION LEVELS OF TYPICAL CONSTRUCTION EQUIPMENT

Equipment	PPV at 25 feet (in/sec)	Vibration Decibels at 25 feet (VdB)	PPV at 1,791 feet (in/sec)[a]	Vibration Decibels at 1,791 feet (VdB)[a]	PPV at 99 feet (in/sec)[a]	Vibration Decibels at 99 feet (VdB)[a]
Loaded Trucks	0.076	86			0.017	68
Jackhammer	0.035	79	0.00032	23		
Small bulldozer	0.003	58	0.00003	2.3		
Large bulldozer	0.089	87	0.00081	31		

Source: Calculated by UltraSystems.
Note: PPV = peak particle velocity, VdB = vibration decibels, in/sec = inches per second.
[a]Applies to onsite construction activities to the nearest sensitive receiver (12623 Muscatel Street).

As shown in **Table 4.13-9**, the PPV of construction equipment at the nearest sensitive receiver (99 feet) is at most 0.017 inch per second, which is less than the FTA damage threshold of 0.12 inch per second PPV for fragile historic buildings. It is also lower than the Hesperia Municipal Code § 16.20.130 standard of 0.2 inch per second. The maximum VdB are 68 VdB, which is below the FTA threshold for human annoyance of 80 VdB. Unmitigated vibration impacts would therefore be less than significant.

Operational Vibration

Operation of the proposed project would not involve significant sources of ground-borne vibration or ground-borne noise. Thus, operation of the proposed project would result in a less than significant impact.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact

The closest active airport is the Hesperia Airport, located 4.9 miles southeast of the project site (Google Earth Pro, 2022). The project site is not located within the 65-dBA CNEL noise contours of that airport (City of Hesperia, 2019a). Therefore, the project would not expose people residing or working in the project area to a safety hazard or excessive noise levels associated with airports and no impact would occur.

4.14 Population and Housing

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

a) Would the project induce substantial unplanned growth in an area either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?

Less than Significant Impact

The project proposes the construction and operation of two truck warehouse developments, which does not propose a residential development that would cause direct population growth. The project would create limited employment opportunities (both during the construction and operational phases). However, it is anticipated that employees from the local workforce would be hired during both the construction and operational phases of the project, and the project is not of the scope or scale to induce people to move from out of the project area to work at the proposed project. Additionally, as discussed in **Section 4.11**, the City's General Plan Land Use and zoning designation for the project site is Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan (MSFCSP) (City of Hesperia, 2023; City of Hesperia, 2010). Since the MSFCSP development accounts for this site being developed according to its current zoning designation, the project would not induce substantial unplanned growth in this area. Proposed offsite utility improvements would be minor and not of the scale to induce indirect unplanned population growth in the project area. Therefore, less than significant impacts would occur regarding unplanned growth as a result of the project. Based on the discussion above, a less than significant impact would occur.

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact

No housing exists onsite and no one currently resides on the project site. Therefore, the project would not displace any housing or people and the project would not necessitate the construction of replacement housing. No impact would occur.

4.15 Public Services

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			**X**	
b) Police protection?			**X**	
c) Schools?				**X**
d) Parks?				**X**
e) Other public facilities?				**X**

a) Fire protection?

Less than Significant Impact

The City of Hesperia and the sphere of influence are served by the San Bernardino County Fire Department (Michael Brandman Associates, 2010a, p. 3.13-1). The city has three fire stations within city boundaries – Fire Stations 302, 304, and 305. Station 305 is the closest station to the project site, approximately 0.95 mile southwest of the project site. Fire Station 305 is staffed by eight personnel daily, including one Battalion Chief, and serves as the Battalion 8 Quarters. Apparatus includes one paramedic engine, two paramedic ambulances, one battalion chief command vehicle, one brush engine, one urban and search and rescue (USAR) unit, one swift rescue unit and equipment (including rescue boat), and one mobile command post (City of Hesperia, 2022b).

As detailed in **Section 4.11**, development of the project site would be consistent with the project site's General Plan land use and zoning designation of Com/Ind Business Park (CIBP), and the land use goals and policies included in the city's General Plan and the Main Street Freeway Corridor Specific Plan (MSFCSP). Therefore, a development like the proposed project is expected and would be adequately served by the fire department. In addition, the Fontana Fire Protection District collects development mitigation fees for fire facilities which would be available to fund additional fire protection facilities as needed. Therefore, impacts would be less than significant.

b) Police protection?

Less than Significant Impact

The San Bernardino County Sheriff's Department provides police protection and crime prevention services for the City of Hesperia and its sphere of influence on a contractual basis (Michael Brandman Associates, 2010a, p. 3.13-1). The Hesperia Police Department is comprised of 58 sworn law enforcement personnel including one captain, one lieutenant, seven sergeants, five detectives, and 44 deputy sheriffs (City of Hesperia, 2022a).

Development of the project site would be consistent with the project site's General Plan land use and zoning designation of Com/Ind Business Park (CIBP), and the land use goals and policies included in the city's General Plan and the Main Street Freeway Corridor Specific Plan (MSFCSP). Therefore, a development like the proposed project is expected and would be adequately served by the police department. In addition, the police department collects development mitigation fees for police facilities which would be available to fund additional police protection facilities as needed. Therefore, impacts would be less than significant.

c) Schools?

No Impact

The Hesperia Unified School District (HUSD) provides school services to the City of Hesperia (Michael Brandman Associates, 2010a, p. 3.13-2). The HUSD has 15 elementary schools, three middle schools, and six high schools (HUSD, 2022). Impact on school facilities is based on the direct population increase that the project would bring. As detailed in **Section 4.13**, as a non-residential development the proposed project would not induce a direct population increase and would most likely create employment for the local workforce. Therefore, there would be no population increase and no impacts on schools.

d) Parks?

No Impact

The Hesperia Recreation and Park District (HRPD) provides park and recreational amenities to the city (Michael Brandman Associates, 2010a, p. 3.13-5). HRPD has 15 different parks and recreational centers to serve the city (HRPD, 2022). Impacts on park facilities are based on the direct population increase the project would have. As a non-residential development, the proposed project would not induce a direct population increase and would most likely create employment for the local workforce. Therefore, there would be no population increase and no impacts on parks.

e) Other Public Facilities?

No Impact

The County of San Bernardino Library operates the Hesperia Branch Library located at the Civic Center Plaza, 9650 Seventh Avenue in the City of Hesperia. This state-of-the-art 20,000 square foot facility, constructed in 2006, provides library services for the City of Hesperia and its Sphere of Influence (Michael Brandman Associates, 2010a, p. 3.13-5). The project would not induce population growth and would not impact libraries. Therefore, there would be no impact on libraries.

4.16 Recreation

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				**X**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact

Recreational services in the City of Hesperia are provided by the City's Recreation and Parks District, which maintains over 15 parks, sports facilities, and community centers (HRPD, 2022). The project proposes two truck warehouse developments. The residential population is not expected to increase as a result of the proposed project. While the project would create limited employment opportunities (both during the construction and operational phases), it is anticipated that employees from the local workforce would be hired during both phases. Therefore, there would be no impact in regards to recreational facilities.

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

No Impact

As described above, the project does not propose new or expanded recreational facilities that would have potential adverse effects on the environment. Therefore, no impact would occur.

4.17 Transportation

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?		X		
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X		
d) Result in inadequate emergency access?		X		

The following analysis is based upon the Cargo Solution Express Warehouse Project Traffic Impact Analysis (TIA) for the proposed project conducted by RK Engineering Group, Inc. dated May 23, 2025 (RK Engineering Group, Inc., 2025) (**Appendix I**).

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

Less than Significant Impact with Mitigation Incorporated

Applicable Plans, Ordinances, and Policies

Statewide Transportation Improvement Program (STIP)

The Statewide Transportation Improvement Program (STIP) is a multi-year capital improvement program of transportation projects on and off the State Highway System, funded with revenues from the State Highway Account and other funding sources. The proposed project development is not a transportation project and would not conflict with the STIP.

San Bernardino County Transportation Authority (SBCTA) Recommended Traffic Impact Analysis (TIA) Guidelines for Vehicle Miles Traveled (VMT) and Level of Service (LOS) Assessment

As detailed in **Section 4.17b)** below, the project meets the requirement of a Low VMT Area and impacts would be less than significant in regards to VMT. In the TIA report, it was determined that the project would generate 402 passenger car equivalent (PCE) daily trips with 34 PCE trips in the AM peak hour and 36 PCE trips in the PM peak hours. With project implementation, there would be six intersections near the project site that would create several operationally deficient LOS and queueing intersections in the project area (RK Engineering Group, Inc., 2024, p. 4-1). However, the project would be required to implement **MM TRANS-1**, which would ensure that the Project

Applicant would implement all the necessary operational improvements listed in the Section 11.7 of TIA report to ensure that all affected intersections by project development would operate at an adequate LOS. Additionally, the project would implement **MM TRANS-2**, which would ensure that the Project Applicant contribute to fair-share contributions for intersection operational improvements, resulting in less than significant LOS at all intersections affected in the project area.

MM TRANS-1 The Project Applicant would be required to implement operational improvements detailed in section 11.7 of the Traffic Impact Analysis (TIA) report to ensure that all affected intersections by project buildout would have an adequate level of service (LOS) (**Appendix I**).

MM TRANS-2 The Project Applicant would be required to contribute to fair-share contributions for intersection operational improvements in the project area. The contributions are identified in section 11.8 of the Traffic Impact Analysis (TIA) report (**Appendix I**).

Level of Significance After Mitigation

With the implementation of **MM TRANS-1** and **MM TRANS-2**, potential impacts in regard to LOS would be reduced to a less than significant level.

City of Hesperia General Plan—Circulation Element

The City of Hesperia General Plan's Circulation Element has several goals and policies that apply to the proposed project. Refer to **Table 4.17-1** below, which lists the applicable policies and how the proposed project would comply.

Table 4.17-1
PROJECT COMPLIANCE WITH CITY OF HESPERIA GENERAL PLAN POLICIES REGARDING MOBILITY AND TRANSPORTATION

General Plan Element	Project Compliance
Goal CI-1: Develop a safe, efficient, convenient, and attractive transportation system throughout the community, providing links within the City and with neighboring regions, and accommodating automobile, truck, pedestrian, recreational, equestrian, rail, air, and public transit needs which will meet current and future development requirements within the planning area.	
Implementation Policy CI-1.10: Ensure that new development provides for adequate road improvements to serve internal circulation needs, as well as to mitigate the impacts of increased traffic on the existing road system.	The proposed project would provide road improvements such as widening Three Flags Avenue and Poplar Street to include AC pavement, curb and gutter, sidewalks, and connection to existing utility lines. Therefore, the proposed project would not conflict with this policy.
Implementation Policy CI-1.12: Provide a safe and efficient pedestrian network.	Sidewalks would be provided surrounding the project site along Poplar Street and Three Flags Avenue, where there are currently none. Therefore, the proposed project would not conflict with this policy.
Goal: CI-4: Provide a circulation system that facilitates the movement of goods and services throughout the City while protecting residences, sensitive land uses, and pedestrians from activities along rail and truck corridors	

General Plan Element	Project Compliance
Implementation Policy CI-4.2: Locate new development and their access points in such a way that traffic is not encouraged to utilize local residential streets for access to the development and its parking.	The project site is located along the I-15 freeway and near U.S.-395. Additionally, the project is surrounded by commercial and industrial land uses. Therefore, the project would not utilize residential streets for access and parking, and the project would not conflict with this policy.

Source: City of Hesperia, 2019a.

As detailed above, the proposed project would not conflict with any applicable policies from the city's General Plan that address the circulation system, including transit, roadway, bicycle and pedestrian facilities. Therefore, the project would have a less than significant impact in this regard.

San Bernardino Congestion Management Program (CMP)

The intent of the CMP is to provide the analytical basis for transportation decisions through the STIP process. The San Bernardino County CMP, published by the San Bernardino County Transportation Authority (SBCTA), defines a network of state highways and arterials in the county and provides guidelines regarding the LOS standards, impact criteria, and a process for mitigation of impacts on CMP facilities. With certain exceptions, the minimum acceptable Level of Service (LOS) standards for CMP facilities is defined as LOS E. More specifically, the CMP states, "In no case shall the LOS standards established be below the LOS E or the current level, whichever is farthest from LOS A. When the LOS on a segment or at an intersection fails to attain the established LOS standard, a deficiency plan shall be adopted pursuant to Section 65089.4" (SANBAG, 2016, p. 1-2).

As detailed above, the project would create operationally deficient intersections and would potentially impact LOS in the project area. However, with implementation of **MM TRANS-1** and **MM TRANS-2**, the Project Applicant would be required to incorporate operational improvements and pay fair-share contributions, which would ensure adequate LOS at affected intersections with project buildout, resulting in less than significant LOS impacts.

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

Less than Significant Impact

CEQA Guidelines § 15064.3(b) pertains to the use of Vehicle Miles Traveled (VMT) as a method of determining the significance of transportation impacts. The SBCTA Senate Bill 743 Guidelines provide details on appropriate "screening thresholds" that can be used to identify when a proposed land use project is anticipated to result in a less-than-significant impact without conducting a more detailed analysis. Screening thresholds are broken into three categories: Transit Priority Area screening, Low VMT Area screening, and Project Type screening. A land use project need only meet one of the screening thresholds to result in a less-than-significant impact. As detailed in the traffic report, the project meets the requirement of a Low VMT Area and impacts would be less than significant (RK Engineering, 2025, p. 10-4). Therefore, the project would not conflict or be inconsistent with CEQA Guidelines § 15064.3, and impacts would be less than significant.

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

Less than Significant Impact with Mitigation Measures Incorporated

Construction

During the construction phase of the project, there may be temporary sidewalk and lane closures that could increase hazards due to geometric design features or incompatible uses. However, the preparation of a construction management plan, as detailed in mitigation measure **TRANS-3**, would reduce the potential for hazards due to geometric design features and incompatible uses to less than significant during the project construction phase.

MM TRANS-3 Prior to construction, the General Contractor shall submit a detailed Construction Management Plan to be reviewed and approved by the City of Hesperia. The Construction Management Plan shall specify that the Construction Manager will schedule truck traffic and employee shifts to avoid creating trips during the peak traffic periods, as is feasible for construction operations. All measures, including identified truck routes and designated employee parking areas, shall be included in the Construction Management Plan. The Plan shall include but is not limited to the following provisions:

- The Construction Management Plan shall specify how traffic will be routed and controlled during the construction phase, including which lane(s) of traffic will be temporarily blocked off for construction work.
- Specification of permitted hours for construction-related deliveries and removal of heavy equipment and material.
- Specification of where construction workers would park their personal vehicles during project construction with a requirement that at no time shall construction worker vehicles block any driveways. If complaints are received by the project applicant regarding issues with construction worker vehicle parking, the project applicant shall identify alternative parking options for construction workers so as not to interfere with any surrounding parking availability.
- Identification of how emergency access to and around the project site will be maintained during project construction.
- Specification of haul routes for delivery or removal of heavy and/or oversized equipment or material loads. Where feasible, delivery or removal of oversized equipment or material loads shall be conducted during off-peak traffic periods.
- Provide pedestrian and bicycle connections around the project site and designate safe crossing locations for all pedestrian detours.
- Maintain the security of the project site by erecting temporary fencing during the construction phase of the project. Any onsite night lighting used during the

construction phase of the project shall be in compliance with the lighting requirements of the City of Hesperia.

- If temporary lane closures are necessary for the installation of utilities, emergency access should be maintained at all times.
- Flag persons and/or detours shall be provided as needed to ensure safe traffic operations.
- Construction signs shall be posted to advise of reduced construction zone speed limits.
- The project design shall include entry/exit gates for first responders' vehicles to gain access to the project site.

Level of Significance After Mitigation

With the implementation of **MM TRANS-3**, potential impacts to transportation hazards during construction would be reduced to a less than significant level.

Operation

Vehicular access to the project would be provided by four driveways, all located along Poplar Street. The project's circulation system, including driveways and parking areas, would be designed to meet the development standards of the City and would not result in uses or design features that would create traffic hazards. Therefore, impacts regarding increases in hazards due to geometric design features or incompatible uses would be less than significant during the operational phase of the project.

d) Would the project result in inadequate emergency access?

Less than Significant Impact with Mitigation Measures Incorporated

Construction

During the construction phase of the project, there may be temporary lane closures that could result in inadequate emergency access. However, the preparation of a construction management plan, as detailed in mitigation measure **TRANS-3**, would result in less than significant impacts in regard to inadequate emergency access to the project site during the project construction phase.

MM TRANS-3 Refer above in this section.

Level of Significance After Mitigation

With the implementation of **MM TRANS-3**, potential impacts in regard to emergency access would be reduced to a less than significant level.

Operation

The project would comply with applicable city regulations, such as the requirement to comply with the city's fire code to provide adequate emergency access, as well as the California Building Standards

Code. Prior to the issuance of building permits, the City of Hesperia would review project site plans, including the location of all buildings, fences, access driveways, and other features that may affect emergency access. The project's site design includes access and fire lanes that would accommodate emergency ingress and egress by fire trucks, police units, and ambulance/paramedic vehicles. All onsite access and sight-distance requirements would be in accordance with all applicable design requirements. The city's review process and compliance with applicable regulations and standards would ensure that adequate emergency access would be provided. Therefore, the project would not result in inadequate emergency access, and there would be less than significant impacts during the operational phase of the project.

4.18 Tribal Cultural Resources

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code § 5020.1(k)?				**X**
b) Cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be a significant resource to a California Native American tribe pursuant to the criteria set forth in subdivision (c) of Public Resource Code § 5024.1(c)?		**X**		

Information from UltraSystems' Phase I Cultural Resources Inventory for the proposed project dated April 15, 2021 (refer to **Appendix D1**) is included in the analysis below.

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code § 5020.1(k)?

No Impact

No traditional cultural sites within the area of the project boundary are documented in the Native American Heritage Commission's (NAHC) Sacred Lands File (SLF) search. No resources as defined by Public Resources Code § 21074 have been identified (refer to Attachment C: "Native American Heritage Commission Records Search and Native American Contacts" in **Appendix D1 to this IS/MND**). Additionally, the project site has not been recommended for historic designation for prehistoric and tribal cultural resources (TCRs). No specific tribal resources have been identified by local tribes responding to inquiries for the Cultural Resources Inventory.

No prehistoric archaeological resources were observed during the archaeological field survey conducted August 31, 2022 by Daniel Ballester, M.A., RPA, and Hunter O'Donnell, B.A., as part of the cultural resources investigation (Section 4.3, **Appendix D1**). The results of the pedestrian assessment indicate that it is unlikely that prehistoric resources will be adversely affected by construction of the project. Findings of a records search at the South Central Coastal Information Center (the local California Historic Resources Information System facility) received October 4, 2022 indicated that a prehistoric isolate consisting of a single worked obsidian nodule was located in the north-central area of the project parcel; no other prehistoric resources were recorded within the half-mile buffer of the project boundary.

No tribal cultural resources onsite are listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code § 5020.1(k). Therefore, the project would have no impact in this regard.

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be a significant resource to a California Native American tribe pursuant to the criteria set forth in subdivision (c) of Public Resource Code § 5024.1(c)?

Less than Significant Impact with Mitigation Incorporated

Assembly Bill 52 (AB 52) requires meaningful consultation with California Native American Tribes on potential impacts on TCRs, as defined in Public Resources Code § 21074. TCRs are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources (CNRA, 2022).

As part of the AB 52 process, Native American tribes must submit a written request to the lead agency to be notified of projects within their traditionally and culturally affiliated area. The lead agency must provide written, formal notification to those tribes within 14 days of deciding to undertake a project. The tribe must respond to the lead agency within 30 days of receiving this notification if they want to engage in consultation on the project, and the lead agency must begin the consultation process within 30 days of receiving the tribe's request. Consultation concludes when either (1) the parties agree to mitigation measures to avoid a significant effect on a tribal cultural resource, or (2) a party, acting in good faith and after reasonable effort, concludes mutual agreement cannot be reached.

The City of Hesperia (the lead agency) initiated AB 52 outreach to local tribes for the Cargo Solutions Warehouses project following submittal of the project cultural resources report to the City Planning Department so that it could be included in the consultation request package to the several tribes. The City Planning Department prepared and sent letters to the several tribes on their list for AB 52 contact, informing them of the project. The letters were sent via certified mail to: the Torres-Martinez Desert Cahuilla Indians, the Cabazon Band of Mission Indians, and the San Manuel Band of Mission Indians (SMBMI) on September 22, 2022 by Ryan Leonard, Senior Planner with the City of Hesperia (Leonard, personal communication, 2022a). The letters conveyed that the recipient has 30 days from the receipt of the letter to request AB 52 consultation regarding the project.

On October 7, 2022, Ryan Nordness, Cultural Resource Analyst with the Yuhaaviatam of San Manuel Nation (YSMN) (formerly the SMBMI) replied to Mr. Leonard via email stating that they wished to participate in AB 52 consultation. Mr. Nordness stated that the project area exists within Serrano ancestral territory and asked for the following documents for review: cultural report, geotechnical report, and project plans including depth of proposed disturbance. The project cultural resources report was provided to Mr. Leonard by Stephen O'Neil, UltraSystems Cultural Resources Manager, on October 27, 2022; it was then forwarded to the YSMN. On November 3, 2022, Mr. Nordness replied to Mr. Leonard stating that, following their review of the cultural resources report, they did "not have any concerns with the project's implementation, as planned, at this time." Mr. Nordness did provide three recommended Cultural Resource Mitigation Measures and two recommended Traditional Cultural Resources Mitigation Measures, which the City has agreed to implement. While the YSMN still requested "a final copy of the project/permit/plan conditions to review," otherwise this concluded the tribe's input and no additional consultation was required (Leonard, personal communication, 2022b).

The other two contacted tribes did not request AB 52 consultation.

No traditional cultural sites within the area of the project boundary are documented in the Native American Heritage Commission's (NAHC) Sacred Lands File (SLF) search. No resources as defined by Public Resources Code § 21074 have been identified (refer to Attachment C: "Native American Heritage Commission Records Search and Native American Contacts" in **Appendix D1 to this IS/MND**). Additionally, the project site has not been recommended for historic designation for prehistoric and TCRs. No specific tribal resources have been identified.

No prehistoric resources and one early twentieth-century refuse scatter were observed during the archaeological field survey. Findings of the records search at the South Central Coastal Information Center indicated a prehistoric isolate consisting of a single worked obsidian nodule was located in the north-central area of the project parcel; no other prehistoric resources were recorded within the half-mile buffer of the project boundary.

There were five responses to UltraSystems' outreach contacts to NAHC listed tribes conducted as part of its cultural resources study. Patricia Garcia-Plotkin, Director for the Agua Caliente Band of Cahuilla Indians indicated the project is not located within the Tribe's Traditional Use Area and that they are deferring any comments to closer tribes. Jill McCormick, Historic Preservation Officer for the Quechan Tribe of the Fort Yuma Reservation responded indicating that the tribe does not wish to comment on this project and defers to more local tribes. Ryan Nordness, Cultural Resources Analyst for the San Manuel Band of Mission Indians indicated that the proposed project is located 0.4 miles south of two known prehistoric privy/scatter sites and 0.6 miles northeast from a lithic scatter and hearth site; the area is of concern to the tribe and the Band's cultural resources department is interested to consult whenever this project moves into AB 52/CEQA territory.[11] Chairperson Anthony Morales, Chairperson of the Gabrieleno/Tongva San Gabriel Band of Mission Indians indicated that he did not have much information about the project area. Christina Conley, Tribal Consultant and Administrator for the Gabrielino Tongva Indians of California Tribal Council indicated that the tribe does not have any comment as it is outside of their tribal area, so they defer to sister tribes. (See Attachment C in **Appendix D1**).

Land at the project site has remained relatively undisturbed open desert into the early 21st century despite being part of a larger homestead established in the 1890s, with an historic road running north/south through the far eastern portion. In the past decade or so there has been shallow grading gathering soil to build berms along the parcel border, though not to the extent of removing several Joshua trees and a large juniper bush. Therefore, while the potential for subsurface prehistoric cultural deposits is considered to be moderate, the relatively undisturbed nature of the land in a region known to have been used for habitation and natural resource gathering by the local Serrano tribe (see Section 2.2.2 in **Appendix D1**) suggests the potential for the presence of cultural material.

The project proposes grading and trenching. Grading activities associated with development of the project would involve new subsurface disturbance and may result in the unanticipated discovery of cultural resources. The implementation of mitigation measures **TCR MM-1** and **TCR-MM 2,** as suggested and provided by the YSMN, upon the discovery of prehistoric cultural material would ensure impacts relate to such discoveries would be less than significant.

The ground disturbing construction work associated with the project also may result in the unanticipated discovery of unknown human remains, including those interred outside of formal

[11] The results of the AB52 consultation, which has concluded, are summarized above.

cemeteries. In the unlikely event of an unexpected discovery, implementation of **mitigation measure TCR-3** dealing with human remains are recommended to ensure that impacts related to the accidental discovery of human remains would be less than significant.

Mitigation Measures

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

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

MM TCR-3: As specified by California Health and Safety Code § 7050.5, if human remains are found on the project site during construction or during archaeological work, the San Bernardino County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. The Coroner would determine within two working days of being notified, if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent.

Level of Significance After Mitigation

With implementation of **MM TCR-1** and **TCR MM-2** potential project impacts on TCRs would be less than significant. With implementation of Mitigation Measure **MM TCR-3** above, the proposed project would result in less than significant impacts to human remains and associated funerary objects.

4.19 Utilities and Service Systems

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of whi1ch could cause significant environmental effects?			**X**	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			**X**	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			**X**	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			**X**	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			**X**	

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less than Significant Impact

As discussed in **Section 3.0**, the proposed project would require a sewer, domestic water, fire water, stormwater drainage, gas and dry utilities connections to existing utility infrastructure in Poplar Street.

Wastewater Treatment and Conveyance – As detailed in **Threshold 4.19 c)** below, the current wastewater conveyance and treatment system servicing the project site would adequately serve the proposed project. Therefore, impacts would be less than significant.

Domestic Water – As detailed in **Threshold 4.19 b)** below, the project would have sufficient water supplies available to serve the and reasonably foreseeable future development during normal, dry and multiple dry years. Therefore, impacts would be less than significant.

Fire Water – Fire water would come from the same water line that supplies domestic water. A six-inch water line is proposed to connect to the existing main in Poplar Street. As detailed in **Threshold 4.19 b)** below, there would be sufficient water supply to serve the project site. Therefore, there would be less than significant impacts regarding fire water supplies.

Stormwater – As detailed in **Section 4.10** of this document, development of drainage management area (DMA)-1 and DMA-2 would ensure that the proposed new development site would maintain consistency with the existing drainage pattern in the area (Allard Engineering, 2024, p. 1-2). Impacts regarding stormwater would be less than significant.

Electric Power: Southern California Edison (SCE) would provide electricity to the project site. The proposed project is in a partially developed area, and infrastructure for providing electric power to the area is established. SCE typically utilizes existing utility corridors to reduce environmental impacts and has energy-efficiency programs to reduce energy usage and maintain reliable service for its service area (Southern California Edison, 2021).

Electrical utilities would be undergrounded. Construction would need to occur in the public right-of-way during installation of a new utility connections to the project site. The project would be constructed in accordance with applicable Title 24 regulations. Therefore, a less than significant impact would occur.

Natural Gas: – Natural gas services to the project site would be provided by Southern California Gas Company (SoCalGas). SoCalGas's projections out to 2035 show available capacity that is well above the existing and future anticipated natural gas demand in the area (California Gas and Electric Utilities, 2022). Gas utilities would be installed underground to a gas service riser and meter the proposed building to be used for the HVAC units. Construction would need to occur in the public right-of-way during installation of a new utility connections to the project site. Therefore, the proposed project would be adequately served and would not require new gas service facilities to be developed. Less than significant impact would occur.

Telecommunications Facilities: Spectrum serves internet & cable television customers in the project area (Cabletv, 2022). It is expected that facilities of the telecommunications provider would be extended into the project site from existing lines in adjacent roadways. The proposed project would not interfere with operation of telecommunications facilities, and therefore a less than significant impact would occur.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact

Water Supplies and Demands

The Hesperia Water District (HWD) provides water to the City (Michael Brandman Associates, 2010, p. 3.16-2). Groundwater is the primary water supply source for the City. The City pumps groundwater

from the Alto Subarea of the Upper Mojave River Valley subbasin that is part of the groundwater basins covering the broader Mojave region. The groundwater system incorporates a number of sources that mix and blend to become the groundwater sources available in the Mojave Basin Area. Local supplies consisting of percolated natural supplies, wastewater imports, and return flows derived from wastewater and percolation make up the total groundwater supply. Percolated natural supplies are derived from stream flow in the drainage basins like the Mojave River as well as infiltrating natural precipitation.

Wastewater imports come from Lake Arrowhead Community Services District, Big Bear Area Regional Wastewater Agency, and Crestline Sanitation District also augment the supplies in the groundwater basin. Return flows are percolated supplies that are derived from non-consumptive uses including septic system percolation, applied irrigation water, treated wastewater, or returns through storm drains and other items. Desalination opportunities for the City water supply are not currently feasible and are not included in the projections. Mojave Water Agency (MWA) surface water imports are used to augment the groundwater supplies. All of these supplies together constitute the supplies available to meet demands in the City's service area (Tully & Young, 2021).

HWD's forecast retail water supplies in normal, dry, and multiple dry years are listed below in **Table 4.19-1**.

Table 4.19-1
CITY OF HESPERIA SUPPLY AND DEMAND COMPARISON (ACRE-FEET PER YEAR)

Supply and Demand		2025	2030	2035	2040	2045
Average Year						
Supply Totals		15,250	16,290	16,990	17,740	18,420
Demands Totals		15,250	16,290	16,990	17,740	18,420
Difference		0	0	0	0	0
Single-Dry Year						
Supply Totals		15,250	16,290	16,990	17,740	18,420
Demands Totals		15,250	16,290	16,990	17,740	18,420
Difference		0	0	0	0	0
Multiple Dry Years Supply and Demand Comparison						
First Year	Supply Totals	15,250	16,290	16,990	17,740	18,420
	Demand Totals	15,250	16,290	16,990	17,740	18,420
	Difference	0	0	0	0	0
Second Year	Supply Totals	15,460	16,430	17,140	17,880	18,540
	Demand Totals	15,460	16,430	17,140	17,880	18,540
	Difference	0	0	0	0	0
Third Year	Supply Totals	15,670	16,570	17,290	18,020	18,660
	Demand Totals	15,670	16,570	17,290	18,020	18,660
	Difference	0	0	0	0	0
Fourth Year	Supply Totals	15,880	16,710	17,440	18,160	18,780
	Demand Totals	15,880	16,710	17,440	18,160	18,780
	Difference	0	0	0	0	0
Fifth Year	Supply Totals	16,090	16,850	17,590	18,300	18,900
	Demand Totals	16,090	16,850	17,590	18,300	18,900
	Difference	0	0	0	0	0

Source: Tully & Young, 2021, p. 4.12-2 to 4.12-3.

As shown above, the City would have sufficient water supplies to meet demands in normal water year, single-dry-year, and multiple-dry-year conditions over the 2020-2040 period.

Estimated project water demand is 1.94 acre-feet per year (afy), as shown below in **Table 4.19-2**. The estimated project water demand is a small fraction of the City's project water increase in the future (see **Table 4.19-1** above).

Table 4.19-2
ESTIMATED PROJECT WATER DEMAND

Unit Water Demand Factor Gallons Per Day (GPD)/per unit[a]	Industrial Units	Estimated Water Demand in gallons per day	Estimated Water Demand (gallons per year)[b]	Estimated Water Demand (acre-feet per year)
866	2	1,732	632,180	1.94

[a] 866 gallons per unit per day
[b] Assuming a 365 day per year operation.
Source: City of Hesperia, 2022e, Table 2

As detailed in **Section 4.11**, the proposed project would adhere to the project site's development regulations. Therefore, although the project would use water during project operation, increased water use for the proposed project has been accounted for in the latest UWMP. The UWMP found that with its current water supplies, planned future water supplies, and water conservation, HWD will be able to reliably provide water to all current and future planned developments. Therefore, impacts would be less than significant.

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less than Significant Impact

The Hesperia Water District (HWD) serves as a subsidiary special district of the City of Hesperia (City). The City owns, operates, and maintains a wastewater collection system that serves the entire city. The City's sewer system connects to Victor Valley Wastewater Reclamation Authority's (VVWRA) three-mile interceptor that runs along the northeast boundary of the City, and ultimately flows to the Regional Wastewater Treatment Plant (RWWTP) that is owned and operated by the VVWRA. VVWRA was originally formed to meet the requirements of the Federal Clean Water Act and provide wastewater treatment for the growing area.

According to the City's 2015 Wastewater Masterplan (WWMP), approximately 11 percent of the geographic area studied in the WWMP is currently served by the City's sewers which ultimately flow to the RWWTP. The remaining area is either undeveloped or served by on-site systems (septic tanks). Based upon the WWMP, the wastewater flow volume from the service area is 2.0 million gallons per day (mgd) or 2,240 acre-feet per year (afy). The City has future plans to expand its sewer collection system and in conjunction with VVWRA, construct sub-regional wastewater treatment plants to treat the city's future wastewater flows and create a supply source for its planned recycled water system (Tully & Young, 2021, p. 3-14).

As part of the adoption of the Main Street and Freeway Corridor Specific Plan and City of Hesperia General Plan, the availability of infrastructure and water/sewer services was assessed and determined that adequate water supply and sewer capacity is available for future residential and non-residential uses (Tully & Young, 2021, p. 2-9).

The project proposes two eight-inch sewer laterals connecting to an existing sewer in Poplar Street. The proposed project would adhere to the project site's General Plan land use and zoning regulations for the project site. Therefore, project-generated wastewater was taken account and would be

adequately served by the RWWTP, and project development would not require construction of a new or expanded wastewater treatment facility. Impacts would be less than significant.

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than Significant Impact

Advance Disposal Company, located at 17105 Mesa Street, Hesperia, CA 92345, currently provides residential and commercial waste collection and recycling programs under a franchise agreement with the City. This waste is processed and separated at the Advance Disposal Company facility into material that can be recycled while the remaining solid waste is transferred approximately 15 miles north for disposal at Victorville Sanitary Landfill. The Victorville Sanitary Landfill is located at 18600 Stoddard Wells Road, Victorville, CA 92307 and is owned and operated by the County of San Bernardino (Michael Brandman Associates, 2010, p. 3.16-8). **Table 4.19-3** below summarizes the two facilities long-term and daily capacities for handling solid waste.

Table 4.19-3
SOLID WASTE FACILITIES SERVING HESPERIA

Facility and Nearest City/Community	Remaining Capacity, tons	Daily Permitted Disposal Capacity, tons	Actual Daily Disposal, tons	Residual Daily Disposal Capacity, tons	Estimated Closing Date
Advance Disposal Company Large Volume Transfer/Processing Facility (Hesperia)	n/a	1,500	461[a]	1,039	n/a
Victorville Sanitary Landfill	111,160,000	3,000	1,612[b]	1,388	10/1/2047

[a] Daily disposal quoted as the peak value observed on 7/7/2022 during most recent inspection report dated 7/28/2022.
[b] Daily disposal quoted as the peak value observed on 8/2/2022 during most recent inspection report dated 8/10/2022.
Sources: CalRecycle. 2022a, b, c, e, f, g.

Construction

Materials generated during construction of the project would include paper, cardboard, metal, plastics, glass, concrete, lumber scraps and other materials. During construction (short-term) and operation (long-term), bulk solid waste, excess building material, fill, and other construction-related solid waste, would be disposed of in a manner consistent with State of California Integrated Waste Management Act of 1989 (CIWMA) and would be removed from the project site. Existing regulations related to recycling during construction phase of the project require that the project provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of nonhazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, and metals. Therefore, impacts during the construction phase would be less than significant.

Operation

The project proposes development of two truck warehouse buildings and a surface parking lot for 448 employees in the City of Hesperia in San Bernardino County, California. Industrial units in the City generated an average of 8.93 pounds of solid waste per employee per day in 2014, the latest year for which data are available.[12] Thus, the proposed industrial development with 448 employees is estimated to generate 4,001 pounds of solid waste per day or 731 tons per year, as shown below in **Table 4.19-4**.

Table 4.19-4
ESTIMATED PROJECT-GENERATED SOLID WASTE

Land Use	Generation Rate*	Approximate Waste (pounds/year)	Approximate Waste (tons/year)
Industrial	8.93 pounds per employee per day	1,460,224	731

*(CalRecycle, 2022d).

Two facilities are involved in the processing and disposal of solid waste within the city, and both are analyzed to ensure that they have sufficient capacity to satisfy the demands of the project. The Advance Disposal Company Large Volume Transfer/Processing facility has remaining processing capacity of 1,039 tons per day or 379,235 tons per year. The remaining solid waste capacity at Advance Disposal Company Large Volume Transfer/Processing facility is unknown at this time. The project is under daily maximum capacity of this facility. But should the landfill be filled, the remaining solid waste would go to Victorville Sanitary Landfill.

The Victorville Sanitary Landfill facility has remaining disposal capacity of 1,388 tons per day or 506,620 tons per year. For the purposes of this analysis only, a worst-case scenario is used that 100 percent of the project waste goes to landfill. Estimated project operational solid waste disposal of 731 tons per year is approximately 0.00007 percent of remaining disposal capacity at Victorville Sanitary Landfill. Sufficient processing and disposal capacity is available in the region for estimated project solid waste generation, and project impacts on solid waste disposal capacity would be less than significant.

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less Than Significant Impact

In 1989, the California Legislature enacted the California Integrated Waste Management Act (AB 939), in an effort to address solid waste problems and capacities in a comprehensive manner. The law required each city and county to divert 50 percent of its waste from landfills by the year 2000.

Assembly Bill 341 (AB 341; Chapter 476, Statutes of 2011) increases the statewide waste diversion goal to 75 percent by 2020, and mandates recycling for commercial and multi-family residential land

[12] The estimate is based on an assumed operation of 365 days per year producing 8.93 lbs total solid waste generation from each employee per day, which yields 183 tons per year or 1,000 pounds per day. Source: CalRecycle, 2022d.

uses. To comply with the State requirements of AB 341, the City has an exclusive franchise agreement with Advance Disposal Co. to collect, process, recycle and dispose of solid waste from residential premises and commercial businesses in the City of Hesperia. This process is considered to be the equivalent of mandatory commercial recycling in that all solid waste generated by businesses and multifamily units will be collected by Advance Disposal Co. using existing trash enclosures and bins, and processed through a mixed waste materials recovery facility. This eliminates the need to modify existing bin enclosures to accommodate separate recycling bins and train employees on recycling requirements. As required by AB 341, the City and Advance Disposal Co. track, monitor and report to the State on program effectiveness and diversion data (Advance Disposal Company, 2022).

The proposed project would comply with applicable local, state and federal solid waste disposal standards; therefore, impacts would be less than significant.

4.20 Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				**X**
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				**X**
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				**X**
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				**X**

a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact

As shown in **Figure 4.9-3** in **Section 4.9** of this IS/MND, the project site is not located in or adjacent to a Very High Fire Hazard Severity Zone (VHFHSZ) within a State Responsibility Area (SRA), where the State is responsible for the costs of wildfire prevention and suppression. The nearest SRA to the project site is in unincorporated San Bernardino County approximately 2.15 miles to the south of the site (CAL FIRE, 2022). As shown in **Figure 4.9-4** in **Section 4.9** of this IS/MND, the project site is not located within or adjacent to a Local Responsibility Area (LRA), where cities or counties are responsible for the costs of wildfire prevention and suppression. The nearest VHFHSZ in LRA to the project site is about 6.8 miles to the southeast. Therefore, the proposed project would have no impact in this regard.

b) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other

factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact

The project site is not located in or near VHFHSZs. Therefore, the proposed project would have a no impact in this regard.

c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact

The project site is not located in or near VHFHSZs. Therefore, the proposed project would have a no impact in this regard.

d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact

The project site is not located in or near VHFHSZs. Therefore, the proposed project would have a no impact in this regard.

4.21 Mandatory Findings of Significance

Would the project have:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		**X**		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		**X**		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		**X**		

a) Would the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact with Mitigation Incorporated

As detailed in **Section 4.4**, the project site is undeveloped and contains Western Joshua Trees with a low-to- medium potential of wildlife on the project site. However, with the implementation of **MM BIO-1** to **BIO-7**, impacts to plant and wildlife species would be less than significant.

As detailed in **Section 4.5**, the project site does not contain any significant historic or archaeological resources. However, if archaeological or human remains are discovered during project construction, **MM CUL-1** and **CUL-2** would be implemented to ensure impacts would be less than significant.

b) Would the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than Significant Impact with Mitigation Incorporated

In the short term, there would be a potential for cumulative effects on traffic, air quality, and noise if other development projects were implemented concurrently with the project.

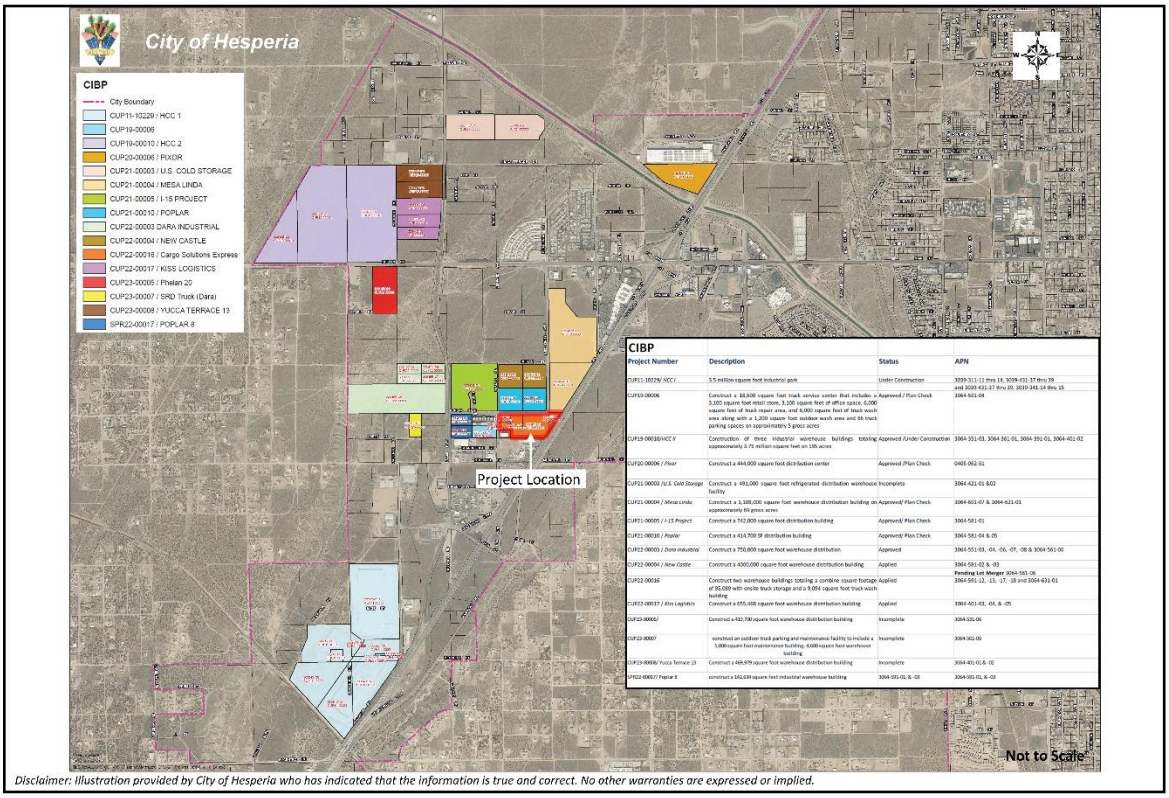
As shown in **Figure 4.21-1,** Cumulative Projects, there are several current projects within the City of Hesperia's Commercial/Industrial Business Park. However, as analyzed throughout this document, the proposed project would create less than significant impacts with mitigation incorporated. Therefore, the project would not significantly contribute to cumulative impacts in the area with mitigation incorporated.

c) Would the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact with Mitigation Incorporated

As detailed in **Section 4.8**, Hazards and Hazardous Materials, after implementation of **MM HAZ-1** and **MM HAZ-2**, potential impacts from hazard materials storage and transportation would be reduced to less than significant. As discussed in **Sections 4.1** through **4.20** of this document, after the implementation of mitigation measures, potential adverse environmental effects were found to be less than significant on human beings, either directly or indirectly.

Figure 4.21-1
CUMULATIVE PROJECTS



Source: City of Hesperia, April 10, 2024

UltraSystems
environmental•management•planning

Cargo Solutions Truck Warehouse
Cumulative Projects

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7.0 MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with § 21081.6 of the Public Resources Code and § 15097 of the CEQA Guidelines, which requires all state and local agencies to establish monitoring or reporting programs whenever approval of a project relies upon a MND or an EIR. The MMRP ensures implementation of the measures being imposed to mitigate or avoid the significant adverse environmental impacts identified through the use of monitoring and reporting. Monitoring is generally an ongoing or periodic process of project oversight; reporting generally consists of a written compliance review that is presented to the decision-making body or authorized staff person.

It is the intent of the MMRP to: (1) provide a framework for document implementation of the required mitigation; (2) identify monitoring/reporting responsibility; (3) provide a record of the monitoring/reporting; and (4) ensure compliance with those MM that are within the responsibility of the City and/or Applicant to implement.

The following table lists impacts, mitigation measures adopted by the City of Hesperia in connection with approval of the proposed project, level of significance after mitigation, responsible and monitoring parties, and the project phase in which the measures are to be implemented.

Only those environmental topics for which mitigation is required are listed in this Mitigation Monitoring and Reporting Program.

Table 7.0-1
MITIGATION MONITORING AND REPORTING PROGRAM

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
4.4 Biological Resources				
Threshold 4.4a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-1: 2081 Incidental Take Permit** Western Joshua trees are a state candidate for listing under CESA and will require a 2081 Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of **MM BIO-7**. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where "take" is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. **MM BIO-2: Focused Borrowing Owl Survey** Although BUOW was not detected on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist would conduct a focused BUOW survey in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012). Following the completion of the survey, the biologist would prepare a letter report summarizing the results of the survey. The report would be submitted to the City prior to initiating any ground disturbance activities. If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required. If BUOW or signs of BUOW are observed during the survey, the site would be considered occupied. The biologist would implement mitigation measure BIO-2 and contact the City of Hesperia, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures, prior to commencing project	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	activities. The list of potential measures to avoid and minimize impacts to BUOWs described below would be implemented. **BUOW Protection Measures** If BUOWs or signs of BUOW are observed during the survey, then the site would be considered occupied and the biologist shall contact the City, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures discussed below, prior to commencing project activities.). If no BUOW or signs of BUOW are observed during the focused surveys, the components of this measure (discussed below) would not be applicable. **Planning BUOW Protection** Grading, construction, and other project activities on all grassland habitat will be delayed until the qualified biologist has implemented burrow exclusion and closure. No ground-disturbing activities within 165 feet of an active BUOW burrow will be permitted until burrow exclusion and closure have been implemented. No destruction of foraging habitat will be permitted until burrow exclusion and closure have been implemented. **Preconstruction BUOW Protection** Prior to the initiation of grading and construction activities, the biologist shall implement passive relocation of an active BUOW burrow by installing a one-way door and then permanently excluding the BUOW from returning once it is confirmed that no BUOW individuals remain in the burrow. A biological monitor will visit the site daily to verify that the burrow is empty by monitoring and scoping the burrow. **Construction BUOW Protection Measures** A biological monitor will be onsite to monitor any BUOW or signs of BUOW. If any BUOW are observed then the biologist will consult with the County EMD and CDFW to determine the appropriate measures. **MM BIO-3: Pre-Construction General Wildlife Survey** Special-status wildlife species that have no designated status under the ESA, the CESA, and/or the NPPA, but are designated as sensitive or locally important by	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	federal agencies, state agencies, local agencies such as the RCA, and nonprofit resource organizations such as the CNPS are referred to as "sensitive" in this section. The following measures will be implemented to minimize impacts to these species which include but are not limited to: Blainville's horned lizard and desert kit fox. The measures below will help to reduce direct and indirect impacts caused by construction on various sensitive species to less than significant levels. • A qualified biologist will conduct a pre-construction general wildlife survey for sensitive wildlife and potential nesting sites such as open ground, shrubs, and burrows within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance. • If sensitive species and/or active nesting sites are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required. • If any sensitive wildlife species are identified within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency. zone. • Sensitive wildlife species and/or potential nesting sites will not be disturbed, captured, handled or moved. **MM BIO-4: Loggerhead Shrike Survey and Protection Measures** The following measures are proposed in order to minimize impacts to loggerhead shrike, for which there is suitable habitat in the BSA.	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	• If activities occur during the breeding/nesting period, a wildlife survey will be completed by a qualified biologist to identify potential loggerhead shrike activity in the area of the project activities. • Additional species surveys to determine presence/absence of birds prior to disturbances, from May 1 until the work start date, if the work start date is prior to August 31. Surveys are to occur weekly in May, every other week in June, and once per month in July and August (assuming no loggerhead shrike are observed). • Incidental occurrences of other sensitive avian species such as Swainson's hawk, prairie falcon, and Cooper's hawk should also be recorded during the survey. **MM BIO-5: Pre-Construction Breeding Bird Survey** To maintain compliance with the MBTA and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels. Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts on migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities.	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	• If project activities cannot be avoided during February 15 through September 15, a qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance. • If no breeding birds or active nests are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required. • If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone. • If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency. • Birds or their active nests will not be disturbed, captured, handled or moved. Active nests cannot be removed or disturbed; however, nests can be removed or disturbed if determined inactive by a qualified biologist			

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
Threshold 4.4b) Have Substantial Adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	**MM BIO-6: Mitigation for Impacts to Western Joshua Tree and California Juniper Woodlands** **Avoidance and Minimization Measures** The entirety of the project area is currently planned for development. Approximately 19 acres is California juniper woodland. The California juniper woodland is a sensitive natural community, as such, impacts as a result of the project, shall be mitigated so that all impacts to these habitats are mitigated on acreage and tree basis. Proposed project activities including the construction phase, operations, and maintenance phase shall be designed to avoid California juniper woodland (and Joshua tree) habitat to the full extent practicable. If the California juniper (or associated Joshua trees) are removed as a result of project activities, then compensatory mitigation is required, as follows. The preferred compensatory mitigation is through an in-lieu fee to a qualified mitigation bank within the service area of the site, ideally within the same watershed. The project proponent shall coordinate with CDFW to identify appropriate mitigation banks and number of required mitigation credits to fully offset site impacts at a minimum of a 2:1 replacement to impact ratio. However, applicant-responsible compensatory mitigation is acceptable through preparation of a Habitat Preservation and Protection Plan, to be approved by CDFW prior to project approval. **Habitat Preservation and Protection Plan** For applicant-responsible compensatory mitigation, then the project proponent shall enter into a binding legal agreement regarding the preservation of offsite lands describing the terms of the acquisition, enhancement, and management of those lands. Fee title to acquired habitat lands, or a conservation easement over these lands, shall be transferred to CDFW or to an entity approved by CDFW, along with	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	financial assurances (funds) for preservation, rehabilitation, and enhancement of the land, and an endowment for permanent management of the lands. A formal Habitat Preservation and Protection Plan to detail methods for site preservation, restoration, monitoring, and protection shall be written. The plan will include permanent photo documentation points from the pre-restoration stage to the conclusion of the monitoring requirement. Photo documentation shall occur on a quarterly and annual basis or as required by CDFW. The number of western Joshua and California juniper trees existing onsite, transplanted, installed as container stock, will be recorded and qualitatively assessed quarterly and quantitatively assessed on an annual basis until performance criteria and/or contingency criteria are successfully attained. A final monitoring report will be provided at the conclusion of the post-construction restoration phase. The project proponent shall provide the final monitoring report to CDFW for approval of completion for the project.			
Threshold 4.4e) Have Substantial Adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	**MM BIO-7: Native Desert Vegetation Survey and Protected Plant Preservation Plan** A Preservation Plan will be prepared and submitted to the City, which is required by City Municipal Code. A native desert vegetation survey must be conducted to produce findings that will guide the formation of this plan. The survey objective is to evaluate the health and general condition of the western Joshua trees and creosote bush present on the project site. A project-specific plan will provide further guidance regarding the transplant and/or preservation of the western Joshua trees and protection for creosote rings "10 feet or greater in diameter" as per § 16.24.150 of City Municipal Code. Transplant suitability of the western Joshua trees will be determined by the results of the survey. This survey shall be conducted by a qualified City-approved biologist or arborist. The plan will incorporate survey data, identify and outline preconstruction survey methods for the native desert vegetation on the project site, describe preconstruction and construction-phase biological monitoring and transplant methods that are applicable, or outline any identified CDFW permit and Memorandum of Understanding requirements for	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	active relocation, if either is necessary. The Plan should be referred to for a detailing of protective actions regarding the western Joshua trees on the project site.			
4.5 Cultural Resources				
Threshold 4.5b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.	**MM CUL 1** If archaeological resources are discovered during construction activities, the contractor will halt construction activities in the immediate area of the find (within a 60-foot buffer) and notify the City of Hesperia. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology who will be notified and afforded the necessary time to assess the find. Work on the other portions outside the buffer area may continue during this assessment period. The archaeologist will also be afforded the necessary time and resources to recover, analyze, and curate the find(s). The qualified archaeologist will recommend the extent of archaeological monitoring necessary to ensure the protection of any other resources that may be in the area. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the South Central Coastal Information Center. Construction activities may continue on other parts of the project site while evaluation and treatment of prehistoric archaeological resources takes place. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM CUL 3 If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	archaeologist shall monitor the remainder of the project and implement the Plan accordingly.			3. During construction activities
Threshold 4.5c): Disturb any human remains, including those interred outside of formal cemeteries.	**MM CUL 2** If human remains are encountered during excavations associated with this project, all work will stop within a 30-foot radius of the discovery and the San Bernardino County Coroner will be notified (§ 5097.98 of the Public Resources Code). The Coroner will determine whether the remains are recent human origin or older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they will contact the NAHC. The NAHC will be responsible for designating the Most Likely Descendant (MLD). The MLD (either an individual or sometimes a committee) will be responsible for the ultimate disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. The MLD will make recommendations within 24 hours of their notification by the NAHC. These recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).	Project Construction Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project construction activities
4.7 Geology and Soils				
Threshold 4.7f): Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	**MM GEO 1** Before the beginning of project construction, the project applicant shall retain a qualified paleontologist to remain on-call for the duration of project ground disturbance activities. If paleontological resources are uncovered during project construction, the contractor shall halt construction activities in the immediate area and notify the City. The on-call paleontologist shall be notified and afforded the necessary time and funds to recover and analyze the finds and curate the find(s) with an accredited repository for paleontological resources. Subsequently, the monitor shall remain onsite for the duration of the ground disturbance to ensure the protection of any other resources that are found during construction on the project site	Project Applicant, Qualified Paleontologist	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
4.9 Hazards and Hazardous Materials				
Threshold 4.9a)	**MM HAZ-1**	Project Applicant	Field Verification	

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	In the event that the future tenant will handle hazardous materials above the reportable quantity threshold, the lease agreement with the future tenant shall require the tenant to submit a Hazardous Materials Business Plan which would include an inventory of all hazardous materials used, stored, or otherwise managed onsite to the County of San Bernardino County Fire Department – Hazardous Materials Division and the Fontana Fire Protection District. The recommendations of the Hazardous Materials Business Plan would be included in the lease agreement (signed by the tenant) as mandatory measures required to be implemented by the tenant **MM HAZ-2** In the event that the future occupant will handle hazardous materials above the reportable quantity threshold, the occupancy agreement shall require the occupant, in coordination with the San Bernardino County Fire Department, to identify routes along which hazardous materials may routinely be transported. If essential facilities such as schools, hospitals, child care centers, or other facilities with special evacuation needs are located along these routes, the future occupant shall develop an emergency response plan that can be implemented in the event of an unauthorized release of hazardous materials. The recommendations of the Emergency Response Plan would be included in the occupancy agreement (signed by the future occupant) as mandatory measures required to be implemented by the future occupant.			1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation
Threshold 4.9b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment**?**	Refer to **MM HAZ-1 and MM HAZ-2** in **Threshold 4.9a).**			

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
Threshold 4.9f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Refer to **MM TRANS-3** in **Threshold 4.17c).**			
4.17 Transportation				
Threshold 4.17a) Would the project conflict with a program plan, ordinance or policy addressing circulation system, including transit, roadway, bicycle and pedestrian facilities?	**MM TRANS-1** The Project Applicant would be required to implement operational improvements detailed in section 11.7 of the Traffic Impact Analysis (TIA) report to ensure that all affected intersections by project buildout would have an adequate level of service (LOS). **MM TRANS-2** The Project Applicant would be required to contribute to fair-share contributions for intersection operational improvements in the project area. The contributions are identified in section 11.8 of the Traffic Impact Analysis (TIA) report.	Project Applicant	Field Verification	1. City of Hesperia 2. City of Hesperia 3.Before construction
	MM TRANS-3 Prior to construction, the General Contractor shall submit a detailed Construction Management Plan to be reviewed and approved by the City of Hesperia. The Construction Management Plan shall specify that the Construction Manager will schedule truck traffic and employee shifts to avoid creating trips during the peak traffic periods, as is feasible for construction operations. All measures, including identified truck routes and designated employee parking areas, shall be included in	City of Hesperia and Construction Manager	Field Verification	1. City of Hesperia 2. City of Hesperia 3. During Construction

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
Threshold 4.17c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	the Construction Management Plan. The Plan shall include but is not limited to the following provisions: • The Construction Management Plan shall specify how traffic will be routed and controlled during the construction phase, including which lane(s) of traffic will be temporarily blocked off for construction work. • Specification of permitted hours for construction-related deliveries and removal of heavy equipment and material. • Specification of where construction workers would park their personal vehicles during project construction with a requirement that at no time shall construction worker vehicles block any driveways. If complaints are received by the project applicant regarding issues with construction worker vehicle parking, the project applicant shall identify alternative parking options for construction workers so as not to interfere with any surrounding parking availability. • Identification of how emergency access to and around the project site will be maintained during project construction. • Specification of haul routes for delivery or removal of heavy and/or oversized equipment or material loads. Where feasible, delivery or removal of oversized equipment or material loads shall be conducted during off-peak traffic periods. • Provide pedestrian and bicycle connections around the project site and designate safe crossing locations for all pedestrian detours. • Maintain the security of the project site by erecting temporary fencing during the construction phase of the project. Any onsite night lighting used during the construction phase of the project shall be in compliance with the lighting requirements of the City of Hesperia. • If temporary lane closures are necessary for the installation of utilities, emergency access should be maintained at all times. • Flag persons and/or detours shall be provided as needed to ensure safe traffic operations.			

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	• Construction signs shall be posted to advise of reduced construction zone speed limits. • The project design shall include entry/exit gates for first responders' vehicles to gain access to the project site.			
Threshold 4.17d) Would the project result in inadequate emergency access?	**MM TRANS-3.** Refer to **Threshold 4.17c).**	City of Hesperia and Construction Manager	Construction Management Plan	1. City of Hesperia 2. City of Hesperia 3. During Construction
4.18 Tribal Cultural Resources				
Threshold 4.18b): cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be a significant resource to a California Native American tribe	**MM TCR-1** The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in MM CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
pursuant to the criteria set forth in subdivision (c) of Public Resource Code § 5024.1(c)?	monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.			
	MM TCR-2 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM TCR-3 As specified by California Health and Safety Code § 7050.5, if human remains are found on the project site during construction or during archaeological work, the San Bernardino County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. The Coroner would determine within two working days of being notified, if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities

ATTACHMENT 6A
RESPONSES TO COMMENTS
CARGO SOLUTIONS TRUCK WAREHOUSE AND TRUCK STOP
HESPERIA, CA

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September 2025

Project No. 7187

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ATTACHMENTS

Attachment A Notice of Intent to Adopt a Mitigated Negative Declaration (NOI)
Attachment B NOI Posting at the State of California, Office of Planning and Research Clearinghouse
Attachment C County Clerk-Recorder NOI Posting
Attachment D AB 52 Tribal Consultation Letters from the City to the Native American Tribes
Attachment E Public Comment Letters

1.0 INTRODUCTION

This Responses to Comments (RTC) document, in conjunction with the Draft Initial Study/Mitigated Negative Declaration (IS/MND) responds to comments on the proposed Cargo Solutions Warehouse and Truck Stop (project). While the State of California Environmental Quality Act (CEQA) Guidelines do not require a final initial study or the preparation of formal responses to comments received during the public review period for an Initial Study/Mitigated Negative Declaration,[1] to provide further disclosure about the proposed project the City of Hesperia (City) is making available responses to the comments it received during the public review process.

1.1 Background of Environmental Review Process for the Project

The IS/MND, along with a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI, see **Attachment A**), was released for public and agency review on June 18, 2025, with a 30-day review period ending on July 21, 2025. In addition, the NOI was posted on the State Clearinghouse on June 19, 2025. See **Attachment B**.

The NOI was also posted at the San Bernardino County Clerk-Recorder on or around June 2, 2025 (see **Attachment C**), and copies of the IS/MND were made available for review at the following locations:

- City of Hesperia Website: https://www.cityofhesperia.us/1466/Environmental-Documents
- City of Hesperia Planning Division, 9700 Seventh Avenue, Hesperia, CA 92345

A hard copy of the NOI was mailed to:

- Residents and property owners, located within 500 feet of the project site.

A hard copy of the NOI was sent via US Mail on July 18, 2025 to the following entities:

- Oak Hills Prop. Assoc.
- CEQA Reviewer; Mojave Water Agency
- Mitchell M. Tasi Law
- CEQA Reviewer; Mojave Desert AQMD
- Department of Water Resources
- CEQA Reviewer; City of Victorville
- CEQA Reviewer; City of Apple Valley
- Native American Heritage Commission
- CEQA Reviewer; San Bernardino County Fire
- CEQA Reviewer; Sheriff
- 306459104 KAUR RAJINDER
- Angel Esparza; (SW Carpenters)
- Oscar Ocastaneda
- Richard Drury, Komalpreet Toor, Stacey Oborne; Lozeau Drury LLP
- CEQA Reviewer; Southern California Edison
- France Tinney; Center for Biological Diversity

1 CEQA only requires the lead agency to respond to comments that are received in response to an environmental impact report (Title 14, California Code of Regulations, § 15088, Evaluation of and Response to Comments).

- Kevin Johnston; Requestor
- Alexandra McCleary; San Manuel Band of Mission Indians
- CEQA Reviewer; City of San Bernardino
- James Brownyard; Requestor
- 306463103 TIGER PAW LAND LLC
- CEQA Reviewer; Snowline Joint Unified School District
- Jeff Modrzejewski; Creed LA
- Sean Silva; CARE CA
- 306459114 LITTLE SISTER'S CALIFORNIA REALTY LL
- Rick Engineering Company
- Adams Broadwell Joseph & Cardozo
- 306464124 GARTIZ PROPERTIES LLC
- CEQA Reviewer; County of San Bernardino
- Jacquelyn Barnum; Cabazon Band of Mission Indians
- Planning Division; City of Hesperia
- Adam Salcido; Requestor
- Golden State Envriomental Justice Alliance
- State Water Resources Control Board, Division of Drinking Water
- Alicia Reed; Torres Martinez Desert Cahuilla Indians
- Center for Community Action and Environmental Justice
- Hesperia Rec/Park Dist
- Blum Collins LLc; Golden State Envriomental Justice Alliance
- Aria Soeprono; Advocates for the Environment

1.2 Tribal Consultation

The City of Hesperia (the lead agency) initiated AB 52 outreach to three local tribes for the Cargo Solutions Truck Warehouse Project on or around September 2022, pursuant to Public Resources Code § 21074. (see **Attachment D**) The City prepared letters to these tribes on their list for AB 52 contact, informing them of the project. The letters were sent by Ryan Leonard, AICP, Senior Planner, on September 22, 2022 via email to the following tribes:

- San Manuel Band of Mission Indians
- Cabazon Band of Mission Indians
- Torres Martinez Desert Cahuilla Indians

The City received one response from the San Manuel Band of Mission Indians. The City contacted the Tribe's representative directly. After consultation occurred, Tribal Cultural Resources (TCR) mitigation measures were included to address the tribe's concerns and to include the tribal monitoring measures. With these actions, AB 52 consultation was concluded in January 2023. **Section 4.18** of the Initial Study documents all consultation held between the City and Native American Tribes.

1.3 Responses to Comments

This document provides a response to comments received on the IS/MND. Several comment letters were received during the public review period. (see **Attachment E**) These letters are in **Section 2.0**, Public Comment Letters.

1.4 Intended Uses of this IS/MND

The IS/MND will be used by the City in considering approval of the proposed project. In accordance with CEQA Guidelines § 15074, the IS/MND will be used as the primary environmental document in consideration of all subsequent planning and permitting actions associated with the proposed project, to the extent such actions require CEQA compliance and as otherwise permitted under applicable law.

15074. CONSIDERATION AND ADOPTION OF A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

(a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making itsrecommendation.

(b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

(c) When adopting a negative declaration or mitigated negative declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

(d) When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

(e) A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

(f) When a non-elected official or decision-making body of a local lead agency adopts a negative declaration or mitigated negative declaration, that adoption may be appealed to the agency's elected decision-making body, if one exists. For example, adoption of a negative declaration for a project by a city's planning commission may be appealed to the city council. A local lead agency may establish procedures governing such appeals.

Upon review and consideration of the IS/MND, the City may take action to adopt, revise, or reject the proposed project. A decision to approve the proposed project would be made in a resolution recommending certification of the IS/MND as part of the consideration of the proposed project. The City has prepared this IS/MND and has determined that the environmental impacts of the proposed project have been reduced to a less than significant level through mitigation measures.

2.0 PUBLIC COMMENT LETTERS

The following agencies and entitles submitted written comments on the IS/MND, during the public review period. The comment letters are provided in **Attachment E** of this document.

Letter	Agency, Organization, or Individual	Date
A	**Mojave Water Agency**	**June 23, 2025**
Comment A-1	This confirms that the Mojave Water Agency has no conflict with this project.	
Response A-1	Comment noted. No further action.	
B	**Lozeau Drury**	**June 23, 2025**
Comment B-1	We hereby request that the City of Hesperia ("City") send by electronic mail, if possible, or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following: • Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091. • Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to: • Notices of any public hearing held pursuant to CEQA. • Notices of determination that an Environmental Impact Report ("EIR") is required for the Project, prepared pursuant to Public Resources Code Section 21080.4. • Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9. • Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092. • Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations. • Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law. • Notices of any addenda prepared to a previously certified or approved EIR. • Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law. • Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law. • Notice of any Final EIR prepared pursuant to CEQA. • Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.	

Letter	Agency, Organization, or Individual	Date
	Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.	
Response B-1	The City acknowledges receipt of the commenter's request for notice pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092. This request has been forwarded to the appropriate City staff and will be included in the City's records for this Project. The City will provide the commenter with all future notices concerning the project as required by CEQA and the California Planning and Zoning Law, including but not limited to notices of public hearings and notices of CEQA determinations. No further response to this comment is required under CEQA.	
C	**SoCalGas**	**June 26, 2025**
Comment C-1	SoCalGas Distribution does not appear to have a conflict with this project. Please note on case to have Developer contact 811 / USA at DigAlert | Utility Locating California | Underground Wire & Cable Locator prior to any excavation / demolition activities so we can Locate & Mark out our facilities.	
Response C-1	Comment noted. Applicant will contact prior to excavation.	
Comment C-2	If the Developer needs new gas service, please have them contact our Builder Services group to begin the application process as soon as practicable, at https://www.socalgas.com/foryour-business/builder-services.	
Response C-2	Comments noted. Applicant will contact if a new gas line will be installed.	
Comment C-3	Please notify Southern California Gas Company 4 months prior to start of Pavement projects for the gas company to complete leak survey & repair leaks if found.	
Response C-3	Comment noted. Applicant will contact SoCalGas four months prior to the pavement process.	
Comment C-4	Please provide Southern California Gas Company with your signed designed Plans with gas company facilities posted on your design plans, 4-6 months prior to start of construction for possible relocation of SCG medium pressure facilities and 9-12 months for possible relocation of SCG high pressure facilities.	
Response C-4	Comment noted. Applicant will provide SoCalGas with plans four to six months prior to the start of construction.	
D	**Mojave Desert Air Quality Management District**	**July 9, 2025**
Comment D-1	We have reviewed the project as proposed and based on the information available to us at this time, the District requires that the owner/operator obtain a Dust Control Plan (DCP) for the planned project. The most current Dust Control Plan Requirements and Dust Control Plan Submission Form are available at https://www.mdaqmd.ca.gov/permitting/compliance-forms. Other District requirements include: • Signage compliant with Rule 403 Attachment B shall be erected at each project site entrance not later than the commencement of construction. • Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible	

Letter	Agency, Organization, or Individual	Date
	fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits. • All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing. • All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project-related trackout within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion. • Obtain District permits for any miscellaneous process equipment that may be required under District Rule 219 including, but not limited to: Internal Combustion Engines with a manufacturer's maximum continuous rating greater than or equal to 50 brake horsepower. • Comply with all applicable provisions listed in Rule 403 – Fugitive Dust Control.	
Response D-1	Comment noted. The project would incorporate a dust plan that would incorporate all these outlined steps that would be consistent with Rule 403.	
E	**California Department of Fish and Wildlife**	**July 11, 2025**
Comment E-1	Mohave ground squirrel (Xerospermophilus mohavensis) Section #4.4 Biological Resources, Page #72-73 Issue: The Project has the potential to result in take of Mohave ground squirrel, a CESA listed species, and in the permanent loss of potential habitat for the species. California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill". Specific impact: Mohave ground squirrel was identified by the MND to have a low potential to occur within the biological study area (BSA), but no focused surveys were conducted, nor were any species-specific avoidance or mitigation measures included in the MND. Why impact would occur: The Project would permanently impact 20.32 acres of open space through grading, staging, construction of two large warehouses, and installation of parking lots. CDFW is concerned that the Project may impact Mohave ground squirrel considering that the MND mentions the presence of burrows and creosote bush (Larrea tridentata), which are known to provide habitat for Mohave ground squirrel and no focused surveys to determine presence/absence of Mohave ground squirrel were conducted. Evidence impact would be significant: The MND mentions that Mohave ground squirrel has a low potential to occur onsite and that the BSA offers minimal habitat value for fossorial species, such as Mohave ground squirrel. Thus,	

Letter	Agency, Organization, or Individual	Date
	considering that the Project site offers some habitat value and there is vegetation suitable for Mohave ground squirrel (i.e., creosote bush), CDFW is concerned that mitigation measures were not included in the MND to ensure impacts to Mohave ground squirrel are mitigated to a level of less than significant. Furthermore, California Natural Diversity Database (CNNDB) indicates the Project is within the Mohave ground squirrel distribution range and Mohave ground squirrel occurs within 2.5 miles of the Project site. In fact, burrows were detected onsite, which the MND attributes to belonging to an unknown ground squirrel species. Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following measure for inclusion in the final MND: Mitigation Measure Biological Resources 6 (MM-BIO-6) (New): Mohave ground squirrel Visual surveys for Mohave ground squirrel shall be conducted by a qualified biologist prior to ground disturbing activities. Visual surveys shall be conducted between March 15 and April 15 according to the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Visual surveys shall be conducted on the Project site during daylight hours by a qualified biologist who can readily identify Mohave ground squirrel and white-tailed antelope squirrel (Ammospermophilus leucurus). If the survey or monitoring throughout the duration of the Project confirms presence of Mohave ground squirrel, the Project proponent shall fully avoid impacts to Mohave ground squirrel or should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel if impacts are unavoidable.	
Response E-1	The Project applicant will incorporate and comply with this recommended mitigation measure addition. As MM BIO-6 and MM BIO-7 are existing mitigation measures, this new mitigation measure will be incorporated as MM BIO-8 to reduce confusion of changed mitigation measures.	
Comment E-2	Western Joshua tree (Yucca brevifolia) Section #2.3.4 Environmental Setting, 4.4 Biological Resources, Page #25, 67, 72, 73, 77, 80-81, 191 Issue: The Project may impact western Joshua tree; a candidate species protected under CESA and Fish and Game Code section 1927. Specific impact: The Project, as described, will result in the lethal take of western Joshua trees present onsite. In fact, the MND confirms that direct and indirect take of western Joshua tree is likely to occur. Why impact would occur: Project activities, such as grubbing and grading may result in removal of western Joshua tree or may impact their root system. Under Fish and Game Code section 1927, the take of western Joshua trees and parts thereof, including roots, is prohibited. Damage to roots can lead to the death of the tree.	

Letter	Agency, Organization, or Individual	Date
	Evidence impact would be significant: The MND is not clear regarding how many western Joshua trees are present on site, but states that there are between 1 to 6 western Joshua trees present and CDFW confirmed the presence of western Joshua trees onsite through aerial imagery. The MND also does not provide information regarding the extent that the Project may impact the species but in BIO-1 (see below) discusses the need for an Incidental Take Permit (ITP) under Fish and Game Code section 2081. Please note that the Project may also receive an ITP under Fish and Game Code section 1927 through the Western Joshua Tree Conservation Act (WJTCA), which will require a census of all trees dead or alive within the Project site and a 50-foot buffer. For further information please visit Western Joshua Tree Conservation Permitting. Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-1 for inclusion in the final MND (edits are in strikethrough and bold): MM-BIO-1 (Revised): Section 2081 FGC Incidental Take Permit Western Joshua trees are a state candidate for listing under CESA and will require a § 2081 FGC Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of MM BIO-6. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where take is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. **The Project may also obtain take authorization through § 1927 of the Western Joshua Tree Conservation Act (WJTCA).** **Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the permittee to relocate one or more of the western Joshua trees.**	

Letter	Agency, Organization, or Individual	Date
Response E-2	The Project applicant will incorporate and comply with this recommended mitigation measure revision. Revisions were made in the biology section of the MND. After review of the Section 2.3.4 of the Environmental Setting, there was no indication of the take of Joshua tree; the subsection simply stated there were Joshua Trees on the project site and therefore, no revisions to this section.	
Comment E-3	Burrowing owl (Athene cunicularia hypugaea) Section #4.4 Biological Resources, Page #68, 73, 76-77 Issue: The Project has the potential to significantly impact burrowing owl; a candidate species protected under CESA. Specific impact: The Project may result in take of burrowing owl through Project activities such as mass grading. Additionally, the Project may lead to the permanent elimination of habitat for burrowing owls from warehouse development. Why impact would occur: The MND states that suitable habitat is present onsite for burrowing owl; for example, sparse vegetation, burrows, and suitable soils. As a result, the MND included BIO-2 (see below). CDFW appreciates that BIO-2 considers focused surveys for burrowing owls and is in line with previous guidance provided by CDFW. However, CDFW would like to note that since burrowing owl became a CESA candidate species in March 2024, CDFW cannot accept relocation plans outside of a CESA ITP. Instead, BIO-2 should consider obtaining an ITP if burrowing owls are detected and impacts cannot be avoided. Thus, the change in regulatory status for burrowing owl requires changes to measure BIO-2 as recommended by CDFW below. Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-2 for inclusion in the final MND (edits are in strikethrough and bold): MM-BIO-2 (Revised): Focused Burrowing Owl Survey Although BUOW was not observed on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist **shall** conduct a focused BUOW survey in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW, 2012). Following the completion of the survey, the biologist **shall** prepare a letter report summarizing the results of the survey. The report would be submitted to the CDFW and the City prior to initiating any ground disturbance activities. If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required.	

Letter	Agency, Organization, or Individual	Date
	If BUOW or signs of BUOW are observed during the survey, the site **shall** be considered occupied **and the Project proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP if impacts are unavoidable.**	
Response E-3	The Project applicant will incorporate and comply with this recommended mitigation measure revision.	
Comment E-4	Nesting Birds Section #4.4 Biological Resources, Page #68, 69, 72, 73, 75-77 Issue: The Project has the potential to impact nesting birds, including CDFW Species of Special Concern (SSC), and common birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918. Specific Impact: Project implementation could result in the loss of nesting and/or foraging habitat for (non-)passerine and raptor species. Why impact would occur: Nesting avian species could be directly or indirectly impacted during construction and for the life of the Project through the removal of potential foraging habitat, loss of and/or modification of habitat features, construction of warehouses, installation of new artificial lighting, creation of noise and vibration, and the removal of vegetation. Nest destruction, nest abandonment, behavioral disturbance, increased risk of predation, and degradation of suitable habitat could also lead to significant impacts to nesting avian species and local populations. The MND indicates that pre-construction nesting bird surveys would only occur during February-August. However, CDFW recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests. This is in consideration that the timing of the bird nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have also observed that changing climate conditions may result in the nesting bird season occurring earlier and/or later in the year than historical nesting season dates. Evidence impact would be significant: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.	

Letter	Agency, Organization, or Individual	Date
	Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-5 for inclusion in the final MND (edits are in strikethrough and bold): MM-BIO-5 (Revised): Pre-Construction Breeding Bird Survey To maintain compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels. Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts to migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities. • A qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted **within 72 hours** prior to the onset of scheduled activities, such as mobilization and staging. • If no breeding birds or active nests are observed during the pre-construction survey or they are observed and **the qualified biologist determines** they will not be impacted, project activities may begin and no further mitigation will be required. • If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone.	

Letter	Agency, Organization, or Individual	Date
	• If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency, **including CDFW**, to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency, **including CDFW**. • Birds or their active nests will not be disturbed, captured, handled or moved.	
Response E-4	The Project applicant will incorporate and comply with this recommended mitigation measure revision.	
F	**Lozeau Drury**	**July 16, 2025**
Comment F-1	SAFER is concerned that the IS/MND is improper under the California Environmental Quality Act due to the IS/MND's failure to adequately assess and mitigate the Project's potentially significant environmental impacts. SAFER requests that an environmental impact report be prepared for the Project rather than an MND because there is a fair argument that the Project may have adverse environmental impacts. An EIR will ensure that potentially significant impacts of this Project are fully disclosed, analyzed, and mitigated.	
Response F-1	The commenter asserts, in general terms, that the Initial Study/Mitigated Negative Declaration (IS/MND) is inadequate under the California Environmental Quality Act (CEQA) and that an Environmental Impact Report (EIR) should be prepared. However, the commenter has not identified any specific substantial evidence in the record that demonstrates that the Project would result in potentially significant impacts that cannot be mitigated to less than significant levels. The IS/MND prepared for the project includes a comprehensive analysis of the project's potential impacts on the environment, consistent with the requirements of CEQA. Where potentially significant impacts were identified, feasible mitigation measures have been incorporated into the project to reduce those impacts to a less than significant level. The IS/MND therefore appropriately concludes that no significant unavoidable impacts would occur with implementation of the identified mitigation measures. Under CEQA, preparation of an EIR is only required when there is substantial evidence, in light of the whole record, that the Project may have a significant effect on the environment that cannot be mitigated. No such evidence has been provided by the commenter. Therefore, an MND is the appropriate level of environmental review for the Project. The IS/MND complies with CEQA's requirements to disclose, analyze, and mitigate the project's potential environmental impacts.	
G	**Caltrans**	**July 21, 2025**
Comment G-1	**Safety Reviews:** The proposed project will generate additional trips on the State Highway System on US-395 and I-15. Please provide a Safety Analysis Report for I-15 and US-395 facilities affected by the proposed project. The Safety Analysis Report shall follow the attached guidance. See the attached guidance: Local Development Review (LDR) Safety Review Practitioner's Guidance. Please follow the steps below:	

Letter	Agency, Organization, or Individual	Date
	a. To request crash data on the State Highway System, please submit your request via our California Public Records Act (CPRA) portal at mycusthelp.com. b. Please analyze the existing crash data and discuss project's impact on safety as needed. c. Provide appropriate countermeasures to mitigate/reduce project's impact as needed.	
Response G-1	As shown in Table 4-1 of the May 23, 2025 traffic study, the project is forecast to generate a small amount of trips (i.e., 34 AM and 36 PM PCE peak hour trips). Once assigned to the network, these trips are even less at all nearby Caltrans facilities. As such, based on engineering judgement, the project's impact on adjacent Caltrans facilities is considered nominal and as such, a safety review is unnecessary.	
Comment G-2	Per previous review, the project is in the vicinity of I-15 facility on Main Street. Please include study area intersections for I-15 ramp/Main Street intersections, and street intersections leading to the project site in the TIA (for example, Mesa Linda St/Main St Intersection).	
Response G-2	As shown in Exhibit 4-7 (total project traffic volumes) of the most recent version of the traffic study (dated May 23, 2025), only approximately 12 AM peak hour trips and 14 PM peak hour trips are forecast to travel north/south along Mesa Linda Street to/from Main Street/I-15 Freeway. Of these vehicles, none of these trips are truck trips. Per the City of Hesperia's truck route map, Main Street (between the I-15 and Highway 395) is not an identified truck route, and as such, no trucks have been assigned along Main Street. Additionally, per the City of Hesperia's TIA Guidelines, the study area shall include any intersection of "Collector" to higher classification street, with "Collector" or higher classification, shown on Hesperia Circulation Element, at which the proposed project will add 50 or more A.M. or P.M. peak hour trips. In addition, all freeway links with 100 or more peak-hour project trips (two-way); and CMP roadways with 50 or more peak-hour project trips. Based on these considerations, the addition of these intersections along Main Street are not required and the project's impact can be considered nominal.	
Comment G-3	Please include Northbound and Southbound I-15 off-ramp to Main St in the queuing analysis of the report.	
Response G-3	Please see Response #1 above. The project is forecast to add a nominal amount of traffic at the Northbound and Southbound I-15 off-ramp intersections along Main Street. As such, the addition of these intersections along Main Street are not required and the project's impact can be considered nominal. As such, RK does not recommend updating the TIA based on this comment.	
Comment G-4	Please consider using the Intersection Safety and Operational Assessment Process (ISOAP) evaluation for recommending improvements at the proposed traffic signal intersection of US-395 and Poplar Street (refer to the attached ISOAP memo dated September 10, 2024).	
Response G-4	As directed by the City of Hesperia during the TIA scoping process, this traffic study utilizes the data/approach/methodology from the recently completed traffic study for the I-15 Industrial Project (located adjacent to the project site on the north side of Poplar Street). As such, this traffic study recommends the installation of a traffic signal at the intersection of US-395 and Poplar Street which is consistent with the recommendations from the I-15 Industrial Project	

Letter	Agency, Organization, or Individual	Date
	TIA. Installing a traffic signal at this location does not propose any safety concerns (e.g., spacing with other nearby traffic signals, layout/geometry, etc.). Additionally, given the amount of trucks that will utilize this intersection, a roundabout would not be feasible. Recommendations to signalize this intersection have already been made in past TIA's without utilizing the ISOAP evaluation. RK concurs with these past traffic studies that the installation of a traffic signal at this location will provide the safest and most efficient solution. As such, RK does not recommend updating the TIA based on this comment.	
Comment G-5	Truck Services specialist should review and concur with truck-related items in the report.	
Response G-5	Comment noted. No changes to the TIA are required.	
Comment G-6	A 2% per year growth rate is applied to background traffic, but there's no reference to SCAG, SBCTA, or Caltrans sources. Using a generic rate without justification can lead to inaccurate forecasts. Recommend supporting the growth assumption with data from a regional travel demand model or Caltrans resources.	
Response G-6	Per the City of Hesperia's TIA Guidelines, for project opening day analysis, "*Use accepted growth rates provided by the jurisdictions in which the analysis is to take place. Each jurisdiction's growth rates should be used for intersections and segments within that jurisdiction*." A two percent (2%) annual ambient growth rate is typical for the City of Hesperia and was confirmed during the scoping process. Additionally, this growth rate is consistent with the rate utilized in the I-15 Industrial Project TIA. Furthermore, the addition of cumulative projects within the area were manually assigned to the study area in addition to the ambient growth rate. As such, RK does not recommend updating the TIA based on this comment.	
Comment G-7	Although the project description includes a truck stop with 8 fueling stations, the TIA only analyzes two warehouses. This may underestimate traffic impacts. Recommend updating the TIA to include truck stop traffic or confirming its removal from the project.	
Response G-7	The project is no longer proposing a truck stop. The description used in the TIA is what the project is currently proposing. As such, no changes to the TIA are necessary.	
Comment G-8	Although the TIA models area-wide traffic impacts, it does not confirm whether or how project-generated trips utilize Caltrans facilities such as US-395 or the I-15 ramps. The trip description states that approximately 60 percent of vehicle trips will come from or go to the Main Street ramps. However, the TIA does not include the Main Street ramps or the Main Street and Mesa Linda Street intersection in the list of analyzed intersections. This omission is concerning, as these are key access points to the regional transportation network. Additionally, based on the provided trip distribution figures, it is difficult to accept the assumption that no trucks associated with the project will use the Main Street ramps. It is recommended that the TIA clearly identify which Caltrans facilities will carry project traffic, quantify the number of trips expected to use each route, and include the relevant intersections in the traffic analysis. This information is critical for a transparent and complete assessment of potential impacts on state facilities.	

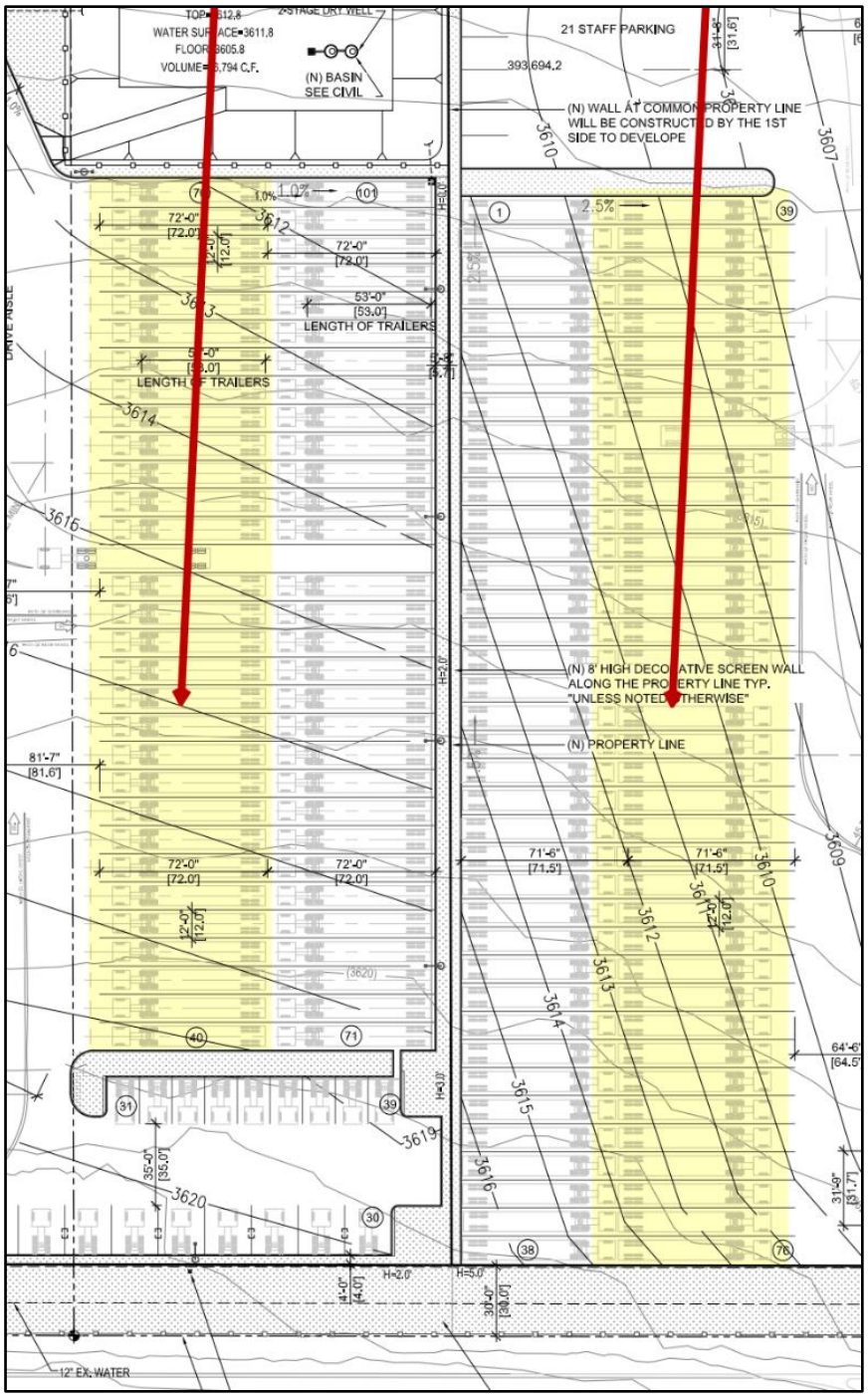
Letter	Agency, Organization, or Individual	Date
Response G-8	Please see Response #2 above. The project is forecast to add a nominal amount of traffic at the Northbound and Southbound I-15 off-ramp intersections along Main Street. As such, the addition of these intersections along Main Street are not required and the project's impact can be considered nominal.	
Comment G-9	The background traffic volumes on US-395 and I-15 appear to be escalated from nearby local studies, but the TIA does not provide a complete reference to the source studies or include the full reports or trip count sheets. Additionally, these background volumes are not cross validated against Caltrans Performance Measurement System (PeMS) data or Caltrans traffic count station data. For consistency and transparency, recommend including the complete local study report or at minimum the relevant traffic count sheets used for background traffic estimation. Also recommend validating existing and future traffic volumes on Caltrans facilities using Caltrans PeMS or count station data to ensure alignment with actual observed trends and to support defensible forecasting.	
Response G-9	The referenced study is the *I-15 Industrial Park Project Transportation Impact Analysis*, prepared by Dudek, dated October 2022. At the time of initial scoping, this study had just been completed and City of Hesperia staff directed that the traffic analysis for this project be based on the information contained within this Dudek study (for consistency between both sites). The I-15 Industrial Park TIA, completed by Dudek, will be provided to Caltrans for reference.	
Comment G-10	The TIA should address the horizon year assumption. The selected 2040 horizon is only 14 years beyond the project opening year (2026), not the typical 20- year planning horizon recommended for long-range traffic analysis.	
Response G-10	In May 2023, a scoping agreement was submitted to and ultimately approved by the City of Hesperia. Per the direction of the City, traffic volumes (including existing, opening year, and horizon year) were to be utilized from the recently completed traffic study for the I-15 Industrial Project (located adjacent to the project site on the north side of Poplar Street). Based on these considerations, no changes to the traffic study are recommended.	
Comment G-11	The project affects Caltrans intersections (e.g., US-395), but the IS/MND and TIA do not state whether work will occur in Caltrans right-of-way or if an encroachment permit is needed. Recommend clarifying this and identifying any required Caltrans permits.	
Response G-11	As concluded in the traffic impact analysis, improvements have been identified for all operationally deficient intersections consistent with the *I-15 Industrial Park Project Transportation Impact Analysis*, prepared by Dudek, dated October 2022. The project's responsibility for all identified off-site intersections are in the form of fair share contributions. The traffic impact analysis does not indicate that the project will perform any direct work on any Caltrans right-of-way. However, an encroachment permit will be obtained if ultimately the project is required to work within any Caltrans right-of-way.	
Comment G-12	The TIA explains that a traffic signal at US-395 and Poplar Street must be installed by either this project or another (I-15 Industrial Park), depending on timing. The IS/MND does not clearly state who is responsible if Cargo Solutions is built first. Recommend adding a clear condition of approval that defines signal installation responsibility and reimbursement terms.	

Letter	Agency, Organization, or Individual	Date
Response G-12	The IS/MND will clearly state that if the proposed Cargo Solutions project is built prior to the installation of a traffic signal at the intersection of US-395 & Poplar Street, the proposed Cargo Solutions project shall construct this signal and be reimbursed for the total costs less their fair share contribution. The traffic signal shall be constructed prior to issuance of Certificate of Occupancy.	
Comment G-13	While the VMT screening memo is referenced in the appendix, the IS/MND briefly says the site is in a "low VMT area" without explaining why or how that was determined. Recommend including a brief explanation or summary of the VMT screening criteria and findings in the IS/MND's transportation section.	
Response G-13	The VMT section in the IS/MND will be expanded to include the following additional language from Chapter 10 of the traffic impact analysis explaining why/how the project is located within a low VMT area: **Per the *City of Hesperia Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service (LOS) Assessment*, dated July 2020: "Residential and office projects located within a low VMT-generating area may be presumed to have a less than significant impact absent substantial evidence to the contrary. In addition, other employment-related and mixed-use land use projects may qualify for the use of screening if the project can reasonably be expected to generate VMT per resident, per worker, or per service population that is similar to the existing land uses in the low VMT area."** **To identify if the project is in a low VMT-generating area, the San Bernardino County Transportation Authority (SBCTA) VMT screening tool was utilized to compare the project's baseline TAZ VMT to the County's baseline VMT metric. Since the project is exclusively an industrial use (i.e., warehousing), the "PA VMT Per Worker" metric was utilized for evaluation Based on the results of the SBCTA VMT screening tool, the proposed project's TAZ VMT was calculated to be 16.0 PA VMT Per Worker which does not exceed the County VMT threshold of significance of 16.9 VMT Per Worker. Therefore, the proposed project does satisfy the Low VMT Generating Area Screening and may be presumed to have a less than significant impact on VMT under CEQA.**	
Comment G-14	**Equitable Access** If any Caltrans facilities are impacted by the project, they must comply with the American Disabilities Act (ADA) Standards upon project completion. Additionally, the project must ensure the maintenance of bicycle and pedestrian access throughout the construction phase. These access considerations align with Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.	
Response G-14	Comment acknowledged. As previously mentioned, the project does not intend to directly perform work on any Caltrans facilities, but will comply with ADA Standards if any work on Caltrans facilities is ultimately required. The project will also ensure the maintenance of bicycle and pedestrian access throughout the construction phase.	
Comment G-15	**Caltrans Encroachment Permit** Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (R/W) requires a Caltrans-issued encroachment permit.	

Letter	Agency, Organization, or Individual	Date
Response G-15	Comment acknowledged. Any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (R/W) will require a Caltrans-issued encroachment permit.	

3.0 ERRATA

The City has requested from the Project Applicant to remove the tandem tractor/trailer parking in these areas shown below from the site plan to adhere to City regulations. Additionally, the City requested double or hairpin striping for the parking spots.



Previous Site Plan - Parking Summary			
Buildings	**Type of Parking**	**Stalls**	**Total**
Building 1	Employee/Guest	123	551
	Tractor/Trailer	101	
	Tractor Only	59	
Building 2	Employee/Guest	141	
	Tractor/Trailer	76	
	Tractor Only	51	
Current Site Plan - Parking Summary			
Building 1	Employee/Guest	123	482
	Tractor/Trailer	70	
	Tractor Only	59	
Building 2	Employee/Guest	141	
	Tractor/Trailer	38	
	Tractor Only	51	

COMPARISON OF ENVIRONMENTAL EFFECTS

The following matrix provides a list of topical issues that were analyzed in the Initial Study. Based on the minor changes to the tandem tractor/trailer parking requested by the City, the results of those changes are noted below.

Environmental Issue	IS/MND Conclusions	Minor Modified Project Conclusions	Minor Modified Project in Comparison to the IS/MND
Aesthetics	Less than Significant	Less than Significant	Net Benefit/Less Impact
Agriculture and Forestry Resources	No Impact	No Impact	Net Benefit/Less Impact
Air Quality	Less than Significant	Less than Significant	Net Benefit/Less Impact
Biological Resources	Less than Significant with Mitigation Incorporated	Less than Significant with Mitigation Incorporated	Net Benefit/Less Impact
Cultural Resources	Less than Significant with Mitigation Incorporated	Less than Significant Impacts/No Change	Net Benefit/Less Impact
Energy	Less than Significant	Less than Significant	Net Benefit/Less Impact
Geology and Soils	Less than Significant with Mitigation Incorporated	Less than Significant with Mitigation Incorporated	Net Benefit/Less Impact
Greenhouse Gas Emissions	Less than Significant	Less than Significant	Net Benefit/Less Impact
Hazardous Materials	Less than Significant with Mitigation Incorporated	Less Than Significant Impact/No Change	Net Benefit/Less Impact
Hydrology/Water Quality	Less than Significant	Less than Significant	Net Benefit/Less Impact

Environmental Issue	IS/MND Conclusions	Minor Modified Project Conclusions	Minor Modified Project in Comparison to the IS/MND
Land Use & Planning	Less than Significant	Less than Significant	Net Benefit/Less Impact
Mineral Resources	Less than Significant	Less than Significant	Net Benefit/Less Impact
Noise	Less than Significant	Less than Significant	Net Benefit/Less Impact
Population and Housing	Less than Significant	Less than Significant	Net Benefit/Less Impact
Public Services	Less than Significant	Less than Significant	Net Benefit/Less Impact
Recreation	No Impact	No Impact	Net Benefit/Less Impact
Traffic/Transportation	Less than Significant with Mitigation Incorporated	Less than Significant with Mitigation Incorporated	Net Benefit/Less Impact
Tribal Cultural Resources	Less than Significant with Mitigation Incorporated	Less than Significant with Mitigation Incorporated	Net Benefit/Less Impact
Utilities	Less than Significant	Less than Significant	Net Benefit/Less Impact
Wildfire	No Impact	No Impact	Net Benefit/Less Impact
Mandatory Findings of Significance	Less than Significant with Mitigation Incorporated	Less than Significant with Mitigation Incorporated	Net Benefit/Less Impact

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

The Final Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with § 21081.6 of the Public Resources Code and § 15097 of the CEQA Guidelines, which requires all state and local agencies to establish monitoring or reporting programs whenever approval of a project relies upon a MND or an EIR. The MMRP ensures implementation of the measures being imposed to mitigate or avoid the significant adverse environmental impacts identified through the use of monitoring and reporting. Monitoring is generally an ongoing or periodic process of project oversight; reporting generally consists of a written compliance review that is presented to the decision-making body or authorized staff person.

It is the intent of the MMRP to: (1) provide a framework for document implementation of the required mitigation; (2) identify monitoring/reporting responsibility; (3) provide a record of the monitoring/reporting; and (4) ensure compliance with those MMs that are within the responsibility of the City and/or Applicant to implement.

The following table lists impacts, mitigation measures adopted by the City of Hesperia in connection with approval of the proposed project, level of significance after mitigation, responsible and monitoring parties, and the project phase in which the measures are to be implemented.

Only those environmental topics for which mitigation is required are listed in this Mitigation Monitoring and Reporting Program.

Table 4.0-1
FINAL MITIGATION MONITORING AND REPORTING PROGRAM

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
4.4 Biological Resources				
Threshold 4.4a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-1: Section 2081 CFGC Incidental Take Permit** Western Joshua trees are a state candidate for listing under CESA and will require a 2081 Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of **MM BIO-7**. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where "take" is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. **The Project may also obtain take authorization through § 1927 of the Western Joshua Tree Conservation Act (WJTCA).** **Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity**	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the permittee to relocate one or more of the western Joshua trees. **MM BIO-2: Focused Borrowing Owl Survey** Although BUOW was not detected on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist **shall** conduct a focused BUOW survey in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012). Following the completion of the survey, the biologist **shall** prepare a letter report summarizing the results of the survey. The report would be submitted to the **CDFW and the** City prior to initiating any ground disturbance activities. If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required. If BUOW or signs of BUOW are observed during the survey, the site **shall** be considered occupied **and the Project proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP if impacts are unavoidable**. **MM BIO-3: Pre-Construction General Wildlife Survey** Special-status wildlife species that have no designated status under the ESA, the CESA, and/or the NPPA, but are designated as sensitive or locally important by federal agencies, state agencies, local agencies such as the RCA, and nonprofit resource organizations such as the CNPS are referred to as "sensitive" in this section. The following measures will be implemented to minimize impacts to these species which include but are not limited to: Blainville's horned lizard and desert kit fox. The measures below will help to reduce direct and indirect impacts caused by construction on various sensitive species to less than significant levels. • A qualified biologist will conduct a pre-construction general wildlife survey for sensitive wildlife and potential nesting sites such as open ground, shrubs, and burrows within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance.	Applicant Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation 1. City of Hesperia Planning Department

	• If sensitive species and/or active nesting sites are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required. • If any sensitive wildlife species are identified within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency. zone. • Sensitive wildlife species and/or potential nesting sites will not be disturbed, captured, handled or moved. **MM BIO-4: Loggerhead Shrike Survey and Protection Measures** The following measures are proposed in order to minimize impacts to loggerhead shrike, for which there is suitable habitat in the BSA. • If activities occur during the breeding/nesting period, a wildlife survey will be completed by a qualified biologist to identify potential loggerhead shrike activity in the area of the project activities. • Additional species surveys to determine presence/absence of birds prior to disturbances, from May 1 until the work start date, if the work start date is prior to August 31. Surveys are to occur weekly in May, every other week in June, and once per month in July and August (assuming no loggerhead shrike are observed). • Incidental occurrences of other sensitive avian species such as Swainson's hawk, prairie falcon, and Cooper's hawk should also be recorded during the survey. **MM BIO-5: Pre-Construction Breeding Bird Survey** To maintain compliance with the MBTA and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels.	Applicant	Field Verification Field Verification	2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation 1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts on migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities. • A qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted **within 72 hours** prior to the onset of scheduled activities, such as mobilization and staging. • If no breeding birds or active nests are observed during the pre-construction survey or they are observed and **the qualified biologist determines** they will not be impacted, project activities may begin and no further mitigation will be required. • If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone. • If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency, **including CDFW,** to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency, **including CDFW**.			

	• Birds or their active nests will not be disturbed, captured, handled or moved.			
Threshold 4.4b) Have Substantial Adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	**MM BIO-6: Mitigation for Impacts to Western Joshua Tree and California Juniper Woodlands** **Avoidance and Minimization Measures** The entirety of the project area is currently planned for development. Approximately 19 acres is California juniper woodland. The California juniper woodland is a sensitive natural community, as such, impacts as a result of the project, shall be mitigated so that all impacts to these habitats are mitigated on acreage and tree basis. Proposed project activities including the construction phase, operations, and maintenance phase shall be designed to avoid California juniper woodland (and Joshua tree) habitat to the full extent practicable. If the California juniper (or associated Joshua trees) are removed as a result of project activities, then compensatory mitigation is required, as follows. The preferred compensatory mitigation is through an in-lieu fee to a qualified mitigation bank within the service area of the site, ideally within the same watershed. The project proponent shall coordinate with CDFW to identify appropriate mitigation banks and number of required mitigation credits to fully offset site impacts at a minimum of a 2:1 replacement to impact ratio. However, applicant-responsible compensatory mitigation is acceptable through preparation of a Habitat Preservation and Protection Plan, to be approved by CDFW prior to project approval. **Habitat Preservation and Protection Plan** For applicant-responsible compensatory mitigation, then the project proponent shall enter into a binding legal agreement regarding the preservation of offsite lands describing the terms of the acquisition, enhancement, and management of those lands. Fee title to acquired habitat lands, or a conservation easement over these lands, shall be transferred to CDFW or to an entity approved by CDFW, along with financial assurances (funds) for preservation, rehabilitation, and enhancement of the land, and an endowment for permanent management of the lands.	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	A formal Habitat Preservation and Protection Plan to detail methods for site preservation, restoration, monitoring, and protection shall be written. The plan will include permanent photo documentation points from the pre-restoration stage to the conclusion of the monitoring requirement. Photo documentation shall occur on a quarterly and annual basis or as required by CDFW. The number of western Joshua and California juniper trees existing onsite, transplanted, installed as container stock, will be recorded and qualitatively assessed quarterly and quantitatively assessed on an annual basis until performance criteria and/or contingency criteria are successfully attained. A final monitoring report will be provided at the conclusion of the post-construction restoration phase. The project proponent shall provide the final monitoring report to CDFW for approval of completion for the project.			
Threshold 4.4e) Have Substantial Adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	**MM BIO-7: Native Desert Vegetation Survey and Protected Plant Preservation Plan** A Preservation Plan will be prepared and submitted to the City, which is required by City Municipal Code. A native desert vegetation survey must be conducted to produce findings that will guide the formation of this plan. The survey objective is to evaluate the health and general condition of the western Joshua trees and creosote bush present on the project site. A project-specific plan will provide further guidance regarding the transplant and/or preservation of the western Joshua trees and protection for creosote rings "10 feet or greater in diameter" as per § 16.24.150 of City Municipal Code. Transplant suitability of the western Joshua trees will be determined by the results of the survey. This survey shall be conducted by a qualified City-approved biologist or arborist. The plan will incorporate survey data, identify and outline preconstruction survey methods for the native desert vegetation on the project site, describe preconstruction and construction-phase biological monitoring and transplant methods that are applicable, or outline any identified CDFW permit and Memorandum of Understanding requirements for active relocation, if either is necessary. The Plan should be referred to for a detailing of protective actions regarding the western Joshua trees on the project site.	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation
	Mitigation Measure Biological Resources 8 (MM-BIO-8) (New): Mohave ground squirrel **Visual surveys for Mohave ground squirrels shall be conducted by a qualified biologist prior to ground disturbing activities. Visual surveys shall be conducted between March 15 and April 15 according to the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Visual surveys shall be conducted on the Project site during daylight hours by a qualified biologist who can readily identify Mohave ground squirrel and white-tailed antelope squirrel (*Ammospermophilus*	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project

	***leucurus*). If the survey or monitoring throughout the duration of the Project confirms presence of Mohave ground squirrel, the Project proponent shall fully avoid impacts to Mohave ground squirrel or should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel if impacts are unavoidable.**			construction activities, and during operation
4.5 Cultural Resources				
Threshold 4.5b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.	**MM CUL 1** If archaeological resources are discovered during construction activities, the contractor will halt construction activities in the immediate area of the find (within a 60-foot buffer) and notify the City of Hesperia. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology who will be notified and afforded the necessary time to assess the find. Work on the other portions outside the buffer area may continue during this assessment period. The archaeologist will also be afforded the necessary time and resources to recover, analyze, and curate the find(s). The qualified archaeologist will recommend the extent of archaeological monitoring necessary to ensure the protection of any other resources that may be in the area. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the South Central Coastal Information Center. Construction activities may continue on other parts of the project site while evaluation and treatment of prehistoric archaeological resources takes place. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM CUL 3 If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
Threshold 4.5c): Disturb any human remains, including	**MM CUL 2** If human remains are encountered during excavations associated with this project, all work will stop within a 30-foot radius of the discovery and the San Bernardino	Project Construction Contractor	Field Verification	1. City of Hesperia Planning Department

those interred outside of formal cemeteries.	County Coroner will be notified (§ 5097.98 of the Public Resources Code). The Coroner will determine whether the remains are recent human origin or older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they will contact the NAHC. The NAHC will be responsible for designating the Most Likely Descendant (MLD). The MLD (either an individual or sometimes a committee) will be responsible for the ultimate disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. The MLD will make recommendations within 24 hours of their notification by the NAHC. These recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).			2. City of Hesperia Planning Department 3. During project construction activities
4.7 Geology and Soils				
Threshold 4.7f): Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	**MM GEO 1** Before the beginning of project construction, the project applicant shall retain a qualified paleontologist to remain on-call for the duration of project ground disturbance activities. If paleontological resources are uncovered during project construction, the contractor shall halt construction activities in the immediate area and notify the City. The on-call paleontologist shall be notified and afforded the necessary time and funds to recover and analyze the finds and curate the find(s) with an accredited repository for paleontological resources. Subsequently, the monitor shall remain onsite for the duration of the ground disturbance to ensure the protection of any other resources that are found during construction on the project site	Project Applicant, Qualified Paleontologist	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
4.9 Hazards and Hazardous Materials				
Threshold 4.9a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	**MM HAZ-1** In the event that the future tenant will handle hazardous materials above the reportable quantity threshold, the lease agreement with the future tenant shall require the tenant to submit a Hazardous Materials Business Plan which would include an inventory of all hazardous materials used, stored, or otherwise managed onsite to the County of San Bernardino County Fire Department – Hazardous Materials Division and the Fontana Fire Protection District. The recommendations of the Hazardous Materials Business Plan would be included in the lease agreement (signed by the tenant) as mandatory measures required to be implemented by the tenant **MM HAZ-2** In the event that the future occupant will handle hazardous materials above the reportable quantity threshold, the occupancy agreement shall require the occupant, in coordination with the San Bernardino County Fire Department, to identify routes along which hazardous materials may routinely be transported. If essential facilities such as schools, hospitals, child care centers, or other facilities with special	Project Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	evacuation needs are located along these routes, the future occupant shall develop an emergency response plan that can be implemented in the event of an unauthorized release of hazardous materials. The recommendations of the Emergency Response Plan would be included in the occupancy agreement (signed by the future occupant) as mandatory measures required to be implemented by the future occupant.			
Threshold 4.9b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment**?**	Refer to **MM HAZ-1 and MM HAZ-2** under **Threshold 4.9a).**			
Threshold 4.9f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Refer to **MM TRANS-3** under **Threshold 4.17c).**			
4.17 Transportation				
Threshold 4.17a) Would the project conflict with a program plan, ordinance or policy addressing circulation system, including transit, roadway, bicycle and pedestrian facilities?	**MM TRANS-1** The Project Applicant would be required to implement operational improvements detailed in section 11.7 of the Traffic Impact Analysis (TIA) report to ensure that all affected intersections by project buildout would have an adequate level of service (LOS). **MM TRANS-2** The Project Applicant would be required to contribute to fair-share contributions for intersection operational improvements in the project area. The contributions are identified in section 11.8 of the Traffic Impact Analysis (TIA) report.	Project Applicant	Field Verification	1. City of Hesperia 2. City of Hesperia 3.Before construction
	MM TRANS-3 Prior to construction, the General Contractor shall submit a detailed Construction Management Plan to be reviewed and approved by the City of Hesperia. The	City of Hesperia and Construction Manager	Field Verification	1. City of Hesperia 2. City of Hesperia 3. During

Threshold 4.17c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Construction Management Plan shall specify that the Construction Manager will schedule truck traffic and employee shifts to avoid creating trips during the peak traffic periods, as is feasible for construction operations. All measures, including identified truck routes and designated employee parking areas, shall be included in the Construction Management Plan. The Plan shall include but is not limited to the following provisions: ● The Construction Management Plan shall specify how traffic will be routed and controlled during the construction phase, including which lane(s) of traffic will be temporarily blocked off for construction work. ● Specification of permitted hours for construction-related deliveries and removal of heavy equipment and material. ● Specification of where construction workers would park their personal vehicles during project construction with a requirement that at no time shall construction worker vehicles block any driveways. If complaints are received by the project applicant regarding issues with construction worker vehicle parking, the project applicant shall identify alternative parking options for construction workers so as not to interfere with any surrounding parking availability. ● Identification of how emergency access to and around the project site will be maintained during project construction. ● Specification of haul routes for delivery or removal of heavy and/or oversized equipment or material loads. Where feasible, delivery or removal of oversized equipment or material loads shall be conducted during off-peak traffic periods. ● Provide pedestrian and bicycle connections around the project site and designate safe crossing locations for all pedestrian detours. ● Maintain the security of the project site by erecting temporary fencing during the construction phase of the project. Any onsite night lighting used during the construction phase of the project shall be in compliance with the lighting requirements of the City of Hesperia. ● If temporary lane closures are necessary for the installation of utilities, emergency access should be maintained at all times. ● Flag persons and/or detours shall be provided as needed to ensure safe traffic operations. ● Construction signs shall be posted to advise of reduced construction zone speed limits. ● The project design shall include entry/exit gates for first responders' vehicles to gain access to the project site.			Construction

Threshold 4.17d) Would the project result in inadequate emergency access?	**MM TRANS-3.** Refer to **Threshold 4.17c).**	City of Hesperia and Construction Manager	Construction Management Plan	1. City of Hesperia 2. City of Hesperia 3. During Construction
4.18 Tribal Cultural Resources				
Threshold 4.18b): cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be a significant resource to a California Native American tribe pursuant to the criteria set forth in subdivision (c) of Public Resource Code § 5024.1(c)?	**MM TCR-1** The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in MM CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM TCR-2 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM TCR-3 As specified by California Health and Safety Code § 7050.5, if human remains are found on the project site during construction or during archaeological work, the San Bernardino County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. The Coroner would determine within two working days of being notified, if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities

	Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent.			

ATTACHMENTS

ATTACHMENT A: NOTICE OF INTENT

City of Hesperia

Notice of Intent to Adopt a Mitigated Negative Declaration

To: Agencies, Organizations, and Interested Parties

From: City of Hesperia

Subject: Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) for the Cargo Solutions Truck Warehouse Hesperia Project

The City of Hesperia ("City") is the Lead Agency under the California Environmental Quality Act (CEQA) for the proposed project identified below. The City has prepared an Initial Study to determine the environmental effects of the proposed project and finds issuance of a Mitigated Negative Declaration is the appropriate level of CEQA environmental review.

AGENCIES: The City requests that your agency review the scope and content of the environmental information relevant to your agency's statutory responsibilities in connection with the proposed project, in accordance with California Code of Regulations, Title 14, Section 15086(a).

ORGANIZATIONS AND INTERESTED PARTIES: The City requests your comments and concerns regarding the environmental issues associated with the proposed project.

Project Title: Cargo Solutions Truck Warehouse Hesperia Project

Project Description: The City of Hesperia (City) is processing a request to implement a series of discretionary actions that would ultimately allow for the development of a truck warehouse development (project) at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, and -13 and 3064-631-01). The project proposes development of two truck warehouse buildings and a surface parking lot on an approximately 20.32-acre site.

The City's General Plan Land Use and zoning designation for the project site is Com/Ind Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan. The CIBP zoning designation is to create employment-generating uses in a business park setting. This zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings, which will produce only a small environmental impact, such as noise, vibration, air pollution, glare or waste disposal. Permitted uses include commercial storage facilities, manufacturing, offices, repair shops, warehousing and wholesale distribution centers, and other similar uses. Additionally, the CIBP zoning designation would allow vehicle wash facilities with a conditional use permit (CUP). The entire 20.32-acre project site is currently undeveloped land. The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north; industrial, commercial, and undeveloped land uses to the south; the Interstate 15 (I-15) freeway to the east; and commercial and undeveloped land uses to the west.

Project Location: Southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, and -13 and 3064-631-01)

Significant Environmental Effects: The IS/MND concludes that no significant unavoidable environmental effects would occur as a result of the proposed project. Potentially significant impacts related to biological resources, cultural resources, geology and soils, hazards and hazardous materials, transportation, tribal cultural resources, and mandatory findings of significance would be mitigated to a less than significant level.

Public Review Period/Responses and Comments: The IS/MND will be available for public review and comment pursuant to California Code of Regulations, Title 14, Section 15087. The City will accept responses and comments for 30 days, starting on **June 18, 2025 to July 21, 2025**. All comments must be submitted in writing; either in a letter or email. Please indicate a contact person for your agency or organization and send your responses or comments to:

City of Hesperia Planning Department
Attn: Ryan Leonard, Senior Planner
9700 Seventh Avenue
Hesperia, CA 92345
Email: rleonard@cityofhesperia.us

DOCUMENT AVAILABILITY: This IS/MND and associated materials are available for review during regular business hours at the following location:

- City of Hesperia Planning Department, 9700 Seventh Avenue, Hesperia, CA 92345

The document is available online on the City's website at: https://www.cityofhesperia.us/1466/Environmental-Documents

ATTACHMENT B: NOI POSTING AT THE STATE OF CALIFORNIA, OFFICE OF PLANNING AND RESEARCH CLEARINGHOUSE

Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project

Summary

SCH Number
2025060948

Lead Agency
City of Hesperia

Document Title
Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project

Document Type
MND - Mitigated Negative Declaration

Received
6/19/2025

Present Land Use
The City's General Plan Land Use and Zoning designations for the project site are Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan.

Document Description
The City of Hesperia (City) is processing a request to implement a series of discretionary actions that would ultimately allow for the development of two truck warehouses (project) on an approximately 20.32-acre site located at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, -13, and 3064- 631-01). The project proposes to develop Truck Warehouse Building 1 with an associated parking lot on the western portion of the project site on an approximately 10.52-acre lot, and Truck Warehouse Building 2 with an associated parking lot on the eastern portion of the project site on an approximately 9.8-acre lot. The City is the Lead Agency for the purposes of the CEQA. The entire approximately 20.32-acre project site is currently undeveloped land. The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west (Google Earth Pro, 2024). The City's General Plan Land Use and zoning designation for the project site is Com/Ind Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan (City of Hesperia, 2023; City of Hesperia, 2010). The CIBP zoning designation is to create employment-generating uses in a business park setting. This zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings, which will produce only a small environmental impact, such as noise, vibration, air pollution, glare or waste disposal. Permitted uses include commercial storage facilities, manufacturing, offices, repair shops, warehousing and wholesale distribution centers, and other similar uses (The Arroyo Group, 2021, p. 196-197). Additional details on the land use and planning can be found in Section 4.11 of this document.

Contact Information

Name
Ryan Leonard

Agency Name
City of Hesperia

Job Title
Principal Planner

Contact Types
Lead/Public Agency

Address
9700 Seventh Avenue
Hesperia, CA 92345

Phone
(760) 947-1651

Email
rleonard@cityofhesperia.us

Name
Betsy Lindsay

Agency Name
UltraSystems Environmental

Job Title
Principal Project Manager

Contact Types
Consulting Firm

Address
16431 Scientific Way
Irvine, CA 92618

Phone
(949) 788-4900 ext. 227

Email
blindsay@ultrasystems.com

Name
Bobby Kang

Agency Name
Cargo Solutions Express Inc.

Job Title
Owner

Contact Types

Other Location Info

Canyon Ridge High School, approximately 0.47 mile southeast of the project site. Mission Crest Elementary School, approximately 0.66 miles southeast of the project site. Cedar Middle School, approximately 1.13 mile southeast of the project site. Mesquite Trails Elementary School, approximately 1.41 mile southeast of the project site. Oak Hills High School, approximately 1683 mile southeast of the project site.

Notice of Completion

State Review Period Start

6/19/2025

State Review Period End

7/21/2025

State Reviewing Agencies

California Air Resources Board (ARB), California Department of Conservation (DOC), California Department of Fish and Wildlife, Inland Deserts Region 6 (CDFW), California Department of Forestry and Fire Protection (CAL FIRE), California Department of Parks and Recreation, California Department of Pesticide Regulation (DPR), California Department of Toxic Substances Control (DTSC), California Department of Transportation, District 8 (DOT), California Department of Water Resources (DWR), California Fish and Game Commission (CDFGC), California Highway Patrol (CHP), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Regional Water Quality Control Board, Lahontan Victorville Region 6 (RWQCB), Colorado River Board, Department of Food and Agriculture (CDFA), Office of Historic Preservation, State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Drinking Water, District 13, State Water Resources Control Board, Division of Drinking Water, District 27, State Water Resources Control Board, Division of Water Quality

Development Types

Industrial (Sq. Ft. 378059, Acres 8.68, Employees 448)

Local Actions

Site Plan

Project Issues

Aesthetics, Air Quality, Biological Resources, Cumulative Effects, Drainage/Absorption, Flood Plain/Flooding, Growth Inducement, Land Use/Planning, Mineral Resources, Noise, Recreation, Schools/Universities, Septic System, Sewer Capacity, Solid Waste, Vegetation, Wetland/Riparian, Agricultural Land, Archeological/Historical, Forest Land/Fire Hazard, Geologic Seismic, Soil Errosion/Compaction/Grading, Toxic/Hazardous, Traffic Circulation, Water Quality, Water Supply/Groundwater, Public Services/Facilities, Population/Housing Balance,

Public Review Period Start

6/17/2025

Public Review Period End

7/21/2025

Attachments

Draft Environmental Document [Draft IS, NOI_NOA_Public notices, OPR Summary Form, Appx,]

Project Applicant

Address

14587 Valley Boulevard
Fontana, CA 92335

Phone

(909) 350-1644 ext. 346

Email

bobby@cargosolutionsexpress.com

Location

Coordinates

34°24'53.59"N 117°23'33.79"W

Cities

Hesperia

Counties

San Bernardino

Regions

Citywide

Cross Streets

Southeast intersection of Three Flags Avenue and Poplar Street

Zip

92345

Total Acres

20.32

Jobs

1

Parcel #

3064-591-17,-18,-12, and -13 and 3064-631-01

State Highways

U.S. 395 and I-15

Township

4N

Range

5W

Section

22

Base

San Bern

Appendices PDF 137856 K | Cargo Solutions Truck Warehouse IS-MND PDF 18280 K | NOI PDF 192 K

Summary Form PDF 490 K

Notice of Completion [NOC] Transmittal form

NOC PDF 2638 K

Disclaimer: The Governor's Office of Land Use and Climate Innovation (LCI) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. For more information, please visit LCI's Accessibility Site.

ATTACHMENT C: SAN BERNARDINO COUNTY CLERK-RECORDER NOI POSTING

CLERK OF THE
BOARD OF SUPERVISORS
2025 JUL -2 AM 11:05
SAN BERNARDINO COUNTY
CALIFORNIA

CLERK OF THE BOARD
Received on: 7-2-25
Remove on: 7-22-25

City of Hesperia

Notice of Intent to Adopt a Mitigated Negative Declaration

To: Agencies, Organizations, and Interested Parties

From: City of Hesperia

Subject: Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) for the Cargo Solutions Truck Warehouse Hesperia Project

The City of Hesperia ("City") is the Lead Agency under the California Environmental Quality Act (CEQA) for the proposed project identified below. The City has prepared an Initial Study to determine the environmental effects of the proposed project and finds issuance of a Mitigated Negative Declaration is the appropriate level of CEQA environmental review.

AGENCIES: The City requests that your agency review the scope and content of the environmental information relevant to your agency's statutory responsibilities in connection with the proposed project, in accordance with California Code of Regulations, Title 14, Section 15086(a).

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Project Location: Southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, and -13 and 3064-631-01)

Significant Environmental Effects: The IS/MND concludes that no significant unavoidable environmental effects would occur as a result of the proposed project. Potentially significant impacts related to biological resources, cultural resources, geology and soils, hazards and hazardous materials, transportation, tribal cultural resources, and mandatory findings of significance would be mitigated to a less than significant level.

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City of Hesperia Planning Department
Attn: Ryan Leonard, Senior Planner
9700 Seventh Avenue
Hesperia, CA 92345
Email: rleonard@cityofhesperia.us

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ATTACHMENT D: AB 52 TRIBAL CONSULTATION LETTER TO THE TORRES MARTINEZ DESERT CAHUILLA INDIANS

City of Hesperia

Gateway to the High Desert

September 22, 2022

Alesia Reed
Cultural Resources Coordinator
Torres Martinez Desert Cahuilla Indians
66-725 Martinez Road
Thermal, CA 92274

RE: Notification required under AB-52 Native American: California Environmental Quality Act for Local Government Tribal Consultation for CUP22-00016 - Cargo Solutions Truck Warehouse.

Dear Ms. Reed:

The City of Hesperia is engaged in writing environmental compliance documents associated with the following project, which requires that consultation be considered pursuant to Section 21080.3.1 of the California Public Resources Code (aka AB-52). This is a formal request for consultation pursuant to Government Code Section 65352.3. The Project Site is located in Section 22, Township 4 North, Range 5 West, SBB&M, California USGS 7.5-minute quadrangle an aerial photo is shown on page 2 of this letter.

Project description: The proposed project consists of the development of a two-phase project with two warehouse buildings and associated parking. The site is currently high desert open space.

Two warehouse buildings totaling a combined square footage of 95,089 with onsite truck storage and a 9,094 square foot truck wash building on 20.3 gross acres within the Commercial Industrial Business Park zone of the Main Street and Freeway Corridor Specific Plan located at the southeast corner of Poplar Street and Tree Flags Avenue. Fire lanes will be established around the perimeter of the building as required by City Code. Stormwater detention facilities will be provided in the north of the parcel. The parking areas will be paved with asphalt, with concrete truck dock aprons.

Small strips of irrigated landscaping will be installed on the north side of the project. Small strips of natural landscape will be retained on the north, east and west sides of the Project. The Project will be fully fenced.

The Project Site is part of the Main Street and Freeway Corridor Specific Plan and has a zoning designation of Commercial/Industrial Business Park (CIBP).

Brigit Bennington, Mayor
Bill Holland, Mayor Pro Tem
Cameron Gregg, Council Member
Rebekah Swanson, Council Member
Larry Bird, Council Member

Nils Bentsen, City Manager

9700 Seventh Avenue
Hesperia, CA 92345

760-947-1000
TD 760-947-1119

www.cityofhesperia.us

City of Hesperia

CUP22-00016 AB-52 Letter
September 22, 2022
Page 2 of 2

Location: The project site is in Section 22, Township 4 North, Range 5 West, as shown on the Hesperia, California USGS 7.5-minute quadrangle. The project site is located on the south side of Poplar, east of Three Flags Avenue. APNs: 3064-591-12, -13, -17, -18 & 3064-4631-01.

Following legislation guidelines, you have 30 days after receipt of this letter to request a consultation with the city. If you wish consultation, you must identify a lead contact. You are also afforded the right to respond with a "no effect' statement. If you have any questions, feel free to contact me at (760) 947-1651 or by e-mail at rleonard@cityofhesperia.us.

Sincerely,

Ryan Leonard, AICP
Senior Planner

PROJECT LOCATION

ATTACHMENT D: AB 52 TRIBAL CONSULTATION LETTER TO THE CABAZON BAND OF MISSION INDIANS

City of Hesperia

Gateway to the High Desert

September 22, 2022

Jacquelyn Barnum
Environmental Director
Cabazon Band of Mission Indians
84-245 Indo Springs Parkway
Indio, CA 92203

RE: Notification required under AB-52 Native American: California Environmental Quality Act for Local Government Tribal Consultation for CUP22-00016-Cargo Solutions Truck Warehouse.

Dear Ms. Barnum:

The City of Hesperia is engaged in writing environmental compliance documents associated with the following project, which requires that consultation be considered pursuant to Section 21080.3.1 of the California Public Resources Code (aka AB-52). This is a formal request for consultation pursuant to Government Code Section 65352.3. The Project Site is located in Section 22, Township 4 North, Range 5 West, SBB&M, California USGS 7.5-minute quadrangle an aerial photo is shown on page 2 of this letter.

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Small strips of irrigated landscaping will be installed on the north side of the project. Small strips of natural landscape will be retained on the north, east and west sides of the Project. The Project will be fully fenced.

The Project Site is part of the Main Street and Freeway Corridor Specific Plan and has a zoning designation of Commercial/Industrial Business Park (CIBP).

Brigit Bennington, Mayor
Bill Holland, Mayor Pro Tem
Cameron Gregg, Council Member
Rebekah Swanson, Council Member
Larry Bird, Council Member

Nils Bentsen, City Manager

9700 Seventh Avenue
Hesperia, CA 92345

760-947-1000
TD 760-947-1119

www.cityofhesperia.us

City of Hesperia

CUP22-00016 AB-52 Letter
September 22, 2022
Page 2 of 2

Location: The project site is in Section 22, Township 4 North, Range 5 West, as shown on the Hesperia, California USGS 7.5-minute quadrangle. The project site is located on the south side of Poplar, east of Three Flags Avenue. APNs: 3064-591-12, -13, -17,-18 & 3064-4631-01.

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Sincerely,

Ryan Leonard, AICP
Senior Planner

PROJECT LOCATION

ATTACHMENT D: AB 52 TRIBAL CONSULTATION LETTER TO THE SAN MANUEL BAND OF MISSION INDIANS

City of Hesperia

Gateway to the High Desert

September 22, 2022

Jessica Mauck
Director of Cultural Resources Management
San Manuel Band of Mission Indians
26569 Community Center Drive
Highland, CA 92346

RE: Notification required under AB-52 Native American: California Environmental Quality Act for Local Government Tribal Consultation for CUP22-00016- Cargo Solutions Truck Warehouse.

Dear Ms. Mauck:

The City of Hesperia is engaged in writing environmental compliance documents associated with the following project, which requires that consultation be considered pursuant to Section 21080.3.1 of the California Public Resources Code (aka AB-52). This is a formal request for consultation pursuant to Government Code Section 65352.3. The Project Site is located in Section 22, Township 4 North, Range 5 West, SBB&M, California USGS 7.5-minute quadrangle an aerial photo is shown on page 2 of this letter.

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The Project Site is part of the Main Street and Freeway Corridor Specific Plan and has a zoning designation of Commercial/Industrial Business Park (CIBP).

Brigit Bennington, Mayor
Bill Holland, Mayor Pro Tem
Cameron Gregg, Council Member
Rebekah Swanson, Council Member
Larry Bird, Council Member

Nils Bentsen, City Manager

9700 Seventh Avenue
Hesperia, CA 92345

760-947-1000
TD 760-947-1119

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City of Hesperia

CUP22-00016 AB-52 Letter
September 22, 2022
Page 2 of 2

Location: The project site is in Section 22, Township 4 North, Range 5 West, as shown on the Hesperia, California USGS 7.5-minute quadrangle. The project site is located on the south side of Poplar, east of Three Flags Avenue. APNs: 3064-591-12, -13,-17,-18 & 3064-4631-01.

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Sincerely,

Ryan Leonard, AICP
Senior Planner

PROJECT LOCATION

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER A - MOJAVE WATER AGENCY

Mojave Water Agency

Comment Letter A

June 23, 2025

City of Hesperia, Planning Department
Ryan Leonard, Senior Planner
9700 Seventh Ave.
Hesperia, CA. 92345

Regarding: Cargo Solutions Truck Warehouse Hesperia Project

Dear Ryan,

This confirms that the Mojave Water Agency has no conflict with this project. A-1

Sincerely,
Christy Huiner
Senior Water Resource Analyst
Mojave Water Agency
chuiner@mojavewater.org
760-946-7066

13846 Conference Center Drive
Apple Valley, CA 92307
Phone: (760) 946-7000 | Fax: (760) 240-2642
WWW.MOJAVEWATER.ORG

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER B - LOSEAU DRURY

Comment Letter B

LOZEAU DRURY LLP
T 510.836.4200
F 510.836.4205
1939 Harrison Street, Ste. 150
Oakland, CA 94612
www.lozeaudrury.com
rebecca@lozeaudrury.com

VIA EMAIL

June 23, 2025

Ryan Leonard, Senior Planner
Development Services Department
Planning Division
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
rleonard@hesperiaca.gov

Michael Hearn, Deputy Community Development Director
Development Services Department
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
developmentservices@cityofhesperia.us

Melinda Sayre, Deputy City Manager/City Clerk
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
cityclerk@cityofhesperia.us

Re: CEQA and Land Use Notice Request for Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project (SCH 2025060948)

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

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the project known as Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project (SCH 2025060948), including all actions referring or related to the proposed development of two truck warehouses on an approximately 20.32-acre site located at the southeast intersection of Poplar Street and Three Flags Avenue on Accessor's Parcel Numbers: 3064-591-17, -18, -12, -13, and 3064- 631-01 in the City of Hesperia ("Project").

We hereby request that the City of Hesperia ("City") send by electronic mail, if possible, or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
  - Notices of any public hearing held pursuant to CEQA.
  - Notices of determination that an Environmental Impact Report ("EIR") is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.

B-1

- Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
- Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
- Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

B-1

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail, if possible, or U.S. Mail to:

Leslie Reider
Emy Lipkind
Chase Preciado
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
leslie@lozeaudrury.com
emy@lozeaudrury.com
chase@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,

Leslie Reider

Leslie Reider
Lozeau | Drury LLP

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER C - SOCALGAS

Comment Letter C

From: SCG SE Region Redlands Utility Request
To: Ryan Leonard
Cc: SoCalGasTransmissionUtilityRequest
Subject: 6/26/25-Cargo Solutions Truck Warehouse Hesperia Project
Date: Thursday, June 26, 2025 10:30:05 AM
Attachments: Cargo Solutions Truck Warehouse Hesperia Project.pdf

You don't often get email from scgseregionredlandsutilityrequest@semprautilities.com. Learn why this is important

This is a SoCalGas Distribution response. I am including SoCalGas Transmission SoCalGasTransmissionUtilityRequest@semprautilities.com as they have facilities in the area and will need to review this project.

Hello,

I just reviewed the documents regarding: **Cargo Solutions Truck Warehouse Hesperia Project**

SoCalGas Distribution does not appear to have a conflict with this project. Please note on case to have Developer contact 811 / USA at DigAlert | Utility Locating California | Underground Wire & Cable Locator prior to any excavation / demolition activities so we can Locate & Mark out our facilities. C-1

If the Developer needs new gas service, please have them contact our Builder Services group to begin the application process as soon as practicable, at https://www.socalgas.com/for-your-business/builder-services. C-2

To avoid delays in processing requests and notifications, please have all Franchise correspondence sent to our Utility Request inbox, at SCGSERegionRedlandsUtilityRequest@semprautilities.com

I cover the **Southeast Region – Redlands** SCGSERegionRedlandsUtilityRequest@semprautilities.com would be your contact for requests in the southeastern ends of LA County, Riverside County, San Bernardino & Imperial Counties.

Southeast Region - Anaheim office which is all of Orange County and the southern ends of Los Angeles County; therefore, any Map and/or Will Serve Letter requests you have in these areas please send them to AtlasRequests/WillServeAnaheim@semprautilities.com

Northwest Region – Compton HQ For West and Central LA County, your Map Request and Will Serve Letters, will go to SCG-ComptonUtilityRequest@semprautilities.com

Northwest Region - Chatsworth

For any requests from the northern most parts of LA County all the way up to Visalia, San Luis Obispo, Fresno and Tulare you would
contact NorthwestDistributionUtilityRequest@semprautilities.com

Transmission
For Transmission requests, please contact SoCalGas Transmission,
at SoCalGasTransmissionUtilityRequest@semprautilities.com

READ MORE .....

MINOR STREET IMPROVEMENT PROJECTS: (CHIP SEAL, SLURRY SEAL, GRIND & OVERLAY)
Please notify Southern California Gas Company 4 months prior to start of pavement
projects for the gas company to complete leak survey & repair leaks if found.

C-3

-
MAJOR STREET IMPROVEMENT PROJECTS: (PROJECTS REQUIRING EXCAVATIONS GREATER THAN 9 INCHES, WIDENING OF EXISTING STREETS, INSTALLING NEW CURBS &
GUTTERS, BUS PADS, TRAFFIC SIGNALS, REALIGNMENT, GRADE SEPARATION, ETC.)
&
PIPELINE PROJECTS: (STORM DRAIN, WATERLINE, WATER, SEWER, ELECTRICAL, TELECOMUNICATIONS, ETC.)
Please provide Southern California Gas Company with your signed designed plans
with *gas company facilities posted* on your designs plans, 4-6 months prior to start of construction for possible relocation of SCG medium pressure facilities and 9-12 months
for possible relocation of SCG high pressure facilities.

C-4

This time is needed to analyze plans and to design required alterations to any conflicting SCG gas facilities. Please keep us informed of any and all pre-construction meetings, construction schedules, etc., so that our work can be scheduled accordingly.
Potholing may be required to determine if a conflict exists between the proposed development and our facilities. If, for any reason, there are SCG facilities in conflict, and a request to be relocated is needed, it is important to send the request in writing. Please include all required information below:

- **A Signed "Notice to Owner" request on Official Letterhead from the City, County,**

and/or company.

- **Name, Title and Project Number.**
- **Address, Location, Start Date, Parameters & Scope of Entire Job/Project.**
- **Copy of Thomas Guide Page and/or Google Map Screenshot Highlighting Project Area.**
- **Requestor Company's Contact Name, Title, Phone Number, Email, and other pertinent information**.

Thank you,
Josh Rubal
Lead Planning Associate
Distribution Planning & Project Management
Redlands HQ - Southeast Region
(213) 231-7978 Office
SCGSERegionRedlandsUtilityRequest@semprautilities.com

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER D - MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

Comment Letter D

Mojave Desert Air Quality Management District
Brad Poiriez, *Executive Director*
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • Fax 760.245.2022
www.MDAQMD.ca.gov • @MDAQMD

July 09, 2025

Edgar Gonzales, Assistant Planner
City of Hesperia, Planning Department
9700 Seventh Avenue
Hesperia, CA 92345

Project: Hesperia Cargo Solutions Trucking Warehouse

Dear Mr. Gonzales:

The Mojave Desert Air Quality Management District (District) has reviewed the Project Notice/Initial Study for the Cargo Solutions Trucking Facility Project in Hesperia. The project proposes the development of two truck warehouses (project) on an approximately 20.32-acre site located at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia. The project proposes to develop Truck Warehouse Building 1 with an associated parking lot on the western portion of the project site on an approximately 10.52-acre lot, and Truck Warehouse Building 2 with an associated parking lot on the eastern portion of the project site on an approximately 9.8-acre lot. The City is the Lead Agency for the purposes of the CEQA. The entire approximately 20.32-acre project site is currently undeveloped land. The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west.

We have reviewed the project as proposed and based on the information available to us at this time, the District requires that the owner/operator obtain a Dust Control Plan (DCP) for the planned project. The most current Dust Control Plan Requirements and Dust Control Plan Submission Form are available at https://www.mdaqmd.ca.gov/permitting/compliance-forms.

Other District requirements include:

- Signage compliant with Rule 403 Attachment B shall be erected at each project site entrance not later than the commencement of construction.
- Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

D-1

- All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project-related trackout within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

- Obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to: Internal Combustion Engines with a manufacture's maximum continuous rating greater than or equal to 50 brake horsepower.

- Comply with all applicable provisions listed in Rule 403 – *Fugitive Dust Control.*

D-1

Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 1846, or Bertrand Gaschot at extension 4020.

Sincerely,

Chris Anderson
Planning and Air Monitoring Supervisor

CA/bg Hesperia Cargo Solutions Truck Warehouse 2025 09 Jul

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER E - CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Comment Letter E

July 11, 2025
Sent via email

Ryan Leonard
Principal Planner
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345

Dear Ryan Leonard:

Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project (PROJECT)
Mitigated Negative Declaration (MND)
SCH# 2025060948

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

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

CDFW ROLE

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

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: Bobby Kang

Objective: The objective of the Project is to develop two warehouse buildings and associated parking lots and utilities across five Assessor Parcel Numbers (APNs) (see Project location below for APNs). The warehouses are intended for truck storage and will encompass 20.32 acres. Truck Warehouse 1 will encompass 10.52 acres and include a 75,894-square foot (sf) warehouse with office and grade level doors, 121,975 sf of surface parking space for passenger vehicles and truck/trailer parking, and 26,864 sf of landscaping. Truck Warehouse 2 will encompass 9.8 acres and include a 75,894-sf warehouse with office and grade level warehouse space, 143,708 sf surface parking lot for passenger vehicles and truck/trailer parking, and 58.389 sf of landscaping. Utilities including domestic water, sewer lines, fire suppression, irrigation lines, gas, and electricity will be needed across the Project site for both warehouses. The Project will also include interior and exterior lighting and the installation of an 8-foot-tall wall and an 8-foot-tall iron fence separating the two warehouses. The Project intends to operate 24 hours a day, 7 days a week, and is estimated to result in employing 448 staff for both warehouses.

Location: The Project is located in the City of Hesperia in the southeast corner of Three Flags Avenue and Poplar Street, County of San Bernardino, State of California. The Project will occur on APNs 3064-591-12, -13. -17, -18 and 3064-631-01. The Project is centered at Latitude 34.4148905 and Longitude -117.3926335.

Timeframe: The Project is expected to occur in one phase and is estimated to commence October 2025 and be completed in November 2026.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

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COMMENT #1: Mohave ground squirrel (*Xerospermophilus mohavensis*)

Section #4.4 Biological Resources, Page #72-73

Issue: The Project has the potential to result in take of Mohave ground squirrel, a CESA listed species, and in the permanent loss of potential habitat for the species. California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill".

Specific impact: Mohave ground squirrel was identified by the MND to have a low potential to occur within the biological study area (BSA), but no focused surveys were conducted, nor were any species-specific avoidance or mitigation measures included in the MND.

Why impact would occur: The Project would permanently impact 20.32 acres of open space through grading, staging, construction of two large warehouses, and installation of parking lots. CDFW is concerned that the Project may impact Mohave ground squirrel considering that the MND mentions the presence of burrows and creosote bush (*Larrea tridentata*), which are known to provide habitat for Mohave ground squirrel and no focused surveys to determine presence/absence of Mohave ground squirrel were conducted.

Evidence impact would be significant: The MND mentions that Mohave ground squirrel has a low potential to occur onsite and that the BSA offers minimal habitat value for fossorial species, such as Mohave ground squirrel. Thus, considering that the Project site offers some habitat value and there is vegetation suitable for Mohave ground squirrel (i.e., creosote bush), CDFW is concerned that mitigation measures were not included in the MND to ensure impacts to Mohave ground squirrel are mitigated to a level of less than significant. Furthermore, California Natural Diversity Database (CNNDB) indicates the Project is within the Mohave ground squirrel distribution range and Mohave ground squirrel occurs within 2.5 miles of the Project site. In fact, burrows were detected onsite, which the MND attributes to belonging to an unknown ground squirrel species.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following measure for inclusion in the final MND:

Mitigation Measure Biological Resources 6 (MM-BIO-6) (New): Mohave ground squirrel

Visual surveys for Mohave ground squirrel shall be conducted by a qualified biologist prior to ground disturbing activities. Visual surveys shall be conducted between March 15 and April 15 according to the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines

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(CDFW 2023). Visual surveys shall be conducted on the Project site during daylight hours by a qualified biologist who can readily identify Mohave ground squirrel and white-tailed antelope squirrel (*Ammospermophilus leucurus*). If the survey or monitoring throughout the duration of the Project confirms presence of Mohave ground squirrel, the Project proponent shall fully avoid impacts to Mohave ground squirrel or should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel if impacts are unavoidable.

COMMENT #2: Western Joshua tree (*Yucca brevifolia*)

Section #2.3.4 Environmental Setting, 4.4 Biological Resources, Page #25, 67, 72, 73, 77, 80-81, 191

Issue: The Project may impact western Joshua tree; a candidate species protected under CESA and Fish and Game Code section 1927.

Specific impact: The Project, as described, will result in the lethal take of western Joshua trees present onsite. In fact, the MND confirms that direct and indirect take of western Joshua tree is likely to occur.

Why impact would occur: Project activities, such as grubbing and grading may result in removal of western Joshua tree or may impact their root system. Under Fish and Game Code section 1927, the take of western Joshua trees and parts thereof, including roots, is prohibited. Damage to roots can lead to the death of the tree.

Evidence impact would be significant: The MND is not clear regarding how many western Joshua trees are present on site, but states that there are between 1 to 6 western Joshua trees present and CDFW confirmed the presence of western Joshua trees onsite through aerial imagery. The MND also does not provide information regarding the extent that the Project may impact the species but in BIO-1 (see below) discusses the need for an Incidental Take Permit (ITP) under Fish and Game Code section 2081. Please note that the Project may also receive an ITP under Fish and Game Code section 1927 through the Western Joshua Tree Conservation Act (WJTCA), which will require a census of all trees dead or alive within the Project site and a 50-foot buffer. For further information please visit Western Joshua Tree Conservation Permitting.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-1 for inclusion in the final MND (edits are in ~~strikethrough~~ and **bold**):

MM-BIO-1 (Revised): Section 2081 FGC Incidental Take Permit

Western Joshua trees are a state candidate for listing under CESA and will require a § 2081 FGC Incidental Take Permit (ITP) with compensatory mitigation for impacts,

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in addition to the surveys that are recommended in the discussion of MM BIO-6. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where take is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. **The Project may also obtain take authorization through § 1927 of the Western Joshua Tree Conservation Act (WJTCA).**

Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the permittee to relocate one or more of the western Joshua trees.

COMMENT #3: Burrowing owl (*Athene cunicularia hypugaea*)

Section #4.4 Biological Resources, Page #68, 73, 76-77

Issue: The Project has the potential to significantly impact burrowing owl; a candidate species protected under CESA.

Specific impact: The Project may result in take of burrowing owl through Project activities such as mass grading. Additionally, the Project may lead to the permanent elimination of habitat for burrowing owls from warehouse development.

Why impact would occur: The MND states that suitable habitat is present onsite for burrowing owl; for example, sparse vegetation, burrows, and suitable soils. As a result, the MND included BIO-2 (see below). CDFW appreciates that BIO-2 considers focused surveys for burrowing owls and is in line with previous guidance provided by CDFW. However, CDFW would like to note that since burrowing owl became a CESA candidate species in March 2024, CDFW cannot accept relocation plans outside of a CESA ITP. Instead, BIO-2 should consider obtaining an ITP if

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

burrowing owls are detected and impacts cannot be avoided. Thus, the change in regulatory status for burrowing owl requires changes to measure BIO-2 as recommended by CDFW below.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-2 for inclusion in the final MND (edits are in ~~strikethrough~~ and **bold**):

MM-BIO-2 (Revised): Focused Burrowing Owl Survey

Although BUOW was not observed on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist **shall** ~~would~~ conduct a focused BUOW survey in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW, 2012).

Following the completion of the survey, the biologist **shall** ~~would~~ prepare a letter report summarizing the results of the survey. The report would be submitted to the **CDFW and the** City prior to initiating any ground disturbance activities.

If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required.

If BUOW or signs of BUOW are observed during the survey, the site **shall** ~~would~~ be considered occupied **and the Project proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP if impacts are unavoidable**. ~~The biologist would implement mitigation measure BIO-2 and contact the City of Hesperia, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures, prior to commencing project activities. The list of potential measures to avoid and minimize impacts to BUOWs described below would be implemented.~~

~~BUOW Protection Measures~~

~~If BUOWs or signs of BUOW are observed during the survey, then the site would be considered occupied and the biologist shall contact the City, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures discussed below, prior to commencing project activities.). If no BUOW or signs of BUOW are observed during the focused surveys, the components of this measure (discussed below) would not be applicable.~~

~~Planning BUOW Protection~~

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

~~Grading, construction, and other project activities on all grassland habitat will be delayed until the qualified biologist has implemented burrow exclusion and closure. No ground-disturbing activities within 165 feet of an active BUOW burrow will be permitted until burrow exclusion and closure have been implemented. No destruction of foraging habitat will be permitted until burrow exclusion and closure have been implemented.~~

~~Preconstruction BUOW Protection~~
~~Prior to the initiation of grading and construction activities, the biologist shall implement passive relocation of an active BUOW burrow by installing a one-way door and then permanently excluding the BUOW from returning once it is confirmed that no BUOW individuals remain in the burrow. A biological monitor will visit the site daily to verify that the burrow is empty by monitoring and scoping the burrow.~~

~~Construction BUOW Protection Measures~~

~~A biological monitor will be onsite to monitor any BUOW or signs of BUOW. If any BUOW are observed then the biologist will consult with the County EMD and CDFW to determine the appropriate measures.~~

Comment #4: Nesting Birds

Section #4.4 Biological Resources, Page #68, 69, 72, 73, 75-77

Issue: The Project has the potential to impact nesting birds, including CDFW Species of Special Concern (SSC), and common birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918.

Specific Impact: Project implementation could result in the loss of nesting and/or foraging habitat for (non-)passerine and raptor species.

Why impact would occur: Nesting avian species could be directly or indirectly impacted during construction and for the life of the Project through the removal of potential foraging habitat, loss of and/or modification of habitat features, construction of warehouses, installation of new artificial lighting, creation of noise and vibration, and the removal of vegetation. Nest destruction, nest abandonment, behavioral disturbance, increased risk of predation, and degradation of suitable habitat could also lead to significant impacts to nesting avian species and local populations.

The MND indicates that pre-construction nesting bird surveys would only occur during February-August. However, CDFW recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests. This is in consideration that the timing of the bird nesting season varies greatly depending on several factors, such

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have also observed that changing climate conditions may result in the nesting bird season occurring earlier and/or later in the year than historical nesting season dates.

Evidence impact would be significant: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-5 for inclusion in the final MND (edits are in ~~strikethrough~~ and **bold**):

MM-BIO-5 (Revised): Pre-Construction Breeding Bird Survey

To maintain compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels.

Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts to migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities.

• ~~If project activities cannot be avoided during February 15 through September 15, a~~ **A** qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project

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disturbance. The survey will be conducted ~~at least seven days~~ **within 72 hours** prior to the onset of scheduled activities, such as mobilization and staging. ~~It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance.~~

• If no breeding birds or active nests are observed during the pre-construction survey or they are observed and **the qualified biologist determines they** will not be impacted, project activities may begin and no further mitigation will be required.

• If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone.

• If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency**, including CDFW,** to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency**, including CDFW**.

• Birds or their active nests will not be disturbed, captured, handled or moved. ~~Active nests cannot be removed or disturbed; however, nests can be removed or disturbed if determined inactive by a qualified biologist~~.

ENVIRONMENTAL DATA

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

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

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

ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Steven Recinos, Environmental Scientist at 909-731-5954 or by email at Steven.Recinos@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Jeff Brandt
6BBFAB19FE504F9...
For Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@lci.ca.gov

ATTACHMENTS

Attachment A: Mitigation Monitoring Reporting Plan

REFERENCES

California Department of Fish and Wildlife. 2023. Mohave Ground Squirrel Survey Guidelines.

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

California Department of Fish and Game. 2003. CDFG [currently CDFW] unpublished guidelines. Mohave Ground Squirrel Survey Guidelines. January 2003; minor process and contact changes in July 2010). Sacramento, CA

California Department of Fish and Wildlife. 2019. Mohave Ground Squirrel Range-CWHR M073 [ds908]. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System.

California Natural Diversity Database (CNDDB) Government [ds45]. 2024. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System.

Attachment A

Mitigation Monitoring and Reporting Plan

Biological Resources (BIO)		
Mitigation Measure (MM)	**Implementation Schedule**	**Responsible Party**
MM BIO-6 Visual surveys for Mohave ground squirrel shall be conducted by a qualified biologist prior to ground disturbing activities. Visual surveys shall be conducted between March 15 and April 15 according to the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Visual surveys shall be conducted on the Project site during daylight hours by a qualified biologist who can readily identify Mohave ground squirrel and white-tailed antelope squirrel (*Ammospermophilus leucurus*). If the survey or monitoring throughout the duration of the Project confirms presence of Mohave ground squirrel, the Project proponent shall fully avoid impacts to Mohave ground squirrel or should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel if impacts are unavoidable.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

MM BIO-1 Western Joshua trees are a state candidate for listing under CESA and will require a § 2081 FGC Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of MM BIO-6. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where take is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. The Project may also obtain take authorization through § 1927 of the Western Joshua Tree Conservation Act (WJTCA). Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the	Prior to initiation of all ground disturbing activities	Project proponent

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

permittee to relocate one or more of the western Joshua trees.		
MM BIO-2 Although BUOW was not observed on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist shall conduct a focused BUOW survey in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW, 2012). Following the completion of the survey, the biologist shall prepare a letter report summarizing the results of the survey. The report would be submitted to the CDFW and the City prior to initiating any ground disturbance activities. If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required. If BUOW or signs of BUOW are observed during the survey, the site shall be considered occupied and the Project proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP if impacts are unavoidable.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist
MM BIO-5 To maintain compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts to migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities. • A qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted within 72 hours prior to the onset of scheduled activities, such as mobilization and staging. • If no breeding birds or active nests are observed during the pre-construction survey or they are observed and the qualified biologist determines they will not be impacted, project activities may begin and no further mitigation will be required. • If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more		

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone. • If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency, including CDFW, to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency, including CDFW. • Birds or their active nests will not be disturbed, captured, handled or moved.		

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER F – LOZEAU DRURY

Comment Letter F

LOZEAU DRURY LLP
T 510.836.4200
F 510.836.4205
1939 Harrison Street, Ste. 150
Oakland, CA 94612
www.lozeaudrury.com
kylah@lozeaudrury.com

July 16, 2025

Via Email

Ryan Leonard, Senior Planner
Planning Department
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
rleonard@cityofhesperia.us

Re: Comment on Mitigated Negative Declaration, Cargo Solutions Truck Warehouses Hesperia Project (SCH 2025060948)

Dear Mr. Leonard:

This comment is submitted on behalf of Supporters Alliance For Environmental Responsibility ("SAFER") regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the Cargo Solutions Truck Warehouses Hesperia Project, which proposes the development of two truck warehouse buildings totaling 151,788 square-feet on an approximately 20.32-acre site at the southeast intersection of Poplar Street and Three Flags Avenue on Accessor's Parcel Numbers 3064-591-17, -18, -12, and -13 and 3064-631-01 in the City of Hesperia ("Project").

SAFER is concerned that the IS/MND is improper under the California Environmental Quality Act due to the IS/MND's failure to adequately assess and mitigate the Project's potentially significant environmental impacts. SAFER requests that an environmental impact report be prepared for the Project rather than an MND because there is a fair argument that the Project may have adverse environmental impacts. An EIR will ensure that potentially significant impacts of this Project are fully disclosed, analyzed, and mitigated. F-1

SAFER reserves the right to supplement this comment throughout the administrative process. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Kylah Staley
Lozeau Drury LLP

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER G - CALIFORNIA DEPARTMENT OF TRANSPORTATION

CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 8
464 WEST 4TH STREET
SAN BERNARDINO CA, 92401
(909) 963-8604
www.dot.ca.gov

Comment Letter G

July 21, 2025

Route & Postmile #: I-15/32.945
Cross Street: Southeast intersection of Three Flags Ave and Polar St.
GTS ID: 35673

City of Hesperia
Planning Division
Attn: Ryan Leonard
9700 Seventh Avenue,
Hesperia, CA, 92345

Subject: Cargo Solution Truck Warehouse and Truck Stop Hesperia Project

The California Department of Transportation (Caltrans) Local Development Review (LDR) branch has completed its review of the Initial Study/Mitigated Negative Declaration (IS/MND) and related documents for the proposed Cargo Solution Truck Warehouse and Truck Stop Hesperia Project.

The proposed project involves the development of two truck warehouse buildings with associated parking and circulation improvements on an approximately 20.32-acre site located at the southeast intersection of Polar Street and Three flags Avenue in the City of Hesperia, California (APNs: 3064-591-17, -18, -12, -13, and 3064-631-01). The site is currently vacant and designated as Commercial/Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan. The proposed development includes Truck Warehouse Building 1 on the western portion of the site (approximately 10.52 acres) and Truck Warehouse Building 2 on the eastern portion (approximately 9.8 acres), with each building featuring a dedicated parking lot and circulation areas to accommodate truck and employee vehicle access.

Site improvements will include building construction, loading docks, landscaping, driveways connections, internal drive aisles, stormwater infrastructure, lighting, and utility connections. Access to the project site is proposed via new driveways along Polar Street and Three Flags Avenue. The project is anticipated to generate new vehicle and truck trips that may impact local and regional traffic operations, including potential indirect effects on the State Highway System, particularly Interstate 15 (I-15), which is located approximately 1.5 miles west of the site. A traffic Impact Analysis will be prepared to evaluate project trip generation, intersection operations, and any necessary mitigation measures.

Construction is expected to commence in mid-2026 and take approximately 12 to 18 months to complete. The project is designed to comply with the City's Zoning standard for the CIBP designation, with operations primarily conducted within enclosed buildings to minimize

environmental impacts such as noise, emission, and light spillover.

Based on the information provided in the environmental documents made available for public review, we are submitting the following comments and recommendations for your consideration.

General:

1. Please include responses to the comments in this memorandum for your next review submittal.
2. Please see the attached pages for additional comments.

Safety Reviews:

3. The proposed project will generate additional trips on the State Highway System on US-395 and I-15. Please provide a Safety Analysis Report for I-15 and US-395 facilities affected by the proposed project. The Safety Analysis Report shall follow the attached guidance. See the attached guidance: Local Development Review (LDR) Safety Review Practitioner's Guidance. Please follow the steps below: G-1
   a. To request crash data on the State Highway System, please submit your request via our California Public Records Act (CPRA) portal at mycusthelp.com.
   b. Please analyze the existing crash data and discuss project's impact on safety as needed.
   c. Provide appropriate countermeasures to mitigate/reduce project's impact as needed.

Traffic Analysis Report:

4. Per previous review, the project is in the vicinity of I-15 facility on Main Street. Please include study area intersections for I-15 ramp/Main Street intersections, and street intersections leading to the project site in the TIA (for example, Mesa Linda St/Main St Intersection). G-2
5. Please include Northbound and Southbound I-15 off-ramp to Main St in the queuing analysis of the report. G-3
6. Please consider using the Intersection Safety and Operational Assessment Process (ISOAP) evaluation for recommending improvements at the proposed traffic signal intersection of US-395 and Poplar Street (refer to the attached ISOAP memo dated September 10, 2024). G-4
7. Truck Services specialist should review and concur with truck-related items in the report. G-5
8. A 2% per year growth rate is applied to background traffic, but there's no reference to SCAG, SBCTA, or Caltrans sources. Using a generic rate without justification can lead to inaccurate forecasts. Recommend supporting the growth assumption with data from a regional travel demand model or Caltrans resources. G-6
9. Although the project description includes a truck stop with 8 fueling stations, the TIA only analyzes two warehouses. This may underestimate traffic impacts. Recommend updating the TIA to include truck stop traffic or confirming its removal from the project. G-7
10. Although the TIA models area-wide traffic impacts, it does not confirm whether or how project-generated trips utilize Caltrans facilities such as US-395 or the I-15 ramps. The trip description states that approximately 60 percent of vehicle trips will come from or go to the Main Street ramps. However, the TIA does not include the Main Street ramps or the Main Street and Mesa Linda Street intersection in the list of analyzed intersections. This omission is concerning, as these are key access points to the regional transportation network. Additionally, based on the provided trip distribution figures, it is difficult to accept the assumption that no trucks associated with the project will use the Main Street ramps. It is recommended that the TIA clearly identify which Caltrans facilities will carry project G-8

traffic, quantify the number of trips expected to use each route, and include the relevant intersections in the traffic analysis. This information is critical for a transparent and complete assessment of potential impacts on state facilities. G-8

11. The background traffic volumes on US-395 and I-15 appear to be escalated from nearby local studies, but the TIA does not provide a complete reference to the source studies or include the full reports or trip count sheets. Additionally, these background volumes are not cross validated against Caltrans Performance Measurement System (PeMS) data or Caltrans traffic count station data. For consistency and transparency, recommend including the complete local study report or at minimum the relevant traffic count sheets used for background traffic estimation. Also recommend validating existing and future traffic volumes on Caltrans facilities using Caltrans PeMS or count station data to ensure alignment with actual observed trends and to support defensible forecasting. G-9
12. The TIA should address the horizon year assumption. The selected 2040 horizon is only 14 years beyond the project opening year (2026), not the typical 20- year planning horizon recommended for long-range traffic analysis. G-10

Initial Study/Mitigated Negative Declaration (IS/MND):

13. The project affects Caltrans intersections (e.g., US-395), but the IS/MND and TIA do not state whether work will occur in Caltrans right-of-way or if an encroachment permit is needed. Recommend clarifying this and identifying any required Caltrans permits. G-11
14. The TIA explains that a traffic signal at US-395 and Poplar Street must be installed by either this project or another (I-15 Industrial Park), depending on timing. The IS/MND does not clearly state who is responsible if Cargo Solutions is built first. Recommend adding a clear condition of approval that defines signal installation responsibility and reimbursement terms. G-12
15. While the VMT screening memo is referenced in the appendix, the IS/MND briefly says the site is in a "low VMT area" without explaining why or how that was determined. Recommend including a brief explanation or summary of the VMT screening criteria and findings in the IS/MND's transportation section. G-13

Equitable Access

If any Caltrans facilities are impacted by the project, they must comply with the American Disabilities Act (ADA) Standards upon project completion. Additionally, the project must ensure the maintenance of bicycle and pedestrian access throughout the construction phase. These access considerations align with Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users. G-14

Caltrans Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (R/W) requires a Caltrans-issued encroachment permit. G-15

For information regarding the Encroachment Permit application and submittal requirements, contact:

Caltrans Office of Encroachment Permits
464 West 4th Street, Basement, MS 619
San Bernardino, CA 92401-1400
(909) 383-4526
D8.E-permits@dot.ca.gov
https://dot.ca.gov/programs/traffic-operations/ep
Important Note: All permit applications must now be submitted

through our CEPS Online Portal at: https://ceps.dot.ca.gov/

Currently, no further review from the Local Development Review (LDR) Branch is required. Please be advised that LDR's point of contact role will conclude upon the completion of the development entitlement process. Once the project is entitled, the Encroachment Permit Office will serve as the primary point of contact moving forward.

Thank you again for including Caltrans in the review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D8@dot.ca.gov or call 909-963-8604.

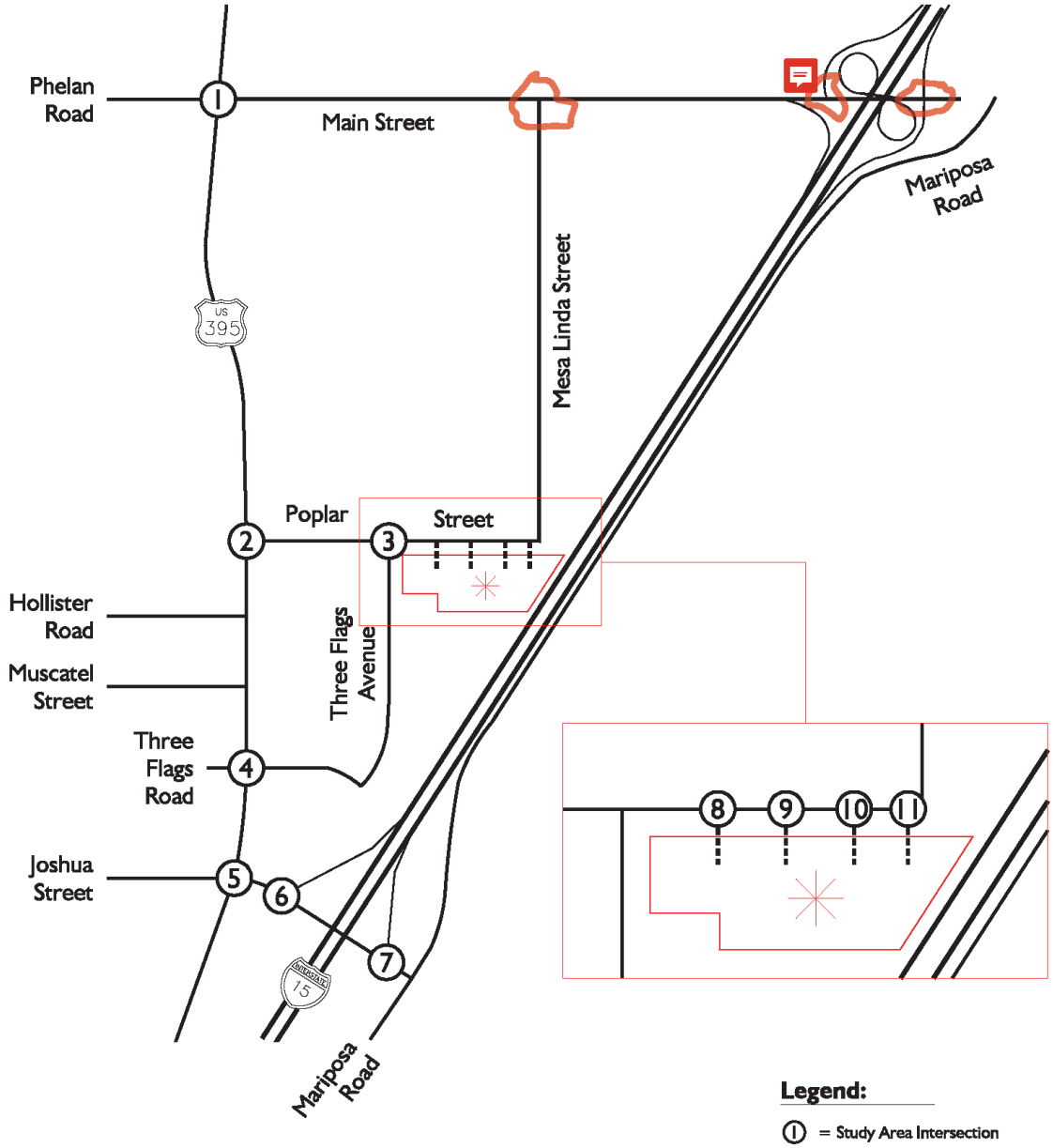
Sincerely,

Janki Patel

Janki Patel
Branch Chief - Local Development Review
Division of Transportation Planning
Caltrans District 8

4

Exhibit 1-1
Location Map



1219-2023-03
PROPOSED CARGO SOLUTION EXPRESS WAREHOUSE PROJECT TRAFFIC IMPACT STUDY,City of Hesperia, CA

RK engineering group, inc.

3.0 Existing Conditions & Circulation System

This section provides a discussion of existing study area conditions and traffic volumes.

3.1 Existing Traffic Controls & Intersection Geometrics

The *I-15 Industrial Park Project Traffic Impact Analysis*, dated October 2022, prepared by Dudek, is one of the most recently performed traffic impact analyses in the study area. The I-15 Industrial Park project is located south of Main Street, north of Poplar Street, and adjacent to the proposed Cargo Solution Express Warehouse Project.

To ensure consistency between the traffic impact analysis prepared by Dudek and within this analysis, the lane configurations and traffic controls illustrated in Figure 16 of the Dudek report have been utilized in this analysis and is shown in **Exhibit 3-1**.

One exception, however, is the intersection of Three Flags Avenue at Poplar Street (i.e., Int. #3). This study intersection has been identified in this analysis to be a three-legged intersection with south, east, and west legs. Figure 16 of the Dudek report denotes this intersection as a four-legged intersection. The north leg is proposed to be Lassen Road, a two-lane undivided arterial to be located between Poplar Street and Sultana Street. This roadway is not currently built and therefore the lane configurations have been adjusted accordingly.

Exhibit 3-1 identifies the roadway conditions, number of through traffic lanes, and intersection controls for the study area. The type of traffic control and number of lanes at an intersection are key inputs for the calculation of level of service.

3.2 Existing Traffic Volumes

Existing conditions traffic volumes are based on the 2021 peak hour traffic volumes displayed on Figure 17 of the Dudek report. A two percent (2%) annual growth rate has been applied for three (3) years (i.e., 6% total growth) to the 2021 peak hour traffic volumes to establish existing (2024) traffic volumes for the study intersection.

Existing Conditions (2024) weekday AM and PM peak hour volumes for the key study intersections are shown on **Exhibit 3-2**.

3.3 City of Hesperia General Plan Circulation Element

The City of Hesperia's Traffic Circulation Plan illustrates each roadway's street classification within the City of Hesperia and is shown in **Exhibit 3-3**.

Therefore, the cumulative analyses set forth below are conservative and could result in greater impacts than anticipated. Additionally, the analysis utilizes an ambient growth rate of two percent (2%) per year, which would already capture and account for most projects in the area. The growth rate methodology is considered conservative since it is applied to all movements in all the study intersections.

4.3 Planned Roadway Improvements

As documented in Section 5.1.1 of the *I-15 Industrial Park Project Traffic Impact Analysis*, dated October 2022, prepared by Dudek, several roadway improvements are planned as part of the I-15 Industrial Park development. However, to conservatively assess the level of service impacts associated with the proposed project, only roadway improvements that facilitate vehicular flow stemming from the I-15 Industrial Park project were considered (i.e., new legs to intersections). Consequently, roadway improvements aimed at improving intersection level of service (e.g., capacity improvements, traffic control devices, etc.) were not assumed. Additionally, the future year traffic analysis incorporates provisions for future traffic corridors to accommodate the flow of vehicles originating from adjacent cumulative projects. As a result, the following roadway improvements have been reviewed and incorporated in all future scenarios, (i.e., Project Opening Year (2026) Conditions and Horizon Year (2040) Conditions) as shown in **Table 4-3**:

Table 4-3
Planned Roadway Improvements

Study Intersection / Roadway	Planned Improvement
Study Intersection #2 U.S. Route 395 (NS) at Poplar Street (EW) (Dudek Intersection #13)	The west leg of U.S. Route 395 at Poplar Street will be built to consist of one left-turn pocket and one shared through/right-turn lane.
Study Intersection #3 Three Flags Avenue (NS) at Poplar Street (EW) (Dudek Intersection #16)	Lassen Road is to be built to a half width, with the ultimate ROW and Curb-to-Curb buildout pending development east of the roadway. Vehicles would be able to travel northbound and southbound along Lassen Road.
Poplar Street	Poplar Street is to be built to a 100-foot ROW, with a 72-foot Curb-to-Curb width. It must be noted that these widths proposed with the development of the Project appear to match the arterial classification.

The planned and project-specific intersection and roadway improvements are shown in **Exhibit 4-9**: Future Year Traffic Controls & Intersection Geometrics.

State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

Memorandum

To: DISTRICT DIRECTORS
DEPUTY DIRECTORS
DIVISION CHIEFS

Date: September 10, 2024

From: DAVID MAN *David S Man*
Chief, Division of Traffic Operations

RACHEL CARPENTER *Rhonda Chowdhury*
Chief Safety Officer

LISA RAMSEY *Lisa Ramsey*
Acting Chief, Division of Design

Subject: **INTERSECTION SAFETY AND OPERATIONAL ASSESSMENT PROCESS (ISOAP)**

This memorandum updates the process the Department uses to evaluate proposed traffic control and design geometrics for intersections and other access improvements proposed on the State Highway System. Intersection Safety and Operational Assessment Process (ISOAP) is an update and renaming of Intersection Control Evaluation (ICE) and supersedes Traffic Operations Policy Directive 13-02 and the August 23, 2013, memorandum "Intersection Control Evaluation (ICE) and Design Guidance." ISOAP places a greater emphasis on road safety performance consistent with the strategic direction of the Department. Intersection geometry and traffic control shall be determined through a performance-based analysis that considers all users and supports the principles of the Safe System Approach.

The ISOAP Information Guide shall govern the procedures for the performance-based determination analysis, including data collection, parameter choice, analysis methodology and scenarios, performance measures, review process, and reporting format.

Any project that has started using the existing ICE procedures and guidance may continue to do so provided that district acceptance and approval is received by November 15, 2024. All other proposed intersection improvements shall follow the ISOAP procedures.

Projects initiated by others using the existing ICE procedures and guidance that have prior consultation or an encroachment permit submittal with Caltrans and completed environmental process by November 15, 2024, may continue to do so through completion.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Any requests for exceptions to ISOAP must be approved by both Divisions of Safety Programs and Traffic Operations. The District ISOAP Coordinators will facilitate any proposed exception.

If you have questions about ISOAP, please contact Zifeng Wu, Chief of Transportation System Analysis Branch, at (916) 764-4074 or by email at <zifeng.wu@dot.ca.gov>.

c: Said Ismail, Deputy Division Chief, Division of Traffic Operations
Sri Balasubramanian, Deputy Division Chief, Division of Traffic Operations
Zhongren Wang, Chief, Office of Mobility and System Performance, Division of Traffic Operations
Paul Chung, Deputy Division Chief, Division of Design
Pyo Hong, Chief, Office of Standards and Procedures, Division of Design
Tina Lucas, Chief, Office of Project Support, Division of Design
Zifeng Wu, Chief, Transportation System Analysis Branch, Division of Traffic Operations

ATTACHMENT 7

RESOLUTION NO. PC-2025-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP22-00016 TO CONSTRUCT TWO 75,894 SQUARE FOOT WAREHOUSES WITH ONSITE TRUCK STORAGE AND TRACTOR STALLS ON 20.3 GROSS ACRES IN CONJUNCTION WITH TENATIVE PARCEL MAP NO. 20883 (TPM24-00003) TO CONSOLODTE 5 PARCELS INTO TWO PARCELS AND TO ADOPT AN INITIAL STUDY/MITGATED NEGATIVE DECLARTION PURSUANT TO THE CALIFORNIA ENVRIONMENTAL QUALITY ACT

WHEREAS, Cargo Solutions Express (Applicant) has filed an application requesting approval of Conditional Use Permit CUP22-00016 and Tentative Parcel Map TPM24-00003 described herein (hereinafter referred to as "Application"); and

WHEREAS, the proposed project consist of the construction of two warehouse buildings, each approximately 75,894 square feet in size with 108 truck and trailer parking stalls and 110 tractor stalls on approximately 20.3 gross acres of vacant land in conjunction with Tentative Parcel Map No. 20883 (TPM24-00003) to consolidate five parcels into two parcels located at the southeast corner of Three Flags Road and Poplar Street; and

WHEREAS, the 20.3 acre site is vacant. The properties to the north consist of vacant land. A commercial industrial business park exists to the west. A commercial truck wash and truck repair facility exits to the south. The Interstate 15 freeway is located immediately to the east followed by vacant land; and

WHEREAS, the subject property as well as the surrounding properties to the north, west and south of the site are zoned Commercial Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan. The Interstate 15 freeway is located immediately to the east; and

WHEREAS, the proposed project consists of consists of Assessor's Parcel Numbers 3064-591-12,13,17,18, and 3064-631-01; and

WHEREAS, the Application, as contemplated, proposes to construct two warehouse buildings, each approximately 75,894 square feet in size with 108 truck and trailer parking stalls and 110 tractor stalls, which requires approval of a conditional use permit; and

WHEREAS, an environmental Initial Study/ Mitigated Negative Declaration for the proposed project was circulated for a 30-day public review from June 18, 2025, to July 21, 2025, and it determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures; and

WHEREAS, on September 11, 2025, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced September 11, 2025, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

(a) Based upon the Initial Study/ Mitigated Negative Declaration prepared for the project (Attachment 6 to the staff report) the Planning Commission finds that there is no substantial evidence that the proposed Conditional Use Permit will have a significant effect on the environment.

(b) The site for the proposed development of two warehouse buildings each approximately 75,894 square feet in size with 108 truck and trailer parking stalls and 110 tractor stalls is adequate in size and shape to accommodate the proposed uses. On-site improvements required by the Development Code can be constructed on the property including the 264 conventional parking spaces. The site can accommodate 26-foot-wide drive aisles, landscaping, trash enclosures, building setbacks, and maximum floor area ratio. The development also meets all the San Bernardino County Fire Department standards including fire lanes, two-points of access, fire truck turn-around, fire department connection / post indicator valve (FDC/PIV), and fire hydrant requirements. The project is also designed with on-site retention facilities to retain the additional stormwater created by the development in a 100-year storm event.

(c) The proposed development will not have a substantial adverse effect on abutting properties, or the permitted use thereof because the proposed project is consistent with the City's General Plan and the Main Street and Freeway Corridor Specific Plan. In addition, the uses envisioned under the proposed project are permitted or conditionally permitted in the Commercial Industrial Business Park (CIBP) Zone of the Specific Plan. The project is also in an area which is zoned CIBP and contains truck-related uses. A Traffic Impact Analysis (TIA) was submitted as part of the land use application, which identifies improvements needed to mitigate the additional traffic from this project. Further, the developer shall participate in the City-wide industrial community facilities district (CFD) to pay for the ongoing maintenance of public infrastructure and services. The developer is also required to pay City Development Impact Fees.

(d) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code, Main Street and Freeway Corridor Specific Plan and all applicable codes and ordinances adopted by the City of Hesperia because each of the uses envisioned under the proposed project is permitted within the CIBP Zone. The development shall be constructed pursuant to the California Building and Fire Codes as well as adopted amendments.

Further, the project shall comply with the conditions of approval for both off-site and on-site improvements. The conditions of approval shall be met based upon specific milestones. Some conditions shall be met prior to grading, some prior to building construction and prior to issuance of a Certificate of Occupancy.

(d) The site will have adequate access based upon the site's current access off Poplar Street. Primary access to the project site would be provided by four driveway approaches located off of Poplar Street. During phase 1 two driveway approaches will be constructed. The western driveway approach will provide full access for passenger cars while the eastern driveway will provide full access for warehouse truck traffic. Phase 2 will add two additional driveway approaches to the east. The western driveway approach will provide full access for warehouse truck traffic while the eastern driveway will provide full access for passenger cars. In addition, implementation of the project will also require the construction of certain off-site improvements including the construction of a traffic signal at the intersection of Highway 395 and Poplar Street, or the payment of fair share fees towards the signal if it is constructed by other developers.

(e) The proposed project is consistent with the adopted General Plan of the City of Hesperia because an objective in the City's General Plan seeks to "…Promote industrial development within the City which will expand its tax base and provide a range of employment activities, while not adversely impacting the community or environment."

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP22-00004 and Tentative Parcel Map No TPM24-00003 subject to the Conditions of Approval as set forth in ATTACHMENT "A."

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 11th day of September 2025.

_____

Roger Abreo, Chair, Planning Commission

ATTEST:

_____

Maricruz Montes, Secretary, Planning Commission

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ATTACHMENT "A"
List of Conditions for CUP22-00016

Approval Date: September 11, 2025
Effective Date: September 23, 2025
Expiration Date: September 23, 2028

This list of conditions applies to: Consideration of Conditional Use Permit CUP22-00016 to construct two 75,894 square foot warehouses with onsite truck storage and tractor stalls on 20.3 gross acres in conjunction with Tentative Parcel Map No. 20883 (TPM24-00003) to consolidate five parcels into two parcels within the Commercial Industrial Business Park zone of the Main Street and Freeway Corridor Specific Plan located at the southeast corner of Poplar Street and Tree Flags Road (Applicant: Bobby Kang, CEO- Cargo solutions Express; APNs: 3064-591-12,13,17,18, and 3064-631-01).

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

ADDITONAL CONDITIONS

COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		TRUCK PARKING: The total number of truck parking spaces shall be limited to those shown on the approved site plan. Truck parking spaces shall not be rented, leased, or otherwise made available separately from the approved use without approval of a new Conditional Use Permit.

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)
COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)
COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		WATER/SEWER/STORM DRAIN EASEMENT. The Developer shall submit a "Grant of Easement" to the City's Engineering Department for review and approval if needed. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)
COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building

and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Dena Alcayaga at (760) 947-1438 or dlalcayaga@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

TITLE REPORT. The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

TRAFFIC STUDY. The applicant shall be required to provide a traffic study prepared by a California licensed traffic engineer to be reviewed and approved by the City Engineer. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FINAL WQMP SUBMITTAL. Submit a final WQMP, prepared using the applicable Mojave River Watershed Group Regulated WQMP Template, which includes all required or proposed revisions, addresses any comments provided on the draft WQMP, provides final designs for best management practices (BMPs), and includes calculations for BMP sizing.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(1). To the furthest extent allowed by law, Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term “Third Party Action” collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project to which these conditions of approval apply (collectively “Approvals”); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant’s obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval. (P)

COMPLETED **COMPLIED BY**

INDEMNIFICATION(2). Nothing in this condition shall obligate

NOT IN COMPLIANCE

the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim unless the City approves the settlement in writing. Additionally, the City shall not be prohibited from independently defending any claim, and whether or not the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Unless the City independently chooses to defend any Third Party Action on its behalf, Applicant shall control the conduct of the defense of any claim or action provided that: (1) the City shall have the right, prior to filing, to review and approve any and all pleadings or related documents filed with the court in connection with such defense and Applicant shall reimburse the City for review time for each draft brief or pleading to be filed on behalf of the City; and (2) the City shall review and reasonably approve any proposed settlement. The Applicant acknowledges that the City is not obligated to approve a proposed settlement requiring the City to pay or incur any monetary amount, take a future legislative action, render a future quasi judicial decision, or otherwise take a future discretionary government action. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(3). The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide Applicant with an invoice detailing all reasonable costs incurred. Applicant shall tender to the City payment in full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant further acknowledges and agrees that failure to timely tender payment in full to the City shall be considered a breach and non compliance with the conditions of approval for the project. Applicant shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant as noted herein. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

EXPIRATION OF ENTITLEMENT. Unless the applicant has obtained a grading permit and/or building permit and commenced construction, this approval shall expire three (3) years from the date of action of the reviewing authority. Where no grading or building permit is required, the allowed use on the site shall have commenced prior to the expiration date in compliance with the approval and any applicable conditions of approval. An extension of time may be granted pursuant to Municipal Code Section 16.12.060 if the applicant files an application and written request for an extension prior to the expiration of the permit. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FILING NOTICE OF DETERMINATION. Within five days from approval of the entitlement, the applicant shall file a Notice of Determination with the San Bernardino County Clerk of the Board and pay the filing fee of $3,018.75 payable to the Clerk

of the Board of Supervisors of San Bernardino County. A copy of the stamped NOD from the County shall be provided to the Planning Division when completed. Additionally, an electronic copy of the stamped NOD shall be filed with the Governor's Office of Planning and Research and posted on the CEQAnet Web Portal. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CFD ANNEXATION. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PRE-CONSTRUCTION MEETING. Pre-construction meetings shall be held between the City the Developer grading contractors and special inspectors to discuss permit requirements monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PROTECTED PLANTS. Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

TRAFFIC SIGNAL(S). The Developer shall design to construct a traffic signal at the intersection of US Hwy 395 / Poplar Street with north- and southbound lane configurations as approved by the City and Caltrans. At a minimum, one westbound left-turn lane and two westbound right-turn lanes shall be designed to be installed on Poplar Street. Cycle lengths and phase splits are optimized for each plus Project

scenario . Should the intersection be signalized and improved by others, the applicant shall pay a fair-share towards ultimate improvements at the intersection as determined by the City of Hesperia based on the fair-share percentage established in the approved Project Traffic Impact Analysis . Traffic signal improvements shall exclude project driveways which shall be constructed by the proposed project. These payments shall be made to the City of Hesperia based on the latest cost estimates to be calculated by the applicant and as approved by the City Engineer immediately prior to payment.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY NON INTERFERENCE/QUITCLAIM. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. Grading permits will not be issued until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developers responsibility. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

POPLAR STREET. Developer shall design to construct half-width improvements on Poplar Street across the project frontage. Half width right-of-way shall 50' and the curb face is to be located at 42' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

A. 8" Curb and Gutter per City standards.
B. Sidewalk (width = 6 feet) per City standards.
C. Roadway drainage device(s).
D. Streetlights per City standards.
E. Intersection improvements including handicapped ramps per City standards.
F. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
G. Cross sections every 50-feet per City standards.
H. Traffic control signs and devices as required by the traffic study and the City Engineer.
I. Provide a signage and striping plan per City standards. All striping shall be thermoplastic.
J. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.
K. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement and returns at no cost to the City.

All work shall comply with City standards and to the satisfaction of the CIty Engineer.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia

benchmark. The grading plan shall indicate building footprints and proposed development of the retention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developers expense. (E)

A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the existing 12" PVC (Poly Vinyl Chloride) water line in Poplar Street per City Standards.
C. It is the Developers responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing 10" PVC (Poly Vinyl Chloride) sewer main in Poplar Street per City standards.
D. Complete V.V.W.R.A.s Wastewater Questionnaire for Commercial / Industrial Establishments and submit to the Engineering Department. Complete the Certification Statement for Photographic and X ray Processing Facilities as required.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WATER/SEWER IMPR. PLAN. The Developer shall design water and sewer improvements in accordance with City standards, and as indicated below. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SEWER IMPROVEMENT PLAN: When realigning existing sewer along the southeast property line of project, the Developer will need to design to construct an 8" minimum PVC SDR 35 sewer main in proposed easement and reconnect sewer main to existing in Poplar Street per approved site plan. Design shall consist of plan and profile per City standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

The Project shall be designed to prevent adverse impacts to downstream properties and/or drainage facilities caused or exacerbated by the project. The project shall demonstrate that runoff from the completed project site will not exceed 90% of the pre-project runoff discharge rates for the 24-hour design storm for the 100-year return frequency rainfall events.

A. Drawdown Time. All drainage facilities which are designed

to percolate/infiltrate surface runoff (including basins, drywells, or infiltration-based low impact development features) shall not accumulate standing water for more than 48 hours. All drainage facilities designed to provide detention storage shall recover 100 percent of their design detention volume within 48 hours.

B. Groundwater Protection. The Project shall ensure any retention/infiltration or detention facilities will not adversely impact groundwater.

C. Underground Retention/Detention Systems. The Project shall demonstrate a minimum functional life span of 50 years for materials (e.g., polymer, metal, mineral-based, or other) used in underground retention/detention systems.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STORM WATER POLLUTION PREVENTION PLAN. The Project shall submit to the City for approval two (2) copies of a Storm Water Pollution Prevention Plan (SWPPP) as specified in the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board.
Prepare the SWPPP using or following the format of the most recent SWPPP Template in the Construction BMP Handbook prepared by the California Stormwater Quality Association (requires subscription); see:
https://www.casqa.org/resources/bmp-handbooks

NPDES: The Project shall enroll under the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board and pay applicable fees. The Project shall provide proof of such permit coverage including a copy of the Notice of Intent Receipt Letter and the project WDID No. to the City.
Alternatively, projects from 1 to 5 acres with an approved Rainfall Erosivity Waiver authorized by U.S. EPA Phase II regulations certifying to the State Water Resources Control Board that construction activity will occur only when the Rainfall Erosivity Factor is less than 5 (R in the Revised Universal Soil Loss Equation), shall provide a copy of the project's Erosivity Waiver Certification and Waiver ID to the City.
NPDES-PERMIT TERMINATION: Upon completion of construction, the Project shall ensure that all disturbed areas are stabilized and all construction waste, equipment, and unnecessary temporary BMPs are removed from the site. In addition, the Project shall file a Notice of Termination (NOT) with the Lahontan Regional Water Board as required by the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SWPPP IMPLEMENTATION. All of the requirements of the City-approved Storm Water Pollution Prevention Plan shall be implemented prior to the City's issuance of a grading permit, and shall be maintained until construction is complete and all

disturbed areas are fully stabilized. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WQMP PERMIT. The Property Owner shall apply for a City WQMP Permit with the Building and Safety Department and pay the applicable permit fees. The WQMP Permit shall be renewed annually. To comply with the WQMP Permit, the Property Owner shall certify on an annual basis that all of the post-construction best management practices (BMPs) described in the approved project WQMP have been inspected and maintained as specified and required by the BMP Inspection and Maintenance Form and Operation and Maintenance Plan. The Property Owner shall provide proof of the WQMP Permit before the City will issue a Certificate of Occupancy.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building footprints and proposed development of the retention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

NATIVE AMERICAN RESOURCES. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find shall cease and a qualified archaeologist shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, a qualified archaeologist shall be retained to develop a cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan. The Lead Agency and/or applicant shall, in good faith, consult local Indian tribes on the disposition and treatment of any artifacts or other cultural materials encountered during the project. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DESIGN FOR REQUIRED IMPROVEMENTS. Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review application with the following revisions made to the improvement plans: (E, P)

A. Additional window features shall be added to the tower elements above the dock doors on the south elevation.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DEVELOPMENT FEES. The Developer shall pay required development fees as follows: A. School Fees (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CFD ANNEXATION. The applicant shall annex the site into the Community Facilities District CFD-2022-1 (Non Residential Maintenance and Services).
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	ELECTRIC VEHICLE CHARGING INFRASTRUCTURE. The project shall comply with the requirements of California Green Building Standards Code (CALGreen) Section 5.106.5.3 regarding electric vehicle (EV) charging infrastructure for non-residential developments. The developer shall provide the required number of EV-capable parking spaces, including the necessary raceways, conduits, panel capacity, and other supporting infrastructure to facilitate the future installation of EV charging stations in accordance with state and local requirements. This may include designated Electric Vehicle Charging Spaces (EVCS) that are required to have Electric Vehicle Supply Equipment (EVSE) installed as part of the project. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	LIGHT POLLUTION REDUCTION. The project shall comply with California Green Building Standards Code (CALGreen) Section 5.106.8 regarding Light Pollution Reduction for non-residential developments. Outdoor lighting systems shall be designed and installed to meet the minimum requirements of the California Energy Code for applicable Lighting Zones (0-4) and shall not exceed the allowable BUG (Backlight, Uplight, and Glare) ratings as specified in CALGreen Table 5.106.8 [N]. (B
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	ACCESSIBLE PARKING SPACES. The project shall comply with California Building Code (CBC) Section 11B-208, ensuring that accessible parking spaces are provided as required for non-residential developments. (B)

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DRAINAGE STUDY. The Developer shall submit three (3) copies of a Final Drainage Study which analyzes the pre-project and proposed project hydrology, including flows from offsite, flows generated onsite, hydraulic properties of flows entering or exiting the project to and from natural or constructed conveyances, and capacity and function of any runoff management structures such as catch basins, inlets, outlets and detention or retention structures. The study must include all information specified in the City's hydrology study outline
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	FENCING PLANS. A combination four-foot high wrought iron fence and two- foot high split-face masonry wall shall be constructed on private property along the boundary of the retention basin in accordance with City standards. Two complete sets of engineered construction plans for the required fencing shall be submitted to the Building and Safety counter. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	LANDSCAPE PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	SOLID MASONRY WALLS AND FENCES. The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	ROOFTOP EQUIPMENT. All roofftop equipment shall be screened from view from the right-of-way and architecturally integrated into the design of the building. All roof-mounted mechanical equipment proposed on the roof shall be shown on a cross-section of the building, as well as a line of site study, evidencing that the equipment will be screened from view and will not be visible from the right-of-way. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	LIGHT AND LANDSCAPE DISTRICT ANNEXATION. Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District for any proposed street lights. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	TRASH ENCLOSURE. All trash enclosures shall be in conformance with Municipal Code Section 16.16.360 and City approved construction details. The enclosure shall be enclosed on three sides by a minimum six-foot tall decorative masonry wall with split face block on the viewable side and a decorative cap. The masonry wall shall be earth tone in color; solid grey block is not allowed. The enclosure shall have non-transparent metal gates and a solid roof-cover that is architecturally compatible with the primary building onsite and

that serves to protect the refuse area from inclement weather, as well as prevents unauthorized entry into the enclosure. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. Development Impact Fees (B)
C. Utility Fees (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

AS BUILT PLANS. The Developer shall provide as built plans. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CATABA BASIN - Developer shall the pay a fair-share towards ultimate improvements of the Cataba Basin as determined by the City of Hesperia based on the fair-share percentage established by the City Engineer. These payments shall be made to the City of Hesperia based on the latest cost estimates to be calculated by the applicant and as approved by the City Engineer immediately prior to payment.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

EXECUTED AND RECORDED WQMP MAINTENANCE AGREEMENT. The WQMP Maintenance Agreement: Covenant and Agreement Regarding Water Quality Management Plan and Stormwater Best Management Practices Transfer, Access, and Maintenance, must be (1) prepared using the WQMP Maintenance Agreement Template provided as Attachment A to the City of Hesperia WQMP Templates, and (2) the complete WQMP Maintenance Agreement, with the Property Owners notarized signature(s) and suitable for recordation by the City, must be received before the City will authorize the final inspection or issue a Certificate of Occupancy.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

LANDSCAPING/IRRIGATION. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable

Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	**947-1300**
(E) Engineering Division	**947-1476**
(F) Fire Prevention Division	**947-1603**
(P) Planning Division	**947-1200**
(RPD) Hesperia Recreation and Park District	**244-5488**

EXHIBIT A

DRAFT

ATTACHMENT "A"
List of Conditions for TPM24-00003

Approval Date: September 11, 2025
Effective Date: September 23, 2025
Expiration Date: September 23, 2028

This list of conditions applies to Consideration of Tentative Parcel Map No. 20883 (TPM24-00003) to consolidate five existing parcels into two new parcels on 21.03 gross acres, in conjunction with CUP22-00016 within the Commercial Industrial Business Park zone of the Main Street and Freeway Corridor Specific Plan located at the southeast corner of Poplar Street and Tree Flags Avenue (Applicant: Bobby Kang, CEO- Cargo solutions Express; 3064-591-12,13,17,18, and 3064-631-01).

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED PRIOR TO RECORDATION OF THE PARCEL MAP

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	ALL EASEMENTS OF RECORD. It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	PARCEL MAP (RES). A Parcel Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66444 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Map Standards. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Dena Alcayaga at (760) 947-1438 or dlalcayaga@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds.
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	TITLE REPORT. The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	APPROVAL OF CUP. These conditions are concurrent with approval of CUP22-00016 becoming effective
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	INDEMNIFICATION(1). To the furthest extent allowed by law, Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties,

forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project to which these conditions of approval apply (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(2). Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim unless the City approves the settlement in writing. Additionally, the City shall not be prohibited from independently defending any claim, and whether or not the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Unless the City independently chooses to defend any Third Party Action on its behalf, Applicant shall control the conduct of the defense of any claim or action provided that: (1) the City shall have the right, prior to filing, to review and approve any and all pleadings or related documents filed with the court in connection with such defense and Applicant shall reimburse the City for review time for each draft brief or pleading to be filed on behalf of the City; and (2) the City shall review and reasonably approve any proposed settlement. The Applicant acknowledges that the City is not obligated to approve a proposed settlement requiring the City to pay or incur any monetary amount, take a future legislative action, render a future quasi judicial decision, or otherwise take a future discretionary government action. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(3). The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide Applicant with an invoice detailing all reasonable costs incurred. Applicant shall

tender to the City payment in full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant further acknowledges and agrees that failure to timely tender payment in full to the City shall be considered a breach and non compliance with the conditions of approval for the project. Applicant shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant as noted herein. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FISH AND WILDLIFE FEE. Within five days from approval of the entitlement, the applicant shall file a Notice of Determination with the San Bernardino County Clerk of the Board and pay the filing fee of $3,018.75 payable to the Clerk of the Board of Supervisors of San Bernardino County. A copy of the stamped NOD from the County shall be provided to the Planning Division when completed. Additionally, an electronic copy of the stamped NOD shall be filed with the Governor's Office of Planning and Research and posted on the CEQAnet Web Portal. (P)

CONDITIONS REQUIRED PRIOR TO DEVELOPMENT OF ANY PARCEL OF THE PARCEL MAP

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

RECORDATION OF MAP. Map shall be recorded with the San Bernardino County Recorders Office. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITIES. Each parcel shall be served by a separate water meter, service line, and sewer lateral connection where available. Automatic meter reader to be included on all meter connections. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY RELOCATION/UNDERGROUND. If the developer is required to install water, sewer, or construct street improvements or when utilities shall be placed underground, it shall be the developer's responsibility to relocate / underground any existing utilities at their own expense. Relocation / undergrounding of utilities shall be identified upon submittal of construction plans. (P, E)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

APPROVAL OF IMPROVEMENT PLANS. All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)

CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

NOTICE TO DEVELOPER: THIS CONCLUDES THE REQUIREMENTS FOR RECORDATION OF THE PARCEL MAP. IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	**947-1300**
(E) Engineering Division	**947-1476**
(F) Fire Prevention Division	**947-1603**
(P) Planning Division	**947-1200**
(RPD) Hesperia Recreation and Park District	**244-5488**

City of Hesperia
STAFF REPORT

DATE: May 5, 2026

TO: Mayor and Council Members

FROM: Rachel Molina, City Manager

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

SUBJECT: Conditional Use Permit CUP24-00012; Applicant: AUE Energy LLC; APN: 3064-401-10

RECOMMENDED ACTION

The Planning Commission recommends that the City Council adopt Resolution No. 2026-07 Approving Conditional Use Permit CUP24-00012 and adopting the associated mitigated negative declaration pursuant to the provisions of CEQA.

This item was continued from the April 21, 2026 City Council meeting. Revisions are shown in bold red. At that meeting, a motion was made to continue the item to the next regular meeting and to direct staff to revise the proposed resolution and findings to approve Conditional Use Permit No. CUP24-00012, excluding the proposed car wash use. The motion was approved by a 5-0 vote. Accordingly, Resolution No. 2026-07 has been revised to include findings supporting denial of the car wash component of the project.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) has been filed to allow for the development of a 5,915 square foot convenience store with alcohol sales for off-site consumption along with a 4,080 square foot fueling station canopy with 10 pumps and a 1,968 square foot drive through carwash (Attachments 1 and 2).

Location: This project is located on a 2.36-acre site at the northwest corner of Phelan Road and Highway 395. (Attachment 3).

Current General Plan, Zoning and Land Uses: The site is vacant and within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan. The adjacent properties to the north and west are vacant and located within the Neighborhood Commercial zone (NC). The property to the east, across Highway 395, and the property to the south, across Phelan Road, are also vacant and within the Neighborhood Commercial (NC) zone (Attachment 4).

ISSUES/ANALYSIS

Land Use: The proposed convenience store is a permitted use within the Neighborhood Commercial (NC) zoning district. However, pursuant to the Development Code and the Main Street and Freeway Corridor Specific Plan, approval of a Conditional Use Permit (CUP) is

required for the establishment and operation of a vehicle fuel station, carwash facility, and the sale of alcoholic beverages for off-site consumption. Additionally, the City Council adopted Ordinance No. 2017-08 on October 3, 2017, which requires that all applications for off-sale alcohol (type 20 and 21 ABC licenses) for establishments that are below 12,000 square feet in floor area be forwarded to the City Council for final action.

On March 26, 2026, the Planning Commission unanimously forwarded this item to the City Council with a recommendation for approval by a 5-0 vote. There were no residents who spoke either in favor or opposition to the project during the public hearing.

Conformance with Development Standards: The project complies with development standards of the Main Street and Freeway Corridor Specific Plan including the minimum building requirements, landscaping, and parking. Moreover, the project includes 26,572 square feet of total landscape coverage, or 13.5% of total landscape coverage, which is greater than the required minimum landscape coverage of 10%.

Additionally, the project complies with the specific land use standards for vehicle wash facilities, including maintaining a distance exceeding 1,000 feet from existing ancillary and standalone car wash facilities, and meeting all applicable lighting and noise restrictions.

Furthermore, establishments selling alcoholic beverages for off-site consumption are required to be located within 500 feet of the intersection of two arterial or major arterial streets as identified in the City's adopted Circulation Plan. The proposed project is located at the northwest corner of Phelan Road and Highway 395. Phelan Road is designated as a Major Arterial with a 120-foot-wide ultimate right-of-way, while Highway 395 is designated as a Special Street section with a 130-foot-wide ultimate right-of-way and is identified as a major transportation corridor in the Circulation Plan. As a major regional corridor, Highway 395 satisfies the intent of an arterial roadway classification.

Alcohol Sales: The applicant will file an application for a Type 20 (Off-Sale Beer and Wine) license with the California Department of Alcoholic Beverage Control (ABC). Table 2 identifies four active off-sale alcoholic beverage licenses within Census Tract 100.09 (Attachment 5). ABC authorizes this census tract to have three off-sale licenses. Therefore, approval of CUP24-00012 will exceed the limitation of three licenses and ABC will require that the City make a finding of public convenience and necessity (Attachment 9).

Table 1: Existing On-Sale Licenses in Census Tract 100.09

Status	Business Name	Business Address	Type of License
Active	Walmart	11896 Amargosa Road (Victorville)	21-Beer, Wine, and Liquor
Active	Sky Market	12720 Main Street	21-Beer, Wine, and Liquor
Active	G & M Oil Co.	12080 Amargosa Road (Victorville)	20-Beer and Wine
Active	7 Eleven	12750 Main Street.	20-Beer and Wine

In determining whether to approve an additional license in an overconcentrated census tract, the City Council may consider the surrounding context and availability of alcohol sales within the immediate service area. While four licenses are reported within the census tract, the Walmart and G & M Oil locations are outside the City limits and located more than four miles from the proposed project site. The remaining establishments, Sky Market and 7-Eleven, are located approximately

one mile away along the I-15 freeway corridor and primarily serve motorists traveling along that corridor.

The proposed project is located along Highway 395 and would serve a different travel corridor. As such, the project would provide sales to residents and motorists traveling along Highway 395 and would not substantially increase the concentration of alcohol sales within the immediate vicinity of the project site. Therefore, the City Council may determine that approval of the proposed off-sale beer and wine license would serve the public convenience and necessity.

Building Design: The convenience store and carwash building design comply with the architectural guidelines of the Development Code. The buildings incorporate a combination of stucco and tile, in addition to a brick wainscot. The buildings incorporate changes in wall and roof planes and include tower elements to highlight the entry features. In addition, the fuel canopy will be conditioned to incorporate the brick wainscot material to the supportive beams. (Attachment 6).

Traffic/Street Improvements: According to the City's General Plan Circulation Element Highway 395 is constructed as a 130-foot wide Special Street Section, which provides two travel lanes in each direction (plus ancillary lanes) and Phelan Road is to be constructed as a 120-foot-wide Major Arterial Street Section which currently provides 2 travel lanes in each direction. As part of developing the site, the developer is required to dedicate right-of-way and construct street improvements, including curb, gutter and sidewalk along the project frontages of Highway 395 and Phelan Road. In addition, the driveway approach onto Highway 395 will be restricted to right-in and right-out only. The eastern driveway approach on Phelan Road will also be restricted to a right-in and right-out only. In addition, the project will include rubberized curbs with flexible posts along the Phelan Road median to restrict left hand turns from the project site.

Drainage: Any additional runoff created on-site will be detained in an approved storm drain storage system and an underground drainage system is proposed to store the necessary volume. Upon completion of the on-site drainage improvements, the impact of the project upon properties downstream is not considered significant.

Water and Sewer: The project will connect to an existing 12-inch PVC water line in Phelan Road and a 12-inch PVC sewer main along Caliente Road via a lateral line which extends through an easement on the north property line of the west adjacent property.

Environmental: Approval of this development requires adoption of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA). The IS/MND prepared for the project concluded that the project will not have any significant negative impacts on the environment upon implementation of the recommended mitigation measures. (Attachment 8)

The environmental analysis included a biological resources assessment to evaluate potential impacts to sensitive habitats and special-status species. The analysis concluded that Joshua Trees are present on the site and will require an Incidental Take Permit from the California Department of Fish and Wildlife. Additionally, the biological report shows that the site does not contain habitat for the desert tortoise nor any other threatened or endangered species. However, a pre-construction surveys for the burrowing owl and nesting bird will be conducted prior to issuance of a grading permit.

The environmental analysis also concluded that the proposed project would not result in any impacts to known archaeological resources or tribal cultural resources. However, there is potential

for project-related construction to impact unknown or previously unrecorded archaeological resources. For this reason, mitigation measures are proposed in the event that cultural resources are inadvertently encountered during excavation activities. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law.

The environmental document was circulated to local, state and federal agencies and organizations as well as surrounding property owners for public review from January 20, 2026, through February 18, 2026 (SCH#2026010656). During the public review period, five comment letters were received (Attachment 7).

The table below identifies the origin of each comment letter and summarizes how the comments were addressed and incorporated into the Project's Conditions of Approval and/or the updated Initial Study/Mitigated Negative Declaration (IS/MND). Additionally, response letters were provided to the California Department of Transportation (Caltrans) and the California Department of Water Resources (DWR) (Attachment 8).

Table 2: Comment Letters and Responses

Agency/Individual	Comments and Responses
Chris Anderson	**Comments**: A community member raised concerns with traffic safety stating the environmental study does not adequately evaluate traffic impacts on westbound traffic along Phelan Road near the proposed gas station entrance and the need for a right-turn lane onto the project site
	Response: A traffic study prepared by a California-licensed traffic engineer was submitted to the City during the entitlement review process and was accepted prior to scheduling the project for public hearing. The project is conditioned to submit a final traffic study to the City and Caltrans prior to ground disturbance. Additionally, the project applicant will be required to obtain all necessary Caltrans permits before commencing any ground-disturbing activities.
Mojave Desert Air Quality Management District (MDAQMD)	**Comments:** MDAQMD requested the project's compliance with air quality regulations and implementation of dust control best management practices as well as district permits be obtained.
	Response: The IS/MND confirms that construction and operation will comply with MDAQMD rules and regulations. The project is also conditioned to provide evidence of acceptance by MDAQMD prior to ground-disturbing activities, ensuring CEQA consistency with air quality requirements.
California Department of Fish and Wildlife (CDFW)	**Comments:** CDFW offered comments and recommendations to assist in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Specifically, these recommendations focused on Burrowing Owl and Nesting Birds.
	Response: The IS/MND and Mitigation Monitoring and Reporting Program were updated to incorporate CDFW's recommendations. Biological mitigation measures now include MM BIO-2 (Pre-Construction Surveys), MM BIO-3 (Burrow Avoidance), and MM BIO-4 (Nesting Bird Survey), ensuring project compliance with CEQA biological resource requirements.

California Department of Transportation (DOT)	**Comments:** Caltrans requests additional traffic analyses, including truck turning templates, queuing studies, corrected trip distribution, and a stand-alone safety review with potential mitigation. The project must maintain ADA-compliant pedestrian and bicycle access during construction. Any work encroaching on Caltrans right-of-way requires an encroachment permit.
	Response: A traffic study prepared by a California-licensed traffic engineer was submitted to the City during the entitlement review process and accepted prior to scheduling the project for public hearing. The project is conditioned to submit a final traffic study to the City and Caltrans prior to any ground-disturbing activities. Caltrans' requests have been addressed through a response letter and updates to the Conditions of Approval and IS/MND. The applicant has been issued an encroachment permit for the proposed driveway onto Highway 395 and will obtain all additional necessary Caltrans permits before commencing construction, ensuring CEQA compliance with transportation and safety requirements. A response letter documenting these actions was also provided to Caltrans
California Department of Water Resources (DWR)	**Comments:** DWR raised concerns that the project's maps are outdated and lack sufficient detail to show existing development and local drainage features. The IS/MND does not provide adequate analysis of off-site stormwater flows, potential erosion, or impacts to the Oro Grande Wash and DWR rights-of-way. DWR requests a Hydrology/Drainage Study to evaluate pre- and post-development runoff and ensure the proposed underground retention facility can manage flows without affecting DWR facilities. Updated drainage plans and analyses are needed to prevent ponding, sedimentation, and scour.
	Response: DWR's concerns were addressed in a response letter as well as the updated conditions of approval and IS/MND. The IS/MND was updated to include additional detail on existing site conditions, drainage patterns, and the proposed storm drain system, as well as pre- and post-construction stormwater peak flow rates. The Project-specific Hydrology Report will be reviewed and approved by the City and provided to DWR as per the conditions of approval. All required DWR permits will be obtained prior to any ground-disturbing activities, ensuring CEQA compliance with hydrology and drainage requirements.

Conclusion: The project conforms to the policies of the City's General Plan and meets the standards of the Development Code and the Main Street Freeway Corridor Specific Plan. Further, approval of the sale of beer and wine is appropriate, particularly to allow the convenience store to be competitive with similar busisnesses and to meet customer demand.

CITY GOAL SUPPORTED BY THIS ITEM

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

FISCAL IMPACT

The development would generate tax revenue and is subject to applicable development impact, business license and permit fees.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. 2026-07: **Approving Conditional Use Permit CUP24-00012 with denial of carwash component**
2. Site Plan
3. Floor plan
4. Aerial Photo
5. General Plan Map
6. Census Tract Map 100.09
7. Colored Elevations (3)
8. Comment Letters (5)
9. Updated IS/MND and (2) Response Letters
10. Draft Conditions of Approval
11. **March 26, 2026 Planning Commission Staff Report with Resolution No. PC-2026-01**

required for the establishment and operation of a vehicle fuel station, carwash facility, and the sale of alcoholic beverages for off-site consumption. Additionally, the City Council adopted Ordinance No. 2017-08 on October 3, 2017, which requires that all applications for off-sale alcohol (type 20 and 21 ABC licenses) for establishments that are below 12,000 square feet in floor area be forwarded to the City Council for final action.

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Drainage: Any additional runoff created on-site will be detained in an approved storm drain storage system and an underground drainage system is proposed to store the necessary volume. Upon completion of the on-site drainage improvements, the impact of the project upon properties downstream is not considered significant.

Water and Sewer: The project will connect to an existing 12-inch PVC water line in Phelan Road and a 12-inch PVC sewer main along Caliente Road via a lateral line which extends through an easement on the north property line of the west adjacent property.

Environmental: Approval of this development requires adoption of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA). The IS/MND prepared for the project concluded that the project will not have any significant negative impacts on the environment upon implementation of the recommended mitigation measures. (Attachment 8)

The environmental analysis included a biological resources assessment to evaluate potential impacts to sensitive habitats and special-status species. The analysis concluded that Joshua Trees are present on the site and will require an Incidental Take Permit from the California Department of Fish and Wildlife. Additionally, the biological report shows that the site does not contain habitat for the desert tortoise nor any other threatened or endangered species. However, a pre-construction surveys for the burrowing owl and nesting bird will be conducted prior to issuance of a grading permit.

The environmental analysis also concluded that the proposed project would not result in any impacts to known archaeological resources or tribal cultural resources. However, there is potential

for project-related construction to impact unknown or previously unrecorded archaeological resources. For this reason, mitigation measures are proposed in the event that cultural resources are inadvertently encountered during excavation activities. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law.

The environmental document was circulated to local, state and federal agencies and organizations as well as surrounding property owners for public review from January 20, 2026, through February 18, 2026 (SCH#2026010656). During the public review period, five comment letters were received (Attachment 7).

The table below identifies the origin of each comment letter and summarizes how the comments were addressed and incorporated into the Project's Conditions of Approval and/or the updated Initial Study/Mitigated Negative Declaration (IS/MND). Additionally, response letters were provided to the California Department of Transportation (Caltrans) and the California Department of Water Resources (DWR) (Attachment 8).

Table 2: Comment Letters and Responses

Agency/Individual	Comments and Responses
Chris Anderson	**Comments**: A community member raised concerns with traffic safety stating the environmental study does not adequately evaluate traffic impacts on westbound traffic along Phelan Road near the proposed gas station entrance and the need for a right-turn lane onto the project site
	Response: A traffic study prepared by a California-licensed traffic engineer was submitted to the City during the entitlement review process and was accepted prior to scheduling the project for public hearing. The project is conditioned to submit a final traffic study to the City and Caltrans prior to ground disturbance. Additionally, the project applicant will be required to obtain all necessary Caltrans permits before commencing any ground-disturbing activities.
Mojave Desert Air Quality Management District (MDAQMD)	**Comments:** MDAQMD requested the project's compliance with air quality regulations and implementation of dust control best management practices as well as district permits be obtained.
	Response: The IS/MND confirms that construction and operation will comply with MDAQMD rules and regulations. The project is also conditioned to provide evidence of acceptance by MDAQMD prior to ground-disturbing activities, ensuring CEQA consistency with air quality requirements.
California Department of Fish and Wildlife (CDFW)	**Comments:** CDFW offered comments and recommendations to assist in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Specifically, these recommendations focused on Burrowing Owl and Nesting Birds.
	Response: The IS/MND and Mitigation Monitoring and Reporting Program were updated to incorporate CDFW's recommendations. Biological mitigation measures now include MM BIO-2 (Pre-Construction Surveys), MM BIO-3 (Burrow Avoidance), and MM BIO-4 (Nesting Bird Survey), ensuring project compliance with CEQA biological resource requirements.

California Department of Transportation (DOT)	**Comments:** Caltrans requests additional traffic analyses, including truck turning templates, queuing studies, corrected trip distribution, and a stand-alone safety review with potential mitigation. The project must maintain ADA-compliant pedestrian and bicycle access during construction. Any work encroaching on Caltrans right-of-way requires an encroachment permit.
	Response: A traffic study prepared by a California-licensed traffic engineer was submitted to the City during the entitlement review process and accepted prior to scheduling the project for public hearing. The project is conditioned to submit a final traffic study to the City and Caltrans prior to any ground-disturbing activities. Caltrans' requests have been addressed through a response letter and updates to the Conditions of Approval and IS/MND. The applicant has been issued an encroachment permit for the proposed driveway onto Highway 395 and will obtain all additional necessary Caltrans permits before commencing construction, ensuring CEQA compliance with transportation and safety requirements. A response letter documenting these actions was also provided to Caltrans
California Department of Water Resources (DWR)	**Comments:** DWR raised concerns that the project's maps are outdated and lack sufficient detail to show existing development and local drainage features. The IS/MND does not provide adequate analysis of off-site stormwater flows, potential erosion, or impacts to the Oro Grande Wash and DWR rights-of-way. DWR requests a Hydrology/Drainage Study to evaluate pre- and post-development runoff and ensure the proposed underground retention facility can manage flows without affecting DWR facilities. Updated drainage plans and analyses are needed to prevent ponding, sedimentation, and scour.
	Response: DWR's concerns were addressed in a response letter as well as the updated conditions of approval and IS/MND. The IS/MND was updated to include additional detail on existing site conditions, drainage patterns, and the proposed storm drain system, as well as pre- and post-construction stormwater peak flow rates. The Project-specific Hydrology Report will be reviewed and approved by the City and provided to DWR as per the conditions of approval. All required DWR permits will be obtained prior to any ground-disturbing activities, ensuring CEQA compliance with hydrology and drainage requirements.

Conclusion: The project conforms to the policies of the City's General Plan and meets the standards of the Development Code and the Main Street Freeway Corridor Specific Plan. Further, approval of the sale of beer and wine is appropriate, particularly to allow the convenience store to be competitive with similar busisnesses and to meet customer demand.

CITY GOAL SUPPORTED BY THIS ITEM

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

FISCAL IMPACT

The development would generate tax revenue and is subject to applicable development impact, business license and permit fees.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. 2026-07: **Approving Conditional Use Permit CUP24-00012 with denial of carwash component**
2. Site Plan
3. Floor plan
4. Aerial Photo
5. General Plan Map
6. Census Tract Map 100.09
7. Colored Elevations (3)
8. Comment Letters (5)
9. Updated IS/MND and (2) Response Letters
10. Draft Conditions of Approval
11. **March 26, 2026 Planning Commission Staff Report with Resolution No. PC-2026-01**

RESOLUTION NO. 2026-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP24-00012 AND ADOPTNG THE ASSOCIATED MITIGATED NEGATIVE DECLARATION PURSUANT TO CEQA TO ALLOW FOR THE DEVELOPMENT OF A CONVENIENCE STORE WITH ALCOHOL SALES FOR OFF-SITE CONSUMPTION, A FUELING STATION CANOPY WITH 10 PUMPS, AND DENYING A PROPOSED DRIVE-THRU CARWASH ON A 2.36 ACRE SITE WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN, LOCATED AT THE NORTHWEST CORNER OF PHELAN ROAD AND U.S. HIGHWAY 395

WHEREAS, AUE Energy LLC has filed an application requesting approval of CUP24-00012 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 2.36 acres of an existing land also referenced Assessor's Parcel Number 3064-401-10; and

WHEREAS, the Application proposes the development of a convenience store with alcohol sales for off-site consumption, a fueling station canopy with 10 pumps and a drive-thru carwash which requires approval of a conditional use permit; and

WHEREAS, the City Council adopted Ordinance No. 2017-08 on October 3, 2017, which requires that all applications for off-sale alcohol (type 20 and 21 ABC licenses) below 12,000 square feet in floor area be forwarded to the City Council for final action; and

WHEREAS, the subject site is located within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan. The properties to the north, south, east and west are within the Neighborhood Commercial (NC) zone; and

WHEREAS, the subject site, as well as surrounding properties are vacant; and

WHEREAS, an environmental Initial Study for the proposed project was circulated for a 30-day public review period from January 20, 2026, through February 18, 2026. During the public review period five comment letters were received. It was determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. A Mitigated Negative Declaration was subsequently prepared; and

WHEREAS, on March 26, 2026, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed application, and, upon concluding the hearing on that date, forwarded the item to the City Council with a 5-0 vote recommending approval of the project; and

WHEREAS, on April 21, 2026, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application; and

WHEREAS, following consideration of staff reports, public testimony, and deliberation, a motion was made to continue the item to the next regular meeting and to direct staff to revise the proposed resolution and findings to approve Conditional Use Permit No. CUP24-00012, excluding the proposed car wash use and said motion was approved by a 5-0 vote; and

WHEREAS, on May 5, 2026, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA CITY COUNCIL AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the City Council during the above-referenced May 5, 2026, hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

(a) The site for the proposed use is adequate in size and shape to accommodate the proposed use. The site is approximately 2.36 acres and can accommodate the proposed 5,915 square foot convenience store with off-sale of alcohol along with a 4,080 square foot fueling station canopy with 10 pumps and a 1,968 square foot drive-thru carwash with 40 parking spaces provided on the site. The development complies with the development standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments.

(b) The proposed use, excluding the drive-thru carwash, will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor with approval of this Conditional Use Permit. The project meets all of the development standards of the NC zone as well as specific land use standards established in the Development Code for fuel facilities.

The proposed drive-thru carwash will have substantial adverse effects on abutting properties. The project site is located within a 1.5-mile radius of 6 existing car wash facilities; 4 of which are an accessory use to a fuel station as proposed. The high concentration of carwashes in the area creates a shift in character to the area and an unpleasant environment and limits adjacent lots of particular uses. The establishment of the carwash would contribute to an overconcentration of similar uses within not only the City, but a 1.5-mile radius of the subject site, resulting in a cumulative nuisance and adverse impacts on the community and adjacent lots.

(c) The proposed project, excluding the drive-thru carwash, is consistent with the goals, policies, standards and maps of the adopted zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations allowing non-residential uses within the NC Zone of the Main Street and Freeway Corridor Specific Plan. A convenience store is an allowable use, and the off-site alcohol sales, fueling station and carwash uses are allowed with approval of a Conditional Use Permit. The project is also subject to conditions of approval and complies with the standards for driveway aisles, parking stall dimensions, building heights, trash enclosure and all other applicable development standards. The project meets all of the development standards of the NC zone. The project will be constructed pursuant to the California Building and Fire Codes and subsequently adopted amendments.

The proposed drive-thru carwash is not consistent with the goals, policies, standards of the General Plan. There are 6 existing carwashes within a 1.5-mile radius of the site. The overconcentration of carwash uses has the potential to undermine the City's land use objectives by limiting diversity of commercial services, contributing to economic imbalance, and creating conditions that may lead to property neglect or vacancy if market demand is exceeded. These conditions can result in visual blight and degradation of the surrounding area, thereby constituting a nuisance. As such, the proposed drive-thru carwash would be detrimental to public health, safety, and welfare, and would be inconsistent with the intent of the Development Code.

(d) Establishments with the sale of alcoholic beverages for off-site consumption must be located within 500 feet of an intersection of two arterial or major arterial streets identified on the City's adopted Circulation Plan. The proposed project is located at the northwest corner of Phelan Road and Highway 395. Phelan Road is designated as a Major Arterial with a 120-foot-wide ultimate right-of-way, while Highway 395 is designated as a Special Street section with a 130-foot-wide ultimate right-of-way and is identified as a major transportation corridor in the Circulation Plan. As a major regional corridor, Highway 395 satisfies the intent of an arterial roadway classification.

(e) Although Census Tract 100.09 exceeds the recommended number of off-sale alcohol licenses identified by the California Department of Alcoholic Beverage Control (ABC), the City Council finds that approval of a Type 20 (Off-Sale Beer and Wine) license at the project site will serve Public Convenience and Necessity. Two of the licensed establishments identified within the census tract are located outside the City limits and more than four miles from the project site, limiting their service to the immediate project area. The remaining licensed establishments within the tract are located along the Interstate 15 freeway corridor and primarily serve motorists traveling along that corridor.

The proposed project is located along the U.S. Highway 395, which serves a separate travel route and surrounding neighborhood area. The requested license is limited to the sale of beer and wine for off-site

consumption and does not include the sale of distilled spirits. Based on the distance from existing establishments, the separation of commercial corridors, and the limited nature of the proposed license, the City Council finds that approval of the requested license would serve the public convenience and necessity and would not result in undue impacts to the surrounding community.

(f) The project site will have adequate access based upon the installation of two new drive approaches. Project access is proposed via two right-in/right-out commercial driveway approaches. The first approach is located along Phelan Road near the southwestern portion of the project site. The second approach is located along U.S. Highway 395 at the northeastern portion of the site. There are also general services for sanitation, water, and public utilities to ensure the public convenience, health, safety and general welfare. Additionally, the site is currently served with adequate infrastructure to operate without a major extension of infrastructure.

Section 3. The City Council has independently reviewed and analyzed the Mitigated Negative Declaration and finds that it reflects the independent judgement of the City Council, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment. Pursuant to State CEQA Guidelines Section 15074 and Public Resources Code Section 21081.6 the City Council hereby approves the Mitigated Negative Declaration. The City Council finds that the mitigation measures are fully enforceable on the Project and shall be binding upon the City and affected parties.

Section 4. Based on the findings and conclusions set forth in this Resolution, the City Council hereby approves Conditional Use Permit CUP24-00012, excluding the proposed drive-thru carwash, subject to the conditions of approval attached hereto as Attachment “A.”

Section 5. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED on this 5 day of May 2026.

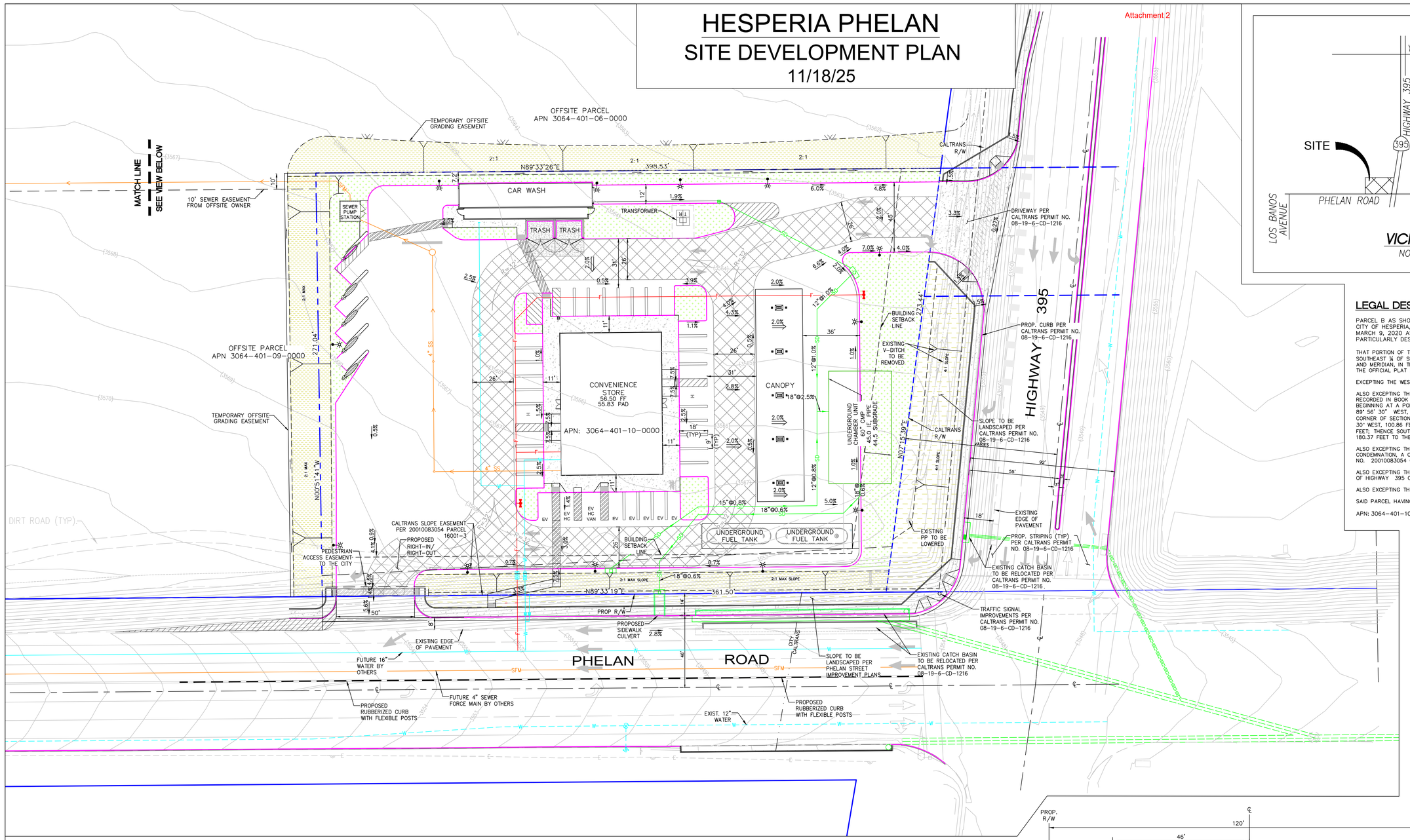
_____
Brigit Bennington, Mayor

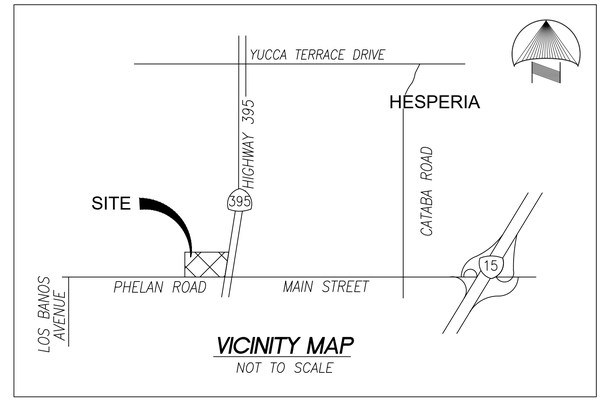
ATTEST:

_____
Jessica Giber, Assistant City Clerk

Attachment 2

HESPERIA PHELAN
SITE DEVELOPMENT PLAN
11/18/25





VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION:

PARCEL B AS SHOWN ON THAT CERTAIN LOT LINE ADJUSTMENT 2019-00002, IN THE CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, RECORDED MARCH 9, 2020 AS INSTRUMENT NO. 2020-0083495 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST ¼ OF SECTION 16, TOWNSHIP 4 NORTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT APPROVED BY THE SURVEYOR GENERAL JULY 25, 1856.

EXCEPTING THE WEST 654.34 FEET.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA IN DEED RECORDED IN BOOK 1231, PAGE 39 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH LINE OF SAID SECTION 16, DISTANT THEREON, SOUTH 89° 56' 30" WEST, 5361.14 FEET, FROM A 2 INCH IRON PIPE MARKING THE SOUTHEAST CORNER OF SECTION 15, SAID TOWNSHIP 4 NORTH, RANGE 5 WEST; THENCE SOUTH 89° 56' 30" WEST, 100.86 FEET, ALONG SAID SOUTH LINE; THENCE NORTH 7° 25' 30" EAST, 180.79 FEET; THENCE SOUTH 89° 45' 30" EAST, 100.01 FEET; THENCE SOUTH 7° 25' 30" WEST, 180.37 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION CONDEMNED TO THE STATE BY FINAL ORDER OF CONDEMNATION, A CERTIFIED COPY OF WHICH WAS RECORDED MARCH 6, 2001 AS INSTRUMENT NO. 20010083054 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF SAID PARCEL BEING ALL OF THE LAND EAST OF HIGHWAY 395 OF SAID PARCELS.

ALSO EXCEPTING THEREFROM THAT PORTION LYING WITHIN PHELAN ROAD.

SAID PARCEL HAVING 2.37 ACRES MORE OR LESS

APN: 3064-401-10

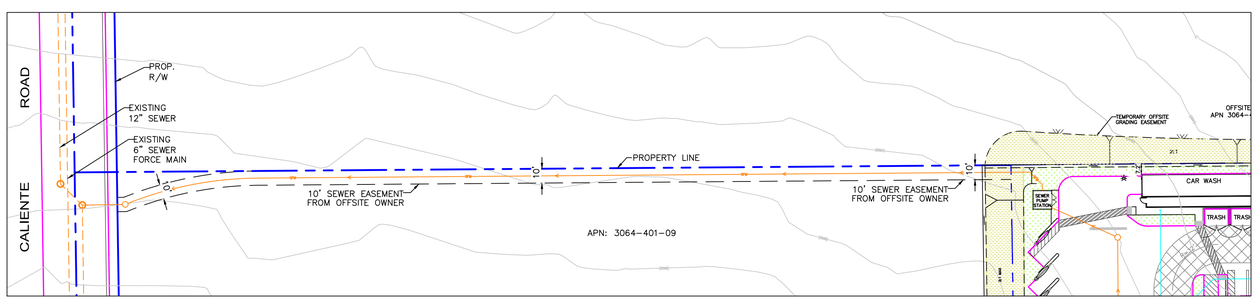
LANDSCAPE LEGEND:

- FLAT LANDSCAPE AREA (0.35 AC)
- SLOPED LANDSCAPE AREA (0.43 AC)
- OFFSITE LANDSCAPE AREA (0.21 AC)

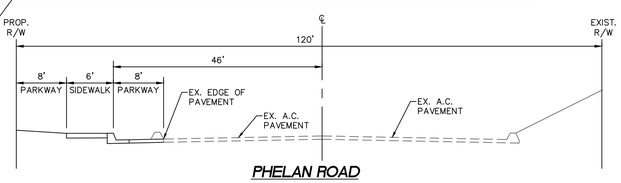
SCALE: 1"=30'

LEGEND:

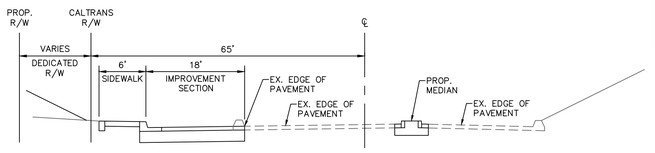
- PROJECT BOUNDARY
- PROPOSED RIGHT OF WAY
- EXISTING RIGHT OF WAY
- EXISTING E.O.P.
- EXISTING CURB
- PROPOSED CURB
- RUBBERIZED CURB WITH FLEXIBLE POSTS
- 3550 EXISTING CONTOUR
- 3550 PROPOSED CONTOUR
- -S- EXISTING SEWER
- -S- PROPOSED SEWER
- -SFM- PROPOSED SEWER FORCE MAIN
- -W- EXISTING WATER
- -W- PROPOSED WATER
- -F- PROPOSED FIRE LINE
- -SD- PROPOSED STORM DRAIN
- -SD- EXISTING STORM DRAIN
- PROPOSED FIRE HYDRANT
- PRIVATE DRIVEWAY AND FIRE LANE (26' MIN)



VIEW OF SEWER LATERAL WEST



PHELAN ROAD
TYPICAL SECTION
NOT TO SCALE



HIGHWAY 395
TYPICAL SECTION
NOT TO SCALE

SCALE: 1"=50'

NOTE: ADD 3500 TO ALL PROPOSED ELEVATIONS SHOWN.

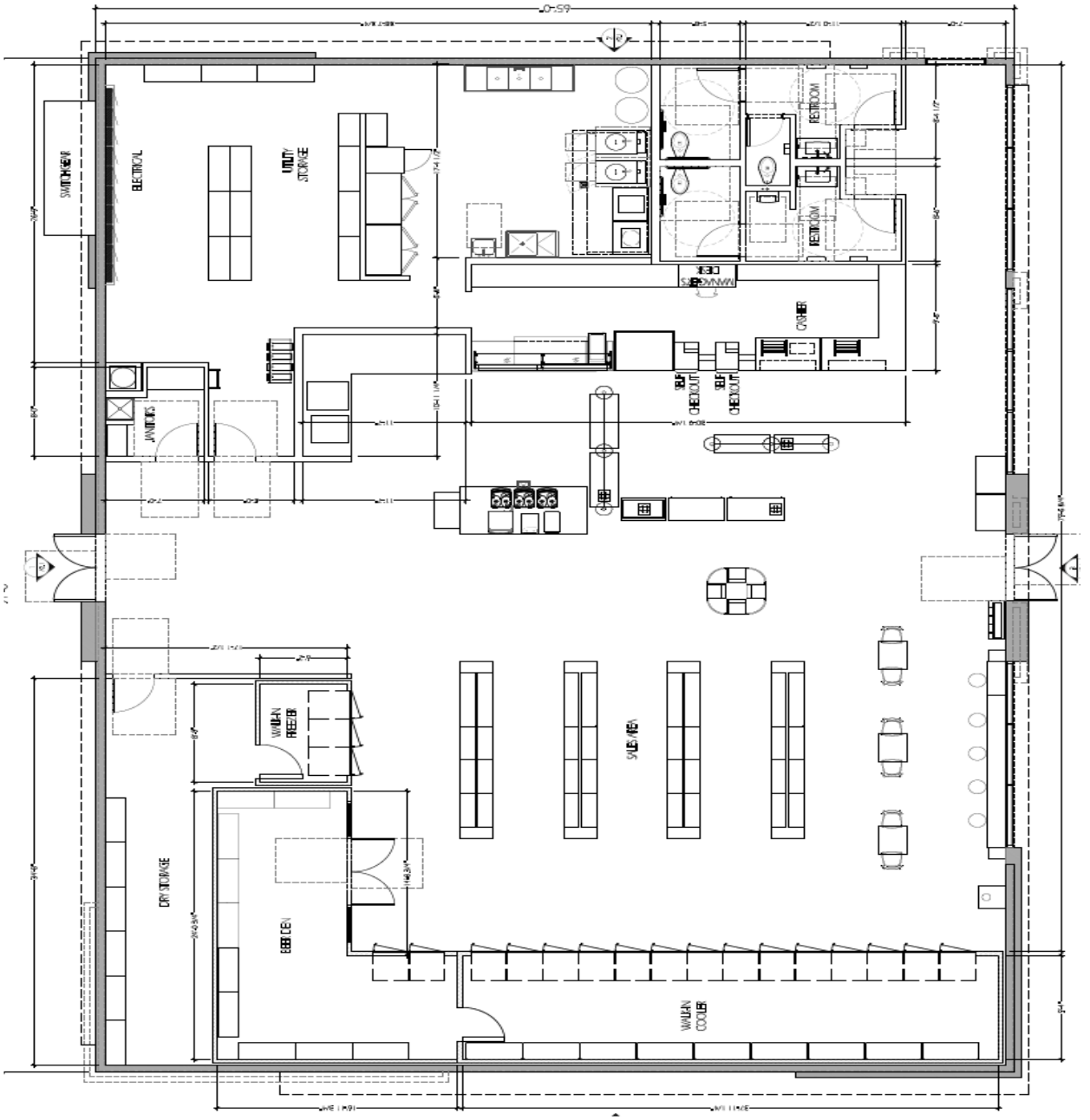
ALLIANCE
LAND PLANNING & ENGINEERING INC.
CIVIL ENGINEERING • LAND PLANNING • HILLSIDE DESIGN • SURVEYING
2248 FARADAY AVE.
CARLSBAD, CA 92008
TEL: (760) 431-9896
FAX: (760) 431-8802
27413 TOURNEY ROAD
SUITE 120
VALENCIA, CA 91355
TEL: (661) 799-2760

OWNER:
PLAZA STREET FUND 167, LLC
3400 COLLEGE BLVD., SUITE 200
LEAWOOD, KS 66211

SHEET NUMBER
SP 1

I:\CAD\2418 - HESPERIA PHELAN\SITE DEVELOPEMENT PLAN\2418-SITE_DEV_PLAN.dwg

ATTACHMENT 3



APPLICANT(S): AUE ENERGY LLC	**FILE NO(S):** CUP24-00012
LOCATION: NORTHWEST CORNER OF PHELAN ROAS AND HWY 395.	**APN(S):** 3064-401-10

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT, CUP24-00012 TO CONSTRUCT A 5,915 SQUARE FOOT CONVENIENCE STORE WITH OFF-SALE OF ALCOHOL ALONG WITH A 4,080 SQUARE FOOT FUELING STATION CANOPY WITH 10 PUMPS AND A 1,968 SQUARE FOOT DRIVE THRU CARWASH IN CONJUNCTION WITH ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE PROVISIONS OF CEQA ON A 2.36 ACRE SITE WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

N

CONVENIENCE STORE FLOOR PLAN

ATTACHMENT 4

APPLICANT(S): AUE ENERGY LLC	**FILE NO(S):** CUP24-00012
LOCATION: NORTHWEST CORNER OF PHELAN ROAS AND HWY 395.	**APN(S):** 3064-401-10

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT, CUP24-00012 TO CONSTRUCT A 5,915 SQUARE FOOT CONVENIENCE STORE WITH OFF-SALE OF ALCOHOL ALONG WITH A 4,080 SQUARE FOOT FUELING STATION CANOPY WITH 10 PUMPS AND A 1,968 SQUARE FOOT DRIVE THRU CARWASH IN CONJUNCTION WITH ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE PROVISIONS OF CEQA ON A 2.36 ACRE SITE WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

N

AERIAL

ATTACHMENT 5

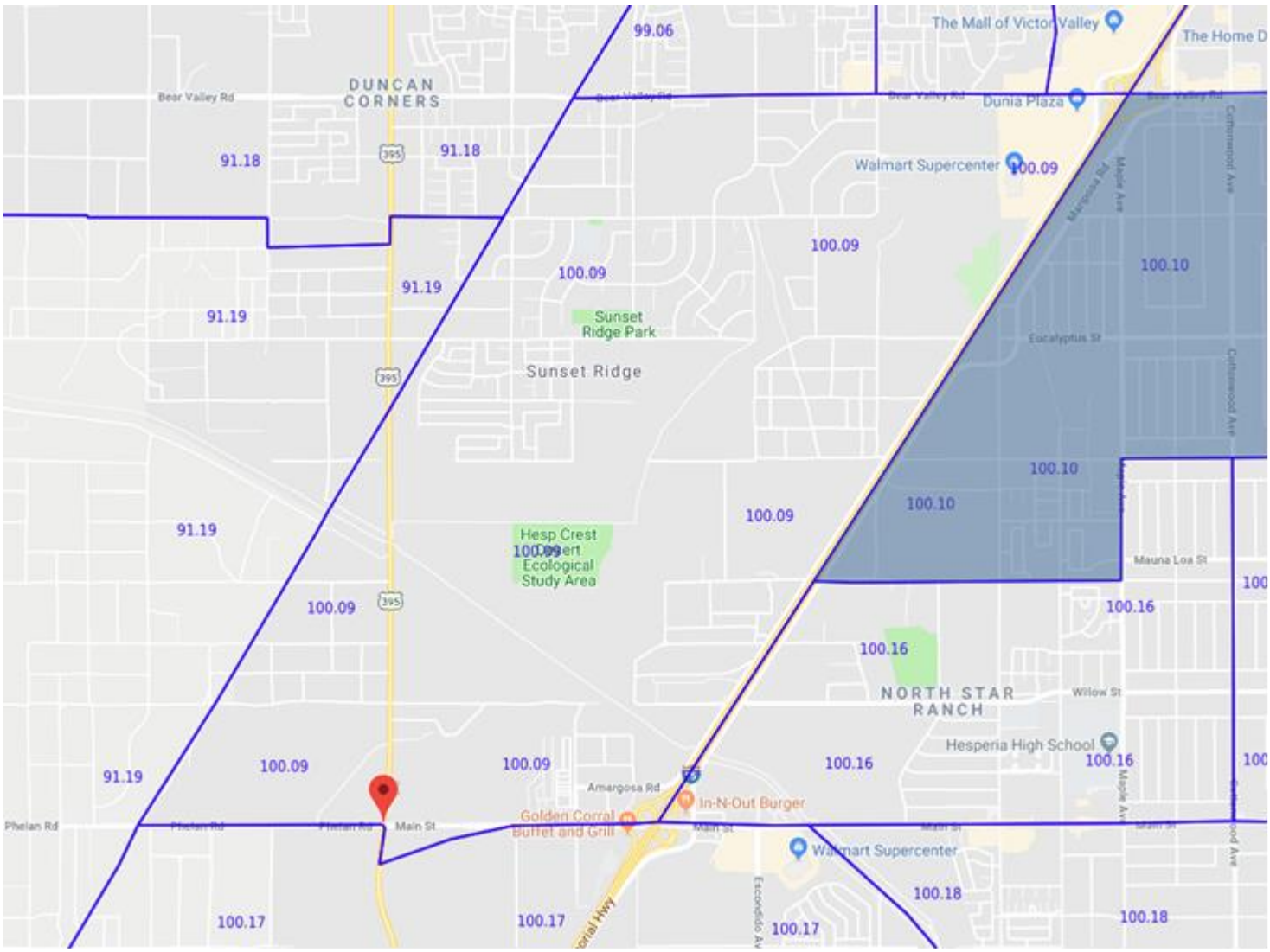
APPLICANT(S): AUE ENERGY LLC	**FILE NO(S):** CUP24-00012
LOCATION: NORTHWEST CORNER OF PHELAN ROAS AND HWY 395.	**APN(S):** 3064-401-10

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT, CUP24-00012 TO CONSTRUCT A 5,915 SQUARE FOOT CONVENIENCE STORE WITH OFF-SALE OF ALCOHOL ALONG WITH A 4,080 SQUARE FOOT FUELING STATION CANOPY WITH 10 PUMPS AND A 1,968 SQUARE FOOT DRIVE THRU CARWASH IN CONJUNCTION WITH ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE PROVISIONS OF CEQA ON A 2.36 ACRE SITE WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

N

GENERAL PLAN LANDUSE MAP

ATTACHMENT 6



APPLICANT(S): AUE ENERGY LLC	**FILE NO(S):** CUP24-00012
LOCATION: NORTHWEST CORNER OF PHELAN ROAS AND HWY 395.	**APN(S):** 3064-401-10

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT, CUP24-00012 TO CONSTRUCT A 5,915 SQUARE FOOT CONVENIENCE STORE WITH OFF-SALE OF ALCOHOL ALONG WITH A 4,080 SQUARE FOOT FUELING STATION CANOPY WITH 10 PUMPS AND A 1,968 SQUARE FOOT DRIVE THRU CARWASH IN CONJUNCTION WITH ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE PROVISIONS OF CEQA ON A 2.36 ACRE SITE WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

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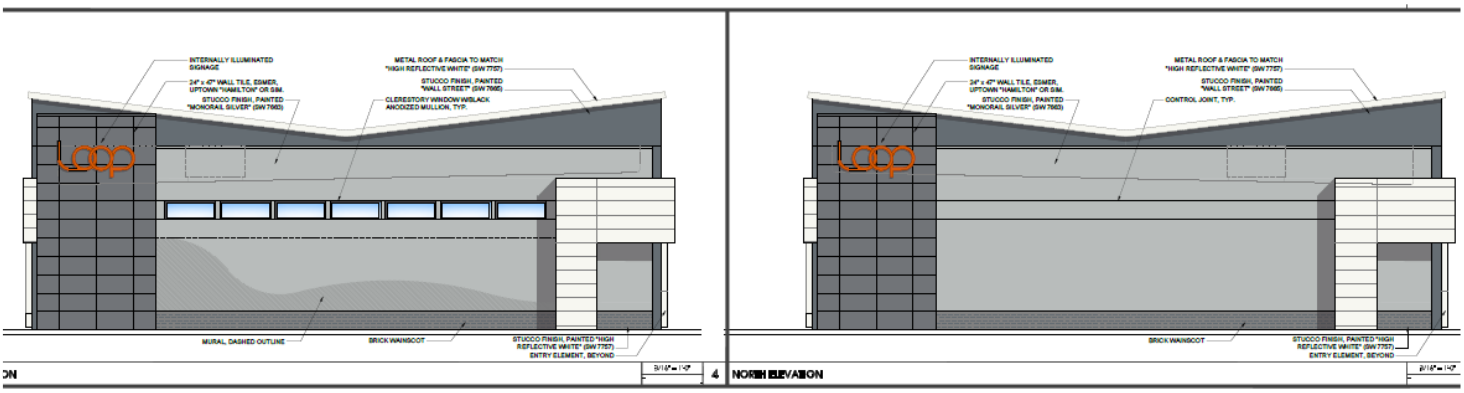
CENSUS TRACT MAP

ATTACHMENT 7



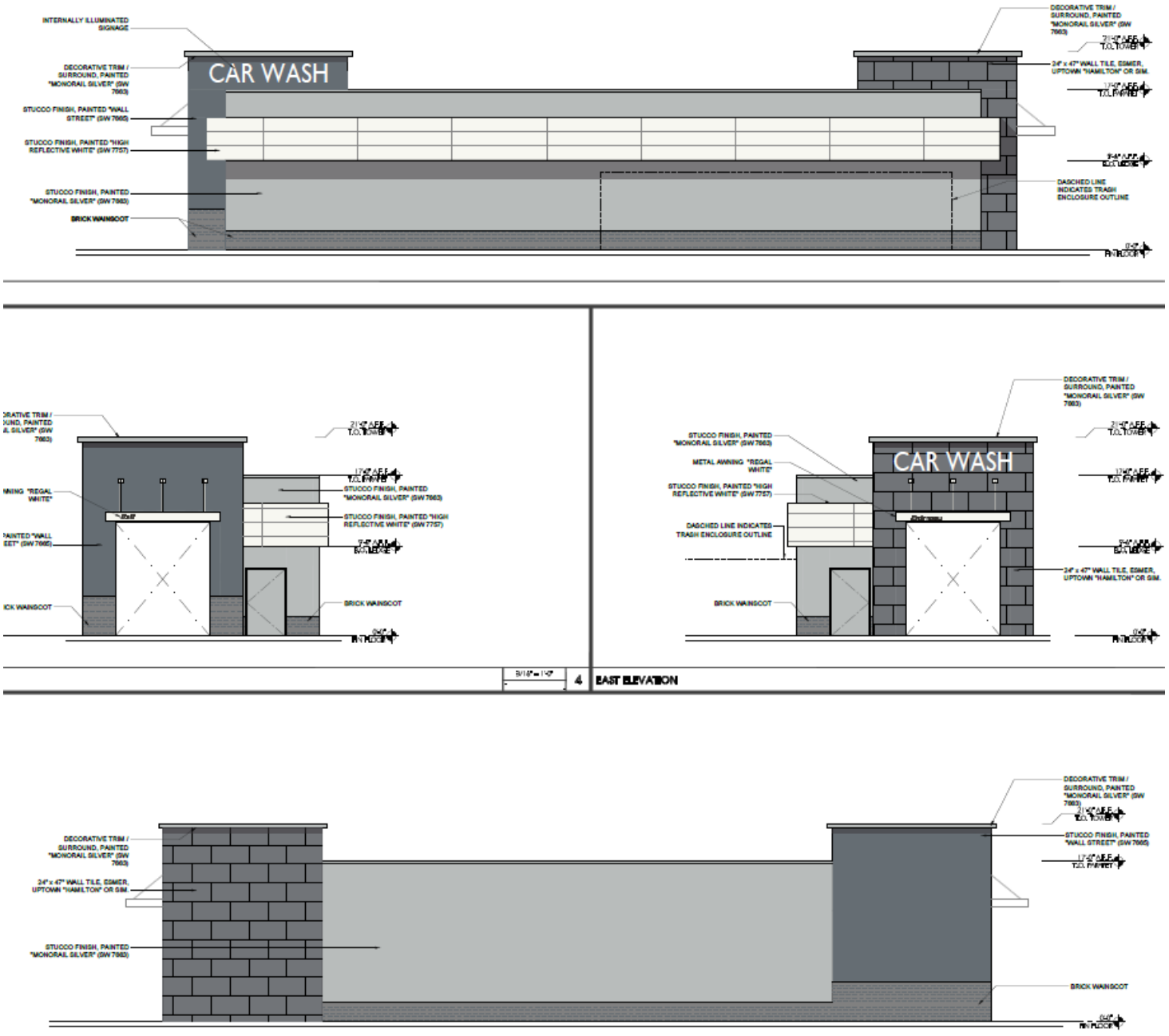
APPLICANT(S): AUE ENERGY LLC	**FILE NO(S):** CUP24-00012
LOCATION: NORTHWEST CORNER OF PHELAN ROAS AND HWY 395.	**APN(S):** 3064-401-10

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT, CUP24-00012 TO CONSTRUCT A 5,915 SQUARE FOOT CONVENIENCE STORE WITH OFF-SALE OF ALCOHOL ALONG WITH A 4,080 SQUARE FOOT FUELING STATION CANOPY WITH 10 PUMPS AND A 1,968 SQUARE FOOT DRIVE THRU CARWASH IN CONJUNCTION WITH ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE PROVISIONS OF CEQA ON A 2.36 ACRE SITE WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

N

CONVENIENCE STORE ELEVATIONS

ATTACHMENT 5



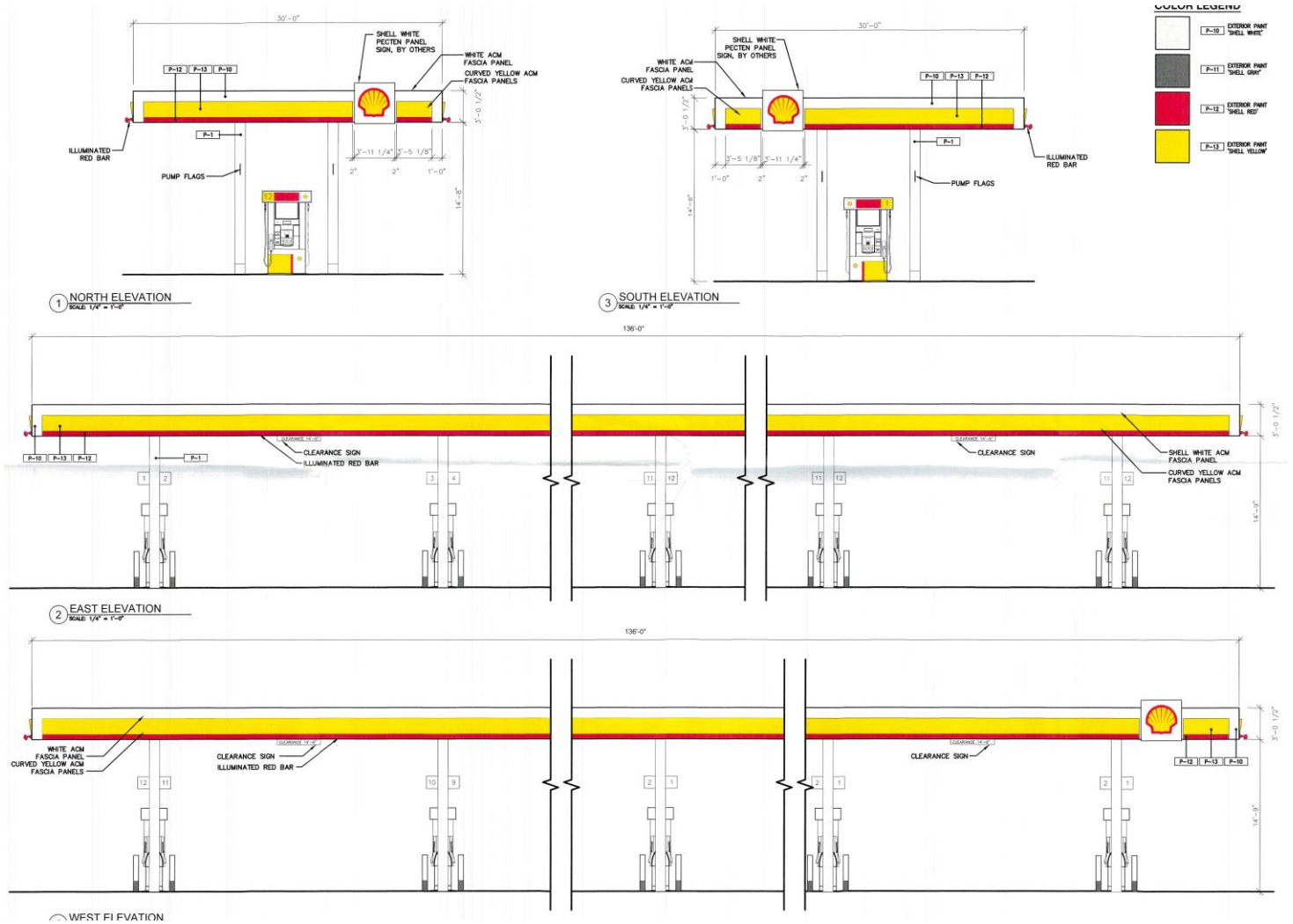
APPLICANT(S): AUE ENERGY LLC	**FILE NO(S):** CUP24-00012
LOCATION: NORTHWEST CORNER OF PHELAN ROAS AND HWY 395.	**APN(S):** 3064-401-10

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT, CUP24-00012 TO CONSTRUCT A 5,915 SQUARE FOOT CONVENIENCE STORE WITH OFF-SALE OF ALCOHOL ALONG WITH A 4,080 SQUARE FOOT FUELING STATION CANOPY WITH 10 PUMPS AND A 1,968 SQUARE FOOT DRIVE THRU CARWASH IN CONJUNCTION WITH ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE PROVISIONS OF CEQA ON A 2.36 ACRE SITE WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

N

CARWASH ELEVATIONS

ATTACHMENT 5



APPLICANT(S): AUE ENERGY LLC	**FILE NO(S):** CUP24-00012
LOCATION: NORTHWEST CORNER OF PHELAN ROAS AND HWY 395.	**APN(S):** 3064-401-10

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT, CUP24-00012 TO CONSTRUCT A 5,915 SQUARE FOOT CONVENIENCE STORE WITH OFF-SALE OF ALCOHOL ALONG WITH A 4,080 SQUARE FOOT FUELING STATION CANOPY WITH 10 PUMPS AND A 1,968 SQUARE FOOT DRIVE THRU CARWASH IN CONJUNCTION WITH ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE PROVISIONS OF CEQA ON A 2.36 ACRE SITE WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

N

FUEL CANOPY ELEVATIONS

Leilani Henry

From: Chris Anderson <canderson1138@gmail.com>
Sent: Thursday, January 22, 2026 10:07 AM
To: Leilani Henry
Subject: Hesperia Phelan CUP24-00012 Initial Study/Mitigated Negative Declaration

You don't often get email from canderson1138@gmail.com. Learn why this is important

Hi,

I would like to comment that the study does not appropriately evaluate the impacts on thru traffic westbound along Phelan Rd at the entrance to the proposed gas station. Appropriations must be made to ensure safety of motorists entering and passing by the station along Phelan road similar to the planned widening improvements on Highway 395, i.e Phelan Rd must have a dedicated right turn lane into the gas station as PHelan Rd is a major roadway as established within the Initial Study and the City's Plan.

Thank you

Chris Anderson

Mojave Desert Air Quality Management District
Brad Poiriez, *Executive Director*
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • Fax 760.245.2022
www.MDAQMD.ca.gov • @MDAQMD

January 22, 2026

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

Project: Hesperia Phelan (CUP24-00012) Project

Dear Ms. Henry:

The Mojave Desert Air Quality Management District (District) has reviewed the Project Notice for the Au Energy Fueling Station Project. The project proposes to construct and operate a 5,915-square-foot convenience store, five fuel islands (10 pumps total) beneath a 4,080-square-foot canopy, and a 1,968-square-foot automated car wash tunnel on an approximately 115,870-square-foot (2.66-acre) site.

We have reviewed the project as proposed and based on the information available to us at this time, the District requires that fugitive dust best management practices (including but not limited to applicable provisions of District Rule 403) are implemented on all non-paved transport roads, access points, and parking areas. The District also requires that the proponent obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to; fuel storage and dispensing equipment, and internal combustion engines with a manufacture's maximum continuous rating greater than or equal to 50 brake horsepower. An asbestos checklist is required for any demolition or renovation of existing buildings. MDAQMD asbestos informational flowchart and notification forms are available at: https://www.mdaqmd.ca.gov/permitting/asbestos-information.

Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 1846, or Bertrand Gaschot at extension 4020.

Sincerely,

Chris Anderson
Planning and Air Monitoring Supervisor

CA/bg Hesperia CUP24-00012 2026 22 Jan

Docusign Envelope ID: 255320F6-97D8-4CE1-B0F8-AEEA2D9CD601

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

GAVIN NEWSOM, Governor
VALERIE TERMINI, Acting Director

February 6, 2026
Sent via email

Leilani Henry
Associate Planner
City of Hesperia
9700 Seventh Avenue
Hesperia, California 92345
Elena.Barragan@lus.sbcounty.gov

Subject: Hesperia Phelan CUP24-00012 (Project)
Mitigated Negative Declaration (MND)
SCH# 2026010656

Dear Leilani Henry:

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

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

CDFW ROLE

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

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

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

PROJECT DESCRIPTION SUMMARY

Project Proponent: Au Energy, LLC

Objective: The Project proposes to construct and operate a 5,915-square-foot convenience store, five fuel islands (10 pumps total) beneath a 4,080-square-foot canopy, and a 1,968-square-foot automated car wash tunnel on an approximately 2.66-acre site. The entire 2.66-acre site will be developed with approximately 1.88 acres of paved surface area and 0.78-acres of landscaped area. Other Project elements include 40 parking spaces, two driveways both off U.S. Highway 395 (US-395) and Phelan Road, installation of traffic signals, widening of the southbound side of US-395 by 58-feet from centerline, and underground petroleum storage tanks.

Location: The Project is located in the City of Hesperia in the Mojave Desert of San Bernardino County, north of Phelan Road, west of US-395, and south of Yucca Terrace Dr. The Project is located on Accessor's Parcel Number (APN) 3064-401-10 with grading and landscaping extending onto APNs 3064-401-06 and 3064-401-09, and the proposed sewer line extending onto APN 3064-401-09. The Project site's latitude and longitude are 34.427541°N and -117.400975°W.

Timeframe: Undescribed

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Please note that no biological studies were conducted for the Project prior to the circulation of the MND.

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COMMENT # 1: Burrowing Owl (*Athene cunicularia*)

Issue: The Project has the potential to result in permanent loss, degradation, and impacts to burrowing owl habitat. The Project may result in the take of burrowing owl, a candidate species under the CESA, during construction of the Project and the life of the Project. California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill".

Specific impact: Project related activities may result in direct or indirect take of burrowing owl by reducing/eliminating suitable habitat for the species, restricting species movement, or causing injury or mortality.

Why impact would occur: Mitigation Measure (MM) BIO-2 proposes to conduct a pre-construction survey to identify burrows of species with the potential to occur on the Project site. This general approach concerns CDFW, as surveys may not follow proper protocols and may miss sign or presence of burrowing owl. Additionally, no surveys for burrowing owl have been conducted consistent with Appendix D of the CDFW 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) to properly assess whether burrowing owl may be present within the Project site or surrounding areas. Impacts to burrowing owl may be significant if burrowing owl is not properly identified on-site. Additionally, Mitigation Measure MM BIO-3 details actions to avoid and minimize impacts to burrowing owl; for example, buffers and a mortality reduction or avoidance plan. However, if surveys detect burrowing owl, the Project Applicant should fully avoid impacts to burrowing owl or obtain a CESA Incidental Take Permit (ITP).

Evidence impact would be significant: On October 10, 2024, the Fish and Game Commission determined that burrowing owl warrants protection as a candidate species under CESA (Fish & G. Code, § 2050 et seq.). During the candidacy period, burrowing owl is afforded the same protection as a threatened and endangered species under CESA. The Project, as described, may result in injury, direct mortality, indirect mortality, disruption of breeding behavior, and/or may reduce reproductive capacity of the species. CDFW considers the direct and indirect take of burrowing owl, and the loss of the species' habitat as a significant impact, unless mitigated to a level of less than significant and in compliance with State (*i.e.,* Fish and Game Code sections 3503.5, *etc.*) and Federal laws (*i.e.,* Migratory Bird Treaty Act). If Project activities could result in take, appropriate CESA authorization (i.e., ITP under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities.

Recommended Potentially Feasible Mitigation Measure(s) to Reduce Impacts to Less than Significant: CDFW appreciates that the MND provided mitigation measures, MM BIO-2 and MM BIO-3 to avoid and minimize the Project's impacts to burrowing owl. In consideration of the above-mentioned, CDFW offers the following revisions to MM BIO-2 and MM BIO-3 (edits are in ~~strikethrough~~ and **bold**) for inclusions in the final MND.

MM BIO-2: Pre-Construction ~~Burrow~~ Surveys (Revised)

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A qualified biologist will perform **breeding season and non-breeding season burrowing owl** ~~one~~ pre-construction ~~burrow~~ survey**s** of the Project work area **according to the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version)** ~~no more than 14 days~~ prior to ground-disturbing activities~~, and a second pre-construction burrow survey within 24 hours of ground-disturbing activities~~. **If performing both breeding season and non-breeding season surveys is infeasible, Project Proponent shall coordinate with CDFW regarding whether to proceed with either breeding season surveys or non-breeding season surveys, which will be determined by CDFW and depend on Project timelines.** The qualified biologist **conducting the surveys** will identify, flag, and map all burrows potentially occupied by burrowing owl and ~~then~~ confirm occupation of all potential burrows ~~for buffers and avoidance~~. Methods of determining burrow occupancy may include, but will not be limited to, visual observations of scat or tracks outside burrow entrances, ~~dusting burrow entrances with a tracking medium for a period of 3 days~~, installing trail cameras for nocturnal observations, ~~small mammal trapping,~~ or a combination of these methods as appropriate. If burrows occupied by burrowing owl **or sign is** ~~are~~ identified, ~~they will be avoided in accordance with~~ MM BIO-3 **shall apply**.

Mitigation Measure MM BIO-3: Burrow Avoidance

If burrows occupied by burrowing owl are found during pre-construction ~~burrow~~ surveys, adequate buffers will be established around burrows. Adequate buffers will be determined by a qualified biologist based on field conditions and the CDFW Staff Report on Burrowing Owl Mitigation (2012). **However, the Project Proponent shall ensure full avoidance of impacts to burrowing owl occurs.** If occupied burrows cannot be avoided **or if any other impact to burrowing owl cannot be fully avoided**, the CDFW will be consulted **and a CESA ITP shall be obtained**~~, and a burrowing owl-specific mortality reduction or avoidance plan will be developed~~. ~~This plan may include, but will not be limited to the following:~~

- ~~Detailed description of trapping methodology, -~~
- ~~Detailed burrow excavation methods, -~~
- ~~Release location(s), - Detailed release methods, -~~
- ~~Artificial burrow design and installation methods, -~~
- ~~Description of exclusion fencing type and implementation, and –~~
- ~~Identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured burrowing owl.~~

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~~Any other construction activities that may impact burrows occupied by burrowing owl (including movement of construction equipment and other activities outside of the fenced/paved areas within wildlife habitat) will be monitored by a qualified biologist. The monitor/inspector will have the authority to stop work activities upon the discovery of burrowing owl sign and allow construction to proceed after the identification and implementation of steps required to avoid or minimize impacts to burrowing owl.~~

COMMENT #2: Nesting Birds

Issue: The Project may have impacts on nesting birds, including CESA-listed birds, Species of Special Concern (SSC), and birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918.

Specific impact: The Project could result in direct take of birds associated with grading, vegetation removal, and vehicle and equipment strike and indirect take associated with Project operations such as attracting predators and displacement. Further, the Project may lead to the reduction of habitat and habitat quality. For example, the Project is likely to permanently remove foraging and nesting habitat for avian species, such as but not limited to grey vireo (*Vireo vicinor*) (SSC), Cooper's hawk (*Accipiter cooperii*) (SSC), loggerhead shrike (*Lanius ludovicianus*) (SSC), and LeConte's thrasher (*Toxostoma lecontei*) (SSC).

Why impact would occur: MM BIO-4 of the MND proposes to conduct pre-construction surveys for nesting birds; however, MM BIO-4 limits pre-construction surveys for nesting birds to the typical bird nesting season (i.e., February to August). CDFW recommends that disturbance to occupied nests of non-migratory passerine birds, migratory birds, and raptors within the Project site and surrounding area be avoided *any time* birds are nesting onsite. This is in consideration that studies have shown that migratory bird species arrive earlier in the season partially in response to higher temperatures influenced by climate change (Usui et. al. 2016). In addition, in response to warming, birds have been reported to breed earlier and CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates.

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Evidence impact would be significant: It is the Project Proponent's responsibility to avoid take of all nesting birds. Fish & G. Code § 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish & G. Code § 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish & G. Code § 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

Recommended Potentially Feasible Mitigation Measure(s) to Reduce Impacts to Less than Significant: CDFW appreciates that the draft MND provided a mitigation measure, MM BIO-4, to minimize the Project's impacts to nesting birds. CDFW offers the following revisions to MM BIO-4 (edits are in ~~strikethrough~~ and bold) for inclusions in the final MND to avoid and minimize impacts to nesting birds.

Mitigation Measure: MM BIO-4: Nesting Bird Survey.

A pre-construction nesting bird survey will be conducted prior to vegetation removal or **initial Project ground disturbance** ~~relocation activities between the nesting bird season (i.e., February 15 through August 31)~~. If an active bird nest that may be impacted by Project-related activities is observed, AMMs, including delaying construction within the immediate vicinity of the active nest or establishing a nest buffer determined by a qualified biologist until the young have fledged or the nest has failed, will be implemented.

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of

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environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Jason Bill, Senior Environmental Scientist (Specialist) at Christopher.Bill@wildlife.ca.gov

Sincerely,

DocuSigned by:
Alisa Ellsworth
84FBB8273E4C480...

Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@lci.ca.gov

Sunny Goyal, Vice President
Au Energy, LLC
sunny@loopneighborhood.com

Matt Winter, Lead Planner
Insignia Environmental Consulting Firm
mwinter@insigniaenv.com

ATTACHMENTS

Attachment A: Mitigation Monitoring and Reporting Plan

REFERENCES

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: Microsoft Word - BUOW Staff Report_final_030712 REV 1.doc (ca.gov)

Usui, T., Butchart, S.H.M., and Philmore A.B., (2016). Temporal Shifts and Temperature Sensitivity of Avian Spring Migratory Phenology: A Phylogenetic Meta-analysis. *Journal of Animal Ecology* 86(2): 250-261.

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Attachment A

Mitigation Monitoring and Reporting Plan

Biological Resources (BIO)		
Mitigation Measure (MM)	**Implementation Schedule**	**Responsible Party**
MM BIO-2: Pre-Construction Surveys A qualified biologist will perform breeding season and non-breeding season burrowing owl pre-construction surveys of the Project work area according to the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version). If performing both breeding season and non-breeding season surveys is infeasible, Project Proponent shall coordinate with CDFW regarding whether to proceed with either breeding season surveys or non-breeding season surveys, which will be determined by CDFW and depend on Project timelines. The qualified biologist conducting the surveys will identify, flag, and map all burrows potentially occupied by burrowing owl and confirm occupation of all potential burrows. Methods of determining burrow occupancy may include, but will not be limited to, visual observations of scat or tracks outside burrow entrances, installing trail cameras for nocturnal observations, or a combination of these methods as appropriate. If burrows occupied by burrowing owl or sign is identified, MM BIO-3 shall apply.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist
MM BIO-3: Burrow Avoidance If burrows occupied by burrowing owl are found during pre-construction surveys, adequate buffers will be established around burrows. Adequate buffers will be determined by a qualified biologist based on field conditions and the CDFW Staff Report on Burrowing Owl Mitigation (2012).	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist

Docusign Envelope ID: 255320F6-97D8-4CE1-B0F8-AEEA2D9CD601

However, the Project Proponent shall ensure full avoidance of impacts to burrowing owl occurs. If occupied burrows cannot be avoided or if any other impact to burrowing owl cannot be fully avoided, the CDFW will be consulted and a CESA ITP shall be obtained.		
MM BIO 4: Nesting Bird Survey A pre-construction nesting bird survey will be conducted prior to vegetation removal or initial Project ground disturbance. If an active bird nest that may be impacted by Project-related activities is observed, AMMs, including delaying construction within the immediate vicinity of the active nest or establishing a nest buffer determined by a qualified biologist until the young have fledged or the nest has failed, will be implemented.	Prior to vegetation removal or initial ground disturbance	Project proponent and Qualified Biologist

California Department of Transportation

DISTRICT 8
464 WEST 4TH STREET
SAN BERNARDINO CA, 92401
(909) 963-8604
www.dot.ca.gov

February 18, 2026

Route & Postmile #: US-395/R5.655
Cross Street: US-395 & Phelan Rd.
GTS ID: 38981

City of Hesperia
Planning Division
Attn: Leilani Henry
9700 Seventh Avenue,
Hesperia, CA, 92345

Subject: Comments on the Initial Study Mitigated Negative Declaration (IS/MND) for Hesperia Phelan CUP24-00012 Project

Dear Leilani Henry:

Thank you for including The California Department of Transportation (Caltrans), District 8, Local Development Review (LDR) branch in the environmental review process. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the IS/MND for Hesperia Phelan CUP24-00012 project.

Project Understanding:
The proposed project is located on the northwest corner of the United States (U.S.) Highway 395 and Phelan Road in the City of Hesperia (City) in San Bernardino County, California (Assessor's Parcel Number 3064-401-10). The project proposes to construct and operate a 5,915-square-foot convenience store, five fuel islands (10 pumps total) beneath a 4,080-square-foot canopy, and a 1,968-square-foot automated car wash tunnel on an approximately 115,870-square-foot (2.66-acre) site. In addition, the proposed project includes improvements to U.S. Highway 395 and the traffic signal on the northwestern corner of the Phelan Road and U.S. Highway 395 intersection. This IS/MND evaluates project-level impacts for commercial development, improvements to U.S. Highway 395, and the enhancements to traffic signal.

Traffic Operations:
General:

1. Please include distance from curb return at the intersection of Phelan Road and US 395 to the proposed driveway on US 395.
2. Please include Responses to Review Comments memorandum for your next review submittal.

Traffic Analysis Report:

3. Please provide a Traffic Impact Analysis with the items below:
    a. Please include discussion on the type of trucks this facility will service and provide truck turning templates for the intersection of Phelan Rd/US-395.
    b. Please perform a queuing analysis for the intersection of Phelan Rd/US-395 and any additional locations that will generate additional trips on the State Highway System.
        i. Please provide traffic data to support the queuing analysis.
        ii. Add queuing analysis for the existing conditions, opening year, and horizon year.
4. In the Hesperia Loop and Gas Trip Distribution Map, the location of Study intersection #3 is incorrect. It is currently shown at Acacia Rd in the figure. Please correct to show Yucca Terrace Drive.

Safety Reviews:

5. The proposed project will generate additional trips on the State Highway System, please provide traffic safety review as a stand-alone report for the intersection Rd and US 395. See the attached Local Development Review (LDR) Safety Review Practitioner's Guidance.
    a. To request crash data on the State Highway System, please submit your request via our California Public Records Act (CPRA) portal at mycusthelp.com.
    b. Please analyze the existing crash data and discuss project's impact on safety as needed.
    c. Provide appropriate countermeasures (if any) to mitigate/reduce project's impact.

Equitable Access:

If any Caltrans facilities are impacted by the project, they must comply with the American Disabilities Act (ADA) Standards upon project completion. Additionally, the project must ensure the maintenance of bicycle and pedestrian access throughout the construction phase. These access considerations align with Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Caltrans Encroachment Permit:

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (R/W) requires a Caltrans-issued encroachment permit.

For information regarding the Encroachment Permit application and submittal requirements, contact:

Caltrans Office of Encroachment Permits
464 West 4th Street, Basement, MS 619
San Bernardino, CA 92401-1400
(909) 383-4526
D8.E-permits@dot.ca.gov
https://dot.ca.gov/programs/traffic-operations/ep
Important Note: All permit applications must now be submitted through our CEPS Online Portal at: https://ceps.dot.ca.gov/

Please be advised that LDR's point of contact role will conclude upon the completion of the development entitlement process. Once the project is entitled, the Encroachment Permit Office will serve as the primary point of contact moving forward.

Thank you again for including Caltrans in the review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D8@dot.ca.gov or call 909-963-8604.

Sincerely,

Janki Patel

Janki Patel
Branch Chief - Local Development Review
Division of Transportation Planning
Caltrans District 08

Docusign Envelope ID: 449C1FD9-23E2-425C-893C-B70998A85EF6

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY
GAVIN NEWSOM, *Governor*

DEPARTMENT OF WATER RESOURCES
P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

February 19, 2026

Leilani Henry
Associate Planner
City of Hesperia
9700 Seventh Ave.
Hesperia, California 92345
lhenry@hesperiaca.gov

SCH# 2026010656 Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the proposed AU Energy, LLC Hesperia Phelan CUP24-00012 Project, City of Hesperia

Dear Ms. Henry:

The California Department of Water Resources (DWR) Division of Operations and Maintenance (O&M) staff have reviewed the Notice of Intent to adopt the MND from the City of Hesperia's (City) for the proposed Phelan CUP24-00012 Project (CUP24) and appreciates the opportunity to provide the following comments.

Project Description

The Project is located at the intersection of Hwy395 and Phelan Rd in City of Hesperia which is adjacent to and due west of the Arroyo Gande Wash and west of CA Aqueduct. The 2.66-acre site surface will include 1.88 acres of paved surface area and 0.78-acreas of landscaped area. The Project includes the construction and operation of a 5,915-square-foot convenience store with five fuel islands (10 pumps total) beneath a 4,080-square-foot canopy, a 1,968-square-foot automated car wash tunnel and underground petroleum storage tanks (USTs) will be located in the southeastern corner of the Project site. The project site slope is from northeast to southwest with an approximate slope of 3 percent. The entire Project site will be graded to create a flat surface except for approximately .43 acres of sloped landscape area.

Comments:

1.7.1 Project Structures

1. Figure 1 Regional Location

Figure 1 indicates the City Boundary with a red hashed line filled with gray color. The gray color is sufficiently opaque to mask important details and landmarks within the city limits. A photograph, similar to the google maps (figure 1.) which labels the California

Aqueduct and provides adequate detail to identify streets and the location of the Arroyo Grande Wash needs to be added for the public and agencies to evaluate the potential significant impacts of the project.

Figure 2 Project Site is not current and needs to be updated to include the Amazon facility, the structures that appear to be located on Phelan Road, grading work that has been done adjacent to the Amazon facility and then overlay the location of the three parcels. Those updates are needed to demonstrate how the existing Amazon development and other improvements and the three parcels will integrate and to provide reviewers accurate information.

1.9 OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

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Section 1.7.5 Utilities states that the storm drain will extend off the Project site. The IS/MND does not provide information on the Project's off-site drainage pattern, if project stormwater discharges, including from on-site storm drain outlets discharge into or direct flows towards DWR's right of way, an encroachment permit would be needed.

4. ENVIRONMENTAL ANALYSIS

The impacts conclusions throughout this document of less than significant storm water run-off impacts are not supported by technical information. Additional analysis is needed to support the less than significant impact conclusions.

The project location is described as undeveloped land composed of bare ground and sparse vegetation. This is correct, but the description fails to explain that bare ground and sparse vegetation is typical of the area and the natural drainage in the area consists of sheet flows over bare ground which flow to the Oro Grande Wash. The Oro Grande Wash flows near the Phelan Road and Highway 395 intersection and then passes under the California Aqueduct Box Culvert at Mile Post (MP) 394.5 and continues flowing from the northeast side of the Aqueduct. Increased drainage discharges into the Wash increase the sediment load onto the DWR right-of-way.

The IS/MND explains that "[t]o mitigate the addition of 1.88 acres of impervious surfaces proposed by the Project, which can inhibit the infiltration of stormwater, the proposed on-site storm drain system will connect to an underground retention facility located east of the proposed fueling station to retain any additional stormwater runoff and discharge through a new proposed storm drain to Phelan Road. The underground retention facility will be capable of retaining stormwater flows from a 100-year storm event".

The IS/MND does not provide essential information on the new proposed storm drain on Phelan Road, even though it is assumed that storm drain will be completed prior to the completion of the project construction. Will the proposed Phelan storm drain discharge into the Oro Grande Wash? If not, where is the discharge location? Based on drawing SP1 showing proposed and existing utilities, the outlet from proposed underground retention facility will drain into *existing* storm drains located underneath Phelan Road. The IS/MND needs to provide information that the drainage which will be routed through existing Phelan Road storm drains will not discharge at the storm drain and outlet structure located at the north end of Cataba Road (located east of proposed development). The Cataba Road discharge causes significant erosion and sedimentation issues within DWR right of way. Any Project discharge at the Cataba Road location requires an impact analysis .

A Hydrology/Drainage Study analyzing the pre- and post-development runoff volumes and showing that the proposed underground retention facility is sized sufficiently to

Docusign Envelope ID: 449C1FD9-23E2-425C-893C-B70998A85EF6

accommodate expected attenuating peak run-off velocities rather than the 100-year flood event is needed. The Hydrology/Drainage Study needs to analyze the pre and post flows into nearby DWR Cross Drainage Structures mentioned above. If no flows are expected to be discharged downstream impacting DWR cross drainage facilities, then provide analysis and calculation justifying that all stormwater will be collected on-site or be infiltrated. The concerns are uncontrolled runoff directed towards DWR right of way causing ponding, erosion and scour. Provide hydrology or drainage maps for this area showing pre-and post-development flows.

If you have any questions or need additional information, please contact me at (916) 820-8124 or via email at Nancy.finch@water.ca.gov.

Sincerely,

Nancy E Finch

Nancy Finch
Attorney III

Attachments

INSIGNIA ENVIRONMENTAL

AU ENERGY, LLC

HESPERIA PHELAN CUP24-00012

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

MARCH 2026

PREPARED FOR:

Au Energy

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Attachment A: CalEEMod: Hesperia Phelan Detailed Report
Attachment B: Biological Resources Assessment
Attachment C: Archaeological Survey Report
Attachment D: Geotechnical Study
Attachment E: Infiltration Feasibility Study
Attachment F: Scoping Agreement Memorandum

1 – BACKGROUND

1.1 PROJECT TITLE

Au Energy, LLC (Au Energy) Hesperia Phelan CUP24-00012 (Project)

1.2 LEAD AGENCY NAME AND ADDRESS

City of Hesperia Planning Department
9700 Seventh Avenue
Hesperia, CA 92345

1.3 CONTACT PERSON AND PHONE NUMBER

Leilani Henry, Associate Planner
(760) 947-1231

1.4 PROJECT LOCATION

As shown in Figure 1: Regional Location and Figure 2: Project Site, the Project is located on the northwest corner of United States (U.S.) Highway 395 and Phelan Road in the City of Hesperia (City) in San Bernardino County, California (Assessor's Parcel Numbers [APN] 3064-401-10).

1.5 PROJECT SPONSOR'S NAME AND ADDRESS

Au Energy, LLC
41805 Albrae Street
Fremont, CA 94538

1.6 GENERAL PLAN DESIGNATION AND ZONING

The Project site is located on parcels zoned as Neighborhood Commercial (NC) in the City's Main Street and Freeway Corridor Specific Plan. Consistent with the City's Main Street and Freeway Corridor Specific Plan and the NC zone provisions, which encourage the development of businesses that provide convenience goods and services to local residents, this Project will provide fuel, car wash services, and convenience store sales, including the retail sale of beer and wine for off-site consumption.

1.7 DESCRIPTION OF PROJECT

An Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was previously submitted to the City as Conditional Use Permit (CUP) 18-00003 on August 9, 2018. Since that time, the IS/MND and CUP authorization have expired. The currently proposed Project is in roughly the same location and of the same nature as the Project proposed in the original IS/MND, with design changes that have led to a reduced Project scope. As a result, the Project is now primarily limited to one parcel (APN 3064-401-10), with utilities and services extending onto Phelan Road and adjacent parcels. While the size of the proposed convenience store and car wash have increased, the size of the fueling station has decreased, and the fast-food restaurant

and food truck commissary have been removed from the Project scope. Findings and technical reports from the original IS/MND were referenced during preparation of this IS/MND; however, all findings have been verified through additional desktop and/or field review. The updated description of the Project is provided in the following subsections.

1.7.1 Project Structures

The Project includes the construction and operation of a 5,915-square-foot convenience store, five fuel islands (10 pumps total) beneath a 4,080-square-foot canopy, and a 1,968-square-foot automated car wash tunnel on an approximately 115,870-square-foot (2.66-acre) site, as depicted in Figure 3: Site Development Plan. The Project is located on APN 3064-401-10, as depicted in Figure 2: Project Site, with grading and landscaping extending onto APNs 3064-401-06 and 3064-401-09, and the proposed sewer line extending onto APN 3064-401-09, as depicted in Figure 3: Site Development Plan.

The convenience store is proposed to be located at the center of the Project site, approximately 60 feet west of the proposed fueling station and approximately 73 feet south of the proposed car wash. A total of 40 parking spaces are proposed, including 21 standard spaces, 10 standard spaces that are electrical vehicle capable[1], two spaces served by electrical vehicle charging stations, two handicap-accessible spaces, four spaces for use of a vacuum, and one space for use of pressurized air/water. The vacuum and air/water spaces are associated with the proposed car wash and provide users with the ability to manually clean the interior or exterior of their vehicles. Underground storage tanks (USTs) will be located in the southeastern corner of the Project site.

1.7.2 Landscaping and Paving

The entire approximately 2.66-acre site will be developed for the Project, with approximately 1.88 acres (81,893 square feet) of paved surface area and approximately 0.78 acre (33,977 square feet) of landscaped surface area. Because the Project site slopes gradually from northeast to southwest with an approximate slope of 3 percent, the entire Project site will be graded to create a flat surface. The Project will include approximately 0.35 acre (15,246 square feet) of flat landscaped area and approximately 0.43 acre (18,731 square feet) of sloped landscaped area, as depicted in Figure 3: Site Development Plan.

1.7.3 Project Access

Two driveways are proposed for the Project: one on the northeastern corner of the Project site off U.S. Highway 395, and the second on the southwestern corner of the Project site off Phelan Road. As a result, access to the site is proposed from a right-in and right-out-only approach on both U.S. Highway 395 and Phelan Road. During construction, the Project will either be accessed from the proposed driveway off Phelan Road, as shown in Figure 3: Site Development Plan, or a temporary access road in the same location as the sewer line, as shown in Figure 2: Project Site.

[1] A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support electric vehicle charging.

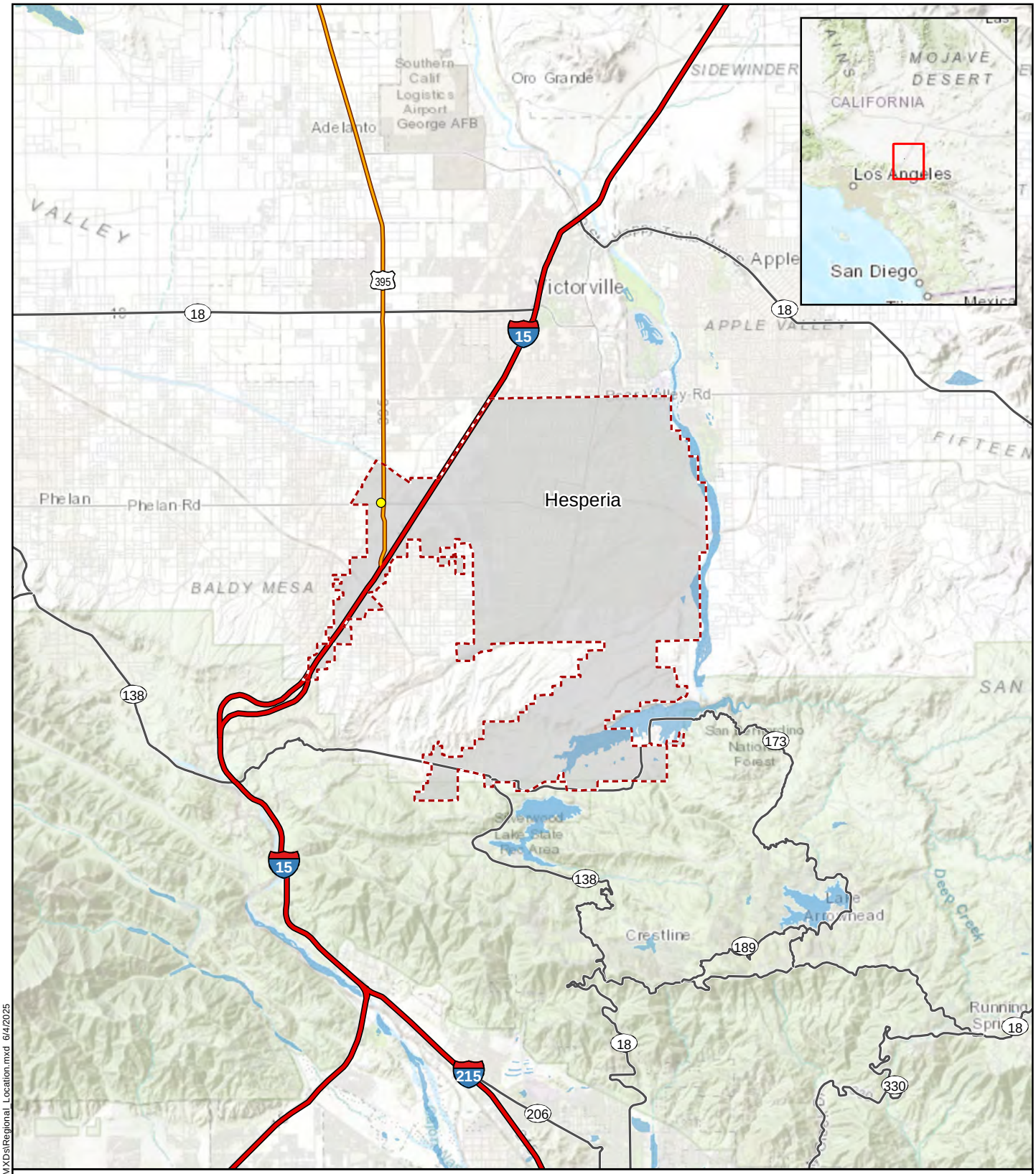

Figure 1: Regional Location **Hesperia Phelan**

- Project Location
- Interstate
- U.S. Highway
- Major Road/State Highway
- City Boundary

1 inch = 4 miles

0 4 Miles

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Figure 2: Project Site

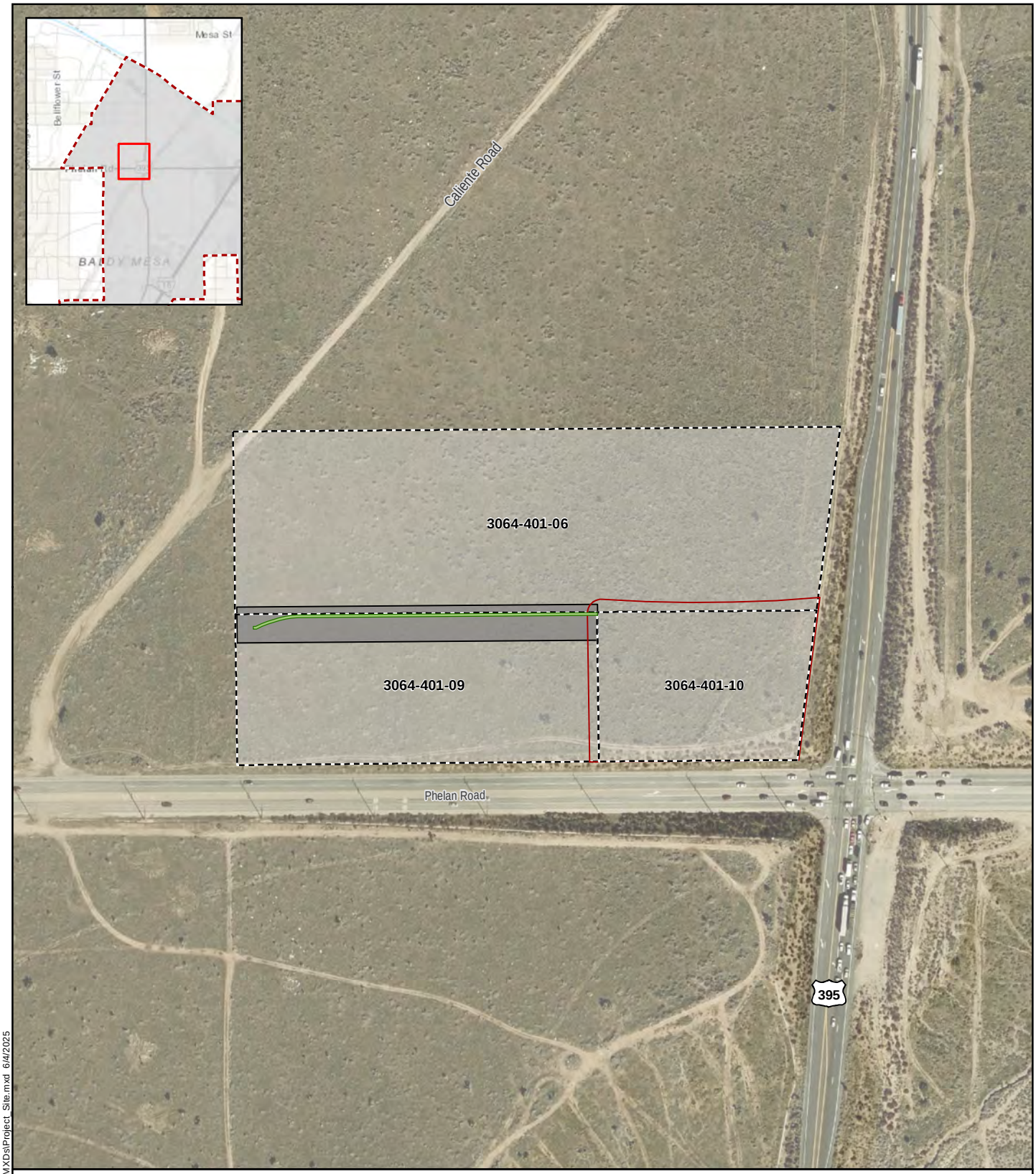

Figure 2: Project Site **Hesperia Phelan**

- Potential Temporary Access Road
- Proposed Sewer Line
- Project Site
- Parcel Boundary
- City Boundary

1:3,000

0 200 400 Feet

Z:\Projects\Au_Energy_Hesperia_Phelan_Gas_Station\MXDs\Project_Site.mxd 6/4/2025

Figure 3: Site Development Plan

1.7.4 Road Improvements

The Project includes improvements to U.S. Highway 395, Phelan Road, and the traffic signal on the northwestern corner of the Phelan Road and U.S. Highway 395 intersection, as depicted in Figure 3: Site Development Plan. The southbound side of U.S. Highway 395 will be widened to 58 feet from the centerline to allow for the following:

- installation of a 3-foot-wide median at the centerline,
- a dedicated bike lane along the southbound side,
- a dedicated right-turn lane to access the Project and to turn right onto Phelan Road,
- two southbound lanes, and
- one left-turn lane to travel east.

Rubberized curbs with flexible posts are proposed along the Phelan Road median.

1.7.5 Utilities

Utilities and services (e.g., a sewer line, water line, fire line, and storm drain) will extend off the Project site. The proposed sewer line will extend west from the proposed convenience store and cross APN 3064-401-09 before connecting to an existing sewer force main. The proposed water line will be located beneath Phelan Road and will extend north to connect to the proposed convenience store and car wash. The proposed fire line will extend north from Phelan Road to the proposed convenience store. The proposed storm drain will be located east of the proposed fueling station and will extend from the proposed car wash to Phelan Road, which connects to the public storm drain system and travels underneath Main Street eventually discharging to the Oro Grande Wash, approximately 1,480 east of the Project site. To mitigate for additional stormwater flows, the proposed on-site storm drain system will connect to an underground retention facility located east of the proposed fueling station to retain any additional stormwater runoff and discharge through the new proposed storm drain to Phelan Road. The underground retention facility will be capable of retaining stormwater flows from a 100-year storm event and will reduce post-Project peak flows to less than pre-Project conditions. Implementation of the underground retention facility is anticipated to reduce 100-year peak flow rates from 6.90 cubic feet per second (cfs) under pre-Project conditions to 6.70 cfs under post-Project conditions.

1.7.6 Project Schedule

Construction of the Project is anticipated to start in the first quarter of 2026 following approval from the City and will be completed in two phases. The first phase will consist of site grading and utility installation, and the second phase will include UST and structure installation, as well as landscaping. Project construction is anticipated to last between 200 and 250 days and is expected to be completed in the third quarter of 2026.

1.8 SURROUNDING LAND USES AND SETTING

APNs 3064-401-06, 3064-401-09, and 3064-401-10 are vacant. The parcel abutting APN 3064-401-09 to the west (i.e., APN 3064-391-01) is under construction for the Hesperia Commerce Center II Project, which includes the construction of three industrial/warehouse buildings. Parcels to the north, east, and south are vacant.

1.9 OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

To implement the Project, Au Energy will need to obtain, at a minimum, the following discretionary permits/approvals:

- a City-issued CUP to permit the construction and operation of the convenience store with alcoholic beverage sales for off-site consumption, vehicle fuel stations, and car wash facilities in the NC zone;
- a California Department of Transportation-issued encroachment permit to permit the modifications to U.S. Highway 395, as well as the U.S. Highway 395 and Phelan Road intersection;
- a California Department of Fish and Wildlife-issued Western Joshua Tree Conservation Act Incidental Take Permit (ITP) or Section 2081 ITP to authorize relocation and removal of western Joshua tree (*Yucca brevifolia*);
- a Mojave Desert Air Quality Management District-issued Authority to Construct to permit the construction and operation of the vehicle fuel stations and associated USTs;
- City-issued encroachment, grading, and building permits; and
- a State Water Resources Control Board-issued National Pollutant Discharge Elimination System General Permit (Order WQ 2022-0057-DWQ NPDES No. CAS000002) for disturbing more than 1 acre of land.

1.10 CALIFORNIA NATIVE AMERICAN TRIBES

The City distributed a letter for the Project pursuant to PRC Section 21080.3.1 on August 1, 2025. On August 12, 2025, the Yuhaaviatam of San Manuel Nation (YSMN, also known as the San Manuel Band of Mission Indians) requested that the Project cultural report, geotechnical report, and plans detailing the proposed depth of ground disturbance be provided. The requested materials were provided to the City for distribution to the YSMN on August 15, 2025. After review of the requested materials, the YSMN provided mitigation measures that were incorporated into this IS/MND in September 2025.

2 – ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by Hesperia Phelan CUP24-00012, as indicated by the following checklist.

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

3 – DETERMINATION

On the basis of this initial evaluation:

☐ I find that the Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.

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

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

Name	Signature
Agency	Date

4 – ENVIRONMENTAL ANALYSIS

4.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			✓	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			✓	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	

4.1.1 Discussion

a) Would the project have a substantial adverse effect on a scenic vista?

Less-than-Significant Impact. The scenic resources listed in the City of Hesperia (City) General Plan 2010 Open Space Element (General Plan) include the Mojave River and its associated tributary washes, including the Oro Grande Wash, as well as the San Bernardino and San Gabriel mountain ranges (City of Hesperia 2010). However, no scenic vistas are designated or described in the General Plan. The Hesperia Phelan CUP24-00012 (Project) site is located on undeveloped land, bordered by undeveloped land to the north and west, Phelan Road to the south, and Highway 395 to the east. The Oro Grande Wash is located approximately 680 feet southeast of the Project area; however, public viewpoints of Oro Grande Wash from Highway 395 and Phelan Road will not be obstructed by the construction of the Project. In addition, the Project will comply with the City's Municipal Code Title 15 (Building and Construction) and Title 16 (Development) concerning building height, which will reduce the potential for the structures to obstruct the public view of Oro Grande Wash (City of Hesperia 2025a and City of Hesperia 2025b). As a result, the impact will be less than significant.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. No designated state scenic highways are located within five miles of the Project area; thus, no scenic resources will be substantially damaged within a state scenic highway. As a result, no impact will occur.

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

Less-than-Significant Impact. The Project is located within an undeveloped area, approximately 0.3 mile west of an existing residential subdivision and approximately 1 mile west of an existing commercial area. Given nearby land uses and the Project's proximity to existing developed areas, the Project will not substantially degrade the existing visual character or quality of the site and its surroundings. Further, as described in Section 4.11 Land Use, the Project will be located on a parcel designated as Neighborhood Commercial (NC) in the City's Main Street and Freeway Corridor Specific Plan (City of Hesperia 2008). The Project will be consistent with the NC zone, which encourages the development of businesses that provide convenience goods and services to local residents, such as the services that will be provided by the Project when completed. The Project will also comply with Titles 15 and 16 of the City's Municipal Code, which include building height limitations, signage requirements, and other aesthetic regulations to which the Project will adhere (City of Hesperia 2025a and City of Hesperia 2025b). As a result, the impact will be less than significant.

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

Less-than-Significant Impact. Construction of the Project will be conducted in accordance with City of Hesperia Municipal Code Section 16.20.125, which stipulates construction hours and noise thresholds. Construction activities will be conducted during both daytime and nighttime hours. Nighttime construction activities will be conducted in accordance with the Project's traffic control plan approved by the City and California Department of Transportation as part of the permitting process prior to construction. Additionally, light plants used for nighttime construction will be directed away from traffic and any nearby residents to reduce glare. Once completed, the commercial buildings associated with the Project will produce additional light and glare in the area due to lighting on the vehicle fueling station overhang and convenience store; however, all exterior light fixtures will be constructed in accordance with Section 16.16.365 of the City's Municipal Code Section to be shielded and directed away from vehicular traffic and/or adjacent properties to reduce glare (City of Hesperia 2025b). As a result, the impact will be less than significant.

4.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				✓

4.2.1 Discussion

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

No Impact. The Hesperia Phelan CUP24-00012 (Project) site is located on undeveloped land designated as Grazing Land by the California Department of Conservation's (DOC's) Farmland Mapping and Monitoring Program (California DOC 2022). The immediately adjacent parcels on all sides of the Project are also designated as Grazing Land. The Project will not be located on lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; therefore, the Project will not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. The Project is not located on land with any known agricultural activities or any known unique agricultural soils. As a result, no impact will occur.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Project is located on a parcel zoned as Neighborhood Commercial (NC) in the City of Hesperia's Main Street and Freeway Corridor Specific Plan (City of Hesperia 2008). Agricultural uses are prohibited in the NC zone. In addition, the Project is not located on or adjacent to parcels under an existing Williamson Act contract (California DOC 2025). As previously discussed, the Project is located on undeveloped land that does not contain any known agricultural activities. Therefore, the Project will not conflict with existing zoning for agricultural use or an existing Williamson Act contract. As a result, no impact will occur.

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

No Impact. As discussed previously, the Project is on a parcel zoned as NC. No areas of forest land, timberland, or timberland zoned as Timberland Production are located in the vicinity of the Project. Therefore, the Project will not conflict with the zoning or cause the rezoning of forest lands or result in the conversion of timberland as none are present in the vicinity of the Project. As a result, no impact will occur.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project is located within the Mojave bioregion, which does not contain sufficient forest land for viable timber production and, as a result, does not have a high timber management emphasis (California Department of Forestry and Fire Protection 2017). The Project is not located on forest land or in the vicinity of forest land. Therefore, the Project will not result in the loss of forest land or conversion of forest land to non-forest use as none is present in the vicinity of the Project. As a result, no impact will occur.

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

No Impact. As discussed previously, the Project will not result in the temporary or permanent loss of forest land and no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance will be converted to non-agricultural use. Therefore, the Project will not involve changes to the existing environment that will potentially result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use or conversion of forest land to non-forest use. As a result, no impact will occur.

4.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				✓
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			✓	
c) Expose sensitive receptors to substantial pollutant concentrations?			✓	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			✓	

4.3.1 Discussion

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

No Impact. The United States (U.S.) Environmental Protection Agency (EPA) and California Air Resources Board (CARB) established the National Ambient Air Quality Standards (NAAQS) and California Air Quality Standards (CAAQS), respectively, for the following criteria air pollutants (CAPs): ozone (O_3), carbon monoxide (CO), nitrogen dioxide, particulate matter with a mean diameter of less than 10 microns (PM_{10}), particulate matter with a mean diameter of less than 2.5 microns ($PM_{2.5}$), sulfur dioxide, and lead (Pb). Furthermore, California has set additional standards for sulfates, hydrogen sulfide (H_2S), vinyl chloride, and visibility-reducing particles. Attainment of the CAAQS and NAAQS protects sensitive receptors and the public from CAPs that are known to have adverse human health effects. A region is designated as nonattainment if the NAAQS or CAAQS is exceeded for a pollutant. Hesperia Phelan CUP24-00012 (Project) is located in a portion of the Mojave Desert Air Basin that is classified by the U.S. EPA and CARB as nonattainment for O_3 and PM_{10} (CARB 2025). Within the Mojave Desert Air Basin, the Project is under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD).

The MDAQMD is the agency responsible for managing the local air quality, administering California and federal air pollution control programs, and ensuring attainment and maintenance of the ambient air quality standards. The MDAQMD has established the Federal 70 ppb Ozone Attainment Plan (MDAQMD 2023) and Federal Particulate Matter (PM_{10}) Attainment Plan (MDAQMD 1995) to address nonattainment areas for O_3 and PM_{10}. A project is considered inconsistent with an air quality plan or applicable attainment plan if it could cause population and/or employment growth or growth in vehicle miles traveled in excess of the growth forecasts

included in an applicable air quality plan or attainment plan. As discussed in Section 4.14 Population and Housing, the Project will not result in significant population growth during construction or operation of the Project. Because construction of the Project will not result in significant population growth, it will not conflict with the growth projections used in the development of the applicable air quality plans.

Emissions associated with Project construction will be temporary and will represent a small fraction of the regional emission inventories included in the applicable air quality plans. Construction and operation of the Project will be performed in compliance with MDAQMD rules and regulations, ensuring that activities are consistent with air district efforts to achieve attainment and maintenance of the standards. In addition, the MDAQMD has established that a project does not conflict with an air attainment or maintenance plan if it is consistent with the existing land use plan (MDAQMD 2020). As discussed in Section 4.11 Land Use and Planning, the Project is consistent with the City of Hesperia-designated Neighborhood Commercial zone in which it is proposed. As a result, the Project will conform with applicable air quality plans.

Because the Project is not expected to substantially contribute to regional emissions and will not conflict with the growth projections in the applicable air quality plans, and because construction and operation of the Project will be performed in compliance with applicable air district rules and regulations, the Project will not conflict with or obstruct implementation of the applicable air quality plans. As a result, no impact will occur.

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less-than-Significant Impact. Project emissions were calculated using the California Emissions Estimator Model (CalEEMod). Attachment A: CalEEMod: Hesperia Phelan Detailed Report details the inputs and results of the CalEEMod completed for the Project.

Active Project construction is expected to last between 200 and 250 days and will generate temporary air pollutant emissions associated with fugitive dust (particulate matter) and exhaust emissions from heavy construction equipment and construction vehicles. As discussed previously, the Project is in a region classified as nonattainment for O_3 and PM_{10}. The MDAQMD has established emissions thresholds for the following air pollutants:

- carbon dioxide equivalent (CO_2e),[2]
- CO,
- nitrogen oxides (NO_x),
- volatile organic compounds (VOCs),
- sulfur oxides (SO_x)
- PM_{10},
- $PM_{2.5}$,

[2] CO_2e is a measure used to compare the effect of emissions of various greenhouse gases based on their global warming potential projected over a specified time period (generally 100 years).

- H_2S, and
- Pb.

Emissions will vary day to day depending on the level of activity and the specific type of construction activity occurring. Table 1: MDAQMD Average Daily Construction Emissions presents the estimated uncontrolled construction emissions in the MDAQMD and compares emissions to the applicable thresholds for air pollutants. As shown in Table 1: MDAQMD Average Daily Construction Emissions, daily uncontrolled emissions will be below all applicable thresholds within the MDAQMD during construction. To further reduce fugitive dust emissions, the Project will adhere to MDAQMD Rule 403 and implement applicable fugitive dust best management practices (BMPs) on all non-paved transport roads, access points, and parking areas. BMPs to control fugitive dust emissions may include, but may not be limited to, covering, watering, or treating disturbed areas with a dust suppressant; reducing the drop heights from excavators and loaders; and limiting truck speed limits to 15 miles per hour on Project access roads and within temporary work areas. Therefore, the Project will not result in a considerable net increase of O_3 or PM_{10} during construction.

Table 1: MDAQMD Average Daily Construction Emissions

Construction Year	Average Daily Emissions (pounds per day)						
	CO_2e	CO	NO_x	Reactive Organic Gas (ROG)	SO_x	PM_{10}	$PM_{2.5}$
Uncontrolled Emissions							
2026	2,066	7	7	0.8	<0.1	6	0.9
Threshold	548,000	548	137	137	137	82	65
Exceeded?	No	No	No	No	No	No	No

Source: MDAQMD 2020

Note: O_3 forms as a result of chemical reactions between NO_x, VOCs, heat, and sunlight. As a result, if emissions do not exceed thresholds for NO_x or VOCs, then emissions will not exceed thresholds for O_3.

Operation of the Project is anticipated to generate 1,594 total daily trips. Table 2: MDAQMD Average Annual Operational Emissions presents the estimated annual uncontrolled emissions in the MDAQMD that will result from the total daily trips generated by operation of the Project. As shown in Table 2: MDAQMD Average Annual Operational Emissions, annual uncontrolled emissions will be below all applicable thresholds within the MDAQMD during operation. Therefore, the Project will not result in a considerable net increase of O_3 or PM_{10} during operation.

Table 2: MDAQMD Average Annual Operational Emissions

	Annual Emissions (tons per year)						
	CO_2e	CO	NO_x	ROG	SO_x	PM_{10}	$PM_{2.5}$
Uncontrolled Emissions							
Operations	4,070	32	4	10	<0.1	3	0.8
Threshold	100,000	100	25	25	25	15	12
Exceeded?	No	No	No	No	No	No	No

Source: MDAQMD 2020
Note: O_3 forms as a result of chemical reactions between NO_x, VOCs, heat, and sunlight. As a result, if emissions do not exceed thresholds for NO_x or VOCs, then emissions will not exceed thresholds for O_3.

In June 2025, the MDAQMD issued an Authority to Construct (ATC) for the Project's gasoline dispensing facility. The Project will comply with all conditions outlined in the ATC. Au Energy, LLC will ensure any additional MDAQMD-required permits are obtained prior to Project construction.

Because the Project will not exceed applicable MDAQMD thresholds for O_3 or PM_{10} during construction or operation and will adhere to applicable MDAQMD rules and permits, the Project will not result in a cumulatively considerable net increase of any CAPs for which the Project region is classified as nonattainment for under NAAQS or CAAQS. As a result, impacts will be less than significant.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Less-than-Significant Impact. As defined by MDAQMD, residences, schools, daycare centers, playgrounds, and medical facilities are considered sensitive receptor land uses. The MDAQMD has established that a gasoline-dispensing facility within 300 feet of sensitive receptors exposes sensitive receptors to substantial pollutant concentrations (MDAQMD 2020). The nearest sensitive receptors to the Project are the residences approximately 0.3 mile (1,700 feet) east of the Project on Mesa Linda Street. Therefore, the Project will not expose sensitive receptors to substantial pollutant concentrations. In addition, as detailed in Table 1: MDAQMD Average Daily Construction Emissions and Table 2: MDAQMD Average Annual Operational Emissions, all construction and operation emissions will be below applicable MDAQMD significance thresholds. As a result, the Project will not expose sensitive receptors to substantial pollutant concentrations, and impacts will be less than significant.

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

Less-than-Significant Impact. The occurrence and severity of odor impacts depend on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the presence of sensitive receptors. While offensive odors rarely cause any physical harm, they still can be very unpleasant, leading to considerable distress and often generating citizen complaints to local governments and regulatory agencies. During construction, odor emissions could be generated by diesel-powered construction equipment and vehicles. Such

odors will be short-term and limited to the immediate vicinity of the activity. These emissions will be temporary in nature and disperse quickly. Operation of the Project may result in gasoline odors from the long-term handling and storage of gasoline, vehicle tail pipe odors, food odors from the convenience store, and cleaning product odors from the car wash. As discussed previously, the nearest sensitive receptors to the Project are the residences approximately 0.3 mile (1,700 feet) east of the Project on Mesa Linda Street. Because the Project is located more than 1,500 feet from people residing near the Project, temporary Project construction activities and permanent operational activities are not expected to result in odors or emissions that will adversely affect a substantial number of people. Therefore, the Project will not result in other emissions (such as those leading to odors) that will adversely affect a substantial number of people. As a result, impacts will be less than significant

4.4 BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		✓		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d) 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?			✓	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✓		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓

4.4.1 Discussion

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or

special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less-than-Significant Impact with Mitigation Incorporated. Caskey Biological Consulting, LLC (Caskey) prepared a Biological Resources Assessment (BRA) for Hesperia Phelan CUP24-00012 (Project), which is provided in Attachment B: Biological Resources Assessment. As part of the BRA, Caskey performed a field survey on December 19, 2024 and a subsequent field survey of the proposed sewer line location and potential access road location on April 22, 2025. The vegetation communities observed within the Study Area[3] were cheatgrass – medusahead grassland, which covers approximately 71 percent of the Study Area, and California buckwheat scrub, which covers approximately 13 percent of the Study Area. Dominant species in the cheatgrass – medusahead grassland vegetation community included cheatgrass (*Bromus tectorum*) and sparse native plants, such as western Joshua tree (*Yucca brevifolia*), rabbitbrush (*Ericameria nauseosa*), and bladderpod (*Cleomella arborea*). Dominant species in the California buckwheat scrub vegetation community included California buckwheat (*Eriogonum fasciculatum*) and deerweed (*Acmispon glaber*), as well as sparse non-natives, such as cheatgrass and star thistle (*Centaurea solstitalis*). The remaining approximately 16 percent of land cover within the Study Area was developed or disturbed land.

Special-Status Plant Species

Based on results of the field survey and a review of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) and California Native Plant Society Online Inventory of Rare and Endangered Plants, western Joshua tree is the only special-status plant species that is present and has the potential to occur at the Project. Western Joshua tree, which is protected under the Western Joshua Tree Conservation Act, is a 5- to 20-meter-tall, evergreen, tree-like plant that occurs in desert grasslands and shrublands in hot, dry sites on flats, mesas, bajadas, and gentle slopes in the Mojave Desert on soils that are typically silts, loams, and/or sands that are fine, loose, or well-drained. As summarized in the BRA, 55 western Joshua trees were assessed within the BRA's Study Area. Of the 55 western Joshua trees assessed, 30 are within the footprint of the Project site. The remaining 25 trees are outside of the Project site and proposed sewer line location and are not anticipated to be impacted. Of the 30 western Joshua trees within the Project site, 28 are in good to excellent health, while two are in poor health or dead. Of the 30 western Joshua trees within the Project site, eight are in Size Class A, 21 are in Size Class B, and one is in Size Class C.[4] The Project will require the entire 2.66-acre Project site to be graded, which will result in impacts to all of the western Joshua trees present on the Project site.

Because impacts to western Joshua tree are anticipated, Au Energy, LLC (Au Energy) will consult with the CDFW prior to Project construction. In accordance with the Western Joshua Tree Conservation Act and mitigation measure (MM) BIO-1, Au Energy will apply for an

[3] The Study Area measures approximately 6.83 acres and includes the Project site, the proposed sewer line location, the potential access road location, and a 50-foot buffer.

[4] Size classes influence the number of western Joshua trees that will need to be relocated. Size classes are as follows:

- Class A – Less than 1 meter in height;
- Class B – 1 meter or greater but less than 5 meters in height; and
- Class C – 5 meters or greater in height.

incidental take permit (ITP) and submit it to the CDFW for review and approval prior to Project construction. As part of the western Joshua tree ITP, Au Energy will propose relocating select western Joshua trees that will be impacted by Project activities in accordance with CDFW's Western Joshua Tree Relocation Guidelines and Protocols (CDFW 2024a). Western Joshua trees may be relocated within the Project site to perimeter landscaping areas or to an off-site location identified during consultation with the CDFW. Given the number of western Joshua trees located on the Project site, relocating all of the western Joshua trees that will be impacted during construction may be infeasible. Therefore, some western Joshua trees may be destroyed. The final number of western Joshua trees to be relocated or destroyed and any additional (MMs will be determined during the ITP process in consultation with the CDFW. Therefore, impacts to western Joshua trees will be reduced through MM BIO-1 and the implementation of MMs, such as western Joshua tree relocation, included in the western Joshua tree ITP.

Special-Status Wildlife Species

Based on results of the field survey and a review of the CNDDB and the United States (U.S.) Fish and Wildlife Service (USFWS) Information for Planning and Consultation system, the following five special-status wildlife species have the potential to occur at the Project site:

- burrowing owl (*Athene cunicularia*) – California Endangered Species Act (CESA) candidate endangered;
- desert tortoise (*Gopherus agassizii*) – Federal Endangered Species Act (FESA) threatened, CESA threatened;
- loggerhead shrike (*Lanius ludovicianus*) – CDFW Species of Special Concern;
- Mohave ground squirrel (*Xerospermophilus mohavensis*) – CESA threatened; and
- monarch butterfly (*Danaus plexippus*) – FESA proposed threatened.

Burrowing Owl

Burrowing owls utilize existing burrows from small mammals, such as ground squirrels, for their nesting and cover sites. Two observations of burrowing owl as recent as 2006 were recorded in the CNDDB approximately 2.9 miles east of the Project site; however, no suitable burrows or signs of burrowing owl (e.g., pellets or whitewash) were observed within the Project site. Given the lack of burrowing owl observations and suitable burrows, this species is unlikely to occur at the Project site and no impact to this species is anticipated to occur. Although suitable burrows for burrowing owl were not observed at the Project site, pre-construction surveys will be completed prior to ground-disturbing activities to confirm the absence of burrowing owl from the Project work area in accordance with MM BIO-2. MM BIO-2 will require one pre-construction survey to be completed according to the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version) prior to ground-disturbing activities. A qualified biologist will identify, flag, and map all burrows and dens potentially occupied by burrowing owl and confirm occupation of all potential burrows. In accordance with MM BIO-3, if occupied burrows or sign is identified, a qualified biologist will establish adequate buffers around the burrows based on field conditions and the CDFW Staff Report on Burrowing Owl Mitigation (2012). If occupied burrows cannot be avoided or if any other impact to burrowing owl cannot be fully avoided, the CDFW will be consulted and a CESA ITP will be obtained in accordance with MM BIO-3.

Desert Tortoise

Desert tortoises inhabit a variety of habitats, including desert washes, desert flats, bajadas, alluvial fans, rolling hills, rocky hills, and valleys. Throughout most of the Mojave and Colorado deserts, desert tortoises are found most often on gentle slopes with sandy gravel soils. Soils must be soft enough for digging burrows, but firm enough so that they do not collapse. The soils on the Project site were very compact and are likely too firm for burrow construction. One desert tortoise observation from 2000 was recorded in the CNDDB approximately 2 miles south of the Project site. No desert tortoise or signs of desert tortoise (e.g., burrows, scats, or carcasses) were observed during the field surveys; however, the December field survey was conducted outside of the desert tortoise active months (i.e., March to June and September to October). Given the lack of suitable burrowing habitat and observations of desert tortoise sign, this species is unlikely to occur at the Project site and no impact to this species will occur.

Loggerhead Shrike

Loggerhead shrike inhabits savannah; pinyon-juniper; Joshua tree and riparian woodlands; and desert oases, scrub, and washes. One loggerhead shrike observation as recent as 2007 was recorded in the CNDDB approximately 1.9 miles north of the Project site; however, loggerhead shrike was not observed during the field survey. This species is likely to occur given suitable nesting and foraging habitat within the Project site. The Project will cause the permanent loss of approximately 2.66 acres of suitable nesting and foraging habitat for this species; however, MM BIO-4 will be implemented during construction to reduce impacts to nesting loggerhead shrike. MM BIO-4 will require a pre-construction nesting bird survey prior to vegetation removal or initial Project ground disturbance. If an active bird nest that may be impacted by Project-related activities is observed, avoidance and minimization measures (AMMs), including delaying construction within the immediate vicinity of the active nest or establishing a nest buffer determined by a qualified biologist until the young have fledged or the nest has failed, will be implemented. Therefore, the incorporation of MM BIO-4 will avoid or minimize potential impacts to loggerhead shrike.

Mohave Ground Squirrel

Mohave ground squirrels prefer habitats in open desert scrub, alkali desert scrub, western Joshua tree woodlands, and annual grasslands. The species prefers sandy to gravelly soils and utilizes burrows at the base of shrubs. The Project site lacked suitable burrows for Mohave ground squirrel and this species was not observed during the field surveys; however, the December survey was conducted outside of the active season for the species (i.e., March to June). One Mohave ground squirrel observation as recent as 2005 was recorded in the CNDDB approximately 1.5 miles north of the Project site. Given the lack of species observations and suitable burrows documented at the Project site, Mohave ground squirrel is unlikely to occur at the Project site and no impact to this species will occur.

Monarch Butterfly

Monarch butterflies have a wide range of habitat types, including prairies, meadows, and grasslands, as well as populated areas such as parks, neighborhoods, and back yards. The field survey was conducted outside of the typical growing and blooming season for milkweed (*Asclepias* spp.) (i.e., May to August), which is the host plant for monarchs. As a result, no

milkweed plants were observed within the Project site. However, other shrubs that could provide nectar to monarchs were observed. The Project is not within the overwintering range for monarch butterflies and, as a result, monarch butterfly roosting is unlikely at the Project site. No CNDDB records of monarch butterfly occur within 3 miles of the Project site and no species observations were made during the field survey. Given the lack of species observations and the low potential for monarch butterflies to roost at the Project site, this species is unlikely to occur at the Project site and no impact to this species will occur.

With the implementation of MM BIO-1, MM BIO-2, MM BIO-3, and MM BIO-4, the Project will not 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. As a result, the impact will be less than significant with mitigation incorporated.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. According to the CNDDB search, which had a 3-mile radius, no riparian habitat or sensitive natural communities are documented within the vicinity of the Project. Likewise, no riparian habitat or sensitive natural communities were observed within the Project site during the field survey. As a result, no impact will occur.

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

No Impact. No federally or state-protected wetlands were observed on the Project site during the field survey. As a result, no impact will occur.

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

Less-than-Significant Impact. Significant impacts on wildlife movement could occur if a wildlife movement corridor were to be interrupted by a feature that physically blocks wildlife movement (e.g., a roadway) or if suitable habitat that supports wildlife in the movement corridor were to be directly removed during construction or indirectly affected by construction noise or dust. The Project is located adjacent to the intersection of U.S. Highway 395 and Phelan Road, which are existing barriers to potential wildlife movement. The presence of U.S. Highway 395 and Phelan Road make it unlikely that the Project site is functioning as a migratory wildlife corridor. In addition, the Project is not located in a CDFW- or Bureau of Land Management-(BLM-) identified wildlife corridor (CDFW 2014 and BLM 2015). Because the Project site is not located in a CDFW- or BLM-identified wildfire corridor and it is unlikely that the Project site is functioning as a migratory corridor due to adjacent roads, the addition of Project structures is likely to have a minimal impact on wildlife movement, if at all. As a result, the impact will be less than significant.

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

Less-than-Significant Impact with Mitigation Incorporated. Chapter 16.24 of the City of Hesperia's (City's) Municipal Code outlines the provisions for protected plants in the City (City of Hesperia 2025). Pursuant to Chapter 16.24, a removal permit is required for the removal of a western Joshua tree. As discussed previously, Au Energy will apply for an ITP in accordance with the MM BIO-1 and submit it to the CDFW for review and approval prior to Project construction. As part of the ITP, Au Energy will propose relocating select western Joshua trees that will be impacted by Project activities in accordance with the CDFW's Western Joshua Tree Relocation Guidelines and Protocols (CDFW 2024a). All additional MMs included in the western Joshua tree ITP will be implemented during construction of the Project. Insignia Environmental corresponded with the City on February 19, 2025, and confirmed that receipt of the western Joshua tree ITP will satisfy Chapter 16.24 requirements of the City's Municipal Code (Henry 2025). As a result, the Project will not conflict with the City's protected plant ordinance with implementation of MM BIO-1, and impacts will be less than significant with mitigation incorporated.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Project will be located within the focus area of the Draft Western Joshua Tree Conservation Plan (WJTCP); however, this plan has not been adopted by the California Fish and Game Commission (Commission) (CDFW 2024b). The Draft WJTCP includes western Joshua tree impact AMMs that can be voluntarily adopted by project proponents. As discussed previously, Au Energy will consult with the CDFW and apply for a western Joshua tree ITP. The Western Joshua Tree Conservation Act requires avoidance and minimization of impacts on western Joshua trees to the maximum extent practicable as a condition of obtaining a western Joshua tree ITP (CDFW 2024b). Because the Draft WJTCP may be adopted by the Commission prior to Project construction, AMMs included in the Draft WJTCP will be reviewed and may be included in the western Joshua tree ITP. Through the implementation of MMs included in the western Joshua tree ITP, the Project will minimize impacts to western Joshua tree. Therefore, the Project will be consistent with the Draft WJTCP.

The Project will not be located within, or conflict with, any adopted Habitat Conservation Plan; Natural Community Conservation Plan; or other approved local, regional, or state Habitat Conservation Plan. As a result, no impact will occur.

4.4.2 Mitigation Measures

The following MM will be implemented for the Project to reduce impacts to less-than-significant levels:

- **MM BIO-1: Western Joshua Tree ITP.** Au Energy will apply for a western Joshua tree ITP in accordance with the Western Joshua Tree Conservation Act and submit it to the CDFW for review and approval prior to Project construction.

- **MM BIO-2: Pre-Construction Surveys.** A qualified biologist will perform breeding season and non-breeding season burrowing owl pre-construction surveys of the Project work area according to the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version) prior to ground-disturbing activities. If performing both breeding season and non-breeding season surveys is infeasible, the Project Proponent will coordinate with CDFW regarding whether to proceed with either breeding season surveys or non-breeding season surveys, which will be determined by CDFW and depend on Project timelines. The qualified biologist conducting the surveys will identify, flag, and map all burrows potentially occupied by burrowing owl and confirm occupation of all potential burrows. Methods of determining burrow occupancy may include, but will not be limited to, visual observations of scat or tracks outside burrow entrances, installing trail cameras for nocturnal observations, or a combination of these methods as appropriate. If burrows occupied by burrowing owl or sign is identified, MM BIO-3 will apply.

- **MM BIO-3: Burrow Avoidance.** If burrows occupied by burrowing owl are found during pre-construction surveys, adequate buffers will be established around burrows. Adequate buffers will be determined by a qualified biologist based on field conditions and the CDFW Staff Report on Burrowinggf Owl Mitigation (2012). However, the Project Proponent will ensure full avoidance of impacts to burrowing owl occurs. If occupied burrows cannot be avoided or if any other impact to burrowing owl cannot be fully avoided, the CDFW will be consulted and a CESA ITP will be obtained.

- **MM BIO-4: Nesting Bird Survey.** A pre-construction nesting bird survey will be conducted prior to vegetation removal or initial Project ground disturbance. If an active bird nest that may be impacted by Project-related activities is observed, AMMs, including delaying construction within the immediate vicinity of the active nest or establishing a nest buffer determined by a qualified biologist until the young have fledged or the nest has failed, will be implemented.

4.5 CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?		✓		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		✓		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?		✓		

4.5.1 Discussion

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

Less-than-Significant Impact with Mitigation Incorporated. As part of the Initial Study/Mitigated Negative Declaration (IS/MND) previously prepared for Hesperia Phelan CUP24-00012 (Project), an Archaeological Survey Report was completed in November 2017 and is included as Attachment C: Archaeological Survey Report. The Archaeological Survey Report covered an Area of Potential Impacts (API), which was defined as the approximately 6.5-acre site originally included as part of the IS/MND previously prepared for the Project in 2018. Because the Project is in the same location as the previously proposed Project, the scope of the Project has been reduced, and the Project site has remained undeveloped/unmodified since the Archaeological Survey Report, the API and findings from the report are applicable to the current Project.

The Archaeological Survey Report included a records search of all previously recorded cultural resources within the Project site and a 0.5-mile radius around it, as well as previously conducted cultural resource studies. In addition, the report included a field survey in which the archaeologist examined exposed ground surface for artifacts (e.g., flaked stone tools, toolmaking debris, milling tools, and ceramics), ecofacts (e.g., marine shell and bone), soil discoloration that might indicate the presence of a cultural midden, and features indicative of the former presence of structures or buildings (e.g., standing exterior walls, postholes, and foundations) or historic debris (e.g., metal, glass, and ceramics).

Based on the results of the cultural resources record search and intensive pedestrian survey, three isolated historical resources were found within the API. The isolated historical resources are not eligible to be listed with the California Register of Historical Resources (CRHR) and are not deemed historically significant resources. Furthermore, no prehistoric resources were found

during the field survey. The Archaeological Survey Report concluded that no impacts to cultural resources are expected to occur and no further work for cultural resources is needed.

Although not anticipated, unknown historical resources could be destroyed by construction activities involving ground disturbance should they be present. As a result, Mitigation Measure (MM) CUL-1 will be implemented during Project construction. In the event that a cultural resource is discovered during Project construction, all work within a 60-foot buffer of the find will cease, and a qualified archaeologist meeting United States (U.S.) Secretary of Interior (SOI) standards will assess the find. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) will be contacted regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment. In accordance with MM CUL-2, if significant pre-contact cultural resources, as defined by the California Environmental Quality Act (CEQA) (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist will develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment. The archaeologist will monitor the remainder of the Project and implement the Monitoring and Treatment Plan accordingly.

With the implementation of MM CUL-1 and MM CUL-2, no substantial adverse changes related to a historical resource are anticipated and the impact to historical resources (as defined in Public Resource Code [PRC] Section 15064.5) will be less than significant with mitigation incorporated.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less-than-Significant Impact with Mitigation Incorporated. As discussed previously, the Archaeological Survey Report concluded that no impacts to cultural resources are expected to occur and no further work for cultural resources is needed. In addition, MM CUL-1 will be implemented during Project construction. With implementation of MM CUL-1, no substantial adverse changes related to an archaeological resource are anticipated and the impact to archaeological resources (as defined in PRC Section 15064.5) will be less than significant with mitigation incorporated.

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Less-than-Significant Impact with Mitigation Incorporated. The Archaeological Survey Report did not identify human remains within the API. It is not always possible to predict where Native American human remains might occur outside of formal cemeteries. Therefore, it is possible that human remains could be uncovered during ground-disturbing activities. In accordance with MM CUL-3, and if human remains are inadvertently discovered during construction activities, all work within a 100-foot buffer of the find will cease and the San Bernardino County coroner will then be contacted in accordance with California Health and Safety Code (HSC) Section 7050.5. This procedure will ensure that the remains are treated in

accordance with California HSC Section 7050.5; and the impact to human remains during construction will be reduced to less than significant with mitigation incorporated.

4.5.2 Mitigation Measures

The following MMs will be implemented for the Project to reduce impacts to less-than-significant levels:

- **MM CUL-1: Inadvertent Cultural Resource Discoveries.** In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) will cease and a qualified archaeologist meeting SOI standards will 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 YSMN will 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, so as to provide Tribal input with regards to significance and treatment.

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

- **MM CUL-3: Human Remains.** 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) will cease and the San Bernardino County Coroner will be contacted pursuant to California HSC Section 7050.5 and that code enforced for the duration of the Project.

4.6 ENERGY

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			✓	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				✓

4.6.1 Discussion

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

Less-than-Significant Impact. Construction activities associated with Hesperia Phelan CUP24-00012 (Project) will require the short-term consumption of fossil fuel resources (e.g., diesel fuel and gasoline) to power construction equipment and motor vehicles. During construction, power will be provided by a temporary power meter installed by Southern California Edison. Construction will be short term and temporary; and the use of fuel will be necessary, efficient, and conservative in nature.

Based on the California Emissions Estimator Model (CalEEMod) calculations for the Project's land use type, included as Attachment 4.2 A: CalEEMod: Hesperia Phelan Detailed Report in Section 4.3 Air Quality, the estimated electricity consumption will be 254,438 kilowatt-hours per year (kWh/year), and the estimated natural gas consumption will be 133,065 thousand British Thermal Units per year (MBtu/year). However, because the Project will comply with California Building Code (CBC) Title 24 efficiency standards, the Project's estimated energy use is reduced to 89,305 kWh/year of electricity consumption and 26,540 MBtu/year of natural gas consumption. Further, through the permitting process with the City of Hesperia (City), the Project will be designed and operated in accordance with all appropriate state and local regulations governing energy efficiency, including the City's Municipal Code, Part 11 of the CBC, and Commercial Design Standards and Guidelines found in the City's Main Street and Freeway Corridor Specific Plan. Because the Project will comply with all local and state regulations concerning energy efficiency during construction and operations, energy consumption will not be wasteful, inefficient, or unnecessary. As a result, the impact will be less than significant.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The Project will not obstruct a state or local plan for renewable energy or energy efficiency. As stated previously, the Project will adhere to the City's Municipal Code, Part 11 of the CBC, and Commercial Design Standards and Guidelines found in the City's Main Street and Freeway Corridor Specific Plan. These standards and guidelines include design measures aimed at promoting energy efficiency, including mandatory requirements for lighting controls, electric vehicle charging stations, and space-conditioning equipment. Because the Project will be constructed consistently with the CBC and City's design standards, the Project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. As a result, no impact will occur.

4.7 GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			✓	
ii) Strong seismic ground shaking?			✓	
iii) Seismic-related ground failure, including liquefaction?			✓	
iv) Landslides?			✓	
b) Result in substantial soil erosion or the loss of topsoil?			✓	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				✓
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				✓
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓		

4.7.1 Discussion

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?

Less-than-Significant Impact. As summarized in Table 3: Faults Located within 10 Miles of the Project, two faults are located within 10 miles of Hesperia Phelan CUP24-00012 (Project). The boundary of an earthquake fault zone is generally 500 feet from major active faults, and 200 to 300 feet from well-defined minor faults (City of Hesperia [City] 2010). The Project will not be located on or within 500 feet of any fault. In addition, the Project will not be located in any liquefaction or landslide zones identified by the California Department of Conservation (California DOC 2024). As a result, liquefaction and landslides have a low potential to occur at the Project site.

Table 3: Faults Located within 10 Miles of the Project

Fault Name	Fault Section	Fault Type	Age of Last Known Slip	Slip Rate (millimeter/year)	Approximate Distance and Direction from the Project (miles, direction)
Cleghorn Fault	Southern Cleghorn	Left lateral, strike-slip	Late Quaternary (less than 130,000 years ago)	Between 1.0 and 5.0	7.35, south
Cleghorn Fault	Northern Cleghorn	Left lateral, strike-slip	Late Quaternary (less than 130,000 years ago)	Between 0.2 and 1.0	9.18, south

Source: United States (U.S.) Geological Survey (USGS) 2022

Although the Project will introduce structures occupied by employees and customers, all Project structures will be constructed in compliance with Title 24, Part 2 of the California Building Code (CBC) and Chapter 16 of the International Building Code (IBC), which provide requirements for general structural design and includes means for determining earthquake loads based on the American Society of Civil Engineers/Structural Engineering Institute Standards. In addition, Hilltop Geotechnical, Inc. (HGI) prepared a geotechnical study and infiltration feasibility study for the Project. Recommendations from both studies will be incorporated into the Project design to ensure that all structures will adequately resist the forces of an earthquake. The geotechnical study and infiltration feasibility study are provided in Attachment D: Geotechnical Study and Attachment E: Infiltration Feasibility Study. As a result, Project structures will be able to withstand reasonably foreseeable seismic events. Incorporation of these standard engineering practices will ensure that people or structures will not be exposed to hazards associated with strong seismic ground shaking, and the impact will be less than significant.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Less-than-Significant Impact. The Project site is undeveloped and slopes gradually upwards from northeast to southwest with an approximate slope of 3 percent. The Project will be located on soil classified as Cajon Sand, which is in hydrologic soil group A (U.S. Department of Agriculture [USDA] 2025). Hydrologic soil group A has the lowest runoff potential and typically consists of deep, well-drained to excessively drained sands or gravels (USDA 2002). In addition, the Project will be in a location with a soil erodibility factor of 0.08 (Esri 2023). Soils with low soil erodibility factors (between 0.05 and 0.15) are not considered susceptible to soil erosion (State Water Resources Control Board [SWRCB] 2025). As a result, the Project will not be located on soils that are susceptible to soil erosion.

Project construction will include grading the entire approximately 2.66-acre Project site. Ground-disturbing activities will expose soil to erosion by removing the vegetative cover and potentially compromising the soil structure. Rain and wind can further detach soil particles and transport them off site. However, the Project will receive coverage for disturbing more than 1 acre of soil under an SWRCB General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, 2022-0057-DWQ (Construction General Permit). This Construction General Permit will require preparation of a Project-specific Storm Water Pollution Prevention Plan (SWPPP) to be authorized by the SWRCB, which will include erosion-reducing measures and site stabilization procedures. In accordance with Section 8.30.210 of the City's Municipal Code, the Project-specific SWPPP will be provided to the City for review and approval prior to the issuance of grading and building permits. Therefore, with implementation of the Project-specific SWPPP, construction of the Project will result in a less-than-significant impact to soil erosion.

Since the Project will require approximately 2.66 acres of grading, approximately 2.66 acres of topsoil will be lost. As discussed in Section 4.2 Agriculture, the Project is located on land designated as Grazing Land and is not located on land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Since the Project is not located on land productive for agriculture, the loss of topsoil is negligible. Although the Project will result in 2.66 acres of permanent topsoil loss, approximately 31 percent of the Project site will consist of landscaping, which exceeds the 10-percent minimum designated for the Neighborhood Commercial zone where the Project will be located (City of Hesperia 2008). Because the Project will not cause the loss of topsoil productive for agriculture, the Project's impact on topsoil loss will be less than significant.

To mitigate the addition of approximately 1.88 acres of impervious surface proposed by the Project, which can inhibit the infiltration of storm water, the proposed on-site storm drain system will connect to an underground retention facility located east of the proposed fueling station to retain any additional storm water runoff and discharge through a new proposed storm drain to Phelan Road. The underground retention facility will be capable of retaining storm water flows from a 100-year storm event. Consequently, this Project will not increase the amount of drainage impacting downstream properties; therefore, post-construction storm water drainage will be consistent with pre-construction conditions. In addition and in accordance with Section 8.30.230 of the City's Municipal Code, a Water Quality Management Plan (WQMP) will be provided to the City for review and approval prior to the issuance of grading and building permits. The

WQMP will include all required and proposed measures for site design, source control, runoff reduction, storm water treatment, baseline hydromodification management, and low-impact development techniques as applicable. Therefore, with implementation of the proposed storm drain system and WQMP, the Project will reduce the impact associated with runoff to less than significant.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

No Impact. The Project will be located on the Quaternary older alluvium (Qoa) geologic unit (Dibblee 1965). As discussed previously, the Project will not be located in an area susceptible to liquefaction or landslides (California DOC 2024) or on soil susceptible to erosion (U.S. Department of Agriculture [USDA] 2023). In addition, the Project will not be located on soil susceptible to subsidence (USDA 2024), and all Project structures will be constructed in compliance with Title 24, Part 2 of the CBC, the IBC, and the City's Municipal Code. As discussed previously, recommendations from HGI's geotechnical study and infiltration feasibility study will be incorporated into the Project design to ensure all Project structures will be stable.

Because the Project will not be located in an area susceptible to landslides, liquefaction, erosion, or subsidence and Project structures will be compliant with the CBC, IBC, and City's Municipal Code, the Project will not cause on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse. As a result, the Project will not be located on a geologic unit or soil that is unstable or will become unstable, and the no impact will occur.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

No Impact. As discussed previously, the Project will be located on soil classified as Cajon Sand, which is in hydrologic soil group A. Hydrologic soil group A has the lowest runoff potential and typically consists of deep, well-drained to excessively drained sands or gravels (USDA 2002). Sand and gravel units typically have a low expansion potential (City of Hesperia 2010). As a result, the Project will not be located on expansive soils.

As discussed previously, all Project structures will be constructed in compliance with Title 24, Part 2 of the CBC, IBC, and City's Municipal Code. In addition, As discussed previously, recommendations from HGI's geotechnical study and infiltration feasibility study will be incorporated to ensure all Project structures will be stable.

Because the Project will not be located on expansive soil and Project structures will be compliant with the CBC, IBC, and City's Municipal Code, the Project will not create a substantial risk to life or property. As a result, no impact will occur.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. The Project does not include the use or installation of a septic tank or alternative wastewater disposal system. The Project will connect to an existing sewer system. As a result, no impact will occur.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less-than-Significant Impact with Mitigation Incorporated. Central and eastern San Bernardino County has rich paleontological resources, particularly near the eastern side of the county. The Project will be located in the southwestern quadrant of San Bernardino County, north of the Peninsular Ranges Geomorphic Province and at the southern cusp of the Mojave Desert (Norris and Webb 1990). This location is a broad basin characterized by widespread alluvial deposits from the mountains to the south and west, primarily of late Pleistocene age. The Project will be located on the Quaternary older alluvium (Qoa) geologic unit (Dibblee 1965). The surrounding area is composed of Younger alluvium (Q) underlain by Quaternary older alluvium (Qoa) and Pleistocene-Pliocene Nonmarine Sediments (QPc) (San Bernardino County 2018).

Intact paleontological resources are not expected to be present in the younger alluvial units across the southwestern valley floor in the upper layers, but could potentially be encountered in the older Pleistocene alluvium at depths of 50 feet. Because the excavation activities associated with the Project will not exceed 15 feet below ground surface, there is a low to moderate potential to encounter intact paleontological resources during construction. To reduce potential impacts to paleontological resources, Mitigation Measure (MM) PALEO-1 will be implemented. In accordance with MM PALEO-1, if a fossil discovery is made during excavation, all work within a 60-foot buffer of the find will be halted, and a qualified paleontologist will assess the find. If the fossils are determined to be potentially significant, the paleontologist will recover them by following standard field procedures for collecting paleontological resources. All significant fossils collected will be prepared in a properly equipped laboratory and delivered to an accredited museum or repository no later than 30 days after all laboratory work is completed. With the implementation of MM PALEO-1, the impact on paleontological resources will be less than significant with mitigation incorporated.

4.7.2 Mitigation Measures

The following MM will be implemented for the Project to reduce impacts to less-than-significant levels:

- **MM PALEO-1: Inadvertent Paleontological Resource Discoveries.** If a fossil discovery is made during excavation, all work within a 60-foot buffer of the find will be halted, and a qualified paleontologist will assess the find. If the fossils are determined to be potentially significant, the paleontologist will recover them by following standard field procedures for collecting paleontological resources. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (e.g., skeletons or large mammal fossils) require more extensive

excavation and longer salvage periods. In this case, the paleontologist will have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossils can be removed in a safe and timely manner. All significant fossils collected will be prepared in a properly equipped laboratory to a point ready for curation. During preparation and inventory, the fossil specimens will be identified to the lowest taxonomic level practical prior to curation at an accredited repository (usually a museum). The fossil specimens will be delivered to an accredited museum or repository no later than 30 days after all laboratory work is completed. The cost of curation will be assessed by the repository and will be the responsibility of Au Energy, LLC.

4.8 GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

4.8.1 Discussion

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

Less-than-Significant Impact. Hesperia Phelan CUP24-00012 (Project) emissions were calculated using the California Emissions Estimator Model (CalEEMod). Attachment 4.2-A: CalEEMod: Hesperia Phelan Detailed Report in Section 4.3 Air Quality details the inputs and results of the CalEEMod completed for the Project.

Construction of the Project will generate temporary greenhouse gas (GHG) emissions primarily as a result of the operation of construction equipment on site, as well as from vehicles transporting construction workers to and from the work areas, water trucks, and heavy trucks to transport materials to and from the work areas. Calculations of carbon dioxide (CO_2) emissions are provided to identify the magnitude of potential Project effects. As summarized in Table 4: Average Daily Construction GHG Emissions, Project construction activities, including the use of on-site construction equipment (e.g., excavators, bulldozers, graders, and other construction equipment) and off-site vehicle trips (e.g., worker commute trips, haul trips, and other on-road vehicles), will generate approximately 2,066 pounds of CO_2 equivalent (CO_2e)[5] per day in 2026, which will not exceed the Mojave Desert Air Quality Management District- (MDAQMD-) wide threshold of 548,000 pounds per day. Therefore, construction will not generate a quantity of GHG emissions that will potentially have a significant impact on the environment.

The Project will also include long-term energy consumption on site to support the car wash, gas station, and convenience store operations. In addition, the Project is anticipated to generate 1,594 total daily trips. Operation of the Project and the increased vehicular trips associated with customers will cause an increase in GHG emissions in the Project area. However, as summarized in Table 5: Average Annual Operational GHG Emissions, annual GHG emissions associated

[5] CO_2e is a measure used to compare the effect of emissions of various GHGs based on their global warming potential projected over a specified time period (generally 100 years).

with operation of the Project will not exceed the MDAQMD-wide threshold of 100,000 tons per year.

Table 4: Average Daily Construction GHG Emissions

Construction Year	Estimated CO_2e Emissions (pounds/day)
2026	2,066
MDAQMD Threshold	548,000
Exceeded?	No

Source: MDAQMD 2020

Table 5: Average Annual Operational GHG Emissions

	Annual Emissions (tons per year)
Operations	4,070
MDAQMD Threshold	100,000
Exceeded?	No

Source: MDAQMD 2020

Because the Project will not exceed applicable MDAQMD thresholds for CO_2e during construction or operation, the Project will not result in the generation of GHG emissions that may have a significant impact on the environment. As a result, impacts will be less than significant.

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less-than-Significant Impact. California's key initiative for reducing GHG emissions is Assembly Bill (AB) 32, passed by the state legislature on August 31, 2006. This effort set a target to reduce GHG emissions to 1990 levels by 2020. AB 32 requires the California Air Resources Board (CARB) to prepare a Scoping Plan that outlines the main state strategies for meeting the 2020 deadline and to reduce GHGs that contribute to global climate change. CARB's 2022 Scoping Plan was approved in December 2022 and lays out a path to achieve targets for carbon neutrality and reduce GHG emissions by 85 percent below 1990 levels no later than 2045 (CARB 2022).

In response to AB 32, the City of Hesperia (City) prepared a Climate Action Plan (CAP) (City 2010) and the San Bernardino Council of Governments (SBCOG) developed the San Bernardino County Regional Greenhouse Gas Reduction Plan (Reduction Plan) (SBCOG 2021). Since the CAP and Reduction Plan were developed in support of AB 32, a project that is consistent with the CAP and Reduction Plan will be consistent with AB 32. As stated in the Reduction Plan, the City has adopted a goal to reduce its community GHG emissions to 40 percent below its 2020 level of GHG emissions by 2030 (SBCOG 2021). To achieve this, the City's CAP includes numerous climate action strategies, such as energy efficiency, water conservation and reuse, and

waste reduction standards, with corresponding implementation policies from the City's General Plan. As part of the City's implementation of the CAP, the City enforces the California Building Code (CBC), which contains energy efficiency standards for new developments in Part 11 of the California Green Building Standards Code. The Project will be constructed and designed consistent with the CBC, City's Municipal Code, and Commercial Design Standards and Guidelines found in the City's Main Street and Freeway Corridor Specific Plan. These standards and guidelines include design measures aimed at reducing GHG emissions, including mandatory requirements for lighting controls, electric vehicle charging stations, and space-conditioning equipment. Since the Project will be constructed consistent with the CBC and the City's design standards, the Project will include features that reduce GHG emissions.

The MDAQMD has established that a project does not conflict with an air attainment or maintenance plan if it is consistent with the existing land use plan (MDAQMD 2020). As discussed in Section 4.11 Land Use and Planning, the Project is consistent with the City-designated Neighborhood Commercial zone in which it is proposed. In addition, as shown in Table 4: Average Daily Construction GHG Emissions and Table 5: Average Annual Operational GHG Emissions, the Project will not exceed MDAQMD GHG emission thresholds. Therefore, the Project will not conflict with the MDAQMD conformity guidelines for GHG emissions.

Since the Project will be constructed in accordance with the CBC and City's design standards, which include measures that reduce GHG emissions, and will be consistent with MDAQMD conformity guidelines, the Project will not conflict with California's AB 32, the City's CAP, or the SBCOG's Reduction Plan. As a result, impacts will be less than significant.

4.9 HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				✓
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			✓	

4.9.1 Discussion

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

Less-than-Significant Impact. Construction of Hesperia Phelan CUP24-00012 (Project) will require the temporary use of diesel fuel, gasoline, lubrication oil, hydraulic fluid, and chemicals

associated with vehicles and construction activities. In addition, the Project includes the operation of a vehicle fueling station and one 20,000-gallon underground storage tank (UST) and two 10,000-gallon USTs, which have the long-term potential to expose the public and environment to hazardous materials in the event of a release or through the routine use, storage, and transport of gasoline and diesel fuel. If improperly used, transported, stored, or disposed of, such materials have the potential to create a significant hazard to the public or environment.

The California Environmental Protection Agency (CalEPA) has implementation authority for the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) per California Code of Regulations (CCR) Title 27, Division 1, Subdivision 4, Chapter 1. The Unified Program requires CalEPA to certify local government agencies (i.e., Certified Unified Program Agencies [CUPAs]) to implement Hazardous Materials Business Plans (HMBPs), which aim to prevent or minimize harm to public health and safety and the environment from a release or threatened release of a hazardous material, at the local level. An HMBP includes details on hazardous material inventory, emergency response plans and procedures, and a training program that includes training in safety procedures in the event of a release of threatened release of hazardous material (CalEPA 2025).

The San Bernardino County Fire Protection Department (FPD) is the CUPA for the City of Hesperia (City). In accordance with California Health and Safety Code Division 20, Chapter 6.95 and CCR Title 19, Division 5, Chapter 1, Au Energy, LLC (Au Energy) will prepare and submit an HMBP to the San Bernardino County FPD through the California Environmental Reporting System (CERS) for review and approval prior to Project construction (San Bernardino County FPD 2025). All potentially hazardous materials will be stored, transported, and disposed of in accordance with the HMBP. In addition, since the Project includes the installation and operation of USTs, the Project will be subject to the UST element of the CERS. As a result, the Project's USTs will be annually inspected to verify the UST system is compliant with design and construction standards (San Bernardino County FPD 2025). Further, the USTs will be designed and constructed in accordance with California Health and Safety Code (HSC) Chapter 6.7 and CCR Title 23, Division 3, Chapter 16, which detail the design and construction requirements for new USTs. Therefore, all Project construction and operation activities will be conducted in compliance with the applicable HMBP and UST requirements.

Although the Project includes the routine transport or use of hazardous materials, implementation of the HMBP and UST requirements will reduce the Project's potential to create a significant hazard to the public or the environment to a less-than-significant level.

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

Less-than-Significant Impact. Exposure and release of existing hazardous materials during construction and operation of the Project has the potential to impact on-site workers, the public, or the environment through direct contact, off-site transport, or improper disposal. However, the Project's vehicle fueling station will be designed and operated in accordance with the California Fire Code and California Mechanical Code (24 CCR 4). These codes contain the dispensing and operational requirements for motor fuel-dispensing facilities that safeguard the public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new or

existing buildings, structures, and premises (CCR 2022). As mentioned previously, the USTs will be designed and constructed in accordance with California HSC Chapter 6.7 and CCR Title 23, Division 3, Chapter 16, which detail the design and construction requirements for new USTs.

As discussed previously, hazardous materials used for Project construction and operation will be handled in accordance with an HMBP. The HMBP will include best management practices such as maintaining spill kits, avoiding the storage of hazardous materials on or near work areas, and storing hazardous materials within secondary containment. Spill kits will be maintained on site during construction and operation of the Project to minimize the risk of releasing hazardous materials.

Therefore, the Project is not anticipated to 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. As a result, the impact will be less than significant.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

No Impact. The Project will not be located within 0.25 mile of an existing or proposed school. The nearest school is Canyon Ridge High School, which is approximately 1.45 miles southeast of the Project. Therefore, the Project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. As a result, no impact will occur.

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

No Impact. The Project is not located on or within 1 mile of any United States (U.S.) Environmental Protection Agency (EPA) National Priorities List sites (U.S. EPA 2024), California State Water Resources Control Board (SWRCB) Geotracker sites (SWRCB 2025), California Department of Toxic Substances Control (DTSC) EnviroStor sites (DTSC 2025a), or DTSC Hazardous Waste Tracking System sites (DTSC 2025b). Therefore, no existing hazardous materials have been reported at the Project site and no impact will occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The Project is not located within an airport land use plan or within 2 miles of a public airport or public use airport. The closest airport is the Hesperia Airport, which is located approximately 5.95 miles southeast of the Project. As a result, no impact will occur.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less-than-Significant Impact. The City's General Plan Safety Element identifies U.S. Highway 395, which is adjacent to the Project, as a potential evacuation route. As part of the

Project, Au Energy will be applying for a California Department of Transportation (Caltrans) encroachment permit for modifications to U.S. Highway 395 and the intersection of U.S. Highway 395 and Phelan Road. Au Energy is required to prepare a traffic control plan for the encroachment permit, which will be approved by the City and Caltrans prior to Project construction. This plan will reduce the potential for emergency evacuation hazards by notifying landowners, emergency responders, and local agencies of the planned construction activities; requiring construction activities to be coordinated with emergency service providers; and implementing applicable traffic control measures. While short-duration delays could result from construction traffic and temporary lane closures on U.S. Highway 395 and Phelan Road, the Project will not require the full closure of any roads. Emergency vehicles will be allowed access in the event of an emergency. Likewise, temporary lane closures will be opened in the event of an evacuation. Therefore, the Project will not conflict with any adopted emergency response or evacuation plans. As a result, the impact will be less than significant.

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

Less-than-Significant Impact. As detailed further in Section 4.20 Wildfire, the Project will be located approximately 0.37 mile east of a state responsibility area and lands classified as a high fire hazard severity zone (California Board of Forestry and Fire Protection 2024, California Department of Forestry and Fire Protection [CAL FIRE] 2023). However, all Project structures will be constructed in compliance with the California Fire Code (24 CCR 9), which is based on the International Fire Code from the International Code Council and contains consensus standards related to establishing good practices to safeguard the public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new or existing buildings, structures, and premises (CCR 2022). In addition, the Project's convenience store, car wash, and vehicle fueling station will be constructed and designed to be consistent with the City's Municipal Code Chapter 16.16 Section 365 (City of Hesperia 2025) and the Commercial Design Standards and Guidelines found in the City's Main Street and Freeway Corridor Specific Plan (City of Hesperia 2008). Consistent with the City's Main Street and Freeway Corridor Specific Plan, Project landscaping will not interfere with or restrict access to emergency apparatuses such as fire hydrants or fire alarm boxes. The Project's convenience store will include an automatic fire extinguishing system, consistent with the City's Municipal Code Chapter 15.04 Section 030 (City of Hesperia 2025). As discussed previously, the Project's vehicle fueling station will be designed and operated in accordance with the California Fire Code and California Mechanical Code (24 CCR 4). Therefore, by complying with the regulations and design standards intended to reduce the likelihood of fire hazards, the Project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. As a result, the impact will be less than significant

4.10 HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			✓	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✓	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			✓	
i) result in substantial erosion or siltation on- or off-site;			✓	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			✓	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			✓	
iv) impede or redirect flood flows?				✓
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				✓
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✓

4.10.1 Discussion

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less-than-Significant Impact. Hesperia Phelan CUP24-00012 (Project) is not expected to violate water quality standards or waste discharge requirements, or significantly degrade surface or ground water quality. Construction will require ground-disturbing activities that could increase soil erosion rates which, if not properly managed, could potentially result in a violation of water quality standards and impacts to beneficial uses in adjacent or downstream waterbodies. All construction projects greater than 1 acre in size in the State of California are required to obtain coverage under the State Water Resources Control Board (SWRCB) Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, 2022-057-DWQ (Construction General Permit) to prevent the discharge of pollutants to surface waters during construction. Since the Project will disturb more than 1 acre of land, a Notice of Intent will be filed with the SWRCB to obtain coverage under the Construction General Permit, and a Project-specific Stormwater Pollution Prevention Plan (SWPPP) will be prepared to comply with the permit. The SWPPP will include best management practices (BMPs) designed to address materials management, non-storm water discharges, sediment discharges, and erosion controls to meet water quality standards. Further, as discussed in Section 4.7 Geology and Soils, the Project will comply with the City of Hesperia (City) Municipal Code 8.30.230, which includes the submittal of a Water Quality Management Plan (WQMP) for City review. The WQMP will include all required and proposed measures for site design, source control, runoff reduction, stormwater treatment, baseline hydromodification management, and low-impact development techniques as applicable (City of Hesperia 2025).

Materials used during construction of the Project (e.g., diesel fuel, hydraulic fluid, oils, grease, and concrete) have the potential to be transported by storm water runoff and threaten groundwater quality in the event of spills or leaching. Specific measures to manage hazardous materials will be addressed in the SWPPP. Additionally, as described in Section 4.9 Hazards and Hazardous Materials, the Project will develop and implement a Hazardous Materials Business Plan, which includes BMPs such as maintaining spill kits, avoiding the storage of hazardous materials on or near work areas, and storing hazardous materials within secondary containment. As a result, the impact to water quality standards, waste discharge requirements, and surface or ground water quality will be less than significant.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less-than-Significant Impact. The Project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. The Project area lies entirely within the Upper Mojave River Valley Basin, Alto Subarea (Upper Basin). The Upper Mojave River Valley Groundwater Basin underlies an elongated north-south valley, with the Mojave River flowing through the valley from the San Bernardino Mountains on the south, northward into the Middle Mojave River Valley Groundwater Basin at the town of Helendale, approximately 21 miles north of the City of Hesperia (Department of Water Resources [DWR] 2004). The Upper Basin is managed by the Mojave Water Agency (MWA), which oversees the allocation of groundwater in

accordance with the adjudication ruling of 1993 (with subsequent rulings in 1996 and 2000, followed by finalization in 2002), which ensures the equitable allocation of groundwater from the Mojave River Basin based on water use needs of stakeholders in the region (MWA 2025). The Upper Basin has a total average water supply of 57,349 acre-feet per year, and MWA predicts ample water supply for all users through the year 2065 (MWA 2020). Water for Project construction activities and post-construction operations will be supplied by the Hesperia Water District, which receives its water from the Upper Basin. Water use during construction of the Project is anticipated to be approximately 3,000 gallons per day, and approximately 164 gallons per day (0.001 AFY) during operation. Thus, the amount of water used for the Project will be negligible compared to the total supply within the Upper Basin. As a result, the impact will be less than significant.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on-site or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

Less-than-Significant Impact. The Project is located on undeveloped land composed of bare ground and sparse vegetation, which is a typical surface condition of undeveloped land in the vicinity of the Project area. Under pre-Project conditions, stormwater sheet flows over the existing pervious ground, discharging to the existing storm drain on Phelan Road and eventually to the Oro Grande Wash near the Phelan Road and Highway 395 intersection. The Oro Grande Wash then passes under the California Aqueduct Box Culvert at Mile Post 394.5 and continues flowing from the northeast side of the California Aqueduct. To mitigate for potential erosion and sediment discharge to the Oro Grande Wash during construction, a SWPPP will be prepared for the Project that will include erosion and sediment control BMPs to be implemented by the construction contractor.

The Project will not cross or alter the course of any jurisdictional aquatic features; however, the amount of impervious surface will increase within the Project site. To mitigate the addition of 1.88 acres of impervious surface, which can inhibit the infiltration of stormwater and cause an increase in surface runoff, the proposed on-site storm drain system will connect to an underground retention facility located east of the proposed fueling station to retain any additional stormwater runoff and discharge through a new proposed storm drain to Phelan Road. The proposed storm drain will connect to the existing public storm drain system to the east of the Project, which eventually discharges through an existing culvert box at Main Street to the Oro Grande Wash, approximately 1,480 feet east of the Project site.

The underground retention facility will be capable of retaining stormwater flows from a 100-year storm event and will reduce post-Project peak flows to less than pre-Project conditions. Implementation of the underground retention facility is anticipated to reduce 100-year peak flow rates from 6.90 cubic feet per second (cfs) under pre-Project conditions to 6.70 cfs under post-Project conditions. A final Project-specific hydrology report detailing Project drainage and flow

rates will be reviewed and approved by the City post-entitlement to ensure the Project does not significantly impact drainage at the Project site. In addition, as previously discussed, a WQMP will be prepared that includes measures to reduce runoff. Consequently, this Project will not increase the amount of surface runoff impacting downstream properties beyond pre-construction conditions. These design elements will reduce the risk for flooding on- and off-site. As a result, the impact will be less than significant.

d) In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

No Impact. The Project is not located within a designated flood hazard zone, per the Federal Emergency Management Agency (FEMA) Flood Risk Maps (FEMA 2024). Additionally, the Project is not located in the coastal zone and thus is not subject to inundation from a tsunami, or within a seiche zone. As a result, no impact will occur.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact. The Project lies within the Upper Mojave Hydrologic Unit and is managed by the Regional Water Quality Control Board (RWQCB) Region 6 (Lahontan). The Project will not conflict with or obstruct implementation of the Lahontan RWQCB Basin Plan or any groundwater management plans. The Lahontan Basin Plan includes water quality objectives, identifies beneficial uses of its waterbodies, and addresses actions that may be necessary to remediate waters within the Upper Mojave that are designated as impaired for water quality. The Project does not cross any jurisdictional aquatic features, and is located approximately 680 feet northwest from the Oro Grande Wash. The Oro Grande Wash is currently not listed on the Clean Water Act (CWA) Section 303(d) List as an impaired waterbody (SWRCB 2025); thus, no formal water quality improvement plan is required for the Oro Grande Wash. Further, as stated previously, a SWPPP will be prepared for the Project to prevent discharges of pollutants to surface waters. As a result, no impact will occur.

Groundwater basin prioritization is a technical process that utilizes the best available data and information to classify California's 515 groundwater basins into one of four categories: high-, medium-, low-, or very low-priority (DWR 2025). Each basin's priority determines which provisions of the California Statewide Groundwater Elevation Monitoring and the Sustainable Groundwater Management Act (SGMA) apply. The SGMA requires local groundwater management authorities and/or water districts of medium- and high-priority groundwater basins to develop groundwater sustainability agencies (GSAs), develop groundwater sustainability plans (GSPs), and manage groundwater for long-term sustainability. Currently, no GSA or GSP exists for the Upper Basin due to its Very Low Priority classification. Water used during construction will be provided by the Hesperia Water District via an existing fire hydrant on Phelan Road, and will not conflict with groundwater management of the Upper Basin. As a result, no impact will occur.

4.11 LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Physically divide an established community?				✓
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				✓

4.11.1 Discussion

a) Would the project physically divide an established community?

No Impact. No established communities are located at the Hesperia Phelan CUP24-00012 (Project) site or on the surrounding parcels. The Project is located in an undeveloped area of the City of Hesperia (City). The closest residential community is approximately 0.3 mile east of the Project. Therefore, the Project will not divide an established community, and no impact will occur.

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

No Impact. The Project will be located on a parcel designated as Neighborhood Commercial (NC) in the City's Main Street and Freeway Corridor Specific Plan (City of Hesperia 2008). The Project will be consistent with the NC zone, which encourages the development of businesses that provide convenience goods and services to local residents, such as the services that will be provided by the Project when complete. As discussed previously, a residential community is located approximately 0.3 mile east of the Project. Additional residential communities and homes are located within 2 miles of the Project in all directions. Therefore, the Project will provide services accessible to local residents.

The NC zone requires a City-issued conditional use permit (CUP) to authorize construction and operation of the convenience store with alcoholic beverage sales for off-site consumption, vehicle fuel stations, and vehicle wash facilities. Au Energy, LLC (Au Energy) will obtain a CUP from the City prior to Project construction. Therefore, the Project will be consistent with the NC zone's permitted uses following receipt of the CUP.

As discussed in Section 4.4 Biological Resources, Chapter 16.24 of the City's Municipal Code outlines the provisions for protected plants in the City (City of Hesperia 2025). Pursuant to Chapter 16.24, a removal permit is required for the removal of a western Joshua tree (*Yucca brevifolia*). Au Energy will apply for an incidental take permit (ITP) in accordance with the

Western Joshua Tree Conservation Act and submit it to California Department of Fish and Wildlife (CDFW) for review and approval prior to Project construction. Insignia Environmental corresponded with the City on February 19, 2025 and confirmed that receipt of the western Joshua tree ITP will satisfy Chapter 16.24 requirements of the City's Municipal Code. As a result, the Project will not conflict with the City's protected plant ordinance.

In addition, the Project will be located within the focus area of the Draft Western Joshua Tree Conservation Plan (WJTCP); however, this plan has not been adopted by the California Fish and Game Commission (Commission) (CDFW 2024). The Draft WJTCP includes western Joshua tree impact avoidance and minimization measures that can be voluntarily adopted by project proponents. The Western Joshua Tree Conservation Act requires avoidance and minimization of impacts on western Joshua trees to the maximum extent practicable as a condition of obtaining a western Joshua tree ITP (CDFW 2024). Since the Draft WJTCP may be adopted by the Commission prior to Project construction, avoidance and minimization measures included in the Draft WJTCP will be reviewed and may be included in the western Joshua tree ITP. Through the implementation of mitigation measures included in the western Joshua tree ITP, the Project will minimize impacts to western Joshua tree. Therefore, the Project will be consistent with the Draft WJTCP.

The Project will not be located within any adopted Habitat Conservation Plan; Natural Community Conservation Plan; or other approved local, regional, or state habitat conservation plan, and it will not conflict with any land use plan, policy, or regulation. As a result, no impact will occur.

4.12 MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				✓

4.12.1 Discussion

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

No Impact. There is no mining operation located within 5 miles of Hesperia Phelan CUP24-00012 (Project). The closest operation is the Scheerer Quarry, which mines sand and gravel and is located approximately 13.5 miles northeast of the Project (California Department of Conservation 2025). The Project will not cross mining sites or interfere with mining operations. Consequently, the construction of the Project will not lead to the depletion of any known mineral resources. As a result, no impact will occur.

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

No Impact. The Project is located more than 5 miles from any known or potential mineral resource recovery site. The City of Hesperia General Plan Conservation Element (Conservation Element) describes the presence of non-significant mineral resources (i.e., sand used for construction) in the Summit Valley region and within the Mojave River washes (City of Hesperia 2019). The Conservation Element further describes these minerals as not significant due to their relatively high abundance in the surrounding areas. In addition to the non-significant classification, the areas of mineral deposits are more than 5 miles from the Project. As a result, no impact will occur.

4.13 NOISE

Would the project result in:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
b) Generation of excessive groundborne vibration or groundborne noise levels?			✓	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 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?				✓

4.13.1 Discussion

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less-than-Significant Impact. The nearest sensitive receptors to Hesperia Phelan CUP24-00012 (Project) are within a residential community located approximately 0.3 mile (1,700 feet) east of the Project on Mesa Linda Street. As outlined in the City of Hesperia's (City's) Noise Ordinance, the maximum allowable noise level at a residential parcel line is 60 A-weighted decibels (dBA) [6] between 7:00 a.m. and 10:00 p.m. (City of Hesperia 2025).

The Project will be located on the corner of United States (U.S.) Highway 395 and Phelan Road, which has an approximate existing roadway noise level of 71 dBA Community Noise Equivalent Level (CNEL)[7] at 50 feet (City of Hesperia 2010). Construction associated with Project will generate noise that will temporarily increase ambient noise levels in the Project vicinity due to construction equipment use (e.g., excavators, bulldozers, graders, and trucks); however, given

[6] Because the human ear is not equally sensitive to all sound frequencies within the entire spectrum, noise levels at maximum human sensitivity are factored more heavily into sound descriptions in a process called "A weighting," written as dBA (City 2010).

[7] Because community receptors are more sensitive to unwanted noise intrusion during the evening and at night, state law requires that, for planning purposes, an artificial decibel increment penalty be added to quiet-time noise levels in a 24-hour noise descriptor called CNEL (City 2010).

the Project site's high existing ambient noise level, noise generated by on-site construction equipment is not anticipated to significantly increase ambient noise levels. In addition to noise generated by on-site construction equipment, construction-related vehicle trips (e.g., worker commute trips, haul trucks, and other on-road vehicles) will temporarily increase noise levels along roadways leading to the Project site. This temporary vehicle traffic will increase ambient traffic noise levels along roadways; however, any increase will be minimal, as these trips will occur throughout the day.

According to the U.S. Department of Transportation (DOT), a dozer has a maximum sound level (L_{max})[8] of 82 dBA at 50 feet (U.S. DOT 2025a) and will generate some of the highest noise levels during Project construction. The A-weighted, equivalent sound level at the nearest sensitive receptor resulting from operation of the dozer with a Usage Factor (U.F.) of 40 percent over a 1-hour period will be approximately 47 dBA, using the calculation below:[9]

$$L_{eq(h)} = L_{max} - 20 \log (D/D_0) + 10 \log (U.F.) + 10 \log (\text{number of units operating concurrently})$$

At 47 dBA, the sound of the dozer at the nearest sensitive receptor will be between the sound levels of a soft whisper (40 dBA) and urban residence (50 dBA) (U.S. Department of Labor 2022). Therefore, Project construction will not cause noise levels to exceed 60 dBA at the nearest noise-sensitive receptors within the residential community. In addition, construction activities occurring between 7:00 a.m. and 7:00 p.m. will be exempt from noise standards unless construction activities occur on Sundays or federal holidays (City of Hesperia 2025). Construction of the convenience store, vehicle fueling station, and car wash is anticipated to occur 6 days per week (Monday through Saturday) between 7:00 a.m. and 7:00 p.m., and will last 200 to 250 days. Road improvement work on U.S. Highway 395 and Phelan Road is anticipated to require night work. Nighttime construction activities will be conducted in accordance with the Project's traffic control plan approved by the City and California Department of Transportation (Caltrans) as part of the permitting process prior to construction. All noise control measures included in the traffic control plan will be implemented to reduce construction noise. Work on Sundays and federal holidays is not anticipated. As a result, the Project will not conflict with the local noise ordinance.

Long-term operations associated with the Project may slightly increase ambient noise levels in the Project vicinity as a result of the permanent operation of facilities, including roof-top mechanical equipment associated with the convenience store building, mechanical equipment within the car wash, and the self-service vacuum stalls. As discussed previously, the Project will be located on the corner of U.S. Highway 395 and Phelan Road. Given the Project site's high existing ambient noise level of approximately 71 dBA CNEL resulting from traffic along U.S. Highway 395 and Phelan Road, any increase in ambient noise levels resulting from Project

[8] L_{max} is the maximum noise level recorded during a noise event (City of Hesperia 2010).

[9] $L_{eq(h)}$ = A-weighted, equivalent sound level at a receptor resulting from operation of a piece of equipment over a 1-hour time period.
L_{max} = Maximum noise emission level of equipment based on its work cycle at distance D_0.
U.F. = Usage Factor, which accounts for the percent time that equipment is in use over the time period of interest (1 hour).
D = Distance from the equipment to the receptor of interest.
D_0 = Reference distance at which the L_{max} was measured for the piece of equipment.

operations will be negligible and indistinguishable, as traffic will mask any noise from Project operations.

As discussed in Section 4.17 Transportation, Project operations are anticipated to generate approximately 1,594 new daily trips. The City's General Plan projected that noise levels along Phelan Road will increase to 74 dBA CNEL following build-out in accordance with the General Plan (City 2010). Although the Project will increase vehicular traffic, U.S. Highway 395 and Phelan Road are major roadways where increased traffic and noise levels are anticipated as the City's development increases. Therefore, the City's General Plan has already considered the increase in noise levels that will result from increased development in the City. The Project is not anticipated to cause noise levels along Phelan Road to exceed 74 dBA CNEL, and the Project will remain consistent with the City's General Plan.

Project operations will require a maximum of six employees daily. It is estimated that three employees will be needed for operations during the day and two employees will be needed for operations at night. No employees will be needed for the car wash because it will be self-operated. As outlined in the City's Noise Ordinance, the maximum allowable noise level for commercial land uses is 65 dBA (City 2025). The existing ambient noise level 50 feet from U.S. Highway 395 and Phelan Road is approximately 71 dBA CNEL and may increase to 74 dBA during operations. Between 70 and 75 dBA, noise levels are expected to be similar to a loud classroom (U.S. Department of Labor 2022). Although Project employees may be exposed to elevated noise levels while outside of their personal vehicles or the proposed convenience store, the Project employees will predominately work within the convenience store, which is approximately 200 feet west of U.S. Highway 395 and 90 feet north of Phelan Road. While inside the convenience store, noise from surrounding vehicle use will be attenuated from the building and sloped landscaped areas (U.S. DOT 2025b). Therefore, given the distance of the convenience store from roadways and the barriers to noise created by the convenience store walls and sloped landscaped areas, the Project is not anticipated to expose employees to noise levels that exceed 65 dBA.

Similarly, customers may be exposed to elevated noise levels resulting from adjacent roadways, vehicles idling, and car wash operations while outside of their personal vehicles or the convenience store. Although customers outside may be exposed to elevated noise levels, the exposure will be temporary, similar to a loud classroom, and consistent with typical noise levels at other existing vehicle fueling stations in the vicinity. Therefore, individuals outside of personal vehicles and the convenience store are not anticipated to be exposed to noise levels that exceed thresholds of significance. As a result, the noise impact associated with Project construction and operation will be less than significant.

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Less-than-Significant Impact. Groundborne vibration will be generated by heavy equipment use during Project construction. As discussed previously, the nearest sensitive receptors are located approximately 0.3 mile (1,700 feet) east of the Project on Mesa Linda Street. The Caltrans vibration threshold for building damage to new residential structures is a peak particle velocity (PPV) of 0.5 peak inch per second. At 25 feet, a large bulldozer has a PPV of 0.089 inch

per second. During the operation of a large bulldozer, the PPV at the nearest sensitive receptor will be approximately 0.0009 inch per second using the following calculation (Caltrans 2020):[10]

$$PPV_{Equipment} = PPV_{Ref} (25/D)^{n} \text{ (inch/second)}$$

Therefore, vibration from construction will not damage structures at the nearest sensitive receptor. In addition, a PPV of 0.01 inch per second is barely perceptible to humans (Caltrans 2020). Because a large bulldozer generates a PPV well below 0.01 inch per second, the nearest sensitive receptors to the Project are not likely to perceive a vibration caused by construction. Project operations will not involve the use of any large rotating equipment or heavy machinery that will introduce any new sources of perceivable groundborne vibration. As a result, the construction and operation of the Project will not result in the generation of excessive groundborne vibration or noise levels, and the impact will be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The Project is not located within an airport land use plan or within 2 miles of a public airport or public use airport. The closest airport is the Hesperia Airport, which is located approximately 5.95 miles southeast of the Project. As a result, no impact will occur.

[10] PPV_{Ref} = reference PPV at 25 feet.
D = distance from equipment to the receiver in feet.
n = 1.1 (the value related to the attenuation rate through ground).

4.14 POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?				✓
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓

4.14.1 Discussion

a) Would the project induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?

No Impact. Construction of Hesperia Phelan CUP24-00012 (Project) will not create a direct increase in the demand for housing. No more than eight construction workers are anticipated to be on site at any given time during construction. Operation of the Project will only require a daily maximum of seven employees, who will likely be sourced from the City of Hesperia or San Bernardino County. Because employees will be sourced from the local area, operation of the Project will not result in population growth. Rather than encourage population growth, such services support the existing population, with the closest residential community located approximately 0.3 mile east of the Project and additional residential communities and homes located within 2 miles of the Project in all directions. Further, the Project is approximately 0.5 mile west of an existing sewer main near the intersection of Main Street and Mesa Linda Street and across from an existing water main on the south side of Phelan Road (City of Hesperia 2025). As a result, development of the Project will not require significant extension of utility infrastructure, and no impact will occur.

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project is located on undeveloped land that is zoned to allow for development of commercial uses. No housing exists within the Project site. The nearest residential community is approximately 0.3 mile east of the Project, and construction of the Project will not cause the displacement of this community. As a result, no impact will occur.

4.15 PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire Protection?			✓	
Police Protection?			✓	
Schools?				✓
Parks?				✓
Other Public Facilities?				✓

4.15.1 Discussion

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

Fire Protection

Less-than-Significant Impact. Construction and operation of Hesperia Phelan CUP24-00012 (Project) will not have a significantly adverse effect on fire protection services in the Project area. Fire protection services are provided to the City of Hesperia (City) by the San Bernardino County Fire Protection District. The closest fire station to the Project is Fire Station 305, which is located at 8331 Caliente Road, approximately 2.5 miles south of the Project. Fire Station 305 is fully staffed and maintains a daily crew of eight personnel (City of Hesperia 2025). Construction of the Project may require the temporary closure of lanes on Phelan Road and United States Highway 395; however, as discussed in Section 4.9 Hazards and Hazardous Materials, any lane closure will be included in the required traffic control plan to minimize the effect on response times, service rations, or other public service objectives for fire protection in

the area. Additionally, a new fire line is proposed as part of the Project; this line will connect to the existing 12-inch water main that runs along the south side of Phelan Road and will extend north from Phelan Road to the proposed convenience store. Further, as discussed in Section 4.20 Wildfire, the Project will be designed to adhere to all California Fire Code (24 California Code of Regulations 9) standards regarding fire prevention. As a result, the impact will be less than significant.

Police Protection

Less-than-Significant Impact. Construction and operation of the Project will not significantly affect police protection services in the Project area. The Hesperia Police Department contracts with the San Bernardino County Sheriff's Department to provide police services in the City's jurisdiction. The Hesperia Police Department is comprised of 58 sworn law enforcement personnel, including a captain, a lieutenant, seven sergeants, five detectives, and 44 deputy sheriffs (San Bernardino County 2025). The Hesperia Patrol Station is located at 15840 Smoketree Street, which is located approximately 5.3 miles east of the Project. Perimeter security fencing will be installed around the outer limits of the Project work area during construction. Lighting will also be installed for security purposes during construction. Construction crews will lock and secure the Project site to prevent theft or vandalism associated with work equipment or supplies at the completion of each workday. Although the need for police services may arise during and after construction, such a need will not exceed the capacity of the existing providers in the vicinity of the Project and will not require the provision of service beyond existing capacities. As a result, the impact will be less than significant.

Schools

No Impact. It is not anticipated that construction and operation of the Project will adversely affect the provision of, or access to, school services. The Project lies within the Snowline Joint Unified School District, at the far eastern boundary of the district; however, the closest school to the Project is Canyon Ridge High (1.4 miles to the southeast) within the Hesperia Unified School District (HUSD). Although the HUSD boundary is just outside of the Project area, its schools are located nearest to the Project and it serves the City and adjacent areas in the high desert of San Bernardino County, covering 140 square miles. The HUSD provides public education services for kindergarten through senior high school students, including three comprehensive high schools, two continuation high schools, three middle schools, 12 elementary schools, three choice schools, two alternative schools, one adult education school, and five charter schools (HUSD 2025). Construction and operation of the Project is not likely to disrupt access to schools, as the nearest residential community is located east of the Project and its residents would be traveling eastbound on Phelan Road to access schools within the HUSD. Although the schools within the HUSD are closest to the Project area, the traffic to and from those schools will not be impeded by the Project; due to the Project's relative location, no impact will occur.

Parks

No Impact. It is not anticipated that construction and operation of the Project will adversely affect the provision of services by, or access to, public parks. The closest public park to the Project is Malibu Park, which is located approximately 1.7 miles to the southeast. The Mojave Narrows Regional Park and the Mojave River Forks Regional Park are located approximately 9.4 miles northeast and 9.7 miles southeast of the Project, respectively. Lane closures during

construction of the Project are unlikely to affect access to any of the surrounding public parks. As a result, no impact will occur.

Other Public Facilities

No Impact. It is not anticipated that construction and operation of the Project will adversely affect the provision of services by other public facilities as none are located near the Project area. The nearest library to the Project is the San Bernardino County Hesperia Branch Library, which is located approximately 4.9 miles east of the Project. The High Desert Medical Center and Hesperia Post Office are located approximately 6.3 miles east and 6.5 miles east of the Project, respectively. As a result, there will be no impact on other public facilities.

4.16 RECREATION

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

4.16.1 Discussion

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. No City of Hesperia (City) neighborhood parks or San Bernardino County regional parks are located within 1 mile of Hesperia Phelan CUP24-00012 (Project). Malibu Park, located approximately 1.7 miles southeast of the Project, is the closest City park (City of Hesperia 2025).

The use of parks and recreational facilities is closely tied to population; as population increases, the use of existing parks and recreational facilities can be expected to increase proportionally. As presented in Section 4.14 Population and Housing, the Project will not directly or indirectly induce substantial population growth. During construction of the Project, regional and local parks may be used by workers during their lunch or break periods. However, construction will be temporary and will last 200 to 250 days. Given the duration of construction activities and lack of population growth resulting from the Project, the Project will not increase the use of existing neighborhood and regional parks such that substantial physical deterioration of the facilities will occur. As a result, no impact will occur.

b) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The Project does not include any recreational facilities. In addition, the Project will not result in a permanent population increase; therefore, it will not require the construction or expansion of any recreational facilities. The Project will not have an adverse physical effect on the environment from the construction of new recreational facilities or expansion of existing recreational facilities. As a result, no impact will occur.

4.17 TRANSPORTATION

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				✓
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?			✓	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓	
d) Result in inadequate emergency access?			✓	

4.17.1 Discussion

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

No Impact. Hesperia Phelan CUP24-00012 (Project) will not conflict with any program, plan, or ordinance that addresses the City of Hesperia's (City's) circulation system. The City's public transit service is provided by the Victor Valley Transit Authority (VVTA) (City of Hesperia 2010). Phelan Road at the Project site is located along VVTA Route 21: Super Target – Wrightwood (VVTA 2025). The nearest bus stop along Route 21 is located approximately 1.15 miles west of the Project. VVTA Route 64: Hesperia Post Office – Super Target is located approximately 0.8 mile east of the Project, at the intersection of Main Street and Cataba Road. There are no additional bus stops proposed as part of the Project, and the Project will not conflict with the public transit policies outlined in the Circulation Element of the City's General Plan or interfere with the established VVTA public transit routes. As a result, no impact will occur.

The Circulation Element of the City's General Plan classifies Phelan Road as a Major Arterial, with a total right-of-way (ROW) of 120 feet, including 60 feet on either side of the street centerline (City of Hesperia 2010). The Project proposes ROW improvements to the north side of Phelan Road in accordance with the Major Arterial standards, providing 60 feet of ROW from the street centerline to the back of the sidewalk.

United States (U.S.) Highway 395 is classified as a Special Street in the Circulation Element, with a total ROW of 130 feet. The Project proposes ROW improvements to U.S. Highway 395 in accordance with the Special Street standard, providing between approximately 92 and 100 feet of ROW from the highway centerline to the new proposed California Department of Transportation

ROW line along the east boundary of the Project. The Project complies with all street standards shown in the Circulation Element of the City's General Plan, and no impact will occur.

According to the City's Main Street and Freeway Corridor Specific Plan, the nearest bicycle/pedestrian path is located approximately 1 mile north of the Project and is designated as a Class I Bike Lane that runs along either side of the California Aqueduct (City of Hesperia 2021). The Project does not cross an existing bicycle or pedestrian facility and will not conflict with the Main Street and Freeway Corridor Specific Plan. As a result, no impact will occur.

b) Would the project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?

Less-than-Significant Impact. Section 150964.3, Determining the Significance of Transportation Impacts, of the California Environmental Quality Act (CEQA) Guidelines was introduced to provide guidance for determining the significance of transportation impacts. This section provides criteria for determining a project's transportation impacts, including for land use projects (Section 15064.3[b][1]) and transportation projects (Section 15064.3[b][2]). Criteria 3 and Criteria 4 of CEQA Guidelines Section 15064.3 include stipulations to conduct a Vehicle Miles Traveled (VMT) assessment to determine potential impacts.

The City's traffic impact analysis guidelines provide a process for projects to be screened from full VMT assessment under the assumption that the projects will result in a less-than-significant transportation impact related to VMT. As discussed in Attachment F: Scoping Agreement Memorandum, the City has VMT screening options based on land use types, including local-serving gas stations and local-serving retail less than 50,000 square feet. The Project includes a 5,915-square-foot convenience store and 1,968-square-foot automated car wash tunnel, totaling 7,883 square feet. Therefore, the Project is a local-serving gas station and a local-serving retail measuring less than 50,000 square feet. As a result, the Project can be screened from VMT assessment under the presumption that it will result in a less-than-significant impact related to VMT.

As a result, the Project will not result in transportation impacts related to increased VMT and will not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b). Therefore, the impacts will be less than significant.

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

Less-than-Significant Impact. The Project includes improvements to U.S. Highway 395, Phelan Road, and the traffic signal on the northwestern corner of the Phelan Road and U.S. Highway 395 intersection to reduce the potential for traffic-related incidents involving vehicles entering and exiting the Project's proposed driveways along Phelan Road and U.S. Highway 395. The southbound side of U.S. Highway 395 will be widened to 58 feet from the centerline to allow for the following:

- installation of a 3-foot-wide median at the centerline,
- a dedicated bike lane along the southbound side,

- a dedicated right-turn lane to access the Project and to turn right onto Phelan Road,
- two southbound lanes, and
- one left-turn lane to travel east.

In December 2025, Fehr & Peers prepared a memorandum summarizing the safety review conducted for the Project. The Safety Review for this Project was conducted in alignment with the California Department of Transportation (Caltrans) Local Development Review (LDR) Safety Review Practitioner's Guidance, which contains safety review guidance for proposed land use Projects affecting the State Highway System.

As discussed by Fehr & Peers, the Project will introduce a new access point near the intersection of Phelan Road and U.S. Highway 395, which may lead to a slight increase in crash rate, despite the majority of new trips being localized and pass-by traffic already using the corridor. However, the access driveways for the Project are currently designed in accordance with existing City and Caltrans design standards and will incorporate appropriate safety enhancements to ensure adequate spacing, visibility, and traffic control measures to minimize potential conflicts. The proposed right-in and right-out configuration, combined with a rubberized curb, will further reduce conflict points along Phelan Road by restricting turning movements and discouraging illegal or unsafe maneuvers across opposing traffic. To address potential safety concerns at the proposed driveways, measures such as adequate driveway spacing from the intersection, the installation of a rubberized curb to reinforce the right-in and right-out restrictions, and improved pavement markings will be implemented to help minimize conflicts. More specifically, the Project will include the following safety design measures:

- rubberized curbs with flexible posts along the Phelan Road median to discourage left-turns and U-turns to reduce the crash risk from improper or unexpected movements;
- an increased driveway setback from the intersection to reduce conflict points between turning vehicles and cross-traffic;
- driveways on both U.S. Highway 395 and Phelan Road that can only be accessed by a right-in and right-out-only approach to limit left-turn movements and reduce crash risks;
- lighting that covers the driveway entrance to reduce the potential for vehicle and pedestrian collisions;
- a deceleration lane for vehicles turning into the Phelan Road driveway entrance to prevent disruptions to through traffic;
- rumble strips near the driveway to enhance driver awareness;
- high friction surface treatment at the driveways to reduce skidding;
- retroreflective lane strips to improve lane visibility; and
- clear zones along the driveway access to provide a recovery area for vehicles that veer off the road.

With implementation of the Project's proposed safety measures, as well improvements to U.S. Highway 395, Phelan Road, and the traffic signal, the Project is not anticipated to increase hazards along the roadways. The final Fehr & Peers Project-specific traffic study will be reviewed and approved by the City post-entitlement to ensure the Project does not cause significant impacts to roadways. As a result, the impact will be less than significant.

d) Would the project result in inadequate emergency access?

Less-than-Significant Impact. The Project will not impair implementation of or physically interfere with an adopted emergency response or evacuation plan. Temporary lane closures along Phelan Road and U.S. Highway 395 will be required during construction; however, these impacts will be temporary, short-term, and localized; and access for emergency vehicles will be maintained in all instances. Any temporary closures will be coordinated with local jurisdictions and emergency service providers in accordance with the encroachment permit process, as further described in Section 4.9 Hazards and Hazardous Materials. As a result, the impact will be less than significant.

4.18 TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or		✓		
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		✓		

4.18.1 Discussion

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial

evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1?

Less-Significant-Impact with Mitigation Incorporated. As discussed in Section 4.5 Cultural Resources, as part of the Initial Study/Mitigated Negative Declaration (IS/MND) previously prepared for Hesperia Phelan CUP24-00012 (Project) in 2018, an Archaeological Survey Report was completed in November 2017 and is included as Attachment C: Archaeological Survey Report. Because the Project is in the same location as the previously proposed Project, the scope of the Project has been reduced, and the Project site has remained undeveloped/unmodified since the Archaeological Survey Report, the Area of Potential Impacts (API) and findings from the report are applicable to the current Project.

Based on the results of the cultural resources record search and intensive pedestrian survey, three isolated historical resources were found within the API. The isolated historical resources are not eligible to be listed with the California Register of Historical Resources (CRHR) and are not deemed historically significant resources. No tribal cultural resources were encountered during the field survey.

Although not anticipated, a tribal cultural resource could be damaged or destroyed by ground-disturbing activities in the event an unknown tribal cultural resource is located within an area subject to disturbance. To address this potential impact, Mitigation Measures (MMs) TCR-1 and TCR-2 will be implemented during Project construction. In accordance with MM TCR-1, and in the event previously unidentified tribal cultural resources are uncovered during Project construction, the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) will be contacted and 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 the California Environmental Quality Act (CEQA) (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan will be created by the archaeologist, in coordination with YSMN, and all subsequent finds will be subject to this plan. The Monitoring and Treatment Plan will allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

In accordance with MM TCR-2, any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) will be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the Project.

With the implementation of MMs TCR-1 and TCR-2, no substantial adverse changes related to a tribal cultural resource are anticipated, and the impact to tribal cultural resources as defined in PRC Section 21074 will be less than significant with mitigation incorporated.

4.18.2 Mitigation Measures

The following MMs will be implemented for the Project to reduce impacts to less-than-significant levels:

- **MM TCR-1: Inadvertent Cultural Resource Discoveries.** The YSMN will 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 will be created by the archaeologist, in coordination with YSMN, and all subsequent finds will be subject to this plan. The Monitoring and Treatment Plan will allow for a monitor to be present that represents YSMN for the remainder of the Project, should YSMN elect to place a monitor on-site.

- **MM TCR-2: Consultation.** Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) will be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant will, in good faith, consult with YSMN throughout the life of the Project.

4.19 UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			✓	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			✓	
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✓	
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			✓	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				✓

4.19.1 Discussion

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Water

Less-than-Significant Impact. Construction of Hesperia Phelan CUP24-00012 (Project) will require the temporary use of water and wastewater facilities by construction workers. Water used for construction activities, such as for dust suppression and compaction requirements, will be trucked to the Project using local fire hydrants and construction water meters as provided by the local Hesperia Water District (HWD). The HWD has sufficient water supply to accommodate the Project through its Mojave Basin Area Adjudication, which is the primary governing structure

that allocates water supplies among the regional water purveyors and individual water users to meet regional water needs (HWD 2020). Following construction, the proposed new water line for the convenience store and car wash will be connected to the existing 12-inch water line beneath the south side of Phelan Road, which is part of the City of Hesperia's (City's) water system. As a result, the impact will be less than significant.

Wastewater and Stormwater

Less-than-Significant Impact. The HWD operates the City's wastewater services in conjunction with the Victor Valley Wastewater Reclamation Authority (VVWRA) (City 2010). The Project will include construction of a new sewer force main that will connect to an existing 12-inch sewer main along Caliente Road to the west of the Project, through a proposed 5-foot sewer easement granted by the adjacent property owner with Assessor's Parcel Number 3064-401-09. The VVWRA has a current treatment capacity of 2 million gallons per day (mgd) for wastewater effluent from the service area in which the Project lies. The Project will result in a marginal increase of approximately 164 gallons per day in wastewater effluent to the VVWRA; however, the VVWRA has sufficient treatment capacity to accommodate this increase. As a result, the impact will be less than significant.

The Project will require one storm water catch basin at the southeast end of the Project to be relocated a few feet to the north, along Phelan Road, to match the new location of the curb and gutter. Additionally, the Project involves the removal of one v-ditch swale along the east side of the Project within California Department of Transportation right-of-way; however, these changes to the storm drain system would be minimal and would not significantly affect the downstream hydrology. The Project location is currently undeveloped and composed of a pervious surface and sparse vegetation. To mitigate the addition of 1.88 acres of impervious surfaces proposed by the Project, which can inhibit the infiltration of stormwater, the proposed on-site storm drain system will connect to an underground retention facility located east of the proposed fueling station to retain any additional stormwater runoff and discharge through a new proposed storm drain to Phelan Road. The underground retention facility will be capable of retaining stormwater flows from a 100-year storm event. Consequently, this Project will not increase the amount of stormwater runoff impacting downstream properties beyond pre-construction conditions. In addition, as discussed in Section 4.7 Geology and Soils, the Project will comply with the City's Municipal Code Section 8.30.230, which includes the submittal of a Water Quality Management Plan (WQMP) for City review. The WQMP will include all required and proposed measures for site design, source control, runoff reduction, stormwater treatment, baseline hydromodification management, and low-impact development techniques as applicable. As a result, the impact will be less than significant.

Electrical Power and Natural Gas

Less-than-Significant Impact. Construction of the Project will not require the creation or relocation of electrical and natural gas facilities. During construction, power will be provided by a temporary power meter installed by Southern California Edison. Following construction, the Project will connect to an existing electrical distribution line that runs along the south side of Phelan Road across from the Project. When the Project becomes operational, electrical service will be provided by Southern California Edison and natural gas service will be provided by Southwest Gas Corporation. As a result, the impact will be less than significant.

Telecommunications

No Impact. No new telecommunication facilities are proposed as part of the Project. Further, construction of the Project will not require the relocation of any existing telecommunication facilities. As a result, there will be no impact.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less-than-Significant Impact. The City, through the HWD, has reliable water supplies to meet its retail customer demands in a single dry year, as well as for 5 consecutive years of dry-year conditions through 2045 (HWD 2020). HWD obtains its water from groundwater sources in the Alto Subarea of the Mojave Basin Area. The City was allocated 11,871 acre-feet per year (AFY), or approximately 10.6 mgd, of water use from the Alto Subarea in the 2020-2021 Water Year (HWD 2020). Water use during construction of the Project is anticipated to be approximately 3,000 gallons per day, and approximately 164 gallons per day (0.001 AFY) following the completion of the development. Thus, the amount of water use for the Project is negligible compared to this annual allocation. As a result, the impact will be less than significant.

c) Would the project result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less-than-Significant Impact. As discussed previously, the wastewater provider for the Project will be the VVWRA in conjunction with the HWD. The City owns, operates, and maintains a wastewater collection system that connects to the VVWRA's 3-mile interceptor that runs along the northeast boundary of the City and ultimately flows to the Regional Waste Water Treatment Plant (RWWTP) that is owned and operated by the VVWRA (HWD 2020). The VVWRA was originally formed to meet the requirements of the federal Clean Water Act and provide wastewater treatment for the growing area. According to the City's 2015 Wastewater Master Plan (WWMP), approximately 11 percent of the geographic area studied in the WWMP is currently served by the City's sewers, which ultimately flow to the VVWRA RWWTP. The remaining area is either undeveloped or served by on-site systems (i.e., septic tanks). Based on the WWMP, the wastewater flow volume from the service area is 2.0 mgd or 2,240 AFY (HWD 2020). As discussed previously, the VVWRA has sufficient treatment capacity to accommodate a marginal increase of approximately 164 gallons per day in wastewater effluent from the Project. As a result, the impact will be less than significant.

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

Less-than-Significant Impact. Solid wastes generated during construction will primarily be non-hazardous wastes, including wood, metal, paper, and plastic packaging. Construction waste will be disposed of properly by the City's waste hauler, Advance Disposal Company, Inc. (Advance Disposal), and in accordance with all applicable federal, state, and local laws. The nearest Advance Disposal waste collection facility is located approximately 6.5 miles east of the

Project and has a maximum daily capacity of 1,500 tons (California Department of Resources Recycling and Recovery [CalRecycle] 2025). The Project will not generate solid waste that is greater than state or local standards, that exceeds the capacity of local infrastructure, or that otherwise impairs the attainment of the City solid waste reduction goals. As a result, the impact will be less than significant.

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No Impact. All construction waste associated with the Project will be disposed of properly and in accordance with all applicable federal, state, and local laws regarding solid and hazardous waste. Therefore, no impact will occur.

4.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			✓	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?		✓		
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			✓	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				✓

4.20.1 Discussion

a) If located in or near state responsibility areas (SRAs) or lands classified as very high fire hazard severity zones (FHSZs), would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

Less-than-Significant Impact. Hesperia Phelan CUP24-00012 (Project) will be located approximately 0.37 mile east of an SRA and lands classified as a high FHSZ (California Board of Forestry and Fire Protection 2024, California Department of Forestry and Fire Protection [CAL FIRE] 2023). The Project will also be located approximately 1.25 miles northwest of lands classified as a very high FHSZ.

As detailed in the City of Hesperia's (City's) General Plan Safety Element, fires typically start in the mountains or foothills approximately 3.45 miles south of the Project (City of Hesperia 2010). If winds fan a fire north toward the City, evacuees would take roads leading north toward the more developed areas of the City or out of the City entirely. The City's General Plan Safety Element identifies United States (U.S.) Highway 395, which is adjacent to the Project, as a potential evacuation route. As discussed in Section 4.9 Hazards and Hazardous Materials, any lane closure will be included in the required traffic control plan to minimize the effects on

evacuation routes. Therefore, the Project will not conflict with any adopted emergency response or evacuation plans. As a result, the impact will be less than significant.

b) If located in or near SRAs or lands classified as very high FHSZs, 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?

Less-than-Significant Impact with Mitigation Incorporated. As discussed previously, the Project will be located approximately 0.37 mile east of an SRA and lands classified as a high FHSZ. Elevations at the Project site slope upward from northeast to southwest with an approximate slope of 3 percent. Given the gradual slope of the Project site, the site topography is not anticipated to exacerbate wildfire risks. Prevailing winds at the Project site originate from the west and southwest (Mojave Desert Air Quality Management District 2020). Therefore, a potential fire would be anticipated to travel eastward from the Project site. The Project site consists of cheatgrass-medusahead grasslands and California buckwheat scrub, which could potentially act as surface fuel loads. The surrounding parcels are vacant, with sparse vegetation that could also potentially act as surface fuel loads. The Project is in an area with a history of fires, including a 1945 unnamed fire that occurred approximately 2.15 miles west of the Project site, the 1958 Santa Fe #13 fire that occurred approximately 2.05 miles east of the Project site, and the 2021 Farmington fire that occurred approximately 2.10 miles south of the Project site (CAL FIRE 2025). Given the potential fuel loads on and surrounding the Project site, prevailing wind direction, the Project's proximity to the SRA, and the history of fires in the region, the Project is located in an area with potential wildfire risk.

Construction activities have the potential to start a fire due to the increased presence of vehicles, equipment, and human activity in areas of elevated fire hazard severity. Because construction typically occurs during the driest time of the year, heat or sparks from construction vehicles or equipment have the potential to ignite dry vegetation. However, construction of the Project will not exacerbate wildfire risks with implementation of Mitigation Measure (MM) FIRE-1, which details the fire management procedures that will be followed during construction. Fire management procedures include training construction crews on fire prevention and response, directing Project personnel to park away from dry vegetation, equipping all off-road vehicles with fire management tools, creating a buffer around "hot work" (e.g., welding, grinding, or any other activity that creates hot sparks), using fire-resistant mats and/or windscreens when welding, and coordinating procedures with local fire officials. In addition, U.S. Highway 395 and Phelan Road may act as firebreaks to slow the progress of a fire. With implementation of MM FIRE-1, construction of the Project will neither exacerbate wildfire risks nor expose construction crews to pollutant concentrations from a wildfire.

Operation of the Project will require a daily maximum of six employees. Employees will be limited to the convenience store, as the car wash will be self-operated and require no employees. As discussed in Section 4.9 Hazards and Hazardous Materials, all Project structures will be constructed in compliance with the California Fire Code (24 California Code of Regulations [CCR] 9). In addition, the Project's convenience store, car wash, and vehicle fueling station will be constructed and designed consistent with the City's Municipal Code Chapter 16.16 Section 365 (City of Hesperia 2025) and the Commercial Design Standards and Guidelines found in the

City's Main Street and Freeway Corridor Specific Plan (City of Hesperia 2008). Therefore, by complying with the California Fire Code and local development standards intended to reduce the likelihood of fire hazards, the Project will not exacerbate wildfire risks during operation. As a result, long-term Project employees will not be exposed to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

With incorporation of MM FIRE-1, the California Fire Code, and local development standards, the Project will have a less-than-significant impact with mitigation incorporated.

c) If located in or near SRAs or lands classified as very high FHSZs, 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?

Less-than-Significant Impact. The Project will include the construction and operation of a vehicle fueling station and associated underground storage tanks. The vehicle fueling station and associated underground storage tanks may exacerbate fire risk because the fuel stored and dispensed at the vehicle fueling station will be flammable and combustible. As discussed in Section 4.9 Hazards and Hazardous Materials, the vehicle fueling station will be designed and operated in accordance with the California Fire Code and California Mechanical Code (24 CCR 4), and the underground storage tanks will be designed and constructed in accordance with California Health and Safety Code Chapter 6.7 and CCR Title 23, Division 3, Chapter 16. Therefore, the vehicle fueling station and associated underground storage tanks will be operated in compliance with state standards to reduce the Project's potential to exacerbate fire risks. In addition, the Project will require approximately 1.88 acres of the Project site to be paved, which will remove vegetation that could potentially act as surface fuel loads and reduce the Project's potential to exacerbate fire risks. As a result, the impact will be less than significant.

d) If located in or near SRAs or lands classified as very high FHSZs, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. The Project is not located in a flood zone (City of Hesperia 2010) or area prone to landslides (California Department of Conservation 2024). In addition, the Project will receive coverage for disturbing more than 1 acre of soil under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, 2022-0057-DWQ (Construction General Permit). This Construction General Permit will require preparation of a Project-specific Storm Water Pollution Prevention Plan to be authorized by the State Water Resources Control Board; it will include erosion control measures and site stabilization procedures (e.g., the use of gravels bags or soil binders).

The Project includes a storm drainage system that will connect to an underground retention facility located east of the proposed fueling station to retain any additional stormwater runoff and discharge through a new proposed storm drain to Phelan Road. The underground retention facility will be capable of retaining stormwater flows from a 100-year storm event. Consequently, this Project will not increase the amount of runoff impacting downstream

properties. In addition, in accordance with the City's Municipal Code Section 8.30.220 and Section 8.30.230, a Water Quality Management Plan (WQMP) will be provided to the City for review and approval prior to the issuance of grading and building permits. The WQMP will include all required and proposed measures for site design, source control, runoff reduction, stormwater treatment, baseline hydromodification management, and low-impact development techniques as applicable. Therefore, the Project will not 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. Therefore, no impact will occur.

4.20.2 Mitigation Measures

The following MM will be implemented for the Project to reduce impacts to less than significant levels:

- **MM FIRE-1: Fire Risk Management:** The Project will follow standard fire risk management procedures during construction, including the following:
  - Safe work practices, training, and fire response will be conducted.
  - Project personnel will be directed to park away from dry vegetation.
  - All off-road vehicles will be equipped with a 5-gallon backpack pump (filled with water), one Pulaski, and one shovel.
  - Construction activities that are considered "hot work" (e.g., welding, grinding, or any other activity that creates hot sparks) will have a 10-foot buffer around that activity, and vegetation will be cleared to ensure sparks do not create a fire hazard.
  - Fire-resistant mats and/or windscreens will be used when welding. In addition, during fire "red flag" conditions (as determined by the California Department of Forestry and Fire Protection), welding will be curtailed.
  - Every fuel truck will carry a large fire extinguisher with a minimum rating of 40 B:C,[11] and all flammable materials will be removed from equipment parking and storage areas.
  - Procedures will be coordinated with local fire officials.
  - Daily site-specific risk conditions will be identified.

[11] Class B fire extinguishers are classified for flammable liquid/gas fires. Class C fire extinguishers are classified for energized electrical equipment. A fire extinguisher with a minimum rating of 40 B:C is capable of covering and extinguishing 40 square feet of a Class B fire and is also safe to use for a Class C fire (Koorsen Fire & Security 2019).

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		✓		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			✓	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	

4.21.1 Discussion

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less-than-Significant with Mitigation Incorporated. As discussed in Section 4.4 Biological Resources, Hesperia Phelan CUP24-00012 (Project) will result in impacts to western Joshua tree (*Yucca brevifolia*)─a candidate for listing as a threatened species under the California Endangered Species Act─during construction. Therefore, Au Energy, LLC (Au Energy) will apply for an incidental take permit (ITP) in accordance with MM BIO-1 and submit it to the California Department of Fish and Wildlife (CDFW) for review and approval prior to Project construction. As part of the western Joshua tree ITP, Au Energy will propose relocating select western Joshua trees that will be impacted by Project activities in accordance with the CDFW's

Western Joshua Tree Relocation Guidelines and Protocols. The final number of western Joshua trees to be relocated or destroyed and any additional mitigation measures (MMs) will be determined during the ITP process in consultation with the CDFW. Therefore, impacts to western Joshua trees will be reduced through MM BIO-1 and the implementation of MMs (e.g., western Joshua tree relocation) included in the western Joshua tree ITP.

Although burrowing owl (*Athene cunicularia*) is unlikely to occur at the Project site, MM BIO-2 and MM BIO-3 will be implemented to further reduce the potential for impacts to occur to burrowing owl. MM BIO-2 will require a pre-construction survey of the Project work area to be completed according to the CDFW Staff Report on Burrowing Owl Mitigation (2012 or more recent version) prior to ground-disturbing activities. A qualified biologist will identify, flag, and map all burrows potentially occupied by burrowing owl and confirm occupation of all potential burrows. In accordance with MM BIO-3, if occupied burrows or sign is identified, a qualified biologist will establish adequate buffers around the burrows based on field conditions and the CDFW Staff Report on Burrowing Owl Mitigation (2012). If occupied burrows cannot be avoided or if any other impact to burrowing owl cannot be fully avoided, the CDFW will be consulted and a California Endangered Species Act ITP will be obtained in accordance with MM BIO-3.

In addition, loggerhead shrike (*Lanius ludovicianus*), a CDFW species of special concern, is likely to occur at the Project site given the suitable nesting and foraging habitat within the site. Therefore, MM BIO-4 will be implemented during Project construction to reduce potential impacts to loggerhead shrike. MM BIO-4 will require a pre-construction nesting bird survey prior to vegetation removal or initial Project ground disturbance. If an active bird nest that may be impacted by Project-related activities is observed, avoidance and minimization measures will be implemented, including delaying construction within the immediate vicinity of the active nest or establishing a nest buffer determined by a qualified biologist until the young have fledged or the nest has failed.

No additional special-status plant species were documented at the Project site, and no additional special-status wildlife species are likely to occur at the Project site. Further, no sensitive natural communities were observed within the Project site.

As discussed in Section 4.5 Cultural Resources and Section 4.18 Tribal Cultural Resources, no impacts to cultural resources are expected to occur as a result of the Project. Given the potential for unanticipated cultural discoveries, MMs CUL-1, CUL-2, and CUL-3 and MMs TCR-1 and TCR-2 will be implemented. MMs CUL-1, CUL-2, and CUL-3 and MMs TCR-1 and TCR-2 detail the procedures that will be followed in the event that an inadvertent cultural resource or human remain is discovered during Project construction.

Overall, the Project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major period of California history or prehistory. As a result, the impact will be less than significant with mitigation incorporated.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less-than-Significant Impact. As discussed in this Initial Study/Mitigated Negative Declaration (IS/MND), the Project will result in no impact or less-than-significant impacts to the following resources:

- aesthetics;
- agriculture and forestry resources;
- air quality;
- energy;
- greenhouse gas emissions;
- hazards and hazardous materials;
- hydrology and water quality;
- land use and planning;
- mineral resources;
- noise;
- population and housing;
- public services;
- recreation;
- transportation; and
- utilities and service systems.

The Project will result in less-than-significant impacts with mitigation incorporated for the following resources:

- biological resources;
- cultural resources;
- geology and soils;
- tribal cultural resources; and
- wildfire.

Given the size of the Project, lack of impacts associated with the Project, and absence of existing development within the surrounding parcels, the effects of past projects were not considered in this analysis. In addition, only resources where mitigation is incorporated to reduce impacts to less-than-significant levels for the Project were considered in this analysis.

Review of the City of Hesperia's (City's) California Environmental Quality Act (CEQA) Portal identified proposed and approved projects within 0.5 mile of the Project, as summarized in Table 6: Proposed and Approved Projects within 0.5 Mile. The Project's contribution to cumulative biological, cultural, geology and soils, tribal cultural, and wildfire impacts will be less than significant, as discussed in the subsections that follow.

Biological Resources

A significant cumulative impact on biological resources could result if the Project contributes to cumulative impacts related to sensitive habitat or species, sensitive habitat/natural communities, or wildlife movement corridors. At the Project level, no impacts related to local policies, ordinances, and plans protecting biological resources were identified; therefore, the Project will not contribute to cumulative impacts on local policies, ordinances, and plans protecting biological resources. As discussed in Section 4.4 Biological Resources, Project-level impacts on migratory corridors were found to be less than significant due to the Project being located adjacent to United States (U.S.) Highway 395 and Phelan Road, as well as the absence of CDFW- or Bureau of Land Management-identified wildlife corridors. As discussed previously, impacts to western Joshua trees will be reduced through MM BIO-1, potential impacts to burrowing owl will be reduced through MM BIO-2 and MM BIO-3, and impacts to loggerhead shrike will be reduced through implementation of MM BIO-4.

It is anticipated that the projects included in Table 6: Proposed and Approved Projects within 0.5 Mile will mitigate impacts to biological resources and comply with applicable federal, state, and local laws and regulations that protect biological resources. For instance, the Dara Industrial Project includes MMs to avoid or reduce impacts to western Joshua tree, burrowing owl, and special-status species. Likewise, the Hesperia Commerce Center II, I-15 Industrial Park, KISS Logistics Center, and U.S. Cold Storage Hesperia projects include MMs for western Joshua trees, burrowing owl, and pre-construction nesting bird surveys. The Phelan 20 Project may have potentially significant impacts on biological resources; however, final impacts and MMs will be determined in the Environmental Impacts Report (EIR) that is currently being prepared. Therefore, nearby proposed and approved projects are implementing measures to reduce impacts to western Joshua trees and nesting birds or are in the process of determining appropriate MMs for impacts to biological resources. In addition, the Project's size is significantly smaller in comparison to the other nearby projects. As a result, the Project's contribution to cumulative biological resources impacts will be less than significant.

Cultural Resources

A significant cumulative impact on cultural resources could result if the Project contributes to cumulative direct or indirect impacts on significant historical or archaeological resources, and/or inadvertently discovered human remains. As discussed in Section 4.5 Cultural Resources, no impacts to cultural resources are expected to occur as a result of the Project. However, the Project will implement MMs CUL-1, CUL-2, and CUL-3 to minimize impacts to inadvertent cultural resource or human remain discoveries that, although unanticipated, may occur during Project construction.

While proposed and approved projects could also encounter subsurface resources or remains, the existing regulations and plans, as well as standard MMs, will reduce potentially significant impacts to less-than-significant levels. In addition, impacts to cultural resources are site-specific, and as such are not expected to combine with the development of other projects to cumulatively increase the risk of impacting subsurface resources or remains. Potential impacts will be evaluated on a case-by-case basis. Therefore, the Project's incremental contribution to cumulative cultural resources impacts will be less than significant.

Table 6: Proposed and Approved Projects within 0.5 Mile

Project Name	Project Description	Approximate Distance to the Project	Project Status	Anticipated Construction Schedule
CUP23-00008	CUP23-00008 includes the construction of an approximately 469,979-square-foot warehouse distribution building on approximately 26.94 gross acres located approximately 1,000 feet east of U.S. Highway 395 and Yucca Terrace Drive.	0.3 mile north	Under Review	Information Not Available (INA)[12]
Dara Industrial Project (CUP22-00003)	CUP22-00003 includes the construction of an approximately 750,000-square-foot warehouse distribution building on approximately 47 acres located on the west side of U.S. Highway 395 and approximately 600 feet north of Aspen Street.	0.5 mile south	Approved	INA
Hesperia Commerce Center II Project (CUP19-00010)	CUP19-00010 includes the construction of three industrial warehouse buildings totaling approximately 3.75 million square feet on 195 acres of land located north of Phelan Road, west of U.S. Highway 395, south of Yucca Terrace Drive, and east of the Los Angeles Department of Water and Power line corridor.	0.15 mile west	In Construction	2025
I-15 Industrial Park Project (CUP21-00005 & CUP21-00004)	CUP21-00005 includes the construction of an approximately 742,000-square-foot distribution building on approximately 36 gross acres located at the northeast corner of U.S. Highway 395 and Poplar Street. CUP21-00004 includes the construction of an approximately 1,108,000-square-foot warehouse distribution building on approximately 69 gross acres located on the east side of Mesa Linda Avenue at the intersection of Mesa Linda Avenue and Poplar Street.	0.5 mile southeast	Approved	INA

[12] At the time that this IS/MND was prepared, construction schedules were either not publicly available or were in the planning process with a construction schedule yet to be determined.

Project Name	Project Description	Approximate Distance to the Project	Project Status	Anticipated Construction Schedule
Phelan 20 Project (CUP23-00005)	CUP23-00005 includes the construction of an approximately 419,700-square-foot warehouse distribution building on approximately 22.61 gross acres located approximately 1,000 feet east of the U.S. Highway 395 and Phelan Road intersection.	0.1 mile southwest	Under Review	INA
KISS Logistics Center (CUP22-00017)	CUP22-00017 includes construction of an approximately 655,468-square-foot warehouse distribution building on approximately 29.6 gross acres located west of U.S. Highway 395 and approximately 600 feet north of Phelan Road.	0.05 mile north	Pending Approval of City Council	INA
U.S. Cold Storage Hesperia (CUP21-00003)	CUP21-00003 includes the construction of an approximately 491,000-square-foot refrigerated distribution warehouse located on approximately 39.05 gross acres located on the east side of U.S. Highway 395.	0.45 mile northeast	Under Review	INA

Sources: Applied Planning, Inc. 2022; City of Hesperia 2025; Dudek 2020, 2022, 2024; EPD Solutions, Inc. 2023; Lilburn Corporation 2021

Geology and Soils

A significant cumulative impact on paleontological resources could result if the Project contributes to cumulative impacts on significant resources, sites, or unique geologic features. The Project will be located on the Quaternary older alluvium (Qoa) geologic unit. Because the excavation activities associated with the Project will not exceed 15 feet below ground surface, there is a low to moderate potential to encounter intact paleontological resources during construction. MM PALEO-1, which details the procedure to follow in the event that a fossil discovery is made during Project excavation activities, will be implemented to reduce potential impacts to paleontological resources.

It is anticipated that proposed and approved projects will follow similar best practices and abide by existing regulations if there is the potential to impact paleontological resources. For instance, the Dara Industrial, Hesperia Commerce Center II, I-15 Industrial Park, KISS Logistics Center, and U.S. Cold Storage Hesperia projects include MMs to reduce or minimize impacts to paleontological resources. The Phelan 20 Project may have potentially significant impacts on paleontological resources; however, final impacts and MMs will be determined in the EIR that is currently being prepared. Impacts to paleontological resources are site-specific, and as such are not expected to combine with the development of other projects to cumulatively increase the risk of impacting subsurface resources. Therefore, the Project's incremental contribution to cumulative paleontological resources impacts will be less than significant.

Tribal Cultural Resources

A cumulatively considerable impact on tribal cultural resources could result if the Project contributes to a substantial adverse change in the significance of a tribal cultural resource. As discussed in Section 4.18 Tribal Cultural Resources, no tribal cultural resources have been identified on the Project site. Impacts to previously unidentified tribal cultural resources encountered during construction will be reduced to the greatest extent possible through implementation of MMs TCR-1 and TCR-2. These MMs will reduce impacts to less-than-significant levels if previously unidentified tribal cultural resources are encountered during construction by establishing procedures for avoiding impacts in the event of an inadvertent discovery.

The nearby proposed and approved projects have the potential to uncover tribal cultural resources during ground-disturbing activities. However, all projects are required to comply with state regulations that protect tribal cultural resources. In addition, impacts to tribal cultural resources are site-specific, and are not expected to combine with the development of other projects to increase the risk of impacting tribal cultural resources. Therefore, the Project's incremental contribution to cumulative tribal cultural resources impacts will be less than significant.

Wildfire

Cumulative impacts on wildfires have the potential to occur if multiple projects have a combined impact on emergency response or evacuation plans, exposure of project occupants to wildfire or wildfire-caused pollutants, exacerbation of fire risk, or post-fire flooding risks. As discussed in Section 4.20 Wildfire, the Project is located in an area with potential wildfire risk. Therefore, MM FIRE-1, which details the fire management procedures to follow during construction, will

be implemented to reduce the Project's potential to exacerbate wildfire risks. All Project structures will be constructed in compliance with the California Fire Code (24 California Code of Regulations [CCR] 9). The vehicle fueling station will be designed and operated in accordance with the California Fire Code and California Mechanical Code (24 CCR 4), and the underground storage tanks will be designed and constructed in accordance with California Health and Safety Code (HSC) Chapter 6.7 and Title 23, Division 3, Chapter 16 of the CCR. In addition, the Project's convenience store, car wash, and vehicle fueling station will be constructed and designed consistent with Chapter 16.16, Section 365 of the City's Municipal Code and the Commercial Design Standards and Guidelines found in the City's Main Street and Freeway Corridor Specific Plan.

The Dara Industrial Project is not located within or near a state responsibility area or within an area classified as a very high fire hazard severity zone (FHSZ) (Applied Planning, Inc. 2022). The Hesperia Commerce Center II and I-15 Industrial Park projects are near lands classified as moderate and high FHSZs. As a result, the projects will adhere to the City's Municipal Code, use low ignitable building materials, and implement fire-resistant irrigated landscaping (Dudek 2020, 2022). The Phelan 20 Project may have potentially significant impacts on wildfire; however, final impacts and MMs will be determined in the EIR that is currently being prepared. The KISS Logistics Center and U.S. Cold Storage Hesperia projects will adhere to the development standards in the City's Municipal Code, which are intended to address wildfire risks (EPD Solutions Inc. 2023, Lilburn Corporation 2021). Therefore, nearby proposed and approved projects are implementing design standards to address wildfire risks or are in the process of determining appropriate measures for impacts to wildfire. As a result, the Project's contribution to cumulative wildfire risks will be less than significant.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less-than-Significant Impact. In general, impacts to human beings are associated with air quality, geologic hazards, hazards and hazardous materials, noise, and traffic safety impacts. As discussed in Section 4.3 Air Quality, all emissions will be below applicable Mojave Desert Air Quality Management District significance thresholds.

As discussed previously, the Project will not result in environmental impacts that will have substantial direct or indirect effects on human beings with respect to geologic hazards, as all Project structures will be constructed in compliance with Title 24, Part 2 of the California Building Code and Chapter 16 of the International Building Code. In addition, Hilltop Geotechnical, Inc. prepared a geotechnical study and infiltration feasibility study for the Project. Recommendations from both studies will be incorporated into the Project design to ensure that all structures will adequately resist the forces of an earthquake. The geotechnical study and infiltration feasibility study are provided in Attachment 4.6-A: Geotechnical Study and Attachment 4.6-B: Infiltration Feasibility Study in Section 4.7 Geology and Soils.

As discussed in Section 4.9 Hazards and Hazardous Materials, the Project's potential for hazards from hazardous materials or accidents will be less than significant as the Project's vehicle fueling station will be designed and operated in accordance with the California Fire Code and California Mechanical Code (24 CCR 4), and underground storage tanks will be designed and constructed in accordance with Chapter 6.7 of the California HSC and Title 23, Division 3, Chapter 16 of the

CCR. In addition, all potentially hazardous materials will be stored, transported, and disposed of in accordance with the Project-specific Hazardous Materials Business Plan.

The nearest sensitive receptors to the Project are within a residential community located approximately 0.3 mile (1,700 feet) east of the Project on Mesa Linda Street. As discussed in Section 4.13 Noise, construction will not have the potential to generate significant short-term groundborne vibration or groundborne noise at the nearest sensitive receptors. The Project will not exceed the noise level limit at any property boundary during operation.

As discussed in Section 4.17 Transportation, the Project will not result in transportation impacts related to increased vehicle miles traveled and will not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). In addition, the Project includes improvements to U.S. Highway 395, Phelan Road, and the traffic signal on the northwestern corner of the Phelan Road and U.S. Highway 395 intersection to reduce the potential for traffic-related incidents involving vehicles entering and exiting the Project's proposed driveways along Phelan Road and U.S. Highway 395. Neither the construction phase nor the operation phase of the Project will generate any permanent traffic hazards.

Overall, the Project will not cause substantial adverse effects on human beings, either directly or indirectly, and the impact will be less than significant.

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March 19, 2026

Nancy Finch
Attorney III
Division of Operations and Maintenance
California Department of Water Resources

RE: SCH# 2026010656 Notice of Intent to Adopt a Mitigated Negative Declaration for the proposed AU Energy, LLC Hesperia Phelan CUP24-00012 Project, City of Hesperia

On February 19, 2026, the City of Hesperia (City) received comments from the California Department of Water Resources (DWR), Division of Operations and Maintenance on the Hesperia Phelan CUP24-00012 (Project) Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearing House Number 2026010656). Comments received from DWR are being addressed in further detail in the Project Hydrology Report to ensure the Project's impacts on drainage and hydrological features are less than significant. Prior to any Project ground disturbing activities, the Project Hydrology Report will be approved by the City per the conditions of approval, and a copy of the approved Hydrology Report will be provided to DWR for review and approval. Additional language detailing the existing site conditions and drainage patterns, the proposed storm drain system, pre- and post-construction stormwater peak flow rates, and approval of a Project-specific Hydrology Report is included on pages 53 and 54 of the revised IS/MND. The Project applicant will obtain all necessary DWR permits prior to Project ground disturbing activities.

If you have any questions, you may reach me at (760) 947-1231 or at lhenry@hesperiaca.gov.

Sincerely,

Leilani Henry
Associate Planner

Brigit Bennington, Mayor
Josh Pullen, Mayor Pro Tem
Cameron Gregg, Council Member
Allison Lee, Council Member
Chris Ochoa, Council Member

Rachel Molina, City Manager

9700 Seventh Avenue
Hesperia, CA 92345
760-947-1000
TD 760-947-1119

hesperiaca.gov

March 19, 2026

Janki Patel
Branch Chief – Local Development Review
Division of Transportation Planning
California Department of Transportation District 8

RE: SCH# 2026010656 Notice of Intent to Adopt a Mitigated Negative Declaration for the proposed AU Energy, LLC Hesperia Phelan CUP24-00012 Project, City of Hesperia

On February 18, 2026, the City of Hesperia (City) received comments from the California Department of Transportation (Caltrans), District 8, Local Development Review branch on the Hesperia Phelan CUP24-00012 (Project) Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearing House Number 2026010656). Comments received from Caltrans are being addressed in further detail in the Project Traffic Study to ensure the Project's transportation-related impacts are less than significant. Prior to any Project ground disturbing activities, the Project Traffic Study will be approved by the City per the conditions of approval, and a copy of the approved Traffic Study will be provided to Caltrans for review and approval. Additional language detailing the safety review of the Project and approval of a Project-specific Traffic Study is included on page 69 of the revised IS/MND. The Project applicant will obtain all necessary Caltrans permits prior to Project ground disturbing activities.

If you have any questions, you may reach me at (760) 947-1231 or at lhenry@hesperiaca.gov.

Sincerely,

Leilani Henry
Associate Planner

Brigit Bennington, Mayor
Josh Pullen, Mayor Pro Tem
Cameron Gregg, Council Member
Allison Lee, Council Member
Chris Ochoa, Council Member

Rachel Molina, City Manager

9700 Seventh Avenue
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ATTACHMENT "A"
List of Conditions for CUP24-00012

Approval Date:
Effective Date:
Expiration Date:

This list of conditions applies to: Consideration of a Conditional Use Permit, CUP24-00012 to construct a 5,915 square foot convenience store with off-sale of alcohol along with a 4,080 square foot fueling station canopy with 10 pumps and a 1,968 square foot drive thru carwash in conjunction with adoption of a mitigated negative declaration pursuant to the provisions of CEQA on a 2.36 acre site within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan located on the northwest corner of Phelan Road and HWY 395 (Applicant: AUE Energy LLC; APNs: 3064-401-10).

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SPECIALTY PLANS. The following additional plans/reports shall be required for businesses with special environmental concerns: (B)

A. Three sets of plans for underground fuel storage tanks shall be submitted to the Building Division with required application fees.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's application for document review and pay all applicable fees. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WATER/SEWER/STORM DRAIN EASEMENT. The Developer shall submit a "Grant of Easement" to the City's Engineering Department for review and approval if needed. A time of

submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Dena Alcayaga at (760) 947-1438 or dlalcayaga@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

TITLE REPORT. The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

TRAFFIC STUDY. The applicant shall be required to provide a traffic study prepared by a California licensed traffic engineer. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DRAINAGE STUDY. The Developer shall submit three (3) copies of a Final Drainage Study which analyzes the pre-project and proposed project hydrology, including flows from offsite, flows generated onsite, hydraulic properties of flows entering or exiting the project to and from natural or constructed conveyances, and capacity and function of any runoff management structures such as catch basins, inlets, outlets and detention or retention structures. The study must include all information specified in the City's hydrology study outline

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DRYWELLS. The Project may be permitted to install drywells to ensure the required drawdown time will be achieved.
A. Drywells shall have a City-approved pretreatment component equivalent to a 2-phase system with debris shield and filter element.
B. Drywells shall be constructed by a contractor qualified in the construction of drywells.
C. Drywells in retention basins shall include a secured grate to prevent unauthorized removal.
D. The excavation for the drywell shall penetrate a minimum of 10 continuous feet into a suitable permeable layer or when a depth of 60 feet has been reached, unless otherwise approved by the City Engineer.
E. Drywells that cease to drain a basin or underground system within 48 hours of the end of a storm event shall be replaced or refurbished by the owner. This requirement shall be written in the CC&Rs for all subdivisions where drywells are installed.
F. Drywell usage shall comply with all prevailing City, State, and Federal requirements, including the Underground Injection

Control Regulations for Class V Injection Wells.

G. A Drywell Maintenance Plan shall be submitted to the City for review and approval prior to the approval of a drywell installation at a project site.

H. The Drywell Maintenance Plan shall include the following:

1. Drywell(s) location, depth, type, installing contractor, date of installation, owner, maintenance contractor, and emergency contact.

2. Settling chambers and interceptors to be inspected annually;

3. Removal of sediment and debris when:

a. Sediment/debris level fills = 25% of the capacity;

b. Drywell ownership or maintenance responsibility changes;

c. Material not resulting from stormwater/urban runoff enters the settling chamber or interceptor

I. Submit inspection/maintenance reports to the City (Building and Safety within 10 days of inspection/maintenance.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

OFFSITE DRAINAGE IMPACT PREVENTION. The Project shall provide safe conveyance for offsite runoff either routed through the project or around the project site. The Project shall ensure that the proposed conveyance of offsite flows will not increase adverse impacts to downstream properties and/or drainage facilities for the 1-hour design storm for the 100-year return frequency rainfall events.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

The Project shall be designed to prevent adverse impacts to downstream properties and/or drainage facilities caused or exacerbated by the project. The project shall demonstrate that runoff from the completed project site will not exceed 90% of the pre-project runoff discharge rates for the 24-hour design storm for the 100-year return frequency rainfall events.

A. Drawdown Time. All drainage facilities which are designed to percolate/infiltrate surface runoff (including basins, drywells, or infiltration-based low impact development features) shall not accumulate standing water for more than 48 hours. All drainage facilities designed to provide detention storage shall recover 100 percent of their design detention volume within 48 hours.

B. Groundwater Protection. The Project shall ensure any retention/infiltration or detention facilities will not adversely impact groundwater.

C. Underground Retention/Detention Systems. The Project shall demonstrate a minimum functional life span of 50 years for materials (e.g., polymer, metal, mineral-based, or other) used in underground retention/detention systems.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(1). To the furthest extent allowed by law, Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation

costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project to which these conditions of approval apply (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(2). Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim unless the City approves the settlement in writing. Additionally, the City shall not be prohibited from independently defending any claim, and whether or not the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Unless the City independently chooses to defend any Third Party Action on its behalf, Applicant shall control the conduct of the defense of any claim or action provided that: (1) the City shall have the right, prior to filing, to review and approve any and all pleadings or related documents filed with the court in connection with such defense and Applicant shall reimburse the City for review time for each draft brief or pleading to be filed on behalf of the City; and (2) the City shall review and reasonably approve any proposed settlement. The Applicant acknowledges that the City is not obligated to approve a proposed settlement requiring the City to pay or incur any monetary amount, take a future legislative action, render a future quasi judicial decision, or otherwise take a future discretionary government action. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(3). The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide Applicant with an invoice detailing all reasonable costs incurred. Applicant shall tender to the City payment in full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant further acknowledges and agrees that failure to timely tender payment in full to the City shall be considered a breach and non compliance with the conditions

of approval for the project. Applicant shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant as noted herein. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

EXPIRATION OF ENTITLEMENT. Unless the applicant has obtained a grading permit and/or building permit and commenced construction, this approval shall expire three (3) years from the date of action of the reviewing authority. Where no grading or building permit is required, the allowed use on the site shall have commenced prior to the expiration date in compliance with the approval and any applicable conditions of approval. An extension of time may be granted pursuant to Municipal Code Section 16.12.060 if the applicant files an application and written request for an extension prior to the expiration of the permit. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CEQA MITIGATION MEASURES. In addition to the conditions of approval, the project must comply with all mitigation measures that are identified in the Initial Study/Mitigated Negative Declaration (P).

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PRE-CONSTRUCTION MEETING. Pre-construction meetings shall be held between the City the Developer grading contractors and special inspectors to discuss permit requirements monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FIRE PROTECTION. Plans for fire protection requirements shall be submitted to the Building Division as follows: (F)

A. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approach that

encroach onto private property. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY NON INTERFERENCE/QUITCLAIM. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. Grading permits will not be issued until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developers responsibility. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building footprints and proposed development of the retention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

OFF-SITE GRADING LETTER(S). It is the Developers responsibility to obtain signed Off-Site Grading Letters from any adjacent property owner(s) who are affected by any Off-Site Grading that is needed to make site work. The Off-Site Grading letter(s) along with the latest grant deed(s) must be submitted and appropriate fees paid to the City's Engineering Department for plan check approval. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PHELAN ROAD: Saw-cut (2-foot min.) and match-up asphalt pavement on Phelan Road across the project frontage based on City's 120-foot Modified Major Arterial Roadway Standard. The curb face is to be at 46' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of (E)

A. 8 Curb and Gutter per City standards.
B. Sidewalk (width = 6 feet) per City standards.
C. Roadway drainage device(s).
D. Streetlights per City standards.
E. Commercial drive approach per City standards.
F. Pavement transitions per City Standards.
G. Design roadway sections per existing approved street sections and per R value testing with a traffic index of 12 and per the soils report.
H. Cross sections every 50-feet per City standards.

I. Traffic control signs and devices as required by the traffic study and or the City Engineer.
J. Provide a signage and striping plan per City standards.
K. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PHELAN ROAD CALTRANS: Developer shall coordinate with Caltrans for all design, approval, permitting and construction with Clatrans right-of-way. Design plans for work within Caltrans right-of-way shall be approaved by Caltrans and included as part of the civil design plans submitted to the City of Hesperia.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

HIGHWAY 395 CALTRANS: Developer shall coordinate with Caltrans for all design, centerline alignment, approval, permitting and construction with Clatrans right-of-way Including TIA. Design plans for work within Caltrans right-of-way shall be approaved by Caltrans and included as part of the civil design plans submitted to the City of Hesperia.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developers expense. (E)

A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made per approved site plan per City Standards.
C. It is the Developers responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing sewer main in Caliente Road per City standards.
D. Complete V.V.W.R.A.s Wastewater Questionnaire for Commercial / Industrial Establishments and submit to the Engineering Department. Complete the Certification Statement for Photographic and X ray Processing Facilities as required.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

OVERFLOW-OUTFALL. Each project shall be designed such that the outfall(s) for discharges from the project site in excess of design capacity and or in excess of the 100-year, 24-hr design storm is are routed to a public street, storm drain, drainage channel, or natural watercourse.

If such an outfall does not exist, the Project shall provide an outfall.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DWR REVIEW. Applicant shall submit the final hydrology study to the California Department of Water Resources for review and approval.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DESIGN FOR REQUIRED IMPROVEMENTS. Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review

application. (E, P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

NATIVE AMERICAN RESOURCES. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find shall cease and a qualified archaeologist shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, a qualified archaeologist shall be retained to develop a cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan. The Lead Agency and/or applicant shall, in good faith, consult local Indian tribes on the disposition and treatment of any artifacts or other cultural materials encountered during the project. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FISH & GAME FEE. Within five days from approval of the entitlement, the applicant shall file a Notice of Determination with the San Bernardino County Clerk of the Board and pay the filing fee of $4,101.25 payable to the Clerk of the Board of Supervisors of San Bernardino County. A copy of the stamped NOD from the County shall be provided to the Planning Division when completed. Additionally, an electronic copy of the stamped NOD shall be filed with the Governor's Office of Planning and Research and posted on the CEQAnet Web Portal. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance.

A qualified biologist will perform breeding season and non-breeding season burrowing owl pre-construction surveys of the Project work area according to the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version). If performing both breeding season and non-breeding season surveys is infeasible, Project Proponent shall coordinate with CDFW regarding whether to proceed with either breeding season surveys or non-breeding season surveys, which will be determined by CDFW and depend on Project timelines. The qualified biologist conducting the surveys will identify, flag, and map all burrows potentially occupied by burrowing owl and confirm occupation of all potential burrows. Methods of determining burrow occupancy may include, but will not be limited to, visual observations of scat or tracks outside burrow entrances, installing trail cameras for nocturnal observations, or a combination of these methods as appropriate.

If burrows occupied by burrowing owl are found during pre-construction surveys, adequate buffers will be established around burrows. Adequate buffers will be determined by a

qualified biologist based on field conditions and the CDFW Staff Report on Burrowing Owl Mitigation (2012). (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PROTECTED PLANTS. Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DRIVEWAY/PARKING EASEMENT. An access easement shall be recorded which allows for the perpetual use of the driveway and/or off-street parking spaces for the benefit of the adjacent property. The easement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

NESTING BIRD SURVEY. A pre-construction nesting bird survey will be conducted prior to vegetation removal or initial Project ground disturbance. If an active bird nest that may be impacted by Project-related activities is observed, AMMs, including delaying construction within the immediate vicinity of the active nest or establishing a nest buffer determined by a qualified biologist until the young have fledged or the nest has failed, will be implemented.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

LIGHT POLLUTION REDUCTION. The project shall comply with California Green Building Standards Code (CALGreen) Section 5.106.8 regarding Light Pollution Reduction for non-residential developments. Outdoor lighting systems shall be designed and installed to meet the minimum requirements of the California Energy Code for applicable Lighting Zones (0-4) and shall not exceed the allowable BUG (Backlight, Uplight, and Glare) ratings as specified in CALGreen Table 5.106.8 [N]. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. School Fees

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

ELECTRIC VEHICLE CHARGING INFRASTRUCTURE. The project shall comply with the requirements of California Green Building Standards Code (CALGreen) Section 5.106.5.3 regarding electric vehicle (EV) charging infrastructure for non-residential developments. The developer shall provide the required number of EV-capable parking spaces, including the necessary raceways, conduits, panel capacity, and other supporting infrastructure to facilitate the future installation of EV charging stations in accordance with state and local requirements. This may include designated Electric Vehicle Charging Spaces (EVCS) that are required to have Electric Vehicle Supply Equipment (EVSE) installed as part of the project. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

ACCESSIBLE PARKING SPACES. The project shall comply with California Building Code (CBC) Section 11B-208, ensuring that accessible parking spaces are provided as required for non-residential developments. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FINAL WQMP SUBMITTAL. Submit a final WQMP, prepared using the applicable Mojave River Watershed Group Regulated WQMP Template, which includes all required or proposed revisions, addresses any comments provided on the draft WQMP, provides final designs for best management practices (BMPs), and includes calculations for BMP sizing.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PERCOLATION TEST. The applicant shall provide percolation test data which are adequate to substantiate the hydrologic performance of all proposed basins, underground retention systems, drywells, or other features requiring percolation of surface water:

A. Projects shall provide site-specific percolation test data to substantiate the performance and effective drawdown time of all proposed surface retention basins.
B. Projects shall provide site-specific, depth-appropriate percolation test data for the proposed subsurface infiltration/retention system; and/or for any proposed drywells.
C. Percolations tests shall be performed in accordance with the procedures in Appendix A of the Riverside County Design Handbook for Low Impact Development Best Management Practices; available online at:
http://www.floodcontrol.co.riverside.ca.us/NPDES/LIDBMP.aspx

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STORM WATER POLLUTION PREVENTION PLAN. The Project shall submit to the City for approval two (2) copies of a Storm Water Pollution Prevention Plan (SWPPP) as specified in the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities

issued by the California State Water Resources Control Board.
Prepare the SWPPP using or following the format of the most recent SWPPP Template in the Construction BMP Handbook prepared by the California Stormwater Quality Association (requires subscription); see:
https://www.casqa.org/resources/bmp-handbooks

NPDES: The Project shall enroll under the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board and pay applicable fees. The Project shall provide proof of such permit coverage including a copy of the Notice of Intent Receipt Letter and the project WDID No. to the City.
Alternatively, projects from 1 to 5 acres with an approved Rainfall Erosivity Waiver authorized by U.S. EPA Phase II regulations certifying to the State Water Resources Control Board that construction activity will occur only when the Rainfall Erosivity Factor is less than 5 (R in the Revised Universal Soil Loss Equation), shall provide a copy of the project's Erosivity Waiver Certification and Waiver ID to the City.
NPDES-PERMIT TERMINATION: Upon completion of construction, the Project shall ensure that all disturbed areas are stabilized and all construction waste, equipment, and unnecessary temporary BMPs are removed from the site. In addition, the Project shall file a Notice of Termination (NOT) with the Lahontan Regional Water Board as required by the NPDES General Permit for Storm Water Discharges.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SWPPP IMPLEMENTATION. All of the requirements of the City-approved Storm Water Pollution Prevention Plan shall be implemented prior to the City's issuance of a grading permit, and shall be maintained until construction is complete and all disturbed areas are fully stabilized. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

ROOFTOP EQUIPMENT. All roofftop equipment shall be screened from view from the right-of-way and architecturally integrated into the design of the building. All roof-mounted mechanical equipment proposed on the roof shall be shown on a cross-section of the building, as well as a line of site study, evidencing that the equipment will be screened from view and will not be visible from the right-of-way. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

LANDSCAPE PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

LIGHT AND LANDSCAPE DISTRICT ANNEXATION. Developer shall annex property into the lighting and landscape

district administered by the Hesperia Recreation and Parks District for all required street lights. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STAMPED CONCRETE. Stamped color concrete shall be installed at the driveway entrances in a color and design consistent with the architectural theme of the structures on-site, prior to the issuance of a building permit. The stamped color concrete shall be noted on the approved construction plans accordingly. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

TRASH ENCLOSURE. All trash enclosures shall be in conformance with Municipal Code Section 16.16.360 and City approved construction details. The enclosure shall be enclosed on three sides by a minimum six-foot tall decorative masonry wall with split face block on the viewable side and a decorative cap. The masonry wall shall be earth tone in color; solid grey block is not allowed. The enclosure shall have non-transparent metal gates and a solid roof-cover that is architecturally compatible with the primary building onsite and that serves to protect the refuse area from inclement weather, as well as prevents unauthorized entry into the enclosure. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FUEL CANOPY. The fuel canopy shall be architecturally enhanced to ensure compatibility with the approved convenience store building. All canopy support columns shall incorporate decorative brick or tile veneer consistent with the primary building materials and colors. The decorative treatment shall extend a minimum of five (5) feet in height on all canopy posts, subject to review and approval by the Planning Division. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. Development Impact Fees (B)
B. Park Fees (Not applicable to commercial and industrial developments (B)
C. Utility Fees (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

AS BUILT PLANS. The Developer shall provide as built plans. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering

Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

EXECUTED AND RECORDED WQMP MAINTENANCE AGREEMENT. The WQMP Maintenance Agreement: Covenant and Agreement Regarding Water Quality Management Plan and Stormwater Best Management Practices Transfer, Access, and Maintenance, must be (1) prepared using the WQMP Maintenance Agreement Template provided as Attachment A to the City of Hesperia WQMP Templates, and (2) the complete WQMP Maintenance Agreement, with the Property Owners notarized signature(s) and suitable for recordation by the City, must be received before the City will authorize the final inspection or issue a Certificate of Occupancy.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WQMP PERMIT. The Property Owner shall apply for a City WQMP Permit with the Building and Safety Department and pay the applicable permit fees. The WQMP Permit shall be renewed annually. To comply with the WQMP Permit, the Property Owner shall certify on an annual basis that all of the post-construction best management practices (BMPs) described in the approved project WQMP have been inspected and maintained as specified and required by the BMP Inspection and Maintenance Form and Operation and Maintenance Plan. The Property Owner shall provide proof of the WQMP Permit before the City will issue a Certificate of Occupancy.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

LANDSCAPING/IRRIGATION. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	**947-1300**
(E) Engineering Division	**947-1476**
(F) Fire Prevention Division	**947-1603**
(P) Planning Division	**947-1200**
(RPD) Hesperia Recreation and Park District	**244-5488**

City of Hesperia
STAFF REPORT

Attachment 11

DATE: March 26, 2026

TO: Planning Commission

FROM: Orlando Acevedo, Director of Development Services

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

SUBJECT: Conditional Use Permit CUP24-00012; Applicant: AUE Energy LLC; APN: 3064-401-10

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2026-01 recommneding that the City Council approve Conditional Use Permit CUP24-00012 and adopt the associated mitigated negative declaration pursuant to the provisions of CEQA.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) has been filed to allow for the development of a 5,915 square foot convenience store with alcohol sales for off-site consumption along with a 4,080 square foot fueling station canopy with 10 pumps and a 1,968 square foot drive through carwash (Attachments 1 and 2).

Location: This project is located on the northwest corner of Phelan Road and Highway 395. (Attachment 3).

Current General Plan, Zoning and Land Uses: The site is within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan. The adjacent properties to the north and west are vacant and located within the Neighborhood Commercial zone (NC). The property to the east, across Highway 395, and the property to the south, across Phelan Road, are also vacant and within the Neighborhood Commercial (NC) zone (Attachment 4).

ISSUES/ANALYSIS

Land Use: The proposed convenience store is a permitted use within the Neighborhood Commercial (NC) zoning district. However, pursuant to the Development Code and the Main Street and Freeway Corridor Specific Plan, approval of a Conditional Use Permit (CUP) is required for the establishment and operation of a vehicle fuel station, carwash facility, and the sale of alcoholic beverages for off-site consumption. Additionally, the City Council adopted Ordinance No. 2017-08 on October 3, 2017, which requires that all applications for off-sale alcohol (type 20 and 21 ABC licenses) for establishments that are below 12,000 square feet in floor area be forwarded to the City Council for final action.

Conformance with Development Standards: The project complies with devlopment standards of the Main Street and Freeway Corridor Specific Plan including the minimum building requirements, landscaping, and parking. Moreover, the project includes 26,572 square feet of total landscape

coverage, or 13.5% of total landscape coverage, which is greater than the required minimum landscape coverage of 10%.

Establishments selling alcoholic beverages for off-site consumption are required to be located within 500 feet of the intersection of two arterial or major arterial streets as identified in the City's adopted Circulation Plan. The proposed project is located at the northwest corner of Phelan Road and Highway 395. Phelan Road is designated as a Major Arterial with a 120-foot-wide ultimate right-of-way, while Highway 395 is designated as a Special Street section with a 130-foot-wide ultimate right-of-way and is identified as a major transportation corridor in the Circulation Plan. As a major regional corridor, Highway 395 satisfies the intent of an arterial roadway classification.

Alcohol Sales: The applicant will file an application for a Type 20 (Off-Sale Beer and Wine) license with the California Department of Alcoholic Beverage Control (ABC). Table 2 identifies four active off-sale alcoholic beverage licenses within Census Tract 100.09 (Attachment 5). ABC authorizes this census tract to have three off-sale licenses. Therefore, approval of CUP24-00012 will exceed the limitation of three licenses and ABC will require that the City make a finding of public convenience and necessity (Attachment 9).

Table 1: Existing On-Sale Licenses in Census Tract 100.09

Status	Business Name	Business Address	Type of License
Active	Walmart	11896 Amargosa Road (Victorville)	21-Beer, Wine, and Liquor
Active	Sky Market	12720 Main Street	21-Beer, Wine, and Liquor
Active	G & M Oil Co.	12080 Amargosa Road (Victorville)	20-Beer and Wine
Active	7 Eleven	12750 Main Street.	20-Beer and Wine

In determining whether to approve an additional license in an overconcentrated census tract, the Planning Commission may consider the surrounding context and availability of alcohol sales within the immediate service area. While four licenses are reported within the census tract, the Walmart and G & M Oil locations are outside the City limits and located more than four miles from the proposed project site. The remaining establishments, Sky Market and 7-Eleven, are located approximately one mile away along the I-15 freeway corridor and primarily serve motorists traveling along that corridor.

The proposed project is located along Highway 395 and would serve a different travel corridor. As such, the project would provide sales to residents and motorists traveling along Highway 395 and would not substantially increase the concentration of alcohol sales within the immediate vicinity of the project site. Therefore, the Planning Commission may determine that approval of the proposed off-sale beer and wine license would serve the public convenience and necessity.

Building Design: The convenience store and carwash building design comply with the architectural guidelines of the Development Code. The buildings incorporate a combination of stucco and tile, in addition to a brick wainscot. The buildings incorporate changes in wall and roof planes and include tower elements to highlight the entry features. In addition, the fuel canopy will be conditioned to incorporate the brick wainscot material to the supportive beams. (Attachment 6).

Traffic/Street Improvements: According to the City's General Plan Circulation Element, Highway 395 is constructed as a 130-foot wide Special Street Section, which provides two travel lanes in

each direction (plus ancillary lanes) and Phelan Road is to be constructed as a 120-foot wide Major Arterial Street Section which currently provides 2 travel lanes in each direction. As part of developing the site, the developer is required to dedicate right-of-way and construct street improvements, including curb, gutter and sidewalk along the project frontages of Highway 395 and Phelan Road. In addition, the driveway approach onto Highway 395 will be restricted to right-in and right-out only. The eastern driveway approach on Phelan Road will also be restricted to a right-in and right-out only. In addition, the project will include rubberized curbs with flexible posts along the Phelan Road median to restrict left hand turns from the project site.

Drainage: Any additional runoff created on-site will be detained in an approved storm drain storage system and an underground drainage system is proposed to store the necessary volume. Upon completion of the on-site drainage improvements, the impact of the project upon properties downstream is not considered significant.

Water and Sewer: The project will connect to an existing 12-inch PVC water line in Phelan Road and a 12-inch PVC sewer main along Caliente Road via a lateral line which extends through an easement on the north property line of the west adjacent property.

Environmental: Approval of this development requires adoption of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA). The IS/MND prepared for the project concluded that the project will not have any significant negative impacts on the environment upon implementation of the recommended mitigation measures. (Attachment 8)

The environmental analysis included a biological resources assessment to evaluate potential impacts to sensitive habitats and special-status species. The analysis concluded that Joshua Trees are present on the site and will require an Incidental Take Permit from the California Department of Fish and Wildlife. Additionally, the biological report shows that the site does not contain habitat for the desert tortoise nor any other threatened or endangered species. However, a pre-construction surveys for the burrowing owl and nesting bird will be conducted prior to issuance of a grading permit.

The environmental analysis also concluded that the proposed project would not result in any impacts to known archaeological resources or tribal cultural resources. However, there is potential for project-related construction to impact unknown or previously unrecorded archaeological resources. For this reason, mitigation measures are proposed in the event that cultural resources are inadvertently encountered during excavation activities. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law.

The environmental document was circulated to local, state and federal agencies and organizations as well as surrounding property owners for public review from January 20, 2026, through February 18, 2026 (SCH#2026010656). During the public review period, five comment letters were received (Attachment 7).

The table below identifies the origin of each comment letter and summarizes how the comments were addressed and incorporated into the Project's Conditions of Approval and/or the updated Initial Study/Mitigated Negative Declaration (IS/MND). Additionally, response letters were provided to the California Department of Transportation (Caltrans) and the California Department of Water Resources (DWR) (Attachment 8).

Table 2: Comment Letters and Responses

Agency/Individual	Comments and Responses
Chris Anderson	**Comments**: A community member raised concerns with traffic safety stating the environmental study does not adequately evaluate traffic impacts on westbound traffic along Phelan Road near the proposed gas station entrance and the need for a right-turn lane onto the project site
	Response: A traffic study prepared by a California-licensed traffic engineer was submitted to the City during the entitlement review process and was accepted prior to scheduling the project for public hearing. The project is conditioned to submit a final traffic study to the City and Caltrans prior to ground disturbance. Additionally, the project applicant will be required to obtain all necessary Caltrans permits before commencing any ground-disturbing activities.
Mojave Desert Air Quality Management District (MDAQMD)	**Comments:** MDAQMD requested the project's compliance with air quality regulations and implementation of dust control best management practices as well as district permits be obtained.
	Response: The IS/MND confirms that construction and operation will comply with MDAQMD rules and regulations. The project is also conditioned to provide evidence of acceptance by MDAQMD prior to ground-disturbing activities, ensuring CEQA consistency with air quality requirements.
California Department of Fish and Wildlife (CDFW)	**Comments:** CDFW offered comments and recommendations to assist in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Specifically, these recommendations focused on Burrowing Owl and Nesting Birds.
	Response: The IS/MND and Mitigation Monitoring and Reporting Program were updated to incorporate CDFW's recommendations. Biological mitigation measures now include MM BIO-2 (Pre-Construction Surveys), MM BIO-3 (Burrow Avoidance), and MM BIO-4 (Nesting Bird Survey), ensuring project compliance with CEQA biological resource requirements.
California Department of Transportation (DOT)	**Comments:** Caltrans requests additional traffic analyses, including truck turning templates, queuing studies, corrected trip distribution, and a stand-alone safety review with potential mitigation. The project must maintain ADA-compliant pedestrian and bicycle access during construction. Any work encroaching on Caltrans right-of-way requires an encroachment permit.
	Response: A traffic study prepared by a California-licensed traffic engineer was submitted to the City during the entitlement review process and accepted prior to scheduling the project for public hearing. The project is conditioned to submit a final traffic study to the City and Caltrans prior to any ground-disturbing activities. Caltrans' requests have been addressed through a response letter and updates to the Conditions of Approval and IS/MND. The applicant has been issued an encroachment permit for the proposed driveway onto Highway 395 and will obtain all additional necessary Caltrans permits before commencing construction, ensuring CEQA compliance with transportation and safety requirements. A response letter documenting these actions was also provided to Caltrans

California Department of Water Resources (DWR)	**Comments:** DWR raised concerns that the project's maps are outdated and lack sufficient detail to show existing development and local drainage features. The IS/MND does not provide adequate analysis of off-site stormwater flows, potential erosion, or impacts to the Oro Grande Wash and DWR rights-of-way. DWR requests a Hydrology/Drainage Study to evaluate pre- and post-development runoff and ensure the proposed underground retention facility can manage flows without affecting DWR facilities. Updated drainage plans and analyses are needed to prevent ponding, sedimentation, and scour.
	Response: DWR's concerns were addressed in a response letter as well as the updated conditions of approval and IS/MND. The IS/MND was updated to include additional detail on existing site conditions, drainage patterns, and the proposed storm drain system, as well as pre- and post-construction stormwater peak flow rates. The Project-specific Hydrology Report will be reviewed and approved by the City and provided to DWR as per the conditions of approval. All required DWR permits will be obtained prior to any ground-disturbing activities, ensuring CEQA compliance with hydrology and drainage requirements.

Conclusion: The project conforms to the policies of the City's General Plan and meets the standards of the Development Code and the Main Street Freeway Corridor Specific Plan. Further, approval of the sale of beer and wine is appropriate, particularly to allow the convenience store to be competitive with similar busisnesses and to meet customer demand.

CITY GOAL SUPPORTED BY THIS ITEM

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

FISCAL IMPACT

The development would generate tax revenue and is subject to applicable development impact, business license and permit fees.

ALTERNATIVES

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site Plan
2. Floor plan
3. Aerial Photo
4. General Plan Map
5. Census Tract Map 100.09
6. Colored Elevations (3)
7. Comment Letters (5)
8. Updated IS/MND and (2) Response Letters
9. Resolution No. PC-2026-01 and Draft Conditions of Approval

ATTACHMENT 9

RESOLUTION NO. PC-2026-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE CONDITIONAL USE PERMIT CUP24-00012 AND ADOPT THE ASSOCIATED MITIGATED NEGATIVE DECLARATION PURSUANT TO CEQA TO ALLOW FOR THE DEVELOPMENT OF A CONVENIENCE STORE WITH ALCOHOL SALES FOR OFF-SITE CONSUMPTION, A FUELING STATION CANOPY WITH 10 PUMPS, AND A DRIVE-THRU CARWASH ON A 2.36 ACRE SITE WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN, LOCATED AT THE NORTHWEST CORNER OF PHELAN ROAD AND U.S. HIGHWAY 395

WHEREAS, AUE Energy LLC has filed an application requesting approval of CUP24-00012 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 2.36 acres of an existing land also referenced Assessor's Parcel Number 3064-401-10; and

WHEREAS, the Application proposes the development of a convenience store with alcohol sales for off-site consumption, a fueling station canopy with 10 pumps and a drive-thru carwash which requires approval of a conditional use permit; and

WHEREAS, the City Council adopted Ordinance No. 2017-08 on October 3, 2017, which requires that all applications for off-sale alcohol (type 20 and 21 ABC licenses) below 12,000 square feet in floor area be forwarded to the City Council for final action; and

WHEREAS, the subject site is located within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan. The properties to the north, south, east and west are within the Neighborhood Commercial (NC) zone; and

WHEREAS, the subject site, as well as surrounding properties are vacant; and

WHEREAS, an environmental Initial Study for the proposed project was circulated for a 30-day public review period from January 20, 2026, through February 18, 2026. During the public review period five comment letters were received. It was determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. A Mitigated Negative Declaration was subsequently prepared; and

WHEREAS, on March 26, 2026, the Planning Commission of the City of Hesperia conducted a public hearing pertaining for the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced March 26, 2026, hearing, including public testimony and written and

oral staff reports, this Commission specifically finds as follows:

(a) The site for the proposed use is adequate in size and shape to accommodate the proposed use. The site is approximately 2.36 acres and can accommodate the proposed 5,915 square foot convenience store with off-sale of alcohol along with a 4,080 square foot fueling station canopy with 10 pumps and a 1,968 square foot drive-thru carwash with 40 parking spaces provided on the site. The development complies with the development standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments.

(b) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor with approval of this Conditional Use Permit. The proposed project will be required to comply with the City's Noise Ordinance which limits the maximum noise level to 60 dB(A) for the daytime hours (7 a.m. to 10 p.m.). The project meets all of the development standards of the NC zone as well as specific land use standards established in the Development Code for vehicle wash and fuel facilities.

(c) The proposed project is consistent with the goals, policies, standards and maps of the adopted zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations allowing nonresidential uses within the NC Zone of the MainStreet and Corridor Specific Plan. A convenience store is an allowable use, and the off-site alcohol sales, fueling station and carwash uses are allowed with approval of a Conditional Use Permit. The project is also subject to conditions of approval and complies with the standards for driveway aisles, parking stall dimensions, building heights, trash enclosure and all other applicable development standards. The project meets all of the development standards of the NC zone. The project will be constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments.

(d) Establishments with the sale of alcoholic beverages for off-site consumption must be located within 500 feet of an intersection of two arterial or major arterial streets identified on the City's adopted Circulation Plan. The proposed project is located at the northwest corner of Phelan Road and Highway 395. Phelan Road is designated as a Major Arterial with a 120-foot-wide ultimate right-of-way, while Highway 395 is designated as a Special Street section with a 130-foot-wide ultimate right-of-way and is identified as a major transportation corridor in the Circulation Plan. As a major regional corridor, Highway 395 satisfies the intent of an arterial roadway classification.

(e) Although Census Tract 100.09 exceeds the recommended number of off-sale alcohol licenses identified by the California Department of Alcoholic Beverage Control (ABC), the Planning Commission finds that approval of a Type 20 (Off-Sale Beer and Wine) license at the project site will serve the Public Convenience and Necessity. Two of the licensed establishments identified within the census tract are located outside the City limits and more than four miles from the project site, limiting their service to the immediate project area. The remaining licensed establishments within the tract are located along the Interstate 15 freeway corridor and primarily serve motorists traveling along that corridor.

The proposed project is located along the U.S. Highway 395, which serves a separate travel route and surrounding neighborhood area. The requested license is limited to the sale of beer and wine for off-site consumption and does not include the sale of distilled spirits. Based on the distance from existing establishments, the separation of commercial corridors, and the limited nature of the proposed license, the Planning Commission finds that approval of the requested license would serve the public convenience and necessity and would not result in undue impacts to the surrounding community.

(f) The project site will have adequate access based upon the installation of two new drive approaches. Project access is proposed via two right-in/right-out commercial driveway approaches. The first approach is located along Phelan Road near the southwestern portion of the project site. The second approach is located along U.S. Highway 395 at the northeastern portion of the site. There are also general services for sanitation, water, and public utilities to ensure the public convenience, health, safety and general welfare. Additionally, the site is currently served with adequate infrastructure to operate without a major extension of infrastructure.

Section 3. Based on the findings and conclusions set forth in this Resolution, the Planning Commission hereby recommends that the City Council approve Conditional Use Permit CUP24-00012, subject to the conditions of approval attached hereto as Attachment “A.”

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 26th day of March 2026.

_____
Roger Abreo, Chair, Planning Commission

ATTEST:

_____
Maricruz Montes, Secretary, Planning Commission

City of Hesperia
STAFF REPORT

DATE: May 5, 2026

TO: Mayor and Council Members
Chair and Board Members, Hesperia Housing Authority
Chair and Board Members, Hesperia Fire Protection District
Chair and Board Members, Hesperia Water District

FROM: Rachel Molina, City Manager

BY: Casey Brooksher, Assistant City Manager
Keith Cheong, Deputy Finance Director

SUBJECT: FY 2026-27 Budget Workshop #1 – Operating Budget

RECOMMENDED ACTION

It is recommended that the City Council/Board receive and file this staff report, which provides information about the current status of the City of Hesperia's proposed operating budget for Fiscal Year (FY) 2026-27.

BACKGROUND

In compliance with the City Council's policy direction, staff annually develops an expenditure budget. While the budget gives the City the legal authority to secure goods and services, it is also a communication tool that provides citizens with information about the City's programs and projects. To ensure that the budget is developed to meet the City Council's direction, a series of budget workshops have been developed. This first workshop will highlight the proposed operating budget. During the first City Council meeting in June, the proposed annual operating budget will be presented.

ISSUES/ANALYSIS

This first budget workshop will provide a brief overview of the City's operating budget. The operating budget includes planned ongoing revenues and expenditures for the upcoming fiscal year, as well as revisions to the FY 2025-26 Budget. It should be noted that the goal for developing the FY 2026-27 Budget was to minimize the use of reserves and enhance cash reserves. This goal will be highlighted during the presentation.

CITY GOAL SUPPORTED BY THIS ITEM

Financial Health - Maintain a balanced budget and adequate reserves.

FISCAL IMPACT

There are no financial impacts at this time, as this is a workshop to discuss the proposed FY 2026-27 Operating Budget.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

None