

# **PLANNING COMMISSION REGULAR MEETING**



## **Meeting Agenda**

**Thursday, April 9, 2026**

**6:30 PM**

**City Council Chambers  
9700 Seventh Ave.,  
Hesperia, CA, 92345**

**Planning Department: (760) 947-1224**

## **Planning Commission Members**

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

**Orlando Acevedo, Director of Development Services  
Ryan Leonard, Principal Planner  
Robert Hensley, Assistant City Attorney**



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

**To leave a Public Comment by phone, call and leave a recorded message at (760) 947-1224 up to 5:30 pm on the day of the scheduled meeting. Planning Commission meetings may be viewed live or after the event on the City's website at [www.hesperiac.gov](http://www.hesperiac.gov).**

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

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

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

**CALL TO ORDER - 6:30 PM**

**A. Pledge of Allegiance to the Flag**

**B. Invocation**

**C. Roll Call**

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

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

**JOINT PUBLIC COMMENTS**

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

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

**CONSENT CALENDAR**

**1. Page 7** Consideration of March 26, 2026 Planning Commission Meeting Minutes

**Recommended Action:**

It is recommended that the Planning Commission approve the Draft Minutes from the regular scheduled meeting on November 26, 2026.

**Staff Person:** Assistant Planner Maricruz Montes

**Attachments:** [Draft Meeting Minutes](#)

**PUBLIC HEARINGS**

**2. Page 11**

Consideration of Conditional Use Permit CUP23-00005 to construct a 419,840 square foot warehouse distribution building on 22.61 gross acres within the Commercial Industrial Business Park (CIBP) of the Main Street and Freeway Corridor Specific Plan located on the southwest corner of Phelan Road and Caliente Road; and the adoption of an Environmental Impact Report pursuant to the provisions of CEQA (Applicant: Covington Capitol; APN: 3064-531-06)

**Recommended Action:**

It is recommended that the Planning Commission adopt Resolution No. PC-2026-02 making the environmental determination pursuant to the California Environmental Quality Act (CEQA) by certifying the Final Environmental Impact Report (FEIR) and adopting a statement of overriding considerations and adopt Resolution No. PC-2026-03 approving CUP23-00005.

**Attachments:** [Staff Report](#)[Attachment 1- Site Plan](#)[Attachment 2- Aerial](#)[Attachment 3- General Plan Map](#)[Attachment 4- Floor Plan](#)[Attachment 5- Elevations](#)[Attachment 6- Renderings](#)[Attachment 7- Resolution PC 2026-02](#)[Exhibit A \(1\) Findings of Fact](#)[Exhibit A \(2\) Statement of Overriding Considerations](#)[Exhibit B- Mitigation Monitoring and Reporting Program](#)[Attachment 8- Resolution PC 2026-03](#)[Conditions of Approval](#)**3. Page 161**

Conditional Use Permit CUP25-00009; Applicant: Jeff Randall; APN: 0414-011-08

**Recommended Action:**

It is recommended that the Planning Commission adopt Resolution No. PC-2026-06, approving CUP25-00009.

**Staff Person:** Principal Planner Ryan Leonard

**Attachments:** [Staff Report](#)  
[Attachment 1-Site Plan](#)  
[Attachment 2- General Plan and Zoning Map](#)  
[Attachment 3 -Aerial](#)  
[Attachment 4- Elevation](#)  
[Attachment 5- Resolution No. PC-2026-06](#)  
[Exhibit A-Conditions of Approval](#)

#### 4. Page 183

Consideration of Conditional Use Permit CUP24-00005 to construct a 165,111 square foot retail and grocery store building with alcohol sales for off-site consumption and a tire center. Including the construction of a gas station with 14 fuel pumps (28 fuel positions) and a 2,623 square foot automated carwash on 25.4 acres within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan located north and south of Amargosa Road, south of the California Aqueduct, east of Key Pointe Drive and west of the I-15 Freeway, in conjunction with the adoption of an Environmental Impact Report pursuant to the provisions of CEQA (Applicant: Kimley-Horn; APNs: 0405-062-72, -73 and 3064-481-25)

**Recommended Action:**

It is recommended that the Planning Commission adopt Resolution No. PC-2026-04, making an environmental determination pursuant to the California Environmental Quality Act (CEQA) by certifying the Final Environmental Impact Report and PC-2026-05, approving Conditional Use Permit (CUP24-00005).

**Staff Person:** Senior Planner Edgar Gonzalez

**Attachments:** [Staff Report](#)  
[Attachment 1 - Aerial Photo](#)  
[Attachment 2 - General Plan Map](#)  
[Attachment 3 - Census Tract 100.09 Map](#)  
[Attachment 4 - Site Plan](#)  
[Attachment 5 - Floor Plan \(1\)](#)  
[Attachment 5 - Floor Plan \(2\)](#)  
[Attachment 6 - Elevations \(1\)](#)  
[Attachment 6 - Elevations \(2\)](#)  
[Attachment 6 - Elevations \(3\)](#)  
[Attachment 7 - Resolution PC-2026-04 - CUP24-00005](#)  
[Exhibit A - Findings of Fact and Statement of Overriding Considerations](#)  
[Exhibit B - MMRP](#)  
[Attachment 8 - Resolution PC-2026-05 - CUP24-00005](#)  
[Attachment A - Conditions of Approval](#)

#### **PLANNING DIVISION REPORT**

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

A. DRC Comments

B. Major Project Update

**ASSISTANT CITY ATTORNEY REPORT**

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

**DIRECTOR REPORT**

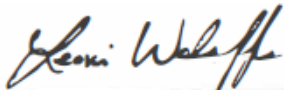
*The Director may make announcements or reports concerning items of interest to the Commission or the public.*

**PLANNING COMMISSION COMMENTS**

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

**ADJOURNMENT**

*I, Leovi Wolsieffer, Planning Commission Secretary of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, April 2, 2026 at 5:30 p.m. pursuant to California Government Code §54954.2.*



\_\_\_\_\_  
Leovi Wolsieffer,  
Planning Commission Secretary



# City of Hesperia

## Meeting Minutes - Draft

### Planning Commission

Council Chambers,  
9700 Seventh Ave.,  
Hesperia, CA 92345

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Thursday, March 26, 2026

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#### **CALL TO ORDER - 6:31 PM**

**A. Pledge of Allegiance to the Flag**

Pledge led by Chair Abreo

**B. Invocation**

Invocation led by Chair Abreo

**C. Roll Call**

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

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

No revision to the agenda

#### **JOINT PUBLIC COMMENTS**

*Public comment period opened at 6:33 PM*

*There were no public comments.*

*Public Comment period closed at 6:33 PM*

#### **CONSENT CALENDAR**

**1. Consideration of November 13, 2025 Planning Commission Meeting Minutes**

**Recommended Action:**

It is recommended that the Planning Commission approve the Draft Minutes from the regular scheduled meeting on November 13, 2025.

**Sponsor:** Assistant Planner Maricruz Montes

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

**Aye:** 5 Commissioner Hodson V, Commissioner Burke, Chair Abreo, Commissioner Auman and Vice Chair Steeno

**Nay:** 0

**2. Annual Report on Status and Implementation of the General Plan**

**Sponsor:** Principal Planner Ryan Leonard

**Recommended Action:**

Staff recommends that the Planning Commission review this annual report and forward it to the City Council with the intent to direct staff to transmit copies to the Governor's Office of Planning and Research, and the Department of Housing and Community Development as required by State law.

**No Action required.**

**PUBLIC HEARINGS**

- 3. 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).

**Sponsor:** Associate Planner Leilani Henry

**Recommended Action:**

It is recommended that the Planning Commission adopt Resolution No . PC-2026-01 recommending that the City Council approve Conditional Use Permit CUP24-00012 and adopt the associated mitigated negative declaration pursuant to the provisions of CEQA.

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

**Aye:** 5 - Commissioner Hodson V, Commissioner Burke, Chair Abreo, Commissioner Auman and Vice Chair Steeno

**Nay:** 0

**PLANNING DIVISION REPORT / DIRECTOR REPORT**

Principal Planner Ryan Leonard and Director Orlando Acevedo provided updates on various approved projects and permits processed through the Planning and Building Divisions.

**ASSISTANT CITY ATTORNEY REPORT**

Assistant City Attorney Robert Hensley reported that he is happy to be back and had nothing to report.

**PLANNING COMMISSION COMMENTS**

Commissioner Burke discussed the importance of maintaining a clear paper trail for the State and commented on Dodgers Opening Day.

Commissioner Hodson V. acknowledged the significant amount of work and time invested in the General Plan Annual Report document and expressed appreciation to staff. Commissioner Hodson V also noted community concerns following the recent Christmas Eve storm, including heightened resident frustrations and requests for small but meaningful assistance.

Commissioner Auman congratulated staff on maintaining compliance and not being included on the State's non-compliance list. Commissioner Auman also noted that storm impacts remain a major topic of concern in the community, with several areas requiring the City's attention, shared congratulations to Barstow College on the graduation of its first electrical program class.

Vice Chair Steeno commented on the progress at Silverwood, including basin drainage efforts, and inquired about the tract development off Danbury. Vice Chair Steeno also expressed enthusiasm for the Rancho Aqueduct Bridge project, acknowledged overall City progress, and noted hopes for continued economic improvement. Vice Chair Steeno added that Hesperia Lakes remains closed with no signage currently in place, pending FEMA funding, and recommended installing temporary "closed" signs in the interim.

Chair Abreo praised staff for completion of the General Plan Update, reminded the public to drive safely due to increased traffic from the Rancho Bridge project, and noted the City's continued growth.

**ADJOURNMENT**

Meeting is adjourned at 7:28 PM until the next regular meeting on April 9, 2026.

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Maricruz Montes,  
Planning Commission Secretary

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Roger Abreo,  
Planning Commission Chair

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**DATE:** April 9, 2026  
**TO:** Planning Commission  
**FROM:** Orlando Acevedo, Director of Development Services  
**BY:** Ryan Leonard, Principal Planner  
Leilani Henry, Associate Planner  
**SUBJECT:** Conditional Use Permit CUP23-00005; Applicant: Covington Capitol; APN: 3064-531-06)

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### **RECOMMENDED ACTION**

It is recommended that the Planning Commission adopt Resolution No. PC-2026-02 making the environmental determination pursuant to the California Environmental Quality Act (CEQA) by certifying the Final Environmental Impact Report (FEIR) and adopting a statement of overriding considerations and adopting resolution No. PC-2026-03 approving CUP23-00005.

### **BACKGROUND**

Proposal: A Conditional Use Permit (CUP) has been filed to allow for the development of a 419,840 square foot industrial warehouse on approximately 22.61 gross acres. (Attachment 1)

Location: This project is located on the southwest corner of Phelan Road and Caliente Road. (Attachment 2).

Current General, Plan, Zoning and Land Uses: The subject site is vacant and located within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan (MSFCSP). The site located north, across Phelan Road, is within the CIBP zoning designation and is currently being developed with an approximately 2,517,413-square-foot Amazon facility. To the west there are two parcels: the northern parcel is within the CIBP zone and is vacant, while the southern parcel is within the Low Density Residential (LDR) zone and is partially developed with a nonconforming fleet repair facility. The property to the south is within the Rural Estate Residential (RER) zone and vacant. The property to the east is split-zoned, with the northern portion designated Neighborhood Commercial (NC) and the southern portion designated CIBP; both portions are currently vacant. (Attachment 3)

### **ISSUES/ANALYSIS**

Land Use: The proposed project consists of a 419,840-square-foot industrial warehouse with 5,000 square feet dedicated for office use. In accordance with the MSFCSP, warehouse distribution centers exceeding 200,000 square feet within the CIBP zone are subject to approval of a Conditional Use Permit (CUP). (Attachment 4)

Conformance with Development Standards: The project complies with all applicable development standards, including building setbacks, landscaping, and parking.

The proposed 419,840-square-foot building will be set back approximately 95 feet from Phelan Road. An approximately 20-foot-wide landscape planter will be provided across the project frontage along Phelan Road. The building will also be set back approximately 185 feet from Caliente Court, where an approximately 12-foot-wide landscape planter is proposed across the frontage in front of the required screen walls. Additionally, the building is set back approximately 53 feet from the residentially zoned property to the south and approximately 62 feet from the residentially zoned property to the west. In total, the project provides approximately 84,000 square feet of landscaping, representing approximately 11 percent of the site, which exceeds the minimum landscaping requirement of 10 percent.

The project will provide 200 standard parking spaces, meeting the minimum requirement of 199 spaces based on a parking calculation that includes 5,000 square feet of office use and 414,840 square feet of warehouse use. However, as office uses generate a higher parking demand than traditional warehouse uses, the project is conditioned to limit the office area to a maximum of 5,000 square feet. This limitation is included as a condition of approval.

Additionally, the project includes 57 truck and trailer spaces along with 63 dock doors located along the east side of the building. In compliance with specific land use standards, the truck parking and dock doors will be concealed by a 12' high concrete screen wall across the east side of the property. As a condition of approval, the screen wall will be required to be decorative and incorporate the use of pilasters and other decorative elements. Truck loading activities will not be visible from Phelan Road or Caliente Court.

Assembly Bill 98: State Assembly Bill 98 was signed into law on September 29, 2024, and became effective January 1, 2026, establishing development and operational standards for warehouse uses, particularly those located near residential areas. The legislation requires that industrial warehouse facilities 250,000 square feet or larger, located on industrially zoned sites and containing loading bays within 900 feet of a sensitive receptor (such as residences, schools, or hospitals), comply with specific state-mandated design and operational criteria intended to reduce noise, air quality, and traffic-related impacts.

Although the proposed project is not subject to AB 98 due to its application submittal prior to September 30, 2024, it nonetheless incorporates several site design and operational features consistent with the intent of the legislation to minimize impacts on adjacent residential zoned properties. These features include compliance with the California Green Building Code, truck loading docks oriented away from residentially designated areas at an approximate distance of 762 feet, separate heavy-duty truck access points along Caliente Court directed away from residential areas, and the inclusion of screen walls to provide additional buffering, including a screen wall along the southern and western property lines where the project is adjacent to residentially zoned properties.

Access/Roadway Improvements: Full access for trucks, passenger vehicles, and emergency vehicles to the site will be provided by two 45-foot-wide driveway approaches from a new public roadway (Caliente Court) that will be constructed by the project. Caliente Court is planned as a 70-foot wide Industrial Collector that will provide public two-way access and terminate in a cul-de-sac at the southeast corner of the project. The intersection of Caliente Road and Phelan Road will be fully signalized as part of the approved Amazon project that is currently under construction. The site will also provide a second point of access from Phelan Road with a 30-foot wide right-in and right-out driveway approach that will be restricted for passenger cars only. Internal circulation will be provided by 30-foot-wide drive aisles located around the north, west, and south perimeter

of the site and a 70-foot-wide drive aisle to the east of the building where the dock doors and truck parking are located.

The project will be responsible for the construction of street improvements along both Caliente Court and Phelan Road. Improvements along Phelan Road will include the installation of curb, gutter, and sidewalk along the project frontage. Improvements along Caliente Court will include the construction of half-width street improvements, including curb, gutter, and sidewalk, across the project frontage.

Architecture: The proposed warehouse complies with the architectural requirements of the Specific Plan. The concrete tilt-up building presents a clean, corporate appearance, incorporating multiple exterior colors, expansion joints, and accent elements to provide visual variation. Prominent glazing and decorative windows highlight the main entrance, which is further enhanced by a shade trellis feature visible from the public right-of-way. Additional articulation is achieved through variations in building planes and material finishes along all elevations. The building height ranges from approximately 45 to 50 feet. (Attachment 5 & 6)

Water and Sewer: The project will connect to the proposed water and sewer main extensions in Caliente Court. As part of the required improvements, the project will construct these extensions from the existing main lines in Phelan Road along Caliente Court.

Drainage: The project will install new onsite storm drain lines throughout the site. No off-site storm drain improvements are proposed for this project. Stormwater would be collected using a system of catch basins and roof drains that route flows to underground pipes. All storm water run-off will be conveyed to a proposed detention basin at the east end of the project site. The detention basin will contain dry wells that would treat the stormwater collected from the project site.

## **ENVIRONMENTAL ANALYSIS**

Given the size and regional importance of this project, CEQA requires that the environmental impact of the project be analyzed. An initial study was prepared, which determined that the project may have a significant impact on the environment. As a result, an Environmental Impact Report (EIR) was required. A Notice of Preparation (NOP) was distributed for public review for a period of 30 days from February 26, 2024, through March 27, 2024, and the Draft EIR was distributed for a 45-day public period from June 13, 2025, through August 1, 2025. The environmental document was circulated to local, state and federal agencies, and organizations as well as surrounding property owners. Four comment letters were received during the Initial Study/NOP comment period, and six comment letters were received during the Draft EIR comment period. The letters, as well as the responses to them, are included in the Final EIR. The Draft and Final EIR are available for review on the City's website linked below.

The Draft EIR identified potentially significant impacts of the project and discussed numerous mitigation measures proposed to address potential impacts of the project. Mitigation measures presented in the Draft EIR have been included in the Mitigation Monitoring Reporting Program, which is attached as Exhibit B of Attachment 7 and incorporated by reference in the conditions of approval. Mitigation measures for the project will reduce potentially significant impacts to Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources. However, the EIR concluded that despite mitigation measures, the project could result in significant and unavoidable impacts to Greenhouse Gas Emissions and Transportation. Consequently, pursuant to CEQA guidelines, a statement of overriding considerations must be

made to approve the project. The following is a summary of the significant and unavoidable impacts because of the project: (Attachment 7 & 8)

Greenhouse Gas Emissions: Long-term operations of the project would result in greenhouse gas emissions through mobile sources and on-site equipment, area sources (landscape maintenance equipment); energy use (natural gas and generation of electricity consumed by the Project); generation of electricity associated with wastewater treatment and with water supply, treatment, and distribution; and solid waste disposal. Annual greenhouse gas emissions from these sources were estimated in the EIR.

With applicable regulatory requirements and project design features, the project would result in approximately 9,855 MT CO<sub>2</sub>e per year, which would exceed the GHG threshold of 3,000 MT CO<sub>2</sub>e per year. Therefore, the project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and this would represent a cumulatively potential significant impact. Mitigation measures would be required that would reduce project-generated construction and operational GHG emissions. The EIR determined that the effectiveness of the required mitigation measures cannot be accurately quantified. Therefore, project-generated greenhouse gas emissions would still exceed the applied threshold of 3,000 MT CO<sub>2</sub>e per year. The EIR concludes that there are significant unavoidable impacts upon greenhouse gas emissions and a finding of overriding considerations is included in the resolution certifying the EIR for this project.

Traffic/Circulation: Beginning on July 1, 2020, vehicle miles traveled (VMT) is used to determine the significance of transportation impacts. The San Bernardino Transportation Analysis Model (SBTAM) is an accepted program to estimate VMT as it considers interaction between different land uses based on socio-economic data such as population, households, and employment. A project's VMT impacts are considered significant if the project baseline and cumulative VMT per service population is above the County's regional average. The County's regional average is 32.7 VMT per service population. However, the project's cumulative VMT per service population is estimated to be 49.8 VMT. Therefore, the project would have a significant and unavoidable impact on the environment. The project would implement mitigation measures to provide a ridesharing program and provide end of trip bicycle facilities to encourage employee carpooling, use of public transit, and biking as alternative modes of transportation to work. Implementation of the mitigation measures would reduce the total VMT per service population; however, they would not reduce the project's VMT below the 32.7 countywide significance threshold.

Overriding Considerations: Pursuant to CEQA, the City must balance the benefits of the project against any significant and unavoidable environmental impacts that cannot be mitigated to less than significant. If the benefits of the project outweigh these environmental impacts, those impacts are considered "acceptable." Since the impact upon Greenhouse Gas Emissions and Transportation are considered significant and unavoidable, findings for a Statement of Overriding Considerations must be made. The project's benefits include strengthening the local economy by providing new employment opportunities for residents and generating tax revenues to maintain adequate infrastructure facilities. Further, the project will help satisfy the City's deficiency of high-quality local jobs, as most residents must currently travel outside of the City to obtain higher paying jobs. The project would use the locational characteristics (specifically, the project's proximity to the I-15 freeway and US Highway 395) to provide needed flexible industrial space to businesses wishing to invest in the City, as well as to provide approximately 351 permanent jobs both directly and indirectly in the region. The project's social and economic benefits render these significant and unavoidable impacts acceptable.

In summary, the proposed project is consistent with the City's General Plan as well as applicable land use designation and development standards of the Specific. An Environmental Impact Report (EIR) was prepared in compliance with CEQA, identifying significant and unavoidable impacts related to greenhouse gas emissions and transportation; however, all feasible mitigation measures have been incorporated. Despite these impacts, the project will provide substantial economic benefits, including job creation and increased tax revenue. As such, staff recommends certification of the Final EIR, adoption of the Statement of Overriding Considerations, and approval of the Conditional Use Permit.

### **CITY GOAL SUPPORTED BY THIS ITEM**

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

### **FISCAL IMPACT**

The development will be subject to payment of development impact fees and will be required to annex into the City Industrial CFD to pay for the ongoing maintenance of public infrastructure and services.

### **ALTERNATIVE(S)**

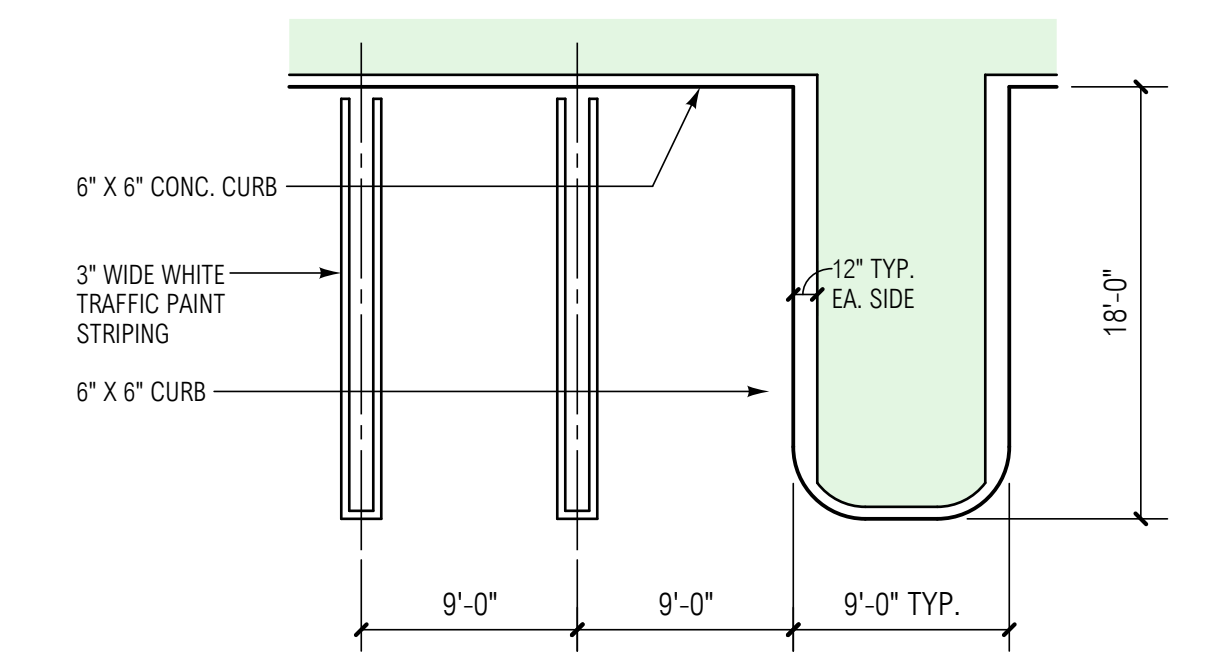
1. Provide alternative direction to staff.

### **ATTACHMENT(S)**

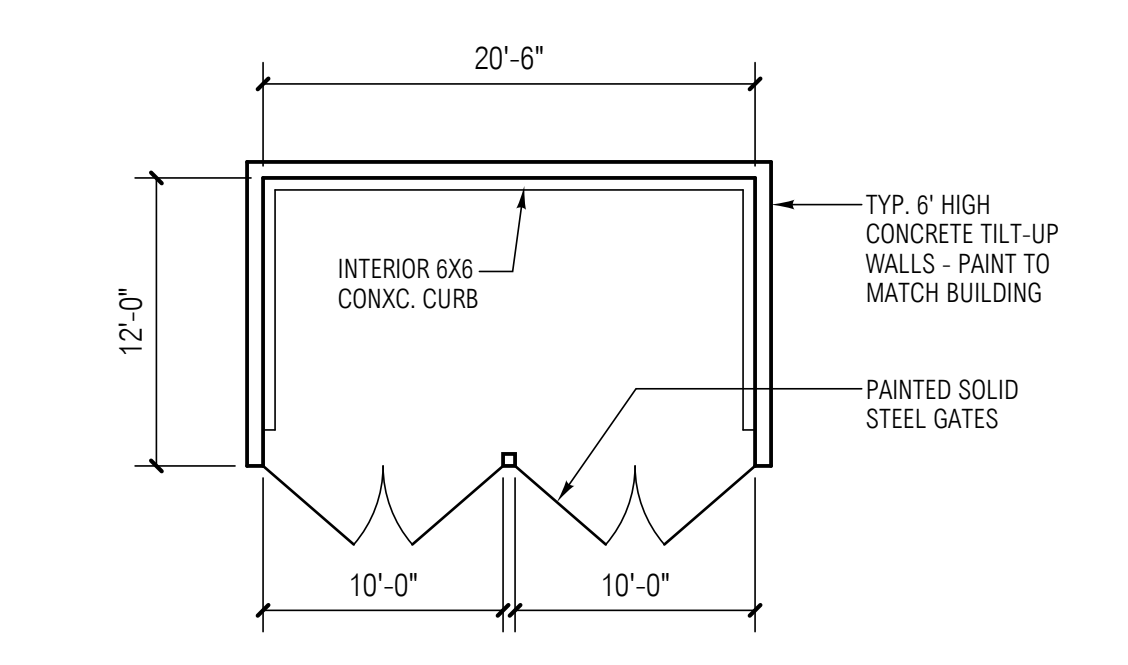
1. Site Plan
2. Aerial
3. General Plan / Zoning Map
4. Floor Plan
5. Color Elevation
6. View Rendering
7. Resolution No. PC-2026-02 with attached Exhibit A- Findings of Fact and Statement of Overriding Considerations and Exhibit B- MMRP
8. Resolution No. PC-2026-03, with attached Conditions of Approval
9. Draft EIR (Available on the City's website at the following link: <https://www.hesperiacagov/1466/Environmental-Review-Documents> )
10. Final EIR (Available on the City's website at the following link: <https://www.hesperiacagov/1466/Environmental-Review-Documents> )

**PROJECT DATA:**

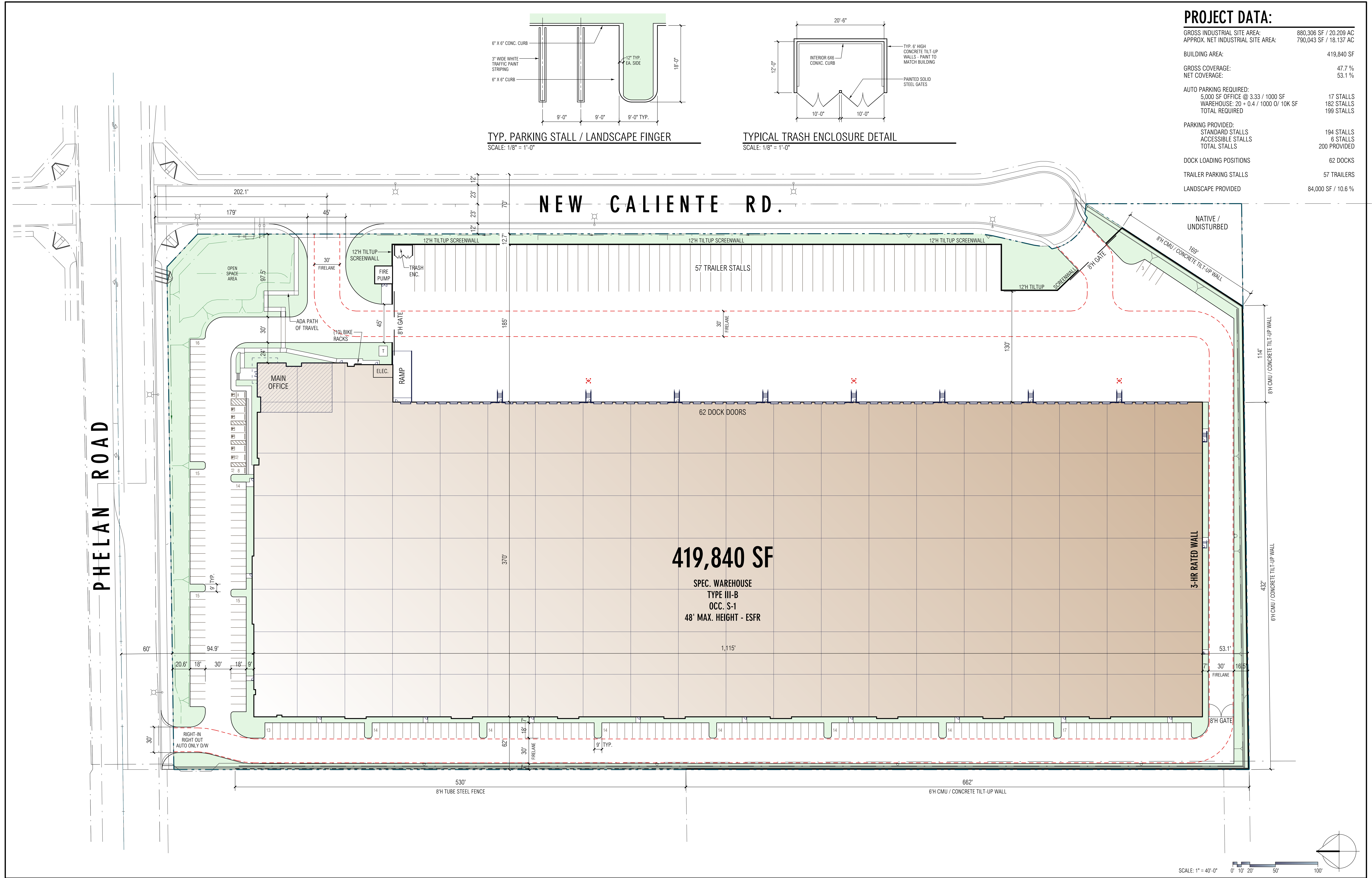
GROSS INDUSTRIAL SITE AREA:	880,306 SF / 20.209 AC
APPROX. NET INDUSTRIAL SITE AREA:	790,043 SF / 18.137 AC
BUILDING AREA:	419,840 SF
GROSS COVERAGE:	47.7 %
NET COVERAGE:	53.1 %
AUTO PARKING REQUIRED:	
5,000 SF OFFICE @ 3.33 / 1000 SF	17 STALLS
WAREHOUSE: 20 + 0.4 / 1000 O/ 10K SF	182 STALLS
TOTAL REQUIRED	199 STALLS
PARKING PROVIDED:	
STANDARD STALLS	194 STALLS
ACCESSIBLE STALLS	6 STALLS
TOTAL STALLS	200 PROVIDED
DOCK LOADING POSITIONS	62 DOCKS
TRAILER PARKING STALLS	57 TRAILERS
LANDSCAPE PROVIDED	84,000 SF / 10.6 %



TYP. PARKING STALL / LANDSCAPE FINGER  
SCALE: 1/8" = 1'-0"



TYPICAL TRASH ENCLOSURE DETAIL  
SCALE: 1/8" = 1'-0"



**419,840 SF**

SPEC. WAREHOUSE  
TYPE III-B  
OCC. S-1  
48' MAX. HEIGHT - ESRF

PHELAN ROAD

NEW CALIENTE RD.

**RG**A

Office of Architectural Design  
15231 Alton Parkway, Suite 100  
Irvine, CA 92618  
T 949-341-0920  
FX 949-341-0922



**PHELAN 20 INDUSTRIAL**

PHELAN RD., HESPERIA, CA - CIPB ZONE (COMMERCIAL INDUSTRIAL B.P.)

SCHMATIC SITE PLAN

MARK	DATE	DESCRIPTION
	3/19/26	SITE FENCE / WALL UPDATE
	9/22/23	PLANNING REVISIONS
	6/7/23	ENTITLEMENT SUBMITTAL

RGA PROJECT NO:	22192.00
CAD FILE NAME:	22192-00-A1-1-P
DRAWN BY:	CS
CHK'D BY:	CS
COPYRIGHT:	RG, OFFICE OF ARCHITECTURAL DESIGN
SHEET TITLE:	

**A1-1-P**

# ATTACHMENT 2



**APPLICANT(S):** COVINGTON CAPITOL

**FILE NO(S):** CUP23-00005

**LOCATION:** SOUTHWEST CORNER OF PHELAN ROAD AND CALIENTE ROAD

**APN(S):** 3064-531-06

**PROPOSAL:** PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP23-00005 TO CONSTRUCT A 419,840 SQUARE FOOT WAREHOUSE DISTRIBUTION BUILDING WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ON 22.61 GROSS ACRES IN CONJUNCTION WITH ADOPTION OF AN ENVIRONMENTAL IMPACT REPORT PURSUANT TO THE PROVISIONS OF CEQA



## AERIAL

# ATTACHMENT 3



**APPLICANT(S):** COVINGTON CAPITOL

**FILE NO(S):** CUP23-00005

**LOCATION:** SOUTHWEST CORNER OF PHELAN ROAD AND CALIENTE ROAD

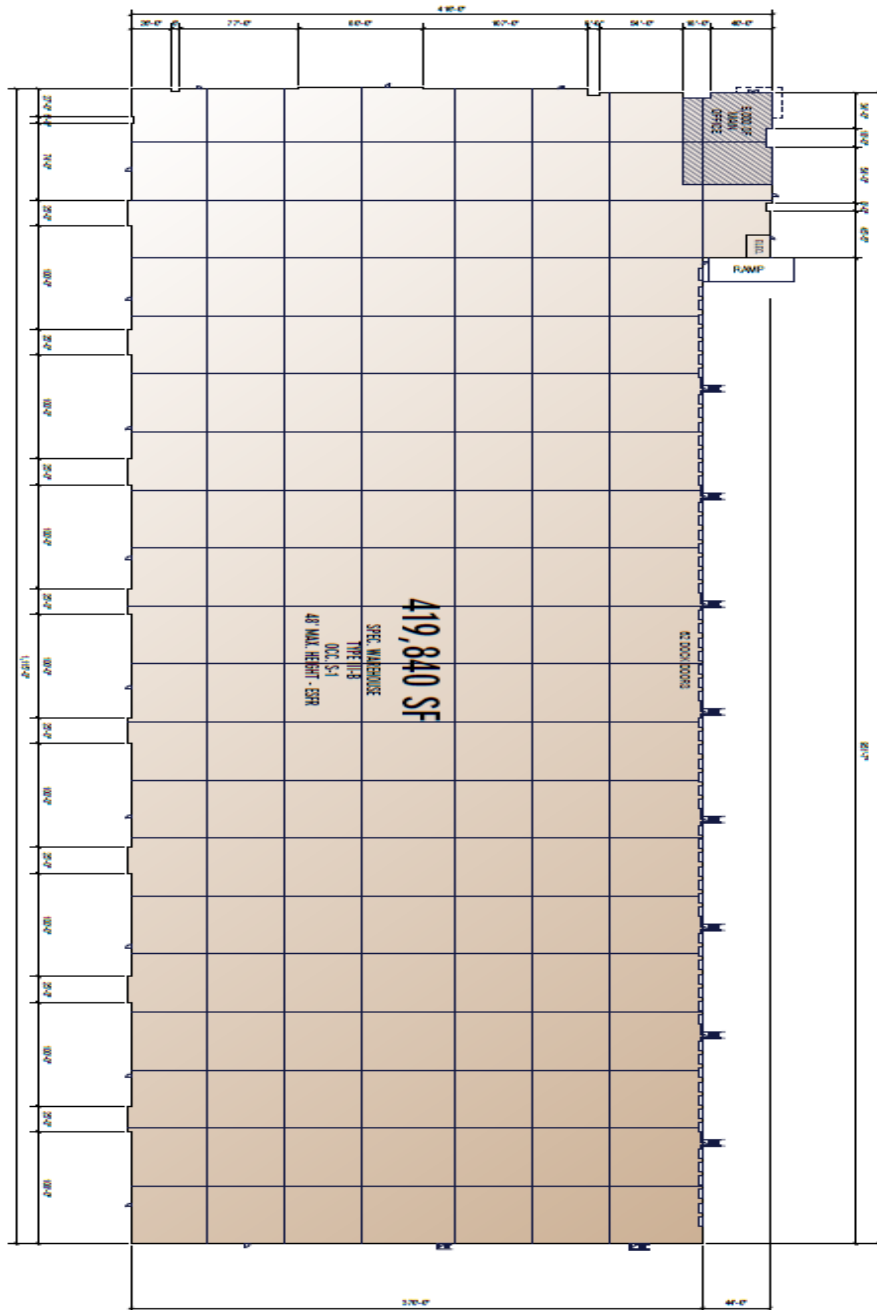
**APN(S):** 3064-531-06

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT CUP23-00005 TO CONSTRUCT A 419,840 SQUARE FOOT WAREHOUSE DISTRIBUTION BUILDING WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ON 22.61 GROSS ACRES IN CONJUNCTION WITH ADOPTION OF AN ENVIRONMENTAL IMPACT REPORT PURSUANT TO THE PROVISIONS OF CEQA



## General Plan / Zoning Map

# ATTACHMENT 4



**APPLICANT(S):** COVINGTON CAPITOL

**FILE NO(S):** CUP23-00005

**LOCATION:** SOUTHWEST CORNER OF PHELAN ROAD AND CALIENTE ROAD

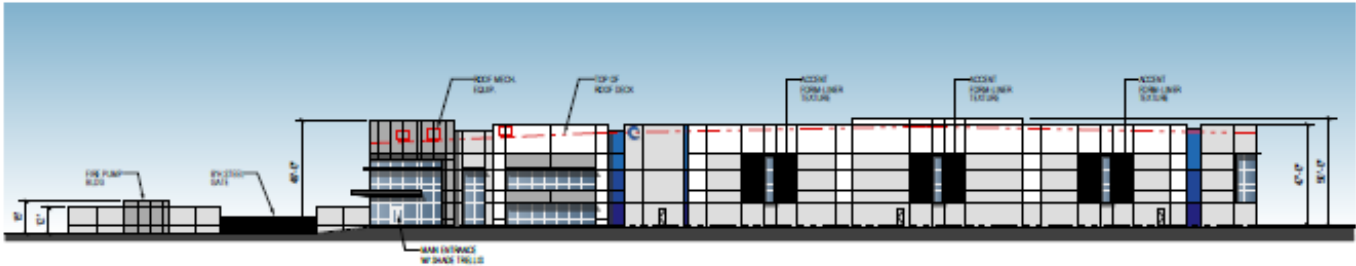
**APN(S):** 3064-531-06

**PROPOSAL:** PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP23-00005 TO CONSTRUCT A 419,840 SQUARE FOOT WAREHOUSE DISTRIBUTION BUILDING WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ON 22.61 GROSS ACRES IN CONJUNCTION WITH ADOPTION OF AN ENVIRONMENTAL IMPACT REPORT PURSUANT TO THE PROVISIONS OF CEQA

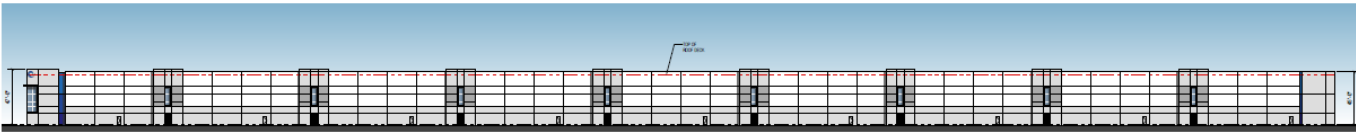


## FLOOR PLAN

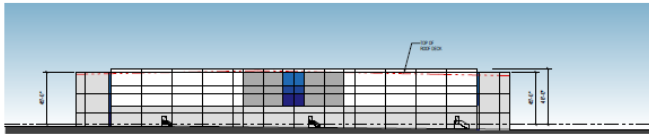
# ATTACHMENT 5



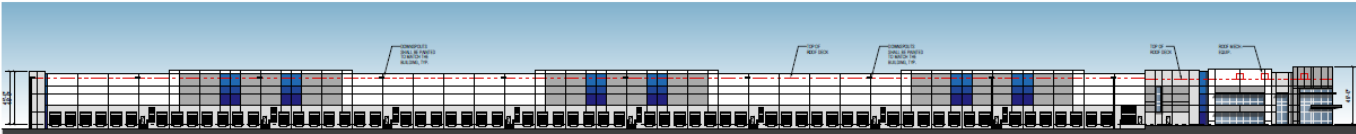
**NORTH ELEVATION**



**WEST ELEVATION**



**SOUTH ELEVATION**



**EAST ELEVATION**

**APPLICANT(S):** COVINGTON CAPITOL

**FILE NO(S):** CUP23-00005

**LOCATION:** SOUTHWEST CORNER OF PHELAN ROAD AND CALIENTE ROAD

**APN(S):** 3064-531-06

**PROPOSAL:** PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP23-00005 TO CONSTRUCT A 419,840 SQUARE FOOT WAREHOUSE DISTRIBUTION BUILDING WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ON 22.61 GROSS ACRES IN CONJUNCTION WITH ADOPTION OF AN ENVIRONMENTAL IMPACT REPORT PURSUANT TO THE PROVISIONS OF CEQA



## Elevations

# ATTACHMENT 6



**APPLICANT(S):** COVINGTON CAPITOL

**FILE NO(S):** CUP23-00005

**LOCATION:** SOUTHWEST CORNER OF PHELAN ROAD AND CALIENTE ROAD

**APN(S):** 3064-531-06

**PROPOSAL:** PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP23-00005 TO CONSTRUCT A 419,840 SQUARE FOOT WAREHOUSE DISTRIBUTION BUILDING WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ON 22.61 GROSS ACRES IN CONJUNCTION WITH ADOPTION OF AN ENVIRONMENTAL IMPACT REPORT PURSUANT TO THE PROVISIONS OF CEQA



## Renderings

# ATTACHMENT 7

## RESOLUTION NO. PC-2026-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, MAKING THE ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2024020980), AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, an application has been submitted for the development of a 419,840 square foot warehouse project (CUP23-00005) on a vacant 22.61 gross acre site within the Commercial Industrial Business Park Zone of the Main Street and Freeway Corridor Specific Plan, and in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines, an Environmental Impact Report (EIR) has been prepared to evaluate the potential environmental impacts associated with the proposed Project; and

**WHEREAS**, the Project would be accessible to US Highway 395 and ultimately Interstate 15 and would promote the City's economic development by creating approximately 351 permanent jobs for the citizens of Hesperia and surrounding communities, would increase the City's tax base, would fulfill the growing demand for distribution and light industrial uses in the region, and would develop the land to the highest and best allowable use that is compatible with the City's General Plan, and Main Street and Freeway Corridor Specific Plan; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.) and the State CEQA Guidelines (14 CCR, Section 15000 et. seq.), the City of Hesperia is the lead agency for the Project as the public agency with general governmental powers; and

**WHEREAS**, the City of Hesperia, as lead agency, prepared an initial study, from which it was determined that an Environmental Impact Report (EIR) should be prepared pursuant to CEQA to analyze all adverse environmental impacts of the Project; and

**WHEREAS**, a Notice of Preparation (NOP) and the Initial Study identifying the scope of environmental issues were distributed to numerous state, federal, and local agencies and organizations from February 26, 2024, through March 27, 2024, for a period of 30 days, pursuant to State CEQA Guidelines sections 15082(a), 15103, and 15375. Four comment letters were received during the Initial Study/NOP comment period and were incorporated into the Draft EIR (DEIR); and

**WHEREAS**, a public scoping meeting for the EIR was held at Hesperia City Hall on March 14, 2024, and

**WHEREAS**, the City completed the DEIR and circulated it with the Notice of Availability (NOA) to affected public agencies and interested members of the public for a 45-day public period from June 13, 2025, through August 1, 2025; and

**WHEREAS**, on April 9, 2026, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing, at which time all interested parties were provided the opportunity to give testimony for or against the issue; and

**WHEREAS**, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the project; and

**WHEREAS**, the EIR for the project reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR. The City has independently reviewed and analyzed the EIR and accompanying studies and finds that the report reflects the independent judgment of the City for the purposes of making decisions on the merits of the project; and

**WHEREAS**, all the requirements of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines have been satisfied in the EIR, which is sufficiently detailed so that all of the significant environmental effects of the project have been adequately evaluated; and

**WHEREAS**, the EIR prepared in connection with the project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the project's environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines.

**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 PRIL9, 2026, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- a) The Planning Commission has independently reviewed, analyzed and considered the Final EIR and all written documentation and public comments prior to making a decision on the proposed project; and
- b) The Final EIR was prepared and completed in compliance with the provisions of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines; and
- c) The information and analysis contained in the Final EIR reflects the City's independent judgment as to the environmental consequences of the proposed Project; and
- d) The documents and other materials, including without limitation, staff reports, memoranda, maps, letters, and minutes of all relevant meetings, which constitute the administrative record of proceedings upon which the Planning Commission's decision is based are located at the City of Hesperia, Planning Division, 9700 Seventh Avenue, Hesperia, CA 92345. The custodian of the records is the Planning Division.

Section 3. That on the basis of the evidence contained in the administrative record of the Final EIR, the Planning Commission finds based on the information submitted, following the conclusion of the public comment period on the Draft EIR, and following the consultant's responses thereto, there is no significant new information concerning the project's environmental effects, feasible mitigation measures, or feasible project alternatives; therefore there is no need or requirement to recirculate the EIR for additional public comment

Section 4. That the Planning Commission of the City of Hesperia hereby agrees to certify the Final EIR.

Section 5. **Exhibit A** (Findings of Facts and Statement of Overriding Considerations) and **Exhibit B** (Mitigation Monitoring and Reporting Program) of this Resolution provide findings required under Section 15091 of the State CEQA Guidelines for significant effects of the Project. Exhibit A of this Resolution provides the findings required under Section 15093 of the State CEQA Guidelines relating to the acceptable adverse impacts of the project due to overriding considerations. The City has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. Therefore, the Planning Commission hereby adopts the Findings of Facts and Statement of Overriding Considerations attached hereto as **Exhibit A**.

Section 6. Pursuant to Public Resources Code Section 21081.6, the Planning Commission hereby approves the Mitigation Monitoring and Reporting Program attached as **Exhibit B** to this Resolution and requires the Project to comply with the mitigation measures contained therein. The Planning Commission finds that these mitigation measures are fully enforceable on the Project and shall be binding upon the City and affected parties.

Section 7. The Secretary shall certify the adoption of this Resolution.

**ADOPTED AND APPROVED** on this 9<sup>th</sup> day of April 2026.

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Roger Abreo, Chair, Planning Commission

ATTEST:

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Leovi Wolsieffer, Secretary, Planning Commission

# CEQA Findings of Fact

## 1 Introduction

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

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

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

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

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## 2 Statement of Findings

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

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

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

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

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# 3 Findings Required Under CEQA

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

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

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

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

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

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

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

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

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

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

## 4 Mitigation Monitoring and Reporting Program

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

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# 5 Findings Regarding Environmental Impacts Not Requiring Mitigation

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

## 5.1 Aesthetics

### 1. Scenic Vista

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

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

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

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

## 2. Substantially Damage Scenic Resources

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

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

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

## 3. Visual Character/Public Views

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

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

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

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

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

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

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

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

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

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

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

As of February 2026, a Specific Plan Amendment has been adopted modifying the building height standard within the CIBP Zone. The revised development standard states, “The maximum building height shall be 65 feet, with the following exception: (1) The building height shall be limited to 45 feet within the portion of the lot that falls within 100 feet of an adjacent residential zone.” As provided in DEIR Table 4.1-2, adjacent residential zones are located to the south and partially to the west of the Project site. The property to the west contains a nonconforming fleet repair facility, and the property to the south is currently vacant. The proposed Project complies with the amended development standard by limiting the building height to 45 feet within 100 feet of the adjacent residential zones. Minor architectural projections up to 48 feet are limited to façade articulation and rooftop equipment screening and do not materially increase the overall building mass or visual profile.

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

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

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

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

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

#### 4. Light or Glare

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

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

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

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

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

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

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

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

## 5. Cumulative

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

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

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

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

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

## 5.2 Air Quality

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

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

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

**Explanation:**

#### Local Carbon Monoxide Concentrations (Construction)

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

#### Toxic Air Contaminant Exposure Construction Health Risk)

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

## Valley Fever

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

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

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

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

## 2. Odors

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

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

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

## 5.3 Biological Resources

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

***Threshold:*** *Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

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

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

## 5.4 Energy

### 1. Wasteful Use of Energy Resources

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

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

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

#### Electricity

##### Construction Electricity Usage

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

##### Operational Electricity Usage

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

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

## Natural Gas

### Construction Natural Gas Usage

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

### Operational Natural Gas Usage

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

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

## Petroleum

### Construction Petroleum Usage

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

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

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

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

### Operational Petroleum Usage

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

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

### Renewable Energy Potential

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

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

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

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

## Summary

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

## 2. Conflict with Adopted Plans

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

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

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

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

## 3. Cumulative

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

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

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

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

## 5.5 Hazards and Wildfire

### 1. Hazard due to Wildland Fires

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

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

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

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

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

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

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

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

***Threshold:*** *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?*

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

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

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

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

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

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

### 3. Pollutants from Wildfire Risks

***Threshold:*** *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

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

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

### 4. Downslope or Downstream Flooding or Landslides

***Threshold:*** *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

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

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

## 6. Cumulative Impacts

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

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

**Explanation:**

### Hazards and Hazardous Materials

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

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

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

### Wildland Fire

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

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

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

## 5.6 Hydrology and Water Quality

### 1. Violate Water Quality Standards

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 2. Decrease Groundwater or Impede Groundwater Management

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

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

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

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

## 3. Alter Existing Drainage Patterns

***Threshold:*** *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

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

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

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

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

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

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

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

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

***(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?***

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

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

*(iv) Impede or redirect flood flows?*

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

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

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

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

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

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

## 5. Cumulative

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

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

**Explanation:**

### Water Quality

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

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

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

### Water Supply

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

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

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

### **Stormwater Drainage**

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

## 5.7 Noise

***Threshold:*** *Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies?*

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

**Explanation:**

### Short-Term Construction Impacts

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

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

### Long-Term Operational Impacts

#### Traffic Noise

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

#### On-Site Operational Noise

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

The resulting noise levels for mechanical equipment and truck loading dock/truck yard activity noise, would not exceed the applicable noise standards for daytime or nighttime noise. Additionally, the estimated noise

levels from the Project would be well below the existing measured daytime ambient noise levels in the Project vicinity, which ranged from approximately 39 to 74 dBA Leq. Therefore, impacts associated with mechanical equipment and truck loading dock / truck yard activity noise would be less than significant.

### Parking Lot Activity

A comprehensive study of noise levels associated with surface parking lots was published in the Journal of Environmental Engineering and Landscape Management. The study found that average noise level during the peak period of use of the parking lot (generally in the morning with arrival of commuters, and in the evening with the departure of commuters), was 47 dBA Leq at 1 meter (3.28 feet) from the outside boundary of the parking lot. During off-peak time periods, especially during nighttime hours (10:00 p.m. to 7:00 a.m.), noise levels from parking lot activities would be substantially lower. The parking lots would function as an area source for noise, which means that noise would attenuate at a rate of 3 dBA with each doubling of distance. The nearest employee parking lot to existing or planned noise-sensitive receivers (receiver ST1, an existing residence to the west) is situated on the west side of the warehouse building, approximately 200 feet or more away. At a distance of 200 feet, parking lot noise levels would be approximately 29 dBA, which would be well below the daytime (7:00 a.m. to 10:00 p.m.) exterior residential noise standard of 60 dBA Leq and the nighttime (10:00 p.m. to 7:00 a.m.) noise standard of 55 dBA Leq. Therefore, impacts associated with parking lot activity noise would be less than significant.

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

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

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

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

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

***Threshold:*** *Would the Project be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?*

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

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

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

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

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

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

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

## 5.8 Transportation

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

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

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

**Explanation:**

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

#### Regional Transportation Plan/Sustainable Communities Strategy

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

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

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

#### Transit, Bicycle, and Pedestrian Facilities

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

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

such, it is recommended that the Project Applicant work in conjunction with VVTA to potentially provide bus service to the site.

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

## 2. Increase Hazards or Create Incompatible Uses

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

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

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

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

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

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

## 3. Inadequate Emergency Access

***Threshold:*** *Would the Project result in inadequate emergency access?*

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

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

suppression features are included. Therefore, the Project's impact due to inadequate emergency access would be less than significant.

## 5.9 Utilities and Service Systems

### 1. New Infrastructure

***Threshold:*** *Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

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

**Explanation:** As discussed in further detail below, the Project would result in less-than-significant impacts with regard to the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

#### Water Facilities

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

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

#### Water Treatment Facilities

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

#### Wastewater Conveyance Facilities

The relocation and construction of the proposed sewer improvements have the potential to cause environmental effects associated with buildout of the Project as a whole. However, the proposed sewer improvements have been considered as part of the Project, and their disturbance footprints and construction techniques, as well as their associated impacts, have been accounted for within the DEIR.

There are no unique impacts associated with the installation of sewer infrastructure to serve the Project that have not been discussed and accounted for in this document. Therefore, impacts associated with wastewater conveyance facilities would be less than significant.

### **Wastewater Treatment Facilities**

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

### **Stormwater Drainage Facilities**

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

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

### **Electric Power, Natural Gas, and Telecommunications**

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

## 2. Water Supplies

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

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

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

The 2021 Hesperia Water District UWMP has planned for growth within its service area over the next 20 years. Hesperia Water District has made an allowance for future demand estimates. The net water demand of the proposed Project development would be accounted for within this growth, as the Project is consistent with the underlying City land use designations for the Project site.

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

## 3. Wastewater Treatment Capacity

***Threshold:*** *Would the Project result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?*

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

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

water recycling facility to treat 2.0 mgd of wastewater by 2030 as well as build a second water recycling facility within the City that would be able to treat 2.6 mgd of wastewater by 2040.

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

#### 4. Increase in Solid Waste

***Threshold: Would the Project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?***

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

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

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

For the reasons stated above, Project construction would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (e.g., CALGreen standards). Therefore, short-term construction impacts associated with solid waste disposal would be less than significant.

Once operational, the Project would produce solid waste on a regular basis, in association with operation and maintenance activities. Anticipated solid waste generation attributable to the Project is based on the modeling conducted for the air quality and greenhouse gas emissions analysis for this document. The solid

waste generation rates assume compliance with the California Code of Regulations Title 24, Part 11 and modeled to be 98.6 tons per year.

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

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

For the reasons described above, Project operations would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

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

## 5. Consistent with Solid Waste Regulations

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

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

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

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

## 6. Cumulative

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

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

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

### Water Supply

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

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

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

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

### Wastewater

The Project would increase the amount of wastewater that is being generated in the area. However, as previously described, with the upsizing and installation of the sewer improvements, the wastewater

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

## **Solid Waste**

Development of the Project would increase land use intensities in the area, resulting in increased solid waste generation in the service area for the Victorville Sanitary Landfill. However, per CALGreen, 65% of construction and debris waste must be diverted from landfills. Once operational, AB 939 mandates that cities divert from landfills, at a minimum, 50% of the total solid waste generated to recycling facilities. According to Advance Disposal, the exclusive waste hauler of the City of Hesperia, the City currently recycles 75% or more of debris generated within the municipality. In addition, to reduce on-site solid waste generation, the Project would be required to implement waste reduction, diversion, and recycling during both construction and operation. Therefore, through compliance with state and local solid waste diversion requirements, Project impacts would not be cumulatively considerable.

## **Electric Power, Natural Gas, and Telecommunication**

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

As part of the Project, natural gas and telecommunication lines would be extended onto the Project site from their existing locations within the vicinity of the Project site, resulting in localized less-than-significant impacts. Given the nature of telecommunication and gas lines (which are not typically subject to the constraints of existing facilities), once telecommunication lines are extended to the Project site, no additional telecommunication or gas line construction is anticipated to be required. Additionally, cumulative

development would be subject to review on a case-by-case basis. Should the applicable service provider determine that upgrades or extensions of infrastructure be required, any such upgrades would be included within each project's environmental review. As a result, impacts associated with upgrades of electric, natural gas, and telecommunication facilities would not be cumulatively considerable.

# 6 Findings Regarding Environmental Effects and Mitigation Measures

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

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

## 6.1 Air Quality

### 1. Conflict with Air Quality Plan

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

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

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

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

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

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

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

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

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

## 2. Cumulatively Considerable Net Increase of Any Criteria Pollutant

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

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

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

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the MDAQMD develops and implements plans for future attainment of AAQS. Although the area of the MDAB where the Project is located is currently designated a nonattainment area for federal and state O<sub>3</sub> standards and federal and state PM<sub>10</sub> standards, the MDAB has experienced a substantial reduction in maximum 8-hour concentrations of O<sub>3</sub> over the past 30 years, as well as reductions in PM<sub>10</sub> over time, as described in the respective MDAQMD O<sub>3</sub> and PM<sub>10</sub> attainment plans. CEQA thresholds are established at levels that the air basin can accommodate without affecting the attainment date for the AAQS. Based on these considerations, Project-level thresholds of significance for criteria

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

### Short-Term Construction Impacts

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

Implementation of the Project would generate criteria air pollutant emissions from entrained dust, off-road equipment, vehicle emissions, architectural coatings, and asphalt pavement application. Entrained dust results from the exposure of earth surfaces to wind from the direct disturbance and movement of soil, resulting in PM<sub>10</sub> and PM<sub>2.5</sub> emissions. Internal combustion engines used by construction equipment, haul trucks, vendor trucks (i.e., delivery trucks), and worker vehicles would result in emissions of VOCs, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. The application of architectural coatings, such as exterior application/interior paint and other finishes, and application of asphalt pavement would also produce VOC emissions.

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

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

### Long-Term Operational Impacts

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

As shown in DEIR Table 4.2-11, the Project would exceed the numerical thresholds of significance established by the MDAQMD for emissions of NO<sub>x</sub>. This impact would be potentially significant without mitigation. Mitigation measures are required to minimize operational-related air quality impacts (**MM-AQ-1**). Most criteria air pollutants associated with the Project are generated by diesel-fueled off-road cargo handling equipment and on-road vehicles. **MM-AQ-1** includes the requirement for all off-road cargo handling equipment to be zero-emission, which would reduce the long-term criteria air pollutant emissions substantially. DEIR Table 4.2-12 summarizes the mitigated maximum daily operational emissions associated with the Project. Detailed operational model outputs are presented in DEIR Appendix B-1. After implementation of **MM-AQ-1**, regional operational emissions would not exceed the applicable MDAQMD thresholds of significance for any criteria pollutant. Therefore, long-term impacts associated with a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment would be less than significant with mitigation.

## Mobile Source Emissions

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

## Net Increase of Any Criteria Pollutant Emissions

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

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

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

In requiring a health impact type of analysis for criteria air pollutants, it is important to understand how O<sub>3</sub> and PM are formed, dispersed, and regulated. The formation of O<sub>3</sub> and PM in the atmosphere, as secondary pollutants, involves complex chemical and physical interactions of multiple pollutants from natural and anthropogenic sources. The O<sub>3</sub> reaction is self-perpetuating (or catalytic) in the presence of sunlight because NO<sub>2</sub> is photochemically reformed from nitric oxide. In this way, O<sub>3</sub> is controlled by both NO<sub>x</sub> and VOC emissions. The complexity of these interacting cycles of pollutants means that incremental decreases in one emission may not result in proportional decreases in O<sub>3</sub>. Although these reactions and interactions are well understood, variability in emission source operations and meteorology creates uncertainty in the modeled O<sub>3</sub> concentrations to which downwind populations may be exposed. Once formed, O<sub>3</sub> can be transported long distances by wind and due to atmospheric transport; contributions of precursors from the surrounding region can also be important. Because of the complexity of O<sub>3</sub> formation, a specific tonnage

amount of VOCs or NO<sub>x</sub> emitted in a particular area does not equate to a particular concentration of O<sub>3</sub> in that area. PM can be divided into two categories: directly emitted PM and secondary PM. Secondary PM, like O<sub>3</sub>, is formed via complex chemical reactions in the atmosphere between precursor chemicals such as SO<sub>x</sub> and NO<sub>x</sub>. Because of the complexity of secondary PM formation, including the potential to be transported long distances by wind, the tonnage of PM-forming precursor emissions in an area does not necessarily result in an equivalent concentration of secondary PM in that area. This is especially true for individual projects, like the project, where project-generated criteria air pollutant emissions are not derived from a single “point source,” but from construction equipment and mobile sources (passenger cars and trucks) driving to, from, and around the project sites.

Another important technical nuance is that health effects from air pollutants are related to the concentration of the air pollutant that an individual is exposed to, not necessarily the individual mass quantity of emissions associated with an individual project. For example, health effects from O<sub>3</sub> are correlated with increases in the ambient level of O<sub>3</sub> in the air a person breathes. However, it takes a large amount of additional precursor emissions to cause a modeled increase in ambient O<sub>3</sub> levels over an entire region. The lack of link between the tonnage of precursor pollutants and the concentration of O<sub>3</sub> and PM<sub>2.5</sub> formed is important because it is not necessarily the tonnage of precursor pollutants that causes human health effects; rather, it is the concentration of resulting O<sub>3</sub> that causes these effects. Indeed, the ambient air quality standards, which are statutorily required to be set by EPA at levels that are requisite to protect public health, are established as concentrations of O<sub>3</sub> and PM<sub>2.5</sub> and not as tonnages of their precursor pollutants. Because the ambient air quality standards are focused on achieving a particular concentration regionwide, the tools and plans for attaining the ambient air quality standards are regional in nature. For CEQA analyses, project-generated emissions are typically estimated in pounds per day or tons per year and compared to mass daily or annual emission thresholds. While CEQA thresholds are established at levels that the air basin can accommodate without affecting the attainment date for the ambient air quality standards, even if a project exceeds established CEQA significance thresholds, this does not mean that one can easily determine the concentration of O<sub>3</sub> or PM that will be created at or near a project site on a particular day or month of the year, or what specific health impacts will occur.

In regard to regional concentrations and air basin attainment, SJVAPCD emphasized that attempting to identify a change in background pollutant concentrations that can be attributed to a single project, even one as large as the entire Friant Ranch Specific Plan, is a theoretical exercise. The SJVAPCD brief noted that it “would be extremely difficult to model the impact on NAAQS attainment that the emissions from the Friant Ranch project may have.” The situation is further complicated by the fact that background concentrations of regional pollutants are not uniform either temporally or geographically throughout an air basin but are constantly fluctuating based upon meteorology and other environmental factors. SJVAPCD noted that the currently available modeling tools are equipped to model the impact of all emission sources in the San Joaquin Valley Air Basin on attainment. The SJVAPCD brief then indicated that “[r]unning the photochemical grid model used for predicting O<sub>3</sub> attainment with the emissions solely from the Friant Ranch project (which equate to less than one-tenth of one percent of the total NO<sub>x</sub> and VOC in the Valley) is not likely to yield valid information given the relative scale involved”.

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

yield valid information or a measurable increase in O<sub>3</sub> concentrations sufficient to accurately quantify O<sub>3</sub>-related health impacts for an individual project.

Nonetheless, following the Supreme Court's Friant Ranch decision, some EIRs where estimated criteria air pollutant emissions exceeded applicable air district thresholds have included a quantitative analysis of potential project-generated health effects using a combination of a regional photochemical grid model and the EPA Benefits Mapping and Analysis Program (BenMAP or BenMAP-Community Edition [CE]). The publicly available health impact assessments (HIAs) typically present results in terms of an increase in health incidences and/or the increase in background health incidence for various health outcomes resulting from the Project's estimated increase in concentrations of O<sub>3</sub> and PM<sub>2.5</sub>. To date, the six publicly available HIAs reviewed herein have concluded that the evaluated Project's health effects associated with the estimated Project-generated increase in concentrations of O<sub>3</sub> and PM<sub>2.5</sub> represent a small increase in incidences and a very small percent of the number of background incidences, indicating that these health impacts are negligible and potentially within the models' margin of error. It is also important to note that while the results of the six available HIAs conclude that the Project emissions do not result in a substantial increase in health incidences, the estimated emissions and assumed toxicity is also conservatively inputted into the HIA and thus, overestimate health incidences, particularly for PM<sub>2.5</sub>.

The SMAQMD's Guidance to Address the Friant Ranch Ruling for CEQA projects in the Sac Metro Air District (2020) included an approach for analyzing individual projects in addition to the screening tools for minor projects and strategic area projects. The analysis of individual projects guidance states that "In order to estimate the health effects of the increases of criteria pollutants for a proposed Project, practitioners should apply a PGM to estimate the increases in concentrations of ozone and PM<sub>2.5</sub> in the region as a result of the emissions of criteria and precursor pollutants from a Project. Next apply the U.S. EPA-authored program, the Benefits Mapping and Analysis Program (BenMAP2), to estimate the resulting health effects from the increases in concentration." The SMAQMD guidance outlines the same or similar approach taken in the six available HIAs noted above, which as explained herein, has not produced meaningful information for the public.

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

As explained in the SJVAPCD brief and noted previously, running the photochemical grid model used for predicting O<sub>3</sub> attainment with the emissions solely from an individual project like the Friant Ranch Project or the Project is not likely to yield valid information given the relative scale involved. The six examples reviewed support the SJVAPCD brief's contention that consistent, reliable, and meaningful results may not be provided by methods applied at this time and BAAQMD's caution to provide meaningful information to the public. Accordingly, additional work in the industry and more importantly, air district participation, is needed to develop a more meaningful analysis to correlate project-level mass criteria air pollutant emissions and health effects for decision makers and the public. Furthermore, at the time of writing, no HIA has concluded that health effects estimated using the photochemical grid model and BenMAP approach are substantial provided that the estimated project-generated incidences represent a very small percent of the number of background incidences, potentially within the models' margin of error. In addition, the mitigated Project would result in substantially fewer daily emissions than any of the projects with HIA analyses, and would, therefore, likely result in even fewer potential health effects than the minimal increase in health incidences of these other projects.

Health effects associated with O<sub>3</sub> include respiratory symptoms, worsening of lung disease leading to premature death, and damage to lung tissue. VOCs and NO<sub>x</sub> are precursors to O<sub>3</sub> and the contribution of VOCs and NO<sub>x</sub> to regional ambient O<sub>3</sub> concentrations is the result of complex photochemistry. The Project would not exceed the MDAQMD thresholds of VOC or NO<sub>x</sub> during construction, and with mitigation, would not exceed MDAQMD thresholds during operations. Therefore, implementation of the Project would contribute minimally to regional O<sub>3</sub> concentrations and the associated health effects.

Health effects associated with NO<sub>x</sub> and NO<sub>2</sub> (which is a constituent of NO<sub>x</sub>) include lung irritation and enhanced allergic responses. Because the Project would not exceed the MDAQMD NO<sub>x</sub> thresholds after mitigation, the Project would not contribute to significant health effects associated with NO<sub>x</sub> and NO<sub>2</sub>.

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

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

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

The EPA CO–Benefits Risk Assessment (COBRA) screening model was used to estimate the potential health effects of the Project based on the emissions of air pollutants. Annual emissions are input into COBRA, and the mitigated Project increase in operational emissions would be 2.53 tons per year of VOC, 9.15 tons per year of NO<sub>x</sub>, 0.09 tons per year of SO<sub>x</sub>, and 1.24 tons per year of PM<sub>2.5</sub>. O<sub>3</sub> and PM<sub>2.5</sub> related health outcomes attributed to Project-related increases in ambient air concentrations included asthma-related emergency room visits (0.000 incidences per year), lung cancer incidence (0.000 incidences per year), all cardiovascular-related emergency room visits (0.002 incidences per year), all respiratory-related hospital admissions (0.001 incidences per year), nonfatal heart attacks (less than 0.004 incidences per year), and total mortality (up to 0.014 incidences). Notably, COBRA's incidence values refer to the number of new cases of a health outcome over a specified time period. For context, between 2020-2022, the California Department of Public Health reported that San Bernardino County had an annual average of 19,113.7 mortalities from all causes and an age-adjusted death rate of 889.5 mortalities per 100,000 population.

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

exceedances of the MDAQMD significance thresholds after mitigation, and because the MDAQMD thresholds are based on levels that the MDAB can accommodate without affecting the attainment date for the AAQS and the AAQS are established to protect public health and welfare, the Project is not anticipated to result in health effects associated with NO<sub>x</sub>, VOCs, CO, SO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>. The potential health effects associated with criteria air pollutants are considered less than significant with mitigation. See also DEIR Appendix B-3 for a detailed discussion of health effects of Project-generated criteria air pollutant emissions.

### 3. Sensitive Receptors

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

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

**Explanation:**

#### Local Carbon Monoxide Concentrations (Operation)

Operation of the Project would generate criteria pollutant emissions from area sources (consumer products, architectural coatings, landscaping equipment), energy sources (natural gas combustion for space and water heating), mobile sources (vehicular traffic), and off-road equipment (diesel-fueled forklifts and yard trucks). As shown in DEIR Table 4.2-11, the Project would exceed the numerical thresholds of significance established by the MDAQMD for emissions of NO<sub>x</sub>. This impact would be potentially significant without mitigation.

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

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

### 4. Cumulative

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

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

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

conservatively assumes that all truck trips assigned to the Project are in fact “new” trips when in fact this is likely not the case.

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

The area of the MDAB in which the Project is located is a nonattainment area for O<sub>3</sub> and PM<sub>10</sub> under the NAAQS and/or CAAQS. The poor air quality in the MDAB is the result of cumulative emissions from motor vehicles, off-road equipment, commercial and industrial facilities, and other emission sources. Projects that emit these pollutants or their precursors (i.e., VOC and NO<sub>x</sub> for O<sub>3</sub>) potentially contribute to poor air quality. Daily construction emissions associated with the Project would not exceed the MDAQMD significance thresholds without mitigation and Project operational-source air pollutant emissions would result emissions that would not exceed the MDAQMD significance thresholds after implementation of **MM-AQ-1**. Based on the preceding, the Project would not result in cumulatively considerable criteria air pollutant emissions after mitigation.

## 6.2 Biological Resources

### 1. Impacts to Sensitive Species

***Threshold:*** *Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

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

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

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

MM-BIO-1      Western Joshua Tree Fee Payment. Mitigation for direct impacts to 848 western Joshua tree individuals and indirect impacts to 73 western Joshua tree individuals shall be fulfilled

through payment of the elected fees as described in Section 1927.3 of the Western Joshua Tree Conservation Act. In conformance with the fee schedule, mitigation shall consist of payment of \$2,500 for each western Joshua tree 5 meters or greater in height, \$500 for each tree 1 meter or greater but less than 5 meters in height, and \$340 for each western Joshua tree less than 1 meter in height. The California Department of Fish and Wildlife (CDFW) shall determine the final fee, and may charge fees for indirect impacts to western Joshua trees. Alternatively, mitigation shall occur through off-site conservation or through a CDFW-approved mitigation bank, or as required by a Section 2081 Incidental Take Permit, if received.

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

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

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

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

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

inspection records that summarize oversight activities, compliance inspections, and monitoring activities required by the Incidental Take Permit shall be prepared.

- MM-BIO-5 **Education Program.** An education program (Worker Environmental Awareness Program [WEAP]) for all persons employed or otherwise working in the Project area shall be administered before performing impacts. The WEAP shall consist of a presentation from the designated biologist that includes a discussion of the biology and status of western Joshua trees, burrowing owls, loggerhead shrikes, and other biological resources mitigation measures described in the California Environmental Quality Act document. Interpretation for non-English-speaking workers shall be provided, and the same instruction shall be provided to all new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees who will be conducting work in the Project area.
- MM-BIO-6 **Construction Monitoring Notebook.** The designated biologist shall maintain a construction monitoring notebook on site throughout the construction period that shall include a copy of the biological resources mitigation measures with attachments and a list of signatures of all personnel who have successfully completed the education program. The permittee shall ensure that a copy of the construction monitoring notebook is available for review at the Project site upon request by the California Department of Fish and Wildlife.
- MM-BIO-7 **Delineation of Property Boundaries.** Before beginning activities that would cause impacts, the contractor shall, in consultation with the designated biologist, clearly delineate the boundaries with fencing, stakes, or flags, consistent with the grading plan, within which Project impacts will take place. All impacts outside the fenced, staked, or flagged areas shall be avoided, and all fencing, stakes, and flags shall be maintained until the completion of impacts in that area.
- MM-BIO-8 **Hazardous Waste.** The Project Applicant shall immediately stop work and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so.
- MM-BIO-9 **Herbicides.** The Project Applicant shall limit herbicide use for invasive plant species and shall use herbicides only if it has been determined that hand or mechanical efforts are infeasible. To prevent drift, the permittee shall apply herbicides only when wind speeds are less than 7 miles per hour. All herbicide application shall be performed by a licensed applicator and in accordance with all applicable federal, state, and local laws and regulations.
- MM-BIO-10 **Pre-Construction Surveys for Burrowing Owl and Avoidance.** One pre-construction burrowing owl survey shall be completed no more than 14 days before initiation of site preparation or grading activities and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the project site shall be resurveyed. Surveys for burrowing owl shall be conducted in accordance with

protocols established in the Staff Report on Burrowing Owl Mitigation (prepared by the California Department of Fish and Game [now California Department of Fish and Wildlife; CDFW]) in 2012 or current version.

If burrowing owls are detected, and if impacts to burrowing owl cannot be feasibly avoided, the project applicant will consult with California Department of Fish and Wildlife (CDFW) and obtain appropriate take authorization from the CDFW through the California Endangered Species Act (CESA) Incidental Take Permit process.

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

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

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

- MM-BIO-12 **Pre-Construction Nesting Bird Surveys and Avoidance.** Construction activities shall avoid the migratory bird nesting season (typically February 1 through August 31) to reduce any potential significant impact to birds that may be nesting in the biological survey area. If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the Project site and within 500 feet of all impact areas must be conducted to determine the presence/absence of protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans, along with an appropriate buffer established around the nest, which shall be determined by the biologist based on the species' sensitivity to disturbance (typically 300 feet for passerines and 500 feet for raptors and special-status species). The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall be conducted when construction occurs in close proximity to an active nest buffer. No Project activities shall encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that the nestlings have fledged and the nest is no longer active.
- MM-BIO-13 **Trash and Debris.** The following avoidance and minimization measures shall be implemented during Project construction:
- Fully covered trash receptacles that are animal-proof shall be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles shall be removed at least once a week from the Project site.
  - Construction work areas shall be kept clean of debris, such as cable, trash, and construction materials. All construction/contractor personnel shall collect all litter, vehicle fluids, and food waste from the Project site on a daily basis.
- MM-BIO-14 **Lighting.** Lighting for construction activities and operations within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife shall be directed away from natural areas
- MM-BIO-15 **Invasive Plant Management.** To reduce the spread of invasive plant species, landscape plants within 200 feet of native vegetation communities shall not be on the most recent version of the California Invasive Plant Council's Inventory of Invasive Plants (<http://www.cal-ipc.org/ip/inventory/index.php>). Post-construction, the Project Applicant shall continually remove invasive plant species on site by hand or mechanical methods, as feasible.

## 2. Impacts to Riparian Habitat

***Threshold:*** *Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

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

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

## 3. Impacts to Wetlands

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

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

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

## 4. Interfere with Movement of Native Species

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

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

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

Potential long-term (post-construction) indirect impacts from operations and maintenance activities could disrupt wildlife movement around the Project site due to increased lighting from buildings. **MM-BIO-14** (Lighting) would ensure that all lighting during operations and occurring within 50 feet of the outside edge

of the impact footprint containing habitat for special-status wildlife be directed away from natural areas. Implementation of **MM-BIO-14** would reduce potential impacts to wildlife movement or wildlife nursery sites to less-than-significant impacts.

## 5. Conflict with Policies or Ordinances

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

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

**Explanation:**

### California Desert Native Plants and Western Joshua Tree

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

## 6. Cumulative

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

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

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

## 6.3 Cultural, Tribal Cultural, and Paleontological Resources

### 1. Impacts to Historical Resources

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

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

**Explanation:** A search of the California Historical Resources Information System (CHRIS) conducted at the South Central Coastal Information Center identified 46 previously recorded cultural resources within a 1-mile radius of the Project site. These resources consist primarily of historic-period refuse scatters, dirt

roads, and built environment resources such as roads and transmission lines. Only one previously recorded resource—P-36-004268/CA-SBR-004268H, a historic-period unpaved road—was mapped as intersecting the northern portion of the Project site.

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

The surveyors revisited the mapped location of P-36-004268/CA-SBR-004268H; however, no physical evidence of the historic-period road was observed within the Project site due to vegetation overgrowth and possible erosion or natural processes. As such, the resource could not be confirmed within the Project site. Additionally, historic cans and bottle fragments observed on site were not located within discrete deposits or primary depositional contexts and therefore were not recorded as cultural resources.

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

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

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

appropriate, Tribal representative. Necessity of training attendance should be stated on all construction plans.

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

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

## 2. Impacts to Archaeological Resources

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

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

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

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

Review of the geotechnical investigation indicates that the Project site is underlain by younger Holocene alluvium extending from the surface to depths of approximately 3 to 12 feet below ground surface,

underlain by older Pleistocene alluvium. Archaeological deposits, if present, are most likely to occur within the upper native soil horizons within the Holocene alluvial deposits.

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

For this reason, the Project site should be treated as potentially sensitive for archaeological resources, and **MM-CUL-1** through **MM-CUL-3** are required to reduce potential impacts to unanticipated archaeological resources. **MM-CUL-1** requires that all Project construction personnel participate in a Workers Environmental Awareness Program training for the proper identification and treatment of inadvertent discoveries. **MM-CUL-2** requires the retention of an on-call qualified archaeologist to conduct spot monitoring to respond to any inadvertent archaeological discoveries. **MM-CUL-3** requires construction work occurring within 100 feet of a cultural resource discovery be immediately halted until the qualified archaeologist, meeting the Secretary of Interior's Professional Qualification Standards for Archaeology, can assess and evaluate the discovery pursuant to CEQA. Additionally, **MM-CUL-3** requires the inadvertent discovery clause be included on all construction plans. With implementation of **MM-CUL-1**, **MM-CUL-2**, and **MM-CUL-3**, potentially significant impacts to unknown archaeological resources would be reduced to less than significant with mitigation incorporated.

### 3. Human Remains

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

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

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

**MM-CUL-4** Inadvertent Discovery of Human Remains. In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the county coroner shall

be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the county coroner has determined the appropriate treatment and disposition of the human remains. If the county coroner determines that the remains are, or are believed to be, Native American, he or she shall follow all required protocols according to California Public Resources Code, Section 5097.98.

#### 4. Impacts to Tribal Cultural Resources

***Threshold:*** *Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*

\_\_\_\_\_ **AND**

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

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

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

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

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

Sacred Lands File search results were negative, and the pedestrian survey did not result in the identification of resources within the Project site.

The Project site has been thoroughly researched, surveyed, and analyzed to identify the level of potential for TCRs. TCRs have not been identified through tribal consultation under AB 52, and the lead agency has not identified any TCRs within the Project site that would warrant discretionary designation of a resource as a TCR. The discovery of TCRs during construction poses a potentially significant impact to TCRs. However, implementation of **MM-CUL-3** and **MM-CUL-4** would help ensure the proper treatment of TCRs and human remains that may be inadvertently encountered during ground-disturbing activities. With incorporation of **MM-CUL-3**, **MM-CUL-4**, and **MM-CUL-5** impacts associated with TCRs would be less than significant.

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

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

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

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

payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project Developer/Applicant to pay for those fees.

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

## 5. Impacts to Paleontological Resources

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

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

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

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

temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will remove the rope and allow grading to recommence in the area of the find.

## 6. Cumulative

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

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

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

## 6.4 Greenhouse Gas Emissions

### 1. Conflict with Plans to Reduce Greenhouse Gas Emissions

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

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

**Explanation:**

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

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

the adopted targets. Therefore, a project would be found to not conflict with the statutes if it would meet the Scoping Plan policies and would not impede attainment of the goals therein.

For the Project, the relevant GHG emissions reduction targets include those established by SB 32 and AB 1279, which require GHG emissions be reduced to 40% below 1990 levels by 2030, and 85% below 1990 levels by 2045, respectively. In addition, AB 1279 requires the state achieve net zero GHG emissions by no later than 2045 and achieve and maintain net negative GHG emissions thereafter. CARB's 2017 Scoping Plan update was the first to address the state's strategy for achieving the 2030 GHG reduction target set forth in SB 32, and the most recent CARB 2022 Scoping Plan update outlines the state's plan to reduce emissions and achieve carbon neutrality by 2045 in alignment with AB 1279 and assesses progress toward the 2030 SB 32 target. As such, given that SB 32 and AB 1279 are the relevant GHG emission targets, the 2017 and 2022 Scoping Plan updates that outline the strategy to achieve those targets, are the most applicable to the Project.

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

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

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

## Potential to Conflict with the City Climate Action Plan

The CAP presents a number of strategies that will make it possible for the City to meet the recommended GHG emissions targets that were consistent with the reduction targets of the state at the time of the CAP's adoption (i.e., 2020 target per AB 32). The Project's consistency with applicable CAP strategies are presented in DEIR Table 4.6-9. Without accounting for applicable regulatory requirements or mitigation, the Project would result in approximately 14,712 MT CO<sub>2e</sub> per year. With regulatory requirements alone, the unmitigated Project emissions would be reduced to about 13,767 MT CO<sub>2e</sub> per year, which equates to about a 6% reduction and does not meet the City's CAP target of a 12% reduction. However, with regulatory requirements and mitigation, the Project GHG emissions would be reduced to 10,114 MT CO<sub>2e</sub> per year. This yields a reduction of approximately 31%, which meets the City's CAP target of a 12% reduction. As such, the Project would be consistent with the City's CAP after mitigation.

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

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

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

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

**Clean Transportation.** One of the technology innovations identified in the 2024–2050 RTP/SCS that would apply to the Project is the promotion and support of low emission technologies for transportation, such as alternative fueled vehicles to reduce per capita GHG emissions. For this particular Project, **MM-AQ-1** would require that all cargo handling and landscaping equipment to be zero-emission, as well as require the

installation of Level 2 (or faster) EV chargers, conduit in tractor-trailer parking areas to support future truck charging stations, and at least four heavy-duty truck charging stations (by 2030).

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

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

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

## Summary

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

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

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

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

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

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

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

## 6.5 Hazards and Hazardous Materials

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

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

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

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

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

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

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

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

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

**MM-HAZ-1** Prior to the issuance of a grading permit, the Project Applicant shall retain a qualified environmental specialist that has documented experience in the identification, characterization, and removal of hazardous materials, such as a California licensed professional engineer, geologist, or hydrogeologist, to remove and dispose of all refuse located on the Project site, including but not limited to, the illegally dumped tires and debris currently found on site. The removal, transport, and disposal of refuse shall be done in accordance with all applicable local, state, and federal guidelines related to hazardous materials handling. Prior to the removal of refuse deposits from the site, the environmental

specialist shall inspect each refuse pile for indications that the refuse may contain, or may have once contained, hazardous materials, including, but not limited to, motor oil, solvents, paints, and/or other petroleum products. In addition, the environmental specialist shall inspect the soils surrounding each refuse deposit for evidence of any contamination (staining) or volatilization of contaminants (odors).

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

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

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

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

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

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

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

Based on observed debris on the Project site, Consolidated Consulting Group recommends the removal and disposal of on-site tires and debris. **MM-HAZ-1** would require the removal and disposal of on-site tires and debris from the Project area in accordance with all applicable local, state, and federal guidelines. If potential contamination is encountered, the contamination shall be evaluated by a qualified environmental

professional based on the nature of the contamination. The nature and extent of contamination shall be determined, and the appropriate handling, disposal, and/or treatment shall be implemented in accordance with applicable regulatory requirements. Therefore, based on compliance with applicable regulations and with the incorporation of **MM-HAZ-1**, short-term construction impacts associated with creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions would be less than significant with mitigation incorporated.

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

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

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

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

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

In summary, the Project would result in potentially significant impacts with regard to the creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **MM-HAZ-1** would be implemented, and Project impacts would be less than significant with mitigation incorporated.

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

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

## 7.1 Greenhouse Gas Emissions

### 1. Increase in Greenhouse Gas Emissions

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

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

**Explanation:** Construction of the Project would result in GHG emissions, which are primarily associated with use of off-road construction equipment, on-road trucks, and worker vehicles. Total estimated GHG emissions generated during construction of the Project are approximately 662 MT CO<sub>2e</sub>. Estimated Project-generated construction emissions amortized over 30 years would be approximately 22 MT CO<sub>2e</sub> per year.

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

The Project would result in approximately 13,767 MT CO<sub>2e</sub> per year, which would exceed the SCAQMD GHG threshold of 3,000 MT CO<sub>2e</sub> per year. Therefore, the Project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and this would represent a cumulatively potentially significant impact.

Mitigation measures are required to minimize operational-related GHG impacts. Implementation of **MM-AQ-1** includes the requirement for all off-road cargo handling equipment to be zero-emission, which would reduce the long-term GHG emissions. In addition, implementation of **MM-GHG-1** through **MM-GHG-3** would reduce GHG emissions associated with energy efficiency, solid waste disposal, and water conservation. The Project would still exceed the applied threshold of 3,000 MT CO<sub>2e</sub> per year after mitigation. Although mobile vehicles are the main source of GHG emissions associated with Project operations, neither the Project Applicant nor the City can substantively or materially affect reductions in the Project's on-road mobile source emissions beyond what is already required by regulation. No feasible mitigation measures beyond those already identified exist that would reduce these emissions to levels that are less than significant. Therefore, even with the incorporation of mitigation, long-term impacts associated with a cumulatively considerable increase in GHG emissions would be significant and unavoidable.

## 2. Cumulative Impacts

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

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

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

## 7.2 Transportation

### 1. Conflict with CEQA Guidelines Section 15064.3

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

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

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

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

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

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

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

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

## 2. Cumulative

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

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

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

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# 8 Project Alternatives

## 8.1 Alternatives Analysis

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

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

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

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

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

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

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

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

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

## 8.2 Alternatives Considered but Rejected from Further Analysis

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

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

- Alternative Land Uses
- Alternate Sites

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

## 8.3 Evaluation of Alternatives Selected for Analysis

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

- Alternative 1: No Development Alternative
- Alternative 2: No Project Alternative
- Alternative 3: Reduced Development Intensity Alternative

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

### Summary of Alternatives Considered

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

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

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

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

#### Alternative 1 – No Development Alternative

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

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

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

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

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

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

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

## Alternative 2 – Other Development Project

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

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

It is assumed that Alternative 2 would involve development of a land use that would be permissible either by right or by a Conditional Use Permit, including the land uses listed above. It is also assumed that those uses would share a similar development intensity, floor area ratio, and site coverage as the Project. Land uses that are expressly not allowed in the CIBP Zone—specifically residential—would not be considered under Alternative 2.

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

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

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

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

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

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

### Alternative 3 – Reduced Development Intensity Alternative

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

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

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

### Aesthetics

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

## **Air Quality**

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

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

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

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

## **Biological Resources**

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

## **Cultural, Tribal Cultural, and Paleontological Resources**

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

## Energy

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

## Greenhouse Gas Emissions

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

## Hazards and Hazardous Materials

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

## Hydrology and Water Quality

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

## Noise

Noise associated with Alternative 3 would occur during short-term construction activities and under long-term operation. The types of construction activities conducted on the Project site would be similar under Alternative 3

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

Under long-term operational conditions, noise generated by Alternative 3 would primarily be associated with outdoor mechanical equipment and on-site truck loading, idling, maneuvering, and parking. Alternative 3 would have reduced operational capacity and, as such, would contribute to less on-site operational noise than the Project. However, the increase in operational noise associated with Alternative 3 would still be noticeable to impacted residences. Therefore, noise impacts would be similar under Alternative 3.

## Transportation and Traffic

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

## Utilities and Service Systems

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

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

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

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

create as much revenue- and employment-generating land use as the Project (Objectives 1 and 3). Based on the above, the City rejects Alternative 3.

## 8.4 Environmentally Superior Alternative

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

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

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

# 9 Findings Regarding Significant Irreversible Environmental Changes

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

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

## Change in Land Use that Commits Future Generations to Similar Uses

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

## Irreversible Damage from Environmental Accidents

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

## Large Commitment of Nonrenewable Resources

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

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

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

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

# 10 Growth-Inducing Impacts

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

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

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

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

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

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

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

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

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

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

# Statement of Overriding Considerations

“CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian” (CEQA Guidelines, Section 15021, subd. [d]).

To reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment, an agency must prepare a statement of overriding considerations” (CEQA Guidelines, Section 15021, subd. [d], 15093).

A statement of overriding considerations must set forth the specific reasons why the agency found that the project’s “specific economic, legal, social, technological, or other benefits” rendered “acceptable” its “unavoidable adverse environmental effects” (CEQA Guidelines, Section 15093, subd. [a], 15043, subd. [b]; see also Public Resources Code, Section 21081, subd. [b]). The Phelan 20 Project (Project) would result in significant and unavoidable impacts; therefore, this Statement of Overriding Considerations has been prepared.

## A Significant and Unavoidable Impacts

Approval of the Project will result in significant adverse environmental effects in relation to greenhouse gas emissions and transportation that cannot be avoided even with the adoption of all feasible mitigation measures.

## B Finding of Overriding Considerations

The following statement identifies the reasons why, in the City’s judgment, the benefits of the Project outweigh its unavoidable significant impacts.

The City finds that each of the overriding considerations expressed as benefits and set forth below constitutes a separate and independent ground for such a finding. The substantial evidence supporting the various benefits can be found in the documents identified for inclusion in the Record of Proceedings.

The City has considered the environmental impact report (EIR), the public Record of Proceedings on the proposed Project and other written materials presented to and prepared by the City, as well as verbal and written testimony received, and hereby determines that implementation of the Project would result in the following substantial public benefits:

1. The Project would provide much-needed employment opportunities in the High Desert/Victor Valley region, which has long experienced a substantial job–housing imbalance, with approximately 73% of Hesperia residents commuting out of the area for work. By developing 419,840 square feet of industrial/warehouse space, including associated office areas, loading docks, and truck parking, the Project would benefit the City and the region by supporting the goods movement industry in decreasing lead times for delivery of consumer products and providing much-needed employment opportunities. The addition of permanent jobs would contribute to indirect economic benefits when wages are spent on goods and services within the City, which also generates sales tax revenues for the City’s General Fund.

2. The Project promotes economic growth and industry diversity within the City by providing new, high-quality industrial space that is attractive to businesses seeking to locate and invest in Hesperia. Warehousing and logistics operations represent one of the fastest-growing employment sectors in the High Desert, and the Project would expand the limited inventory of suitable sites for such uses. Although the EIR does not include a standalone fiscal analysis, the Project would nonetheless generate jobs and tax revenue for the City and its residents, as it would contribute to the City's business tax base, support temporary construction jobs, and, once operational, provide approximately 351 permanent jobs. These jobs would help the City better meet its jobs-housing balance, while also introducing a commercial/industrial business park use that would help the City offer a more balanced array of land uses throughout the broader Project area.

The EIR also notes that warehouse development provides employment opportunities for a range of skill levels, contributing to a more balanced and resilient local economy. The generation of these jobs would result in both direct and indirect economic benefit to the community when wages are spent on goods and services within the City, further increasing sales tax revenues for the General Fund. Additionally, the Project could potentially generate on-site sales tax if used as a fulfillment center. This would result in a significant increase in the revenues to the City.

3. With its close proximity to U.S. Highway 395 and Interstate 15, the Project takes advantage of existing major regional transportation corridors and related infrastructure, reducing the need for new roadway construction and minimizing secondary environmental effects. This is consistent with Project Objectives No. 3 and No. 4, which emphasize leveraging existing transportation corridors to efficiently move goods and employees. The Project site is located directly south of Phelan Road and west of U.S. 395 in a part of Hesperia already transitioning into a regional industrial hub. The surrounding area includes trucking-related uses, commercial development, and proximity to large regional logistics centers such as the Southern California Logistics Airport. In addition to utilizing existing infrastructure, the Project provides substantial off-site improvements, including:

- Widening of Phelan Road along the Project frontage
- Pedestrian improvements and new sidewalks
- Extension of New Caliente Road south from Phelan Road
- New landscaped setbacks that enhance corridor aesthetics

These improvements would enhance overall circulation, increase roadway safety, provide necessary infrastructure for future development in the corridor, and support the City's goal of improving connectivity and mobility within the industrial district.

4. The Project would convert a currently vacant site into a productive use that is fully consistent with the General Plan, the Main Street and Freeway Corridor Specific Plan, and the underlying Commercial Industrial Business Park zoning designation. This aligns with Project Objective No. 1, which focuses on developing high-quality industrial and business park uses in suitable locations. The Project's location adjacent to major transportation corridors makes it ideal for warehouse and distribution uses, which rely heavily on regional highway access. The EIR notes that industrial development in this district is intended to capitalize on the proximity to U.S. 395, Interstate 15, and the Southern California Logistics Airport, one of the region's primary logistics hubs. Development of the Project supports the City's long-term vision of cultivating a cohesive, high-quality industrial corridor that provides employment, supports goods movement, and accommodates continued regional growth. The Project's architectural enhancements, landscaping, screening, and site design further advance the Specific Plan's intent to create a visually unified gateway

corridor. By fulfilling these policy objectives, the Project meets established land use goals, reduces land use conflicts, and ensures that new development is compatible with the surrounding mix of industrial, commercial, and transportation-related uses.

After weighing the economic, legal, social, technological, and other benefits of the Project against the significant unavoidable impacts of the Project identified in the EIR, the City hereby determines that those benefits outweigh the risks and adverse environmental impacts of the Project and further determines that the Project's significant unavoidable impacts are acceptable.

Accordingly, the City adopts this Statement of Overriding Considerations, recognizing that significant unavoidable impacts will result from implementation of the Project. Having (1) adopted all feasible mitigation measures, as discussed in the EIR and herein; (2) rejected alternatives to the Project, as discussed in the EIR and herein; and (3) recognized the significant unavoidable impacts of the Project, the City hereby finds that the benefits of the Project, as stated herein, are determined to be overriding considerations that warrant approval of the Project and outweigh and override its significant unavoidable air quality and greenhouse gas emissions impacts, and thereby justify the approval of the Phelan 20 Project.

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# 4 Mitigation Monitoring and Reporting Program

## 4.1 Introduction

California Public Resources Code Section 21081.6 requires that, upon certification of an EIR, “the public agency shall adopt a reporting or monitoring program for the changes made to the Project or conditions of Project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during Project implementation.” (PRC Section 21000–21177)

This Mitigation Monitoring and Reporting Program was developed in compliance with Section 21081.6 of the California Public Resources Code and Section 15097 of the CEQA Guidelines (14 CCR 15000–15387 and Appendices A–L), and includes the following information:

- A list of mitigation measures
- The timing for implementation of the mitigation measures
- The party responsible for implementing or monitoring the mitigation measures
- The date of completion of monitoring

The City of Hesperia must adopt this Mitigation Monitoring and Reporting Program, or an equally effective program, if it approves the proposed Project with the mitigation measures that were adopted or made conditions of Project approval.

## 4.2 Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<b>Air Quality</b>				
<p><b>MM-AQ-1.</b> The Project shall implement the following measures in order to reduce operational off-road equipment and on-road vehicle air pollutant emissions to the extent feasible:</p> <ul style="list-style-type: none"> <li>▪ All cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and landscaping equipment) shall be zero-emission equipment. Each building shall include the necessary charging stations or other necessary infrastructure for cargo handling equipment. The building manager or their designee shall be responsible for enforcing these requirements.</li> <li>▪ Prior to tenant occupancy, the Project Applicant or successor in interest shall provide documentation to the City of Hesperia demonstrating that occupants/tenants of the Project site have been provided documentation on funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than-required engines and equipment.</li> <li>▪ Prior to certificate of occupancy, install conduit and infrastructure for Level 2 (or faster) electric vehicle charging stations on-site for employees for the percentage of employee parking spaces commensurate with Title 24 requirements in effect at the time of building permit issuance plus additional charging stations equal to 5% of the total employee parking spaces in the building permit, whichever is greater. By 2030 install Level 2 (or faster) electric vehicle charging stations for 25% of the employee parking spaces required.</li> </ul>	<p>Prior to the issuance of an occupancy permit</p>	<p>City of Hesperia</p>		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<ul style="list-style-type: none"> <li>▪ Conduit shall be installed to tractor trailer parking areas in logical locations determined by the Project Applicant during construction document plan check, for the purpose of accommodating the future installation of electric truck charging stations at such time this technology becomes commercially available.</li> <li>▪ In anticipation of a transition to zero emissions truck fleets during the lifetime of the Project, install at least four heavy-duty truck vehicle charging stations on-site by 2030.</li> <li>▪ Cold storage operations shall be prohibited unless additional environmental review, including a Health Risk Assessment, is conducted and certified pursuant to the California Environmental Quality Act.</li> <li>▪ Include contractual language in tenant lease agreements requiring that any facility operator shall:               <ul style="list-style-type: none"> <li>- For occupants with more than 250 employees, require the establishment of a transportation demand management program to reduce employee commute vehicle emissions;</li> <li>- Place legible, durable, weather-proof signs at truck access gates, loading docks, and truck parking areas that identify applicable CARB anti-idling regulations. At a minimum, each sign shall include: (1) instructions for truck drivers to shut off engines when not in use; (2) instructions for drivers of diesel trucks to restrict idling to no more than 5 minutes once the vehicle is stopped, the transmission is set to “neutral” or “park,” and the parking brake is engaged; and (3) telephone numbers of the building facilities manager and CARB to report violations. Prior to the issuance of an occupancy permit, the City of Hesperia shall conduct a site inspection to ensure that the signs are in place;</li> <li>- Ensure that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies, for example, by requiring attendance at CARB-approved courses (such as the free, one-day Course #512);</li> </ul> </li> </ul>				

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<ul style="list-style-type: none"> <li>- Be required to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks. The building manager or their designee shall be responsible for enforcing these requirements;</li> <li>- Be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB’s Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the Statewide Truck and Bus Regulation.</li> </ul>				
<b>Biological Resources</b>				
<p><b>MM-BIO-1. Western Joshua Tree Fee Payment.</b> Mitigation for direct impacts to 848 western Joshua tree individuals and indirect impacts to 73 western Joshua tree individuals shall be fulfilled through payment of the elected fees as described in Section 1927.3 of the Western Joshua Tree Conservation Act. In conformance with the fee schedule, mitigation shall consist of payment of \$2,500 for each western Joshua tree 5 meters or greater in height, \$500 for each tree 1 meter or greater but less than 5 meters in height, and \$340 for each western Joshua tree less than 1 meter in height. The California Department of Fish and Wildlife (CDFW) shall determine the final fee, and may charge fees for indirect impacts to western Joshua trees. Alternatively, mitigation shall occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit, if received.</p> <p>Other local regulations (i.e., Hesperia Municipal Code Chapter 16.24 and San Bernardino County Development Code Chapter 88.01) also require permitting or notification prior to removal of western Joshua trees. Therefore, the Project must submit an application to the City of Hesperia prior to the removal or relocation of western Joshua trees in accordance with Hesperia Municipal Code Chapter 16.24, Protected Plant Policy. Additionally, the Project Applicant shall submit an application for a Tree or Plant Removal Permit for all western Joshua trees to be removed in compliance with San</p>	<p>Prior to issuance of grading permits</p>	<p>City of Hesperia</p>		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
Bernardino County Development Code Chapter 88.01.050 prior to the issuance of grading permits.				
<p><b>MM-BIO-2. Removal Permit for Desert Native Plants.</b> Prior to the issuance of grading permits, the Project Applicant shall submit an application and applicable fee paid to the City of Hesperia for removal of protected native desert plants under Hesperia Municipal Code Chapter 16.24, and shall schedule a pre-construction site inspection with the Planning Division and the Building Division. The application shall include certification from a qualified western Joshua tree and native desert plant expert to show that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the Hesperia Municipal Code. Protected plants subject to Hesperia Municipal Code Chapter 16.24 may be relocated on site and incorporated into the on-site landscaping or within a designated storage area for plants to be adopted later.</p> <p>Per direction from the City of Hesperia, compliance with state policy (i.e., the Western Joshua Tree Conservation Act) and procurement of a native plant removal permit from the City of Hesperia would meet the requirements of Hesperia Municipal Code Chapter 16.24 to protect, preserve, and mitigate impacts to desert native plants, including western Joshua trees.</p>	Prior to issuance of grading permits	City of Hesperia		
<p><b>MM-BIO-3. Designated Biologist Authority.</b> The designated biologist shall have authority to immediately stop any activity that does not comply with the biological resources mitigation measures and/or to order any reasonable measure to avoid the unauthorized take of an individual western Joshua tree.</p>	During construction	City of Hesperia		
<p><b>MM-BIO-4. Compliance Monitoring.</b> The designated biologist shall be on site daily when impacts occur. The designated biologist shall conduct compliance inspections to minimize incidental take of western Joshua trees and impacts to other sensitive biological resources; prevent unlawful take of western Joshua trees; and ensure that signs, stakes, and fencing are intact and that impacts are only occurring within the permitted impact footprint. Weekly</p>	During construction	City of Hesperia		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
written observation and inspection records that summarize oversight activities, compliance inspections, and monitoring activities required by the Incidental Take Permit shall be prepared.				
<b>MM-BIO-5. Education Program.</b> An education program (Worker Environmental Awareness Program [WEAP]) for all persons employed or otherwise working in the Project area shall be administered before performing impacts. The WEAP shall consist of a presentation from the designated biologist that includes a discussion of the biology and status of western Joshua trees, burrowing owls, loggerhead shrikes, and other biological resources mitigation measures described in the California Environmental Quality Act document. Interpretation for non-English-speaking workers shall be provided, and the same instruction shall be provided to all new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees who will be conducting work in the Project area.	During construction	City of Hesperia		
<b>MM-BIO-6. Construction Monitoring Notebook.</b> The designated biologist shall maintain a construction monitoring notebook on site throughout the construction period that shall include a copy of the biological resources mitigation measures with attachments and a list of signatures of all personnel who have successfully completed the education program. The permittee shall ensure that a copy of the construction monitoring notebook is available for review at the Project site upon request by the California Department of Fish and Wildlife.	During construction	City of Hesperia		
<b>MM-BIO-7. Delineation of Property Boundaries.</b> Before beginning activities that would cause impacts, the contractor shall, in consultation with the designated biologist, clearly delineate the boundaries with fencing, stakes, or flags, consistent with the grading plan, within which Project impacts will take place. All impacts outside the fenced, staked, or flagged areas shall be avoided, and	Prior to issuance of grading permits	City of Hesperia		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
all fencing, stakes, and flags shall be maintained until the completion of impacts in that area.				
<b>MM-BIO-8. Hazardous Waste.</b> The Project Applicant shall immediately stop work and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so.	During construction	City of Hesperia		
<b>MM-BIO-9. Herbicides.</b> The Project Applicant shall limit herbicide use for invasive plant species and shall use herbicides only if it has been determined that hand or mechanical efforts are infeasible. To prevent drift, the permittee shall apply herbicides only when wind speeds are less than 7 miles per hour. All herbicide application shall be performed by a licensed applicator and in accordance with all applicable federal, state, and local laws and regulations.	During construction	City of Hesperia		
<p><b>MM-BIO-10. Pre-Construction Surveys for Burrowing Owl and Avoidance.</b> One pre-construction burrowing owl survey shall be completed no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be resurveyed. Surveys for burrowing owl shall be conducted in accordance with protocols established in the California Department of Fish and Wildlife’s 2012 (or most recent version) Staff Report on Burrowing Owl Mitigation.</p> <p>If burrowing owls are detected, the Burrowing Owl Relocation Plan shall be implemented in consultation with the California Department of Fish and Wildlife (CDFW). As required by the Burrowing Owl Relocation Plan, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers shall be established around occupied burrows in accordance with guidance provided in CDFW’s Staff Report on Burrowing Owl Mitigation. No Project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer</p>	<p><b>First survey</b></p> <p>No more than 14 days before initiation of site preparation or grading activities</p> <p><b>Second survey</b></p> <p>Within 24 hours of the start of site preparation or grading activities</p>	City of Hesperia		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed.</p> <p>Outside of the nesting season, passive owl relocation techniques shall be implemented. Owls shall be excluded from burrows in the immediate Project area and within a buffer zone by installing one way doors in burrow entrances. These doors shall be placed at least 72 hours prior to ground disturbing activities. The Project site shall be monitored daily for 1 week to confirm owl departure from burrows prior to any ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat shall be provided following the guidance in CDFW’s Staff Report on Burrowing Owl Mitigation.</p> <p>Where possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into the tunnels during excavation to maintain an escape route for any wildlife inside the burrow. An endoscope (fiber optic camera) shall also be used to scope the burrow in front of the excavation. Occupied burrows that are excavated shall be replaced at a 2:1 ratio if there are already suitable burrows present nearby.</p> <p>Should burrowing owl be located during the clearance survey, the Project would result in the loss of 20.9 acres of suitable habitat for burrowing owl. Mitigation for direct impacts to 20.9 acres shall be fulfilled through conservation of suitable burrowing owl habitat through the purchase of credits at a minimum of 1:1 in-kind habitat replacement of equal or better functions and values to those impacted by the Project, for a total of 20.9 acres.</p>				
<p><b>MM-BIO-11. Restoration of Temporary Impacts.</b> Site construction areas subjected to temporary ground disturbance from the off-site improvement areas shall be recontoured to natural grade (if the grade was modified during the temporary disturbance activity). The Project does not include revegetation or restoration of temporary impacts after Project completion. However, natural vegetation will be allowed to regenerate in temporary disturbed areas. Furthermore, if topsoil is removed during construction, the segregated topsoil will be</p>	<p>During construction</p>	<p>City of Hesperia</p>		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>replaced, and the native seed will be allowed to regenerate naturally. This measure does not apply to areas that are urban/developed that are temporarily impacted and will be returned to an urban/developed land use.</p>				
<p><b>MM-BIO-12. Pre-Construction Nesting Bird Surveys and Avoidance.</b> Construction activities shall avoid the migratory bird nesting season (typically February 1 through August 31) to reduce any potential significant impact to birds that may be nesting in the biological survey area. If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the Project site and within 500 feet of all impact areas must be conducted to determine the presence/absence of protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans, along with an appropriate buffer established around the nest, which shall be determined by the biologist based on the species' sensitivity to disturbance (typically 300 feet for passerines and 500 feet for raptors and special-status species). The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall be conducted when construction occurs in close proximity to an active nest buffer. No Project activities shall encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that the nestlings have fledged and the nest is no longer active.</p>	<p>Within 72 hours prior to the start of construction</p>	<p>City of Hesperia</p>		
<p><b>MM-BIO-13. Trash and Debris.</b> The following avoidance and minimization measures shall be implemented during Project construction:</p>	<p>During construction</p>	<p>City of Hesperia</p>		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<ul style="list-style-type: none"> <li>▪ Fully covered trash receptacles that are animal-proof shall be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles shall be removed at least once a week from the Project site.</li> <li>▪ Construction work areas shall be kept clean of debris, such as cable, trash, and construction materials. All construction/contractor personnel shall collect all litter, vehicle fluids, and food waste from the Project site on a daily basis.</li> </ul>				
<p><b>MM-BIO-14. Lighting.</b> Lighting for construction activities and operations within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife shall be directed away from natural areas</p>	During construction	City of Hesperia		
<p><b>MM-BIO-15. Invasive Plant Management.</b> To reduce the spread of invasive plant species, landscape plants within 200 feet of native vegetation communities shall not be on the most recent version of the California Invasive Plant Council’s Inventory of Invasive Plants (<a href="http://www.cal-ipc.org/ip/inventory/index.php">http://www.cal-ipc.org/ip/inventory/index.php</a>). Post-construction, the Project Applicant shall continually remove invasive plant species on site by hand or mechanical methods, as feasible.</p>	After construction	City of Hesperia		
<b>Cultural, Tribal Cultural, and Paleontological Resources</b>				
<p><b>MM-CUL-1. Workers Environmental Awareness Program (WEAP) Training.</b> All construction personnel and monitors who are not trained archaeologists should be briefed regarding unanticipated discoveries prior to the start of construction activities. A basic presentation should be prepared and presented by a qualified archaeologist to inform all personnel working on the Project about the archaeological sensitivity of the area. The purpose of the WEAP training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the Project and explain the importance of and legal basis for the protection of significant archaeological resources. Each worker should also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities.</p>	Prior to the start of construction activities	City of Hesperia		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>These procedures include work curtailment or redirection, and the immediate contact of the on-call archaeologist and if appropriate, Tribal representative. Necessity of training attendance should be stated on all construction plans.</p>				
<p><b>MM-CUL-2. On-Call Archaeological Construction Monitoring.</b> A qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards, should be retained to provide conditional monitoring as well as on call response in the case of an inadvertent discovery of archaeological resources. The qualified archaeologist should oversee and adjust monitoring efforts as needed (increase, decrease, or discontinue monitoring frequency) based on the observed potential for construction activities to encounter cultural deposits. The monitoring archaeologist should be responsible for maintaining monitoring logs as appropriate. Following the completion of construction, the qualified archaeologist should provide an archaeological monitoring report to the lead agency and the SCCIC with the results of the cultural monitoring program.</p>	<p>During grading phases and following the completion of construction</p>	<p>City of Hesperia</p>		
<p><b>MM-CUL-3. Inadvertent Discovery of Archaeological Resources.</b> In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Project, all construction work occurring within 100 feet of the find should immediately stop until a qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find under the California Environmental Quality Act (14 CCR 15064.5[f]; California PRC Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted. If the discovery is Native American in nature, consultation with and/or monitoring by a Tribal representative may be necessary.</p>	<p>During construction</p>	<p>City of Hesperia</p>		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p><b>MM-CUL-4. Inadvertent Discovery of Human Remains.</b> In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the county coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the county coroner has determined the appropriate treatment and disposition of the human remains. If the county coroner determines that the remains are, or are believed to be, Native American, he or she shall follow all required protocols according to California Public Resources Code, Section 5097.98.</p>	<p>During construction activities</p>	<p>City of Hesperia</p>		
<p><b>MM-CUL-5. Treatment of Tribal Cultural Resources During Project Implementation.</b> If a pre-contact tribal cultural resource is discovered during Project implementation, ground-disturbing activities shall be suspended 60 feet around the resource(s), and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed.</p> <p>The Principal Investigator/Archeologist shall develop a research design that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the Consulting Tribe, the Principal Investigator/Archaeologist, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the resource’s archaeological significance, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource.</p> <p><b>NOTE:</b> It is the preference of the Consulting Tribe YSMN that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during Project implementation not be feasible, then a reburial location for future reburial shall be decided upon by the Consulting Tribe, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities</p>	<p>During Project implementation</p>	<p>City of Hesperia</p>		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>associated with the Project have been completed, all monitoring has ceased, all cataloging and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and the Consulting Tribe. All reburials are subject to a reburial agreement that shall be developed between the landowner and Consulting Tribe outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts.</p> <p>Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to the TCR material(s) and confer with Consulting Tribe to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 California Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.</p> <p>All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the Principal Investigator/Archaeologist and submitted to the Lead Agency and Consulting Tribe for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and Consulting Tribe.</p>				
<p><b>MM-CUL-6.</b> Prior to commencement of any grading activity on-site, the Project Applicant shall retain a qualified paleontologist per the Society of Vertebrate Paleontology (SVP) (2010) guidelines. The paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the Project. The PRIMP shall be</p>	<p>Prior to commencement of any grading activity on-site</p>	<p>City of Hesperia</p>		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>consistent with the SVP (2010) guidelines and should outline requirements for preconstruction meeting attendance and worker environmental awareness training, where monitoring is required within the proposed Project area based on construction plans and/or geotechnical reports, procedures for adequate paleontological monitoring and discoveries treatment, and paleontological methods (including sediment sampling for microvertebrate fossils), reporting, and collections management. The qualified paleontologist shall attend the preconstruction meeting and a qualified paleontological monitor shall be on site during all rough grading and other significant ground-disturbing activities (including augering) in previously undisturbed, fine-grained Pleistocene alluvial deposits. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will remove the rope and allow grading to recommence in the area of the find.</p>				
<b>Greenhouse Gas Emissions</b>				
<p><b>MM-GHG-1.</b> The Project shall implement the following measure in order to reduce operational energy source GHG emissions to the extent feasible:</p> <ul style="list-style-type: none"> <li>▪ Commit to on-site solar generation sufficient to meet at least 75% of the Project’s total operational energy requirements from within the building envelope.</li> <li>▪ Install Energy Star-rated heating, cooling, lighting, and appliances.</li> <li>▪ Provide information on energy efficiency, energy-efficient lighting and lighting control systems, energy management, and existing energy incentive programs to future tenants of the Project.</li> </ul>	<p>Prior to the issuance of building permits</p>	<p>City of Hesperia</p>		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<ul style="list-style-type: none"> <li>Structures shall be equipped with outdoor electric outlets in the front and rear of the structures to facilitate use of electrical lawn and garden equipment.</li> </ul>				
<p><b>MM-GHG-2.</b> In order to reduce the amount of waste disposed at landfills, the Project would implement a 75% waste diversion program. Prior to the issuance of building permits for the Project, the Project Applicant shall provide building plans that include the following solid waste reduction measures:</p> <ul style="list-style-type: none"> <li>Provide storage areas for recyclables and green waste in new construction, and food waste storage, if a pick-up service is available.</li> <li>Evaluate the potential for on-site composting.</li> </ul>	Prior to the issuance of building permits	City of Hesperia		
<p><b>MM-GHG-3.</b> To reduce water demands and associated energy use, subsequent development proposals within the Project site would be required to implement a Water Conservation Strategy and demonstrate a minimum 20% reduction in indoor and outdoor water usage when compared to baseline water demand (total expected water demand without implementation of the Water Conservation Strategy). Prior to the issuance of building permits for the Project, the Project Applicant shall provide building plans that include the following water conservation measures:</p> <ul style="list-style-type: none"> <li>Install low-water use appliances and fixtures.</li> <li>Restrict the use of water for cleaning outdoor surfaces and prohibit systems that apply water to non-vegetated surfaces.</li> <li>Implement water-sensitive urban design practices in new construction.</li> <li>Install rainwater collection systems where feasible.</li> </ul>	Prior to the issuance of first occupancy permit	City of Hesperia		
<b>Hazards and Hazardous Materials</b>				
<p><b>MM-HAZ-1.</b> Prior to the issuance of a grading permit, the Project Applicant shall retain a qualified environmental specialist that has documented experience in the identification, characterization, and removal of hazardous materials, such as a California licensed professional engineer, geologist, or hydrogeologist, to remove and</p>	Prior to issuance of a grading permit and during construction	City of Hesperia		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<p>dispose of all refuse located on the Project site, including but not limited to, the illegally dumped tires and debris currently found on site. The removal, transport, and disposal of refuse shall be done in accordance with all applicable local, state, and federal guidelines related to hazardous materials handling. Prior to the removal of refuse deposits from the site, the environmental specialist shall inspect each refuse pile for indications that the refuse may contain, or may have once contained, hazardous materials, including, but not limited to, motor oil, solvents, paints, and/or other petroleum products. In addition, the environmental specialist shall inspect the soils surrounding each refuse deposit for evidence of any contamination (staining) or volatilization of contaminants (odors).</p> <p>If contamination indicators are identified, work shall stop in the immediate proximity of the potential contamination. The Project Applicant and/or their construction contractor shall be responsible for engaging a qualified environmental specialist to design and perform an investigation to verify the presence and extent of contamination on the Project site. Subsurface investigation shall determine appropriate worker protection and hazardous material and disposal procedures appropriate for the Project site. Contaminated soil or groundwater determined to have contamination above applicable regulatory screening levels (e.g. Environmental Screening Levels (SFBRWQCB 2019)) the environmental specialist shall prepare a plan for groundwater extractions, soil excavation, control of contaminant releases to the air, and off-site transport or on-site treatment (Plan). The Plan will be submitted to the permitting agency for review and approval; once approved, the plan will be executed on the project site to address identified contamination.</p>				
<b>Transportation</b>				
<p><b>MM-TRANS-1.</b> The following Transportation Demand Management (TDM) measures have the potential to reduce commute VMT, although no quantified benefit is taken at this time. The following measures shall be implemented to their extent feasible:</p>	<p>During Project implementation</p>	<p>City of Hesperia</p>		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<ul style="list-style-type: none"> <li>▪ Provide designated carpool/vanpool parking in desirable locations to encourage employees to carpool/vanpool to work that can lead to reduced commute VMT depending on the level of participation by tenants.</li> <li>▪ Provide end-of-trip facilities such as bicycle parking, lockers, etc., which could encourage employees to use alternative modes of transportation and thus reduce VMT.</li> </ul> <p>Provide sidewalks along Project frontage providing connections to existing trails and external pedestrian networks in order to improve pedestrian access. This measure could encourage employees to walk to nearby destinations and thus reduce VMT.</p>				

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# ATTACHMENT 8

## RESOLUTION NO. PC-2026-03

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP23-00005 TO CONSTRUCT AN APPROXIMATELY 419,840 SQUARE FOOT INDUSTRIAL WAREHOUSE ON APPROXIMATELY 22.61 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTHWEST CORNER OF PHELAN ROAD AND CALIENTE ROAD (CUP23-00005)**

**WHEREAS**, Covington Capitol. (Applicant) has filed an application requesting approval of Conditional Use Permit CUP23-00005 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 22.61 gross acres of vacant property zoned Commercial Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan (Specific Plan), located on the southwest corner of Phelan Road and Caliente Road and consists of Assessor's Parcel Number 3064-531-06; and

**WHEREAS**, the application proposes to construct an approximately 419,840 square foot warehouse building which is consistent with the Main Street and Freeway Corridor Specific Plan (MSFCSP); and

**WHEREAS**, the Main Street and Freeway Corridor Specific Plan (MSFCSP) requires approval of a Conditional Use Permit (CUP) for warehouse buildings that are in excess of 200,000 square feet; and

**WHEREAS**, the subject site is located within the Commercial Industrial Business Park (CIBP) zoning designation of the Main Street and Freeway Corridor Specific Plan (MSFCSP); and the surrounding properties are zoned as follows: properties to the north, across Phelan Road, are within the CIBP zone; properties to the west include a northern parcel within the CIBP zone and a southern parcel within the Low Density Residential (LDR) zone; the property to the south is within the Rural Estate Residential (RER) zone; and the property to the east is split-zoned between Neighborhood Commercial and CIBP; and

**WHEREAS**, the subject site is currently vacant; and the surrounding properties are characterized by a mix of existing and planned uses, including an approximately 2,517,413-square-foot industrial facility under development to the north across Phelan Road; a vacant parcel to the northwest; a partially developed parcel to the west containing a nonconforming fleet repair facility; and vacant properties to the south and east; and

**WHEREAS**, on April 9, 2026, the Planning Commission of the City of Hesperia adopted Resolution No. PC-2026-02, adopting the environmental findings pursuant to California Environmental Quality Act (CEQA), adopting a Statement of Overriding Considerations, certifying the Final Environmental Impact Report (SCH #2024020980), and adopting a Mitigation Monitoring and Reporting Plan; and

**WHEREAS**, on April 9, 2026, 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 April 9, 2026, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based on adoption of Resolution No. PC-2026-02, the Environmental Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting have been adopted and the Final Environmental Impact Report (SCH #2024020980) has been certified pursuant to the California Environmental Quality Act (CEQA) for this project.
- (b) The site for the proposed use is adequate in size and shape to accommodate the proposed use. The proposed project consists of the development of a 419,840 square foot warehouse building on approximately 22.61 gross acres. On-site improvements required by the Development Code can be constructed on the property including the 200 conventional parking spaces and 57 truck/trailer spaces. The site can accommodate 30-foot wide drive aisles, landscaping, trash enclosures, building setbacks, and maximum floor area ratio. The development also meets all of the San Bernardino County Fire Department standards including fire lanes, two-points of access, and fire truck turn-around. 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 use envisioned under the proposed project is conditionally permitted in the Commercial Industrial Business Park (CIBP) Zone of the Specific Plan. The project is within an area that 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 will be 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.
- (e) The site will have adequate access. Two primary points of access to the site will be provided by 45-foot-wide driveway approaches from a new public roadway (Caliente Court) that will be constructed by the project. Caliente Court is planned as a 70-foot wide Industrial Collector that will provide public two-way access that will terminate at a Cul-de-sac toward the southeast property line. The intersection of Caliente Road and Phelan Road will be fully signalized as part of an existing entitlement for the property north which is under construction. A third access point will be provided by a 30-foot-wide driveway approach along Phelan Road, allowing only right-in and right-out movements.
- (f) 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." The proposed project will expand employment opportunities for City residents and is estimated to provide 351 jobs.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council approve Conditional Use Permit CUP23-00005 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** on this 9<sup>th</sup> day of April 2026.

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Robert Abreo, Chair, Planning Commission

ATTEST:

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Leovi Wolsieffer, Secretary, Planning Commission

# DRAFT

## ATTACHMENT "A" List of Conditions for CUP23-00005

Approval Date:  
Effective Date:  
Expiration Date:

This list of conditions applies to: Consideration of Conditional Use Permit CUP23-00005 to construct a 419,840 square foot warehouse distribution building within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan on 22.61 gross acres located on the southwest corner of Phelan Road and Caliente Road in conjunction with adoption of an Environmental Impact Report pursuant to the provisions of CEQA (Applicant: Covington Capitol; APN: 3064-531-06)

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).

### ADDITIONAL CONDITIONS

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

OFFICE AREAS: As shown on the approved site plan, the office area shall not exceed 5,000 square feet. The office areas can be distributed among the four corners of the building, however regardless of how the office spaces are distributed, a maximum of 5,000 square feet of office area may be allowed. Approval of a revised site plan shall be required if the office area exceeds 5,000 square feet to ensure that sufficient parking is available. (P)

### CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

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  
NOT IN COMPLIANCE

COMPLIED BY

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  
NOT IN COMPLIANCE

COMPLIED BY

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  
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 dalcayaga@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**

TRAFFIC STUDY. The applicant shall be required to provide an amendment to the previously approve traffic study for Hesperia Commerce Center 2 and shall be prepared by a California licensed traffic engineer. (E)

**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**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

CEQA MITIGATION MEASURES. In addition to the conditions of approval, the project must comply with all mitigation measures that are identified in the Environmental Impact Report/Mitigation Monitoring and Reporting Program (P).

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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 \$4,277.50 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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Caliente Court. The right-of-way full width for Caliente Court shall be seventy (70') feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. It is the Developer's responsibility to obtain any additional right-of-way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City. Corner cut off right of way dedication per City standards is required at all intersections. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

PHELAN ROAD: Developer shall design to construct half-width (to centerline) improvements on Phelan Road across the project frontage based on modified 120-foot 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. Intersection improvements including handicapped ramps per City standards.
- F. Commercial driveway per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing approved street sections and per R value testing with a traffic index of 12 and per the soils report.
- I. Cross sections every 50-feet per City standards.
- J. Traffic control signs and devices as required by the traffic study and or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developers responsibility to obtain any off-site dedications for transition tapers including acceleration deceleration tapers and to satisfy the 26 minimum paving requirement per City standards
- M. Relocate existing utilities. Developer shall coordinate with affected utility companies.
- N. Provide signage and striping for a Class 2 bike trail per Citys adopted non-motorized transportation plan.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

CALIENTE COURT: Developer shall design to construct 26' minimum paving section on Caliente Court across the project frontage based on City's 70-foot Industrial Collector Roadway Standard. The curb face is to be at 23' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of (E)

- A. 8 Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Concrete residential driveway per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing approved street sections and per R value testing with a traffic index of 10 and per the soils report.
- I. Cross sections every 50-feet per City standards.
- J. Traffic control signs and devices as required by the traffic study and or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developers responsibility to obtain any off-site dedications for transition tapers including acceleration deceleration tapers and to satisfy the 26 minimum paving requirement per City standards
- M. Relocate existing utilities. The Developer shall coordinate with affected utility companies.
- N. Provide signage and striping for a Class 2 bike trail per Citys adopted non-motorized transportation plan.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

TRAFFIC SIGNAL(S). The Developer shall design to construct/modify traffic signal at the intersection of Phelan Road and Caliente Road (North) / Caliente Court (South) per approved TIA and City Engineer. Traffic signal preemption

device for emergency vehicle operation shall be included. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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 proposed water main extension in Caliente Ct. per approved site plan.

C. It is the Developers responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the proposed sewer main extension in Caliente Ct. per approved site plan.

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

SEWER IMPROVEMENT PLAN: The Developer shall design to construct an 8" minimum PVC SDR 35 sewer main to serve project to the satisfaction of the City Engineer. Design shall consist of plan and profile per City standards. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

WATER IMPROVEMENT PLAN. The Developer shall design to construct a 16" PVC water main extension to serve project and meet fire flow to the satisfaction of the City Engineer. Design shall consist of plan and profile per City standards. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

DRAINAGE IMPACT PREVENTION. The Project shall provide additional drainage facilities, and/or additional drainage facility capacity to mitigate flooding or other downstream impacts associated with or in the vicinity of the proposed project per direction of the City Engineer.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

EROSION CONTROL. The Project shall implement all requirements of the approved Erosion and Sediment Control Plan (or SWPPP if applicable) prior to the City's issuance of a grading permit, and provide ongoing implementation until the project is complete and all disturbed areas are fully stabilized. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

CULTURAL RESOURCES. A copy of an executed contract with a qualified archaeologist and paleontologist for monitoring during grading operations shall be submitted for Planning Division review and approval prior to issuance of a grading permit. All cultural resources discovered shall be handled in accordance with state and federal law. 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. Further, prior to completion of the project, the applicant shall submit a report describing the handling of all cultural resources. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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)

**CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE**

**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**

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**

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. School Fees

**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**

ROOFTOP EQUIPMENT. All rooftop 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**

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**

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**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

SOLID MASONRY WALL/FENCING. 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. The truck parking and dock doors will be concealed by a 12' high concrete screen wall across the east side of the property. The screen wall will be required to be decorative and incorporate the use of pilasters and other decorative elements. (P)

**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**

<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	DEVELOPMENT FEES. The Developer shall pay required development fees as follows:  A. Development Impact Fees (B) B. Park Fees (B) C. Utility Fees (E)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	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)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	AS BUILT PLANS. The Developer shall provide as built plans. (E)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	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)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	LANDSCAPING/IRRIGATION. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	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 CONTACT THE APPROPRIATE DIVISION LISTED BELOW:**

- |  |                 |
|--|-----------------|
| <b>(B) Building Division</b>                       | <b>947-1300</b> |
| <b>(E) Engineering Division</b>                    | <b>947-1476</b> |
| <b>(F) Fire Prevention Division</b>                | <b>947-1603</b> |
| <b>(P) Planning Division</b>                       | <b>947-1200</b> |
| <b>(RPD) Hesperia Recreation and Park District</b> | <b>244-5488</b> |

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**DATE:** April 9, 2026  
**TO:** Planning Commission  
**FROM:** Orlando Acevedo, Director of Development Services  
**BY:** Ryan Leonard, Principal Planner  
**SUBJECT:** Conditional Use Permit CUP25-00009; Applicant: Jeff Randall; APN: 0414-011-08

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## RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2026-06, approving CUP25-00009.

## BACKGROUND

Proposal: A Conditional Use Permit (CUP) has been filed to allow the construction and operation of an automotive body shop consisting of two buildings totaling approximately 6,644 square feet, including a 476-square-foot office and six service bays, on an approximately 0.7 gross acre site (Attachment 1).

Location: The project is located on the south side of Bear Valley Road, approximately 430 feet west of Ninth Avenue.

Current General Plan, Zoning and Land Uses: The site is within the General Commercial (C2) zone (Attachment 2). The properties to the north on the opposite side of Bear Valley Road are located outside the City limits and are developed with multi-family residential units, light office uses, and a daycare facility. The property to the west is developed with a multi-tenant commercial building occupied by light automotive repair uses and is also zoned C2. The property to the east is developed with a heavy automotive repair facility (Caliber Collision) and is zoned C2. The property to the south is zoned Multi-Family Residential (R3), is currently vacant, and is bordered on both sides by existing multi-family residential developments (Attachment 3).

## ISSUES/ANALYSIS

Conditional Use Permit: The proposed project consists of the development of an automotive body shop that will include two separate buildings totaling approximately 6,644 square feet. The first building will be approximately 1,723 square feet and will include a 476-square-foot office/customer service area and a 1,247-square-foot service bay area that is intended to be used for detailing. The second building will be approximately 4,921 square feet and will include five service bays for heavy vehicle repair (i.e. body shop). The City's Development Code requires approval of a Conditional Use Permit for vehicle repair facilities located in the General Commercial (C2) zone.

Conformance with Development Standards: The project complies with all applicable development standards, including building setbacks, landscaping, and parking.

The project will be set back approximately 53 feet from Bear Valley Road, and an approximately eight-foot-wide landscape planter will be provided along the project frontage. Both buildings are proposed to be located approximately one foot from the western property line. While the Development Code allows a zero-foot setback along an interior side property line, such a condition will require the construction of an approved fire-rated wall along the western property line.

Additionally, the buildings are set back approximately 33 feet from the rear property line to provide separation from the residentially zoned properties to the south. A six-foot-wide landscape planter is proposed along the southern property line to further buffer the site from adjacent residential uses. The project also exceeds the minimum landscaping requirement, providing approximately 2,463 square feet of landscaped area, representing approximately 8.3 percent of the site, where 5 percent is required.

Access to the site will be provided from a shared driveway approach located off Bear Valley Road. An internal access drive will provide shared circulation between the project site and the existing Caliber Collision facility located immediately to the east of the site. The applicant has indicated that Caliber Collision is anticipated to occupy the proposed buildings upon completion, which would allow the business to operate both sites simultaneously. However, the project site is proposed to remain a separate, stand-alone parcel and will be physically separated from the adjacent property to the east.

A six-foot-high concrete masonry wall is proposed along the south and west property lines to provide screening and ensure compatibility with the adjacent residentially zoned properties to the south. Because the project site will not be merged with the existing Caliber Collision Center to the east, a six-foot-high tubular steel fence is proposed along the eastern property line to provide a clear physical separation between the two sites while still allowing for visibility and shared access between the properties.

The project requires a minimum of 20 parking spaces, based on a ratio of three spaces per service bay, plus four spaces per 1,000 square feet of office area. The project proposes a total of 20 parking spaces to serve employees and customers. A rolling gate is proposed between Buildings 1 and 2, extending across the drive aisle to the eastern property line. The gate is intended to screen the five service bays within Building 2, as well as any incidental vehicle storage associated with repair activities. As proposed, eleven parking spaces are located in front of the gate, with an additional nine spaces located behind the gate. Overall, the project meets the minimum parking requirement.

Architecture: The architecture of the proposed buildings complies with the architectural requirements of the Development Code (Attachment 4). The project has been designed to be consistent with and complementary to the existing Caliber Collision Center building located to the east, utilizing similar materials, colors, and architectural elements to ensure visual continuity between the two sites. The proposed buildings feature a stucco exterior finish consistent with the established architectural theme.

Building 1, which fronts Bear Valley Road, incorporates enhanced architectural detailing, including a stacked stone wainscot that wraps around the front and portions of the side elevations, providing visual interest and pedestrian-scale articulation. The building façade also includes prominent window glazing along the Bear Valley Road frontage to enhance the overall street presence. A tile roof canopy is provided over the primary entrance. As a condition of approval, decorative

awnings will be required over the windows along the Bear Valley Road façade to provide additional architectural interest and ensure consistency with Development Code standards.

Due to the one-foot setback along the western property line, a block wall extending above the roofline is required by the Fire Code to serve as a fire-rated wall separating the site from the adjacent development. While the presence of the fire wall is not aesthetically desirable, it will be largely concealed by the adjacent development, which consists of a concrete masonry unit (CMU) block building that is taller than the proposed buildings

Building 2 is located to the rear of the site and is designed to function primarily as a service building. Due to its location behind Building 1, visibility from the public right-of-way will be limited. The building will be further screened by a combination of on-site features, including a rolling gate, perimeter fencing, and adjacent developments to the east and west. The project also provides sufficient landscape coverage. The minimum required landscape coverage is 5% of the developed site; the project provides 2,463 square feet (8.3%) of total landscape coverage.

Drainage: Any additional runoff created on-site will be detained in an approved storm drain storage system. An underground drainage system is proposed underneath the parking lot along the northern boundary of the site 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 development will connect to an existing 12-inch water line located in the dedicated alley behind the site and to an existing 12-inch sewer line located along Bear Valley Road. The proposed development is allowed to use an approved on-site septic system.

Environmental: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This exemption applies to developments on sites no larger than five acres, which are consistent with the General Plan and are substantially surrounded by urban uses. The site does not contain any Joshua Trees and prior to issuance of a grading permit, a pre-construction survey conducted by an approved biologist shall be performed to determine whether the site contains burrowing owls.

Conclusion: The proposed project is consistent with the policies and goals of the City's General Plan and complies with the applicable provisions and intent of the Development Code. The project is compatible with surrounding land uses, as adjacent properties are developed with vehicle repair and other automotive-related services. As such, the proposed use is appropriate for the site and is not expected to adversely impact the surrounding area.

## **FISCAL IMPACT**

None.

## **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

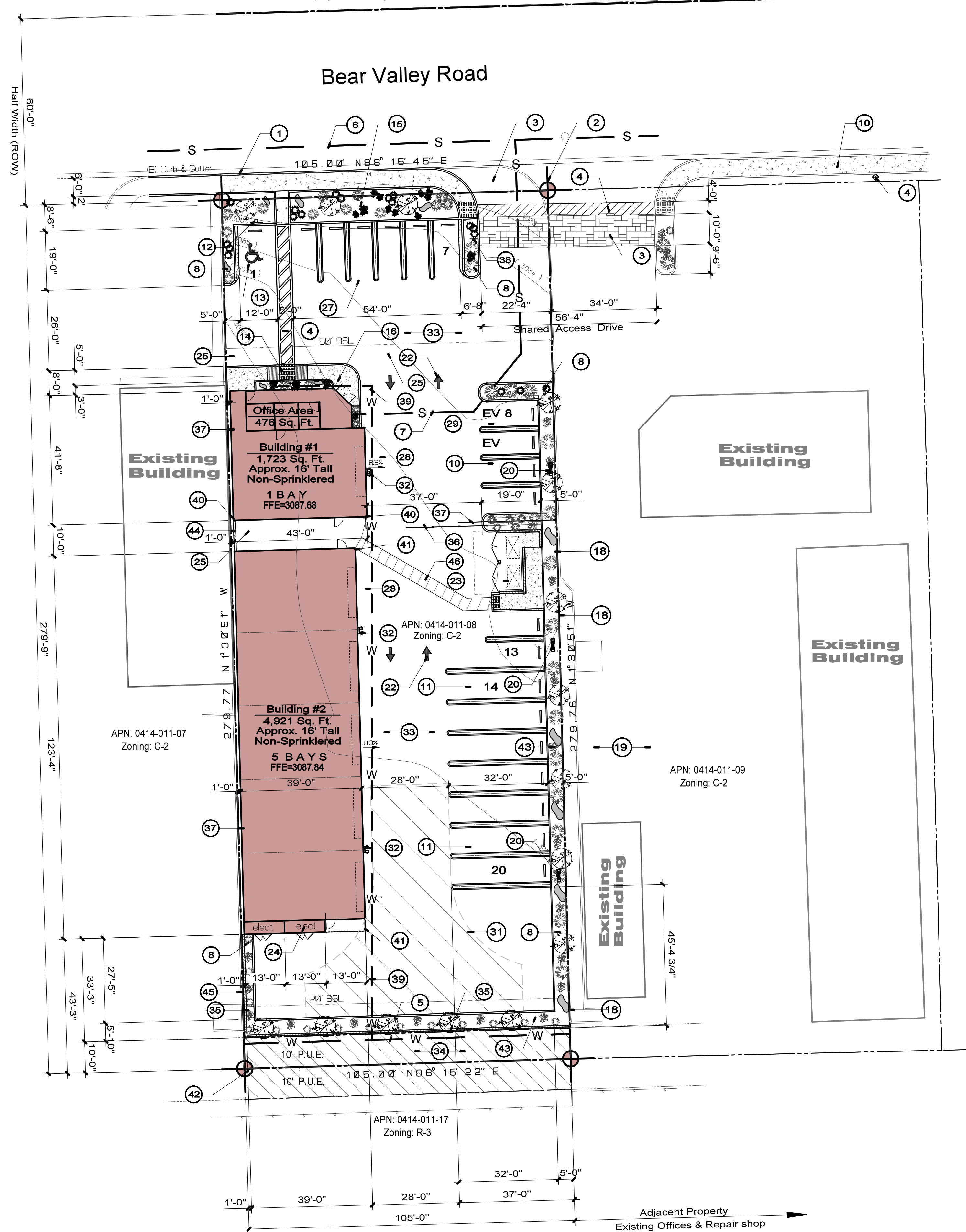
## **ATTACHMENT(S)**

1. Site Plan
2. General Plan/Specific Plan Zoning

3. Aerial photo
4. Elevations
5. Resolution No. PC-2026-06, with list of conditions

APN: 0414-011-07  
 Zoning: C-2  
 (City of Victorville)

Attachment 1



# Site Plan

SCALE 1" = 20'-0"

## # Site Plan Keynotes:

- Existing conc. curb & gutter to remain in place
- Existing curb & drive approach radius to be removed to create room for a new shared access drive approach
- Proposed shared access drive & drive approach of approx. total of 56' wd. to have stamped conc. at entrance per City of Hesperia Planning requirements & Engineering Dept. curb details
- 48" Wd. stripped path of travel across entry drive frontage- Maintain 1% slope in direction of travel and 2% cross slope
- Exist'g 12" PVC (Class C900) Domestic water line at PUE at rear
- Exist'g 12" PVC Sewer line- Verify size, location & depth w/ City
- Proposed 3" ABS Sewer Lateral from building to existing sewer main
- Approved 5' wd planter w/ 6" curb. Use approved xeriscape, drought tolerant plants, trees, boulders & decorative rocks. Xeriscape area w/ approved drought tolerant landscaping to be in compliance w/ city stds. for desert landscaping w/ 1 gal. shrubs planted sporadically for desert design- ND Protected plants on site
- Existing curb & gutter. New sidewalk to be per City std.
- Std. parking space to be min. 9'-0" x 19'-0" -OR- 9' x 17' parking space with a 2' overhang over 5' walkway or 5' planter. Stalls adjacent to planters to have an additional 12" wd. conc. curb
- Truck parking space to be min. 9'-0" x 32'-0"
- Proposed signage for HC stall parking w/ Int'l symbol of accessibility & graphics painted white to be reflectorized in front of HC stall
- Handicap parking stall min. 12'-0" wd. x 19' dp. w/ min. 5' wd. access aisle & handicap parking stall sign w/ universal symbol per ADA and labeled "VAN ACCESSIBLE" per CALDAG requirements and Handicap compliant parking stall with striped path of travel and universal symbol -See Detail 2/SP2
- Sloped ramp at 1% slope w/ grooved concrete & detectable warning or truncated domes shall be placed at boarding edges of walkway to edge of traffic area and extend the full length of the pedestrian area and be 24" deep min.
- Proposed 8' wd. frontage planter at edge of sidewalk with required plants, rocks, trees, & xeriscape.
- 8' wd. conc. walkway and entry courtyard at Building #1
- Provide 36" Box trees - (25% of trees to be 36" Box)
- Existing W.I. fence at adjacent property to remain in place. No block wall between properties is proposed.
- Existing landscaping area & parking at adjacent property
- Proposed 20' tall light standard on conc. base, typ. of 2
- 48" wd. pedestrian path of travel accessible route to building entrances. Max. slope of 5% in the direction of travel and 2% cross slope -
- Provide painted directional arrows and other pavement markings to clearly mark all aisles, entrances, and exits, and traffic patterns on pavement per City of Hesperia requirements
- Trash bin enclosure for 2 (3) C.Y. bin per city standard for Refuse & Recyclables with a 6' H. CMU walls and conc. pad at trash enclosure approach w/ max. drainage slope of 2% and a built up trellis roof & with exterior finishes to match the building architecture.
- Proposed room for Electrical Switchgear & panels- Verify w/ SCE clearances around equipment
- Proposed drainage gutter to underground chambers- See Civil plans
- Proposed manhole w/ grate - See Civil's grading plan
- Proposed location of underground stormwater storage chambers. See Hydrology or WGMP Reports for tank information. Chambers - To meet current City of Hesperia requirements. Keep 8.3% slope per grading plan
- Proposed EV preferred parking stall - No charger proposed
- Proposed 6" conc. curb at planters
- Fire apparatus hammer-head turning radius diagram. Keep the SBDF clearances
- Site Lighting -Building mounted lighting or pole mounted lighting to be hooded and directed downward to comply with the max. 2.5 foot-candle limitation at the project boundary. (2 pole lights & 3 wall lights proposed per building). All lighting fully shielded to reduce light pollution and trespass to adjacent property, property line of sight & public right-of-way
- All drive aisles to be min. 26'-0" min.
- 10' Wd. PUE at Southern property line- Keep clear and unobstructed
- Proposed 6' High CMU Privacy Wall at Southern & Western PL. abutting existing PUE- Construct per City of Hesperia details
- 6' High x 26' Wd. W.I. screened motorized rolling gate on track w/ electric motor
- 6' High screened W.I. fence at planter to screen storage area of temporary vehicle storage (Awaiting repairs)
- Location of parking conformance signage w/ universal symbol at site entry drive & text see detail 2/SP2
- Proposed 2" PVC (Class C900) Domestic water line to Water Main
- Rooftop drainage pipes at Building #1 --Office & Detail shop. Provide 3" Sq. down spout at each corner of building to planter. Roof area coverage per downspout: 1723 sq. ft.
- Rooftop drainage pipes at Building #2 --Shop Building. Provide 3" Sq. down spout at each rear corner of building to planter. Roof area coverage per downspout: 4921 sq. ft.
- Existing power pole - FV location
- Tanish colored rocks at majority of site (Size: 1/2" to 1 1/2") See landscaping plan
- Proposed 10' high CMU wall aligned with CMU at adjacent bldgs
- Existing 6' W.I. Fence at adjacent property to remain in place
- 48" Wd. striped path or travel from buildings to trash enclosure
- 4'-H. rated CMU wall at rear of buildings adjacent to West property line. Keep 12" from property line

**ELECTRIC COMPANY**  
 Southern California Edison  
 P.O. Box 64000  
 Rancho Cucamonga, CA 91729  
 (800) 655-4555

**GARBAGE COLLECTION**  
 CRFB INC.  
 P.O. Box 250309  
 Phelan, CA 92372  
 (760) 868-6353

**WATER**  
 City of Hesperia Water Dept  
 County Service Area 70 J  
 12402 Industrial Blvd. D-6  
 Victorville, Ca. 92395  
 (760) 355-3535

**TELEPHONE COMPANY**  
 Verizon  
 15055 La Paz Drive  
 Victorville, CA 92395  
 Business (800) 483-5200  
 Residential (800) 483-4200

**GAS COMPANY**  
 Southwest Gas  
 13471 Mariposa Rd.,  
 Victorville, CA 92395  
 (877) 860-6020

**SEWER SYSTEM**  
 City of Hesperia Water Dept  
 County Service Area 70 J  
 12402 Industrial Blvd. D-6  
 Victorville, Ca. 92395  
 (760) 355-3535

Utilities:

## Project Data:

### PROJECT DESCRIPTION:

Project is to develop a 0.67 acre parcel adjacent to an already operating auto body repair business. Project is to include the construction of a 4,921 sq. ft. single story wood framed building with a CMU wall at Westerly property line. Shop building to be used for auto body repair with 5 service bays- ND Point booth is proposed at this location. Also a 1,723 sq. ft. single-story office building with a single bay is to be constructed at front. Office building to be wood construction with a CMU wall at Westerly property line. A shared access driveway is to be constructed and an agreement is to be issued from the property to the East.

All construction to be per current CBC, CPC, CFC, DMC, CEC, & CSES and all local requirements from authority having jurisdiction.

### DEVELOPER / OWNER'S INFORMATION:

Jeff Randall  
 APN: 0414-011-08  
 Hesperia, Ca. 92345  
 (760) 282-7529

### BUILDING DESIGN & PLANNING:

PA Design Associates, LLC  
 J. Macorlegos  
 13849 Amargosa Rd. Suite #202  
 Victorville, Ca. 92392  
 (760) 887-1030

### LEGAL DESCRIPTION:

LOT(S) 8, OF TRACT NO. 4638, IN THE CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 59, PAGE(S) 61 TO 63, INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

### ASSESSOR'S PARCEL NUMBER:

APN: 0414-011-08

### APPLICATION TYPE:

Planned Development - Site Plan Review

### LAND USE DESIGNATION:

C-2

### EASEMENTS:

10' PUE at South Property Line

### PROPOSED LAND USE:

Auto Body Repair

### BUILDING AREA TABULATION:

Building 1:	
Office Area:	476 Sq. Ft.
Service Bay for Detailing Area:	1247 Sq. Ft.
Total Sq. Ft. at Building #1:	1723 Sq. Ft.
Building 2:	
Service Bays:	4817 Sq. Ft.
Electrical/Mechanical Rooms:	104 Sq. Ft.
Total Sq. Ft. at Building #2:	4921 Sq. Ft.
Total Bldg on Site:	6644 Sq. Ft.

### CONSTRUCTION TYPE:

V - B (With 4-H. CMU Wall at PL)  
 NON-SPRINKLERED

### SPRINKLERS:

NO

### STRUCTURES/ LAND USE:

Subject Property: C-2 (VACANT)  
 Adjacent Properties: (N) C-2 (S) R-3 (E) C-2 (W) C-2

### OCCUPANCY TYPE:

F-1 (Automobiles)

### OCCUPANCY LOADS:

Office area: 1/100 = 5 Occupants  
 Service Bays: 1/500 = 13 Occupants 18 Occupants

### PARKING ANALYSIS:

Parking Ratio:	Parking Required:
C-2 Parking: 3 Spcs/ Bay	18 Spoces
6 Bays x 3Spocs= 18 spcs	
Office: 1/250 s.f.	2 Spaces
476 S.F. = 2 Spaces	
PARKING PROVIDED:	
Standard Uncovered Spaces (9' x 19')	13
Elongated Parking stalls (9' x 32')	8
<b>Total Site Parking Required:</b>	<b>20 Spaces</b>
<b>Total Site Parking Provided:</b>	<b>20 Spaces</b>
STRUCTURE HEIGHT:	
Top Of Parapet Height : 23'-6" Max.	
CONSTRUCTION MATERIALS:	
Walls: Stucco Roof: Bitumen. Accents: Stucco & CMU	
AREA TABULATION:	
Gross Area: (0.67 Acres)	35,070 Sq. Ft.
Net Area: (0.70 Acres)	29,610 Sq. Ft.
Developed Site:	29,610 Sq. Ft.
Building Area Coverage:	6,644 Sq. Ft.
Building Percent:	22.4 %
Impervious Surface:	18,396 Sq. Ft.
Impervious Area Percent:	62.1 %
Landscaping Area:	2,463 Sq. Ft.
Landscaping Percent:	8.3 %
Misc Area:	2,107 Sq. Ft.
Misc Percent:	7.2 %

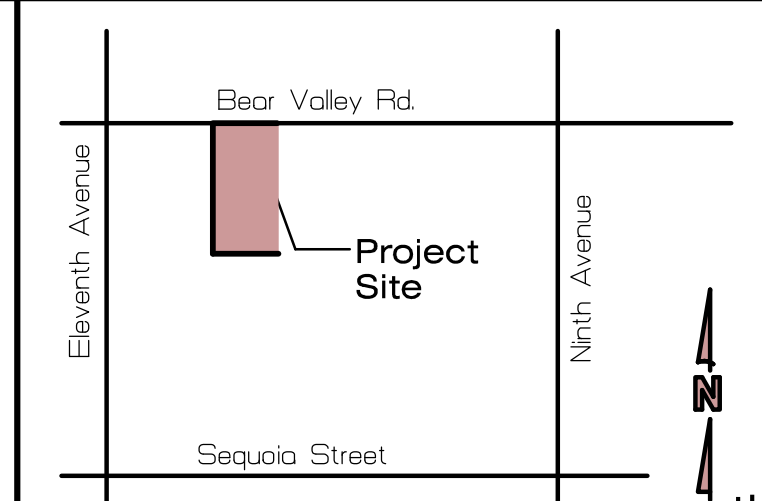
**Total Site Parking Required:** 20 Spaces  
**Total Site Parking Provided:** 20 Spaces

### CONSTRUCTION MATERIALS:

Walls: Stucco Roof: Bitumen. Accents: Stucco & CMU

### AREA TABULATION:

Gross Area: (0.67 Acres)	35,070 Sq. Ft.
Net Area: (0.70 Acres)	29,610 Sq. Ft.
Developed Site:	29,610 Sq. Ft.
Building Area Coverage:	6,644 Sq. Ft.
Building Percent:	22.4 %
Impervious Surface:	18,396 Sq. Ft.
Impervious Area Percent:	62.1 %
Landscaping Area:	2,463 Sq. Ft.
Landscaping Percent:	8.3 %
Misc Area:	2,107 Sq. Ft.
Misc Percent:	7.2 %



Vicinity Map:

NO.	BY	DATE	DESCRIPTION

**PA design associates**  
 Planning • Building Design • Development  
 1760 S. St. 1830  
 13371 Arroyo Dr., Victorville, Ca. 92392

**Caliber Collision Center**  
 APN: 0414-011-08  
 Hesperia, Ca. 92345  
 (714) 732-7777

**Conceptual Site Plan**

THE SIZE OF THESE DRAWINGS, SPECIFICATIONS, AND/OR CALCULATIONS IS RESTRICTED TO THE PROJECT AND SITE SHOWN. ANY OTHER USE OF THIS DOCUMENT AND ANY REPRODUCTION THEREOF WITHOUT THE WRITTEN PERMISSION OF PA DESIGN ASSOCIATES IS PROHIBITED. EXCEPT WITH THE WRITTEN PERMISSION OF PA DESIGN ASSOCIATES.

DRAWN BY: JM  
 DATE: 08-25-25  
 Building Designer: [Signature]  
 JOB NO: C-6644-26

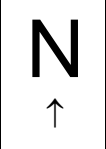
**SP1**

# ATTACHMENT 2



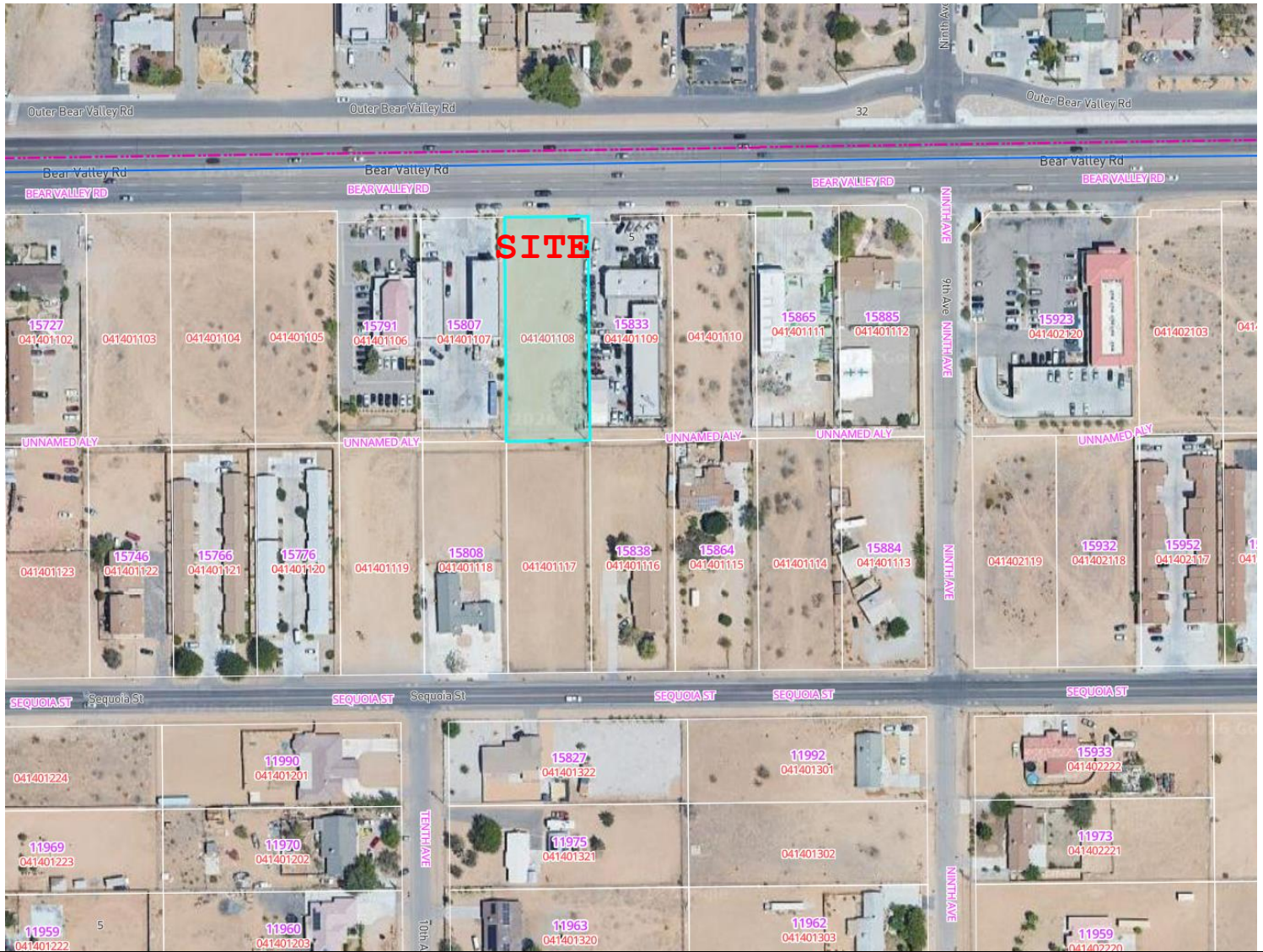
<b>APPLICANT(S):</b> JEFF RANDALL	<b>FILE NO(S):</b> CUP25-00009
<b>LOCATION:</b> SOUTH SIDE OF BEAR VALLEY ROAD, APPROXIMATELY 430 FEET WEST OF NINTH AVENUE.	<b>APNs:</b> 0414-011-08

**PROPOSAL:**  
 CONSIDERATION OF CONDITIONAL USE PERMIT CUP25-00009 TO ALLOW THE CONSTRUCTION AND OPERATION OF AN AUTOMOTIVE BODY SHOP CONSISTING OF TWO BUILDINGS TOTALING APPROXIMATELY 6,644 SQUARE FEET, INCLUDING A 476-SQUARE-FOOT OFFICE AND SIX SERVICE BAYS, ON AN APPROXIMATELY 0.7 GROSS ACRE SITE WITHIN THE GENERAL COMMERCIAL (C2) ZONE



## GENERAL PLAN AND ZONING MAP

# ATTACHMENT 3



**APPLICANT(S):**  
JEFF RANDALL

**FILE NO(S):**  
CUP25-00009

**LOCATION:**  
SOUTH SIDE OF BEAR VALLEY ROAD, APPROXIMATELY 430 FEET WEST OF NINTH AVENUE.

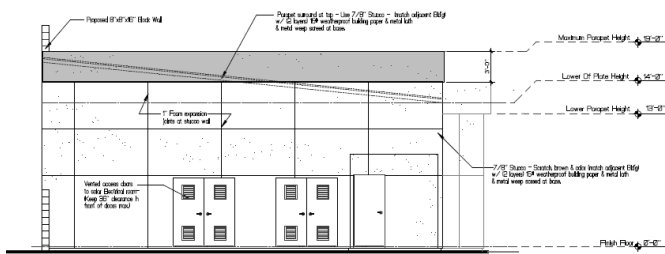
**APNs:**  
0414-011-08

**PROPOSAL:**  
CONSIDERATION OF CONDITIONAL USE PERMIT CUP25-00009 TO ALLOW THE CONSTRUCTION AND OPERATION OF AN AUTOMOTIVE BODY SHOP CONSISTING OF TWO BUILDINGS TOTALING APPROXIMATELY 6,644 SQUARE FEET, INCLUDING A 476-SQUARE-FOOT OFFICE AND SIX SERVICE BAYS, ON AN APPROXIMATELY 0.7 GROSS ACRE SITE WITHIN THE GENERAL COMMERCIAL (C2) ZONE



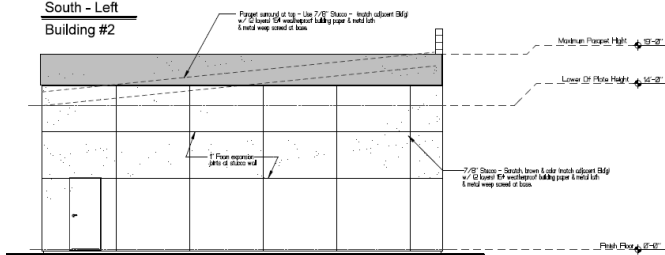
**AERIAL**

# ATTACHMENT 4



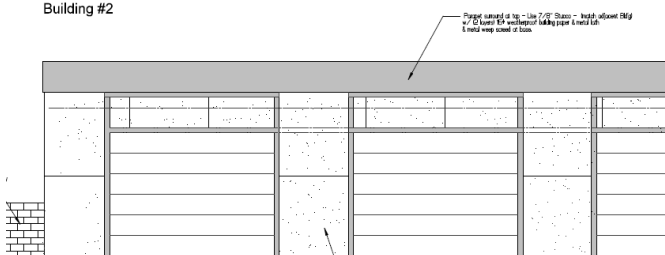
South - Left

Building #2



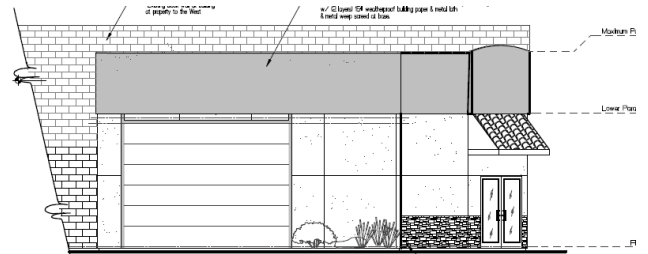
North - Right

Building #2



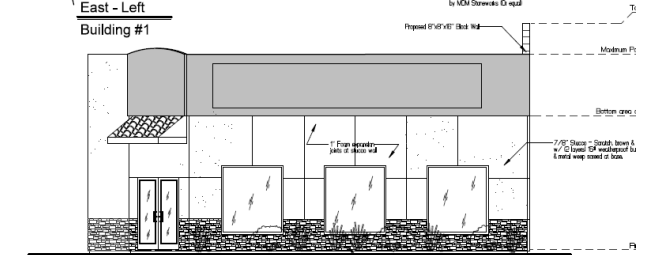
East - Front

Building #2



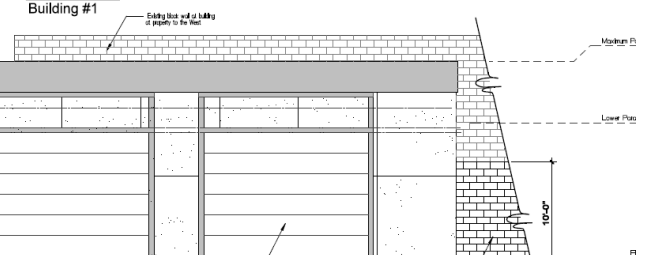
East - Left

Building #1



North - Front

Building #1



<p><b>APPLICANT(S):</b> JEFF RANDALL</p>	<p><b>FILE NO(S):</b> CUP25-00009</p>
<p><b>LOCATION:</b> SOUTH SIDE OF BEAR VALLEY ROAD, APPROXIMATELY 430 FEET WEST OF NINTH AVENUE.</p>	<p><b>APNs:</b> 0414-011-08</p>

**PROPOSAL:**  
CONSIDERATION OF CONDITIONAL USE PERMIT CUP25-00009 TO ALLOW THE CONSTRUCTION AND OPERATION OF AN AUTOMOTIVE BODY SHOP CONSISTING OF TWO BUILDINGS TOTALING APPROXIMATELY 6,644 SQUARE FEET, INCLUDING A 476-SQUARE-FOOT OFFICE AND SIX SERVICE BAYS, ON AN APPROXIMATELY 0.7 GROSS ACRE SITE WITHIN THE GENERAL COMMERCIAL (C2) ZONE

## ELEVATION

# ATTACHMENT 5

## RESOLUTION NO. PC-2026-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP25-00009 TO ALLOW THE CONSTRUCTION AND OPERATION OF AN AUTOMOTIVE BODY SHOP CONSISTING OF TWO BUILDINGS TOTALING APPROXIMATELY 6,644 SQUARE FEET, INCLUDING A 476-SQUARE-FOOT OFFICE AND SIX SERVICE BAYS, ON AN APPROXIMATELY 0.7 GROSS ACRE SITE WITHIN THE GENERAL COMMERCIAL (C2) ZONE LOCATED ON THE SOUTH SIDE OF BEAR VALLEY ROAD, APPROXIMATELY 430 FEET WEST OF NINTH AVENUE (CUP25-00009)**

**WHEREAS**, Jeff Randell (Applicant) has filed an application requesting approval of Conditional Use Permit CUP25-00009 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the proposed project consist of the construction and operation of an automotive body shop consisting of two buildings totaling approximately 6,644 square feet, including a 476-square-foot office and six service bays, on an approximately 0.7 gross acre site; and

**WHEREAS**, the 0.7 acre site is vacant. The properties to the north on the opposite side of Bear Valley Road are located outside the City limits and consist of multi-family residential units, light office uses, and a daycare facility. The property to the west is developed with a multi-tenant commercial building occupied by light automotive repair uses. The property to the east is developed with a heavy automotive repair facility (Caliber Collision). The property to the south is currently vacant, and is bordered on both sides by existing multi-family residential developments; and

**WHEREAS**, the subject property as well as the surrounding properties to the east and west are zoned General Commercial (C2). The property to the north, on the opposite side of Bear Valley Road is located outside the City limits. The properties to the south are zoned Multiple Family Residential (R3); and

**WHEREAS**, the proposed project consists of consists of Assessor's Parcel Number 0414-011-08; and

**WHEREAS**, the Application, as contemplated, proposes to construct an automotive body shop consisting of two buildings totaling approximately 6,644 square feet, including a 476-square-foot office and six service bays, which requires approval of a conditional use permit; and

**WHEREAS**, the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This exemption applies to developments on sites no larger than five acres, which are consistent with the General Plan and are substantially surrounded by urban uses; and

**WHEREAS**, on April 9, 2026, 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 April 9, 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 0.7 gross acres and can accommodate a 6,644 square foot automotive body shop. The development complies with the 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 General Commercial (C2) zone, with approval of this Conditional Use Permit. The project is also designed with an on-site underground retention/detention to accommodate the required capacity of a 100-year storm. The project also meets all of the development standards of the C2 zone. In addition, noise generated from the facility will be minimized and will not have significant impacts to the residentially zoned properties to the south because the proposed automotive repair facility will be located approximately 33 feet from the rear property line, and the site is separated from the residentially properties by a 20 foot wide dedicated alley. In addition, the facility will be required to perform all work indoors, and the site is designed with a 6-foot high block wall along the southern property line separating the proposed commercial use from the adjacent residential properties.
- (c) The site for the proposed use will have adequate access based upon its frontage along Bear Valley Road. There are also general services for sanitation, water and public utilities to ensure the public convenience, health, safety and general welfare. Additionally, the building will have adequate infrastructure to operate without a major extension of infrastructure.
- (d) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the C2 zone. An

automotive repair facility is allowed with approval of a Conditional Use permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP25-00009 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 9<sup>th</sup> day of April 2026.

---

Roger Abreo, Chair, Planning Commission

ATTEST:

---

Leovi Wolsieffer, Secretary, Planning Commission

# DRAFT

## ATTACHMENT "A" List of Conditions for CUP25-00009

Approval Date:  
Effective Date:  
Expiration Date:

This list of conditions applies to: Consideration of Conditional Use Permit CUP25-00009 to construct two buildings consisting of a 2,223 sf office with one service bay and a 4,921 sf body shop with five service bays on a 0.7-acre site within the General Commercial (C2) zone located on the south side of Bear Valley Road, approximately 430 feet west of Ninth Avenue (Applicant: Jeff Randall; APN: 0414-011-08)

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

<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	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)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	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)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	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 <a href="mailto:dalcayaga@cityofhesperia.us">dalcayaga@cityofhesperia.us</a> , 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.
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	TITLE REPORT. The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	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**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

ONSITE DRAINAGE IMPACT PREVENTION. Project shall Use 13.5 CF of storage for every 100 SF of impervious surface as the method for calculating required storage.

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/Retention 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**  
NOT IN COMPLIANCE

**COMPLIED BY**

Submit a final PCMP, prepared using the applicable Mojave River Watershed Group PCMP Template, which provides final designs for best management practices (BMP's), and includes calculations for BMP sizing.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

EXPIRATION OF ENTITLEMENT. [if not residential] 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)

**CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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 approaches that encroach onto private property. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

BEAR VALLEY ROAD: Saw-cut (2-foot min.) and match-up asphalt pavement on Bear Valley Road across the project frontage where drive approach is being constructed. Additional improvements shall consist of (E)

- A. Sidewalk (width = 6 feet) per City standards.
- B. Commercial drive approach per City standards.
- C. Design roadway sections per existing approved street sections.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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 water line in easement 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 12" PVC sewer main in Bear Valley 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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

DRIVEWAY EASEMENT. An access easement shall be recorded which allows for the perpetual use of the driveway 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**  
NOT IN COMPLIANCE

**COMPLIED BY**

CULTURAL RESOURCES. 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. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

CERTIFICATE OF CORRECTION. A Certificate of Correction shall be submitted for review and approval by the City in order to reduce the existing 70 foot front yard Building Setback Line (BSL) along Bear Valley Road to 25 feet. 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)

**CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE**

**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**

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**

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. School Fees (B)

**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**

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**

EROSION CONTROL. The Developer shall provide an Erosion and Sediment Control Plan, prepared using the City's ESCP Template, with the improvement plans submittal per City Standards. A City-approved SWPPP developed pursuant to the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities may substitute for the ESCP. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

EROSION CONTROL. The Project shall implement all requirements of the approved Erosion and Sediment Control Plan (or SWPPP if applicable) prior to the City's issuance of a grading permit, and provide ongoing implementation until the project is complete and all disturbed areas are fully stabilized. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

ROOFTOP EQUIPMENT. All rooftop 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**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

- A. Development Impact Fees (B)
- B. Utility Fees (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

AS BUILT PLANS. The Developer shall provide as built plans. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

LANDSCAPE. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

**Others**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

VEHICLE REPAIR OPERATIONS. The operation of the automotive body shop shall be subject to the following regulations, consistent with Section 16.16.365(b) of the Development Code:

1. All installation and service activities shall be conducted within the approved buildings or immediately adjacent to, and no more than 20 feet from, the service bays.
2. No used or discarded parts, materials, or equipment shall be stored or located outdoors.
3. Vehicles awaiting service may only be stored in designated parking spaces located behind the rolling gate. No vehicle storage shall be permitted in front of the buildings.
4. The premises shall be maintained in a neat, orderly, and environmentally safe manner, and all improvements shall be continuously maintained in good condition.
5. Approval of the vehicle repair facility (body shop) is limited to passenger vehicles, including automobiles, pickup trucks, and SUVs. This approval does not authorize service or repair of heavy-duty trucks, recreational vehicles (RVs), or other oversized vehicle types.

**NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:**

<b>(B) Building Division</b>	<b>947-1300</b>
<b>(E) Engineering Division</b>	<b>947-1476</b>
<b>(F) Fire Prevention Division</b>	<b>947-1603</b>
<b>(P) Planning Division</b>	<b>947-1200</b>
<b>(RPD) Hesperia Recreation and Park District</b>	<b>244-5488</b>

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**DATE:** April 9, 2026  
**TO:** Planning Commission  
**FROM:** Orlando Acevedo, Director of Development Services  
**BY:** Ryan Leonard, Principal Planner  
Edgar Gonzalez, Senior Planner  
**SUBJECT:** Conditional Use Permit (CUP24-00005); Applicant: Kimley-Horn;  
APNs: 0405-062-72, -73 and 3064-481-25

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## RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2026-04, making an environmental determination pursuant to the California Environmental Quality Act (CEQA) by certifying the Final Environmental Impact Report and adopting a statement of overriding considerations and adopting PC-2026-05, approving Conditional Use Permit (CUP24-00005).

## BACKGROUND

Proposal: Conditional Use Permit CUP24-00005 has been filed to construct a 165,111 square foot retail and grocery store building with alcohol sales for off-site consumption and a tire center. The project also includes the construction of a gas station with 14 fuel pumps (28 fuel positions) and a 2,623 square foot automated carwash on 25.4 acres in conjunction with the adoption of an Environmental Impact Report pursuant to the provisions of CEQA.

Location: The proposed project is generally located north and south of Amargosa Road, south of the California Aqueduct, east of Key Pointe Drive and west of the I-15 Freeway; APNs: 0405-062-72, -73 and 3064-481-25 (Attachment 1).

Current General Plan, Zoning and Land Uses: The project site is located within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan) and is currently vacant. The properties to the west are also designated Regional Commercial (RC) within the Specific Plan and consist of vacant land. To the south, the Interstate 15 southbound off-ramp at Main Street and associated Caltrans right-of-way occupy a portion of the area, with additional commercial uses, including retail and fast food establishments, located further south of the off-ramp. Along the southwest, existing developed uses include a hotel and a gas station along Key Pointe Drive. The California Aqueduct borders the site to the north, while the Interstate 15 Freeway lies directly to the east (Attachment 2).

## ISSUES/ANALYSIS

Land Use: The project site is divided into two distinct development areas: the northern portion, located north of Amargosa Road, and the southern portion, located south of Amargosa Road.

The northern portion of the site is approximately 16.7 acres and is proposed to be developed with a 165,111 square foot retail and grocery store. The building would be sited in the northern area

of the parcel, with surface parking located primarily to the east and south of the structure. The store would accommodate a variety of customer-serving uses, including food and produce, a tire and battery center, vision center, food service area, and off-site alcohol sales for the sale of beer, wine, and distilled spirits (Type 21 license). Six truck-loading doors would be located along the west elevation, providing access to an enclosed receiving area, and a designated curbside pickup area would be provided on the south side of the building. Within the Regional Commercial (RC) zone, both the off-sale alcohol use and the tire center are permitted subject to approval of a Conditional Use Permit (CUP).

The southern portion of the site is approximately 8.67 acres and is proposed to be developed with a 14 pump (28 fueling position) vehicle fuel station and an automated carwash facility. The fuel station would consist of 14 drive-in lanes serving the 28 fuel positions, with each lane providing stacking for approximately 11 vehicles, for a total capacity of approximately 154 vehicles. The vehicle fuel station does not include a convenience store component, however an approximately 205 square foot employee building will be provided for the operations of the gas station. East of the fuel station, a 2,623-square-foot automated carwash is proposed with two drive-through lanes, providing stacking for approximately 40 vehicles. The carwash is designed as an automated facility and does not include vacuum stations; it is intended to function solely as a drive-through wash and is not intended to include a designated area for vacuuming or interior cleaning. Within the Regional Commercial (RC) zone, a gas station and a carwash are permitted subject to the approval of a Conditional Use Permit (CUP).

The proposed automated carwash is considered ancillary to the primary use, which is the gas station. As such, it must comply with specific land use standards, including a minimum distance of 1,000 feet from the nearest full-service carwash. The closest full-service carwash is Quick Quack Carwash, located west of the project site at a distance of approximately 1,380 feet, therefore satisfying the minimum separation requirement.

Access: The Project would provide direct vehicular access for the retail building located north of Amargosa Road through two proposed access points: 1) a fully signalized intersection located approximately 650 feet east of Key Pointe Drive along Amargosa Road, which will serve as the primary point of access to improve traffic control and safety for vehicles entering and exiting the site; and 2) an unsignalized driveway allowing full access in and right-out only traffic, located approximately 1,000 feet east of Key Pointe Drive along Amargosa Road. Additionally, an emergency access only route will be provided along White Fox Trail, consisting of a 26-foot-wide paved road, connecting the west side of the project site to Cataba Road. Access to White Fox Trail will be restricted and limited to emergency vehicles only.

Direct vehicular access for the fuel station and car wash would be provided through three proposed access points: 1) a signalized intersection along Amargosa Road aligned with the primary signalized access for the retail building; 2) an unsignalized right-turn-exit-only driveway along Amargosa Road aligned with the unsignalized retail driveway; and 3) and an unsignalized entrance-only driveway approximately 400 feet south of Amargosa Road along Key Pointe Drive (Attachment 4).

Street Improvements: As part of the development of the Project, the applicant will construct street improvements along Amargosa Road, including curb, gutter, sidewalk, streetlights, and a traffic signal. The Project includes multiple driveway approaches along the frontage to provide access to both the northern retail parcel and the southern fuel and car wash parcels. A signalized

intersection along Amargosa Road is proposed at the primary access point to improve traffic control, operations, and safety for vehicles entering and exiting the site.

To support onsite circulation, the Project proposes dedicated turn lanes along Amargosa Road, including a left-turn lane into the northern parcel, a dual through/right-turn lane into the southern parcel, and a through travel lane on the south side of Amargosa Road. On the north side of Amargosa Road, one right-turn lane and one through lane are proposed.

Decorative paving treatments are proposed at driveway entrances to provide visual enhancement. In addition, the parcels north and south of Amargosa Road will provide a 10-foot dedication on each side to be consistent with the circulation plan and establish a 50-foot-wide right-of-way from the centerline of the street. Existing improvements along Key Pointe Drive will remain in place. However, as previously mentioned, the project will construct a new driveway approach on Key Pointe Drive to provide access to the carwash.

Off-site improvements are also proposed at the Key Pointe Drive and Main Street intersection to improve traffic operations and accommodate increased vehicle volumes. These improvements include restriping to add a second southbound left-turn lane, modification of the traffic signal to include a northbound right-turn overlap phase, and conversion of northbound and southbound left-turn phases from permissive to protected operation. All roadway and driveway improvements will be designed and constructed in accordance with applicable local, State, and federal standards.

Finally, an emergency-only 26-foot-wide emergency access road will be constructed along White Fox Trail side to allow for emergency access.

Parking: Parking for the project is distributed between the north and south sites, with the majority of spaces located on the north site to serve the proposed retail building. The south site, which includes the fuel station and express carwash, provides a limited number of parking spaces, as the fuel station does not include a convenience store or other retail component. In addition, the express carwash is designed as an automated facility and does not include vacuum stations, further reducing the need for additional on-site parking.

Pursuant to the Hesperia Municipal Code, parking requirements are calculated based on land use type: retail and office uses require 3.33 spaces per 1,000 square feet for sites exceeding 10 acres; vehicle service facilities require 3 spaces per service bay plus 4 spaces per 1,000 square feet of non-service area; and express carwash facilities require 6 spaces per facility. Based on these standards, the overall project requires 571 parking spaces.

As shown in Table 1 below, a total of 684 parking spaces will be provided across both sites. The express carwash on the south side of Amargosa Road will provide the minimum 6 required parking spaces, and the gas station component will include 6 spaces for employees. The remaining 672 spaces are located on the north site and are primarily intended to serve the retail building. Overall, the project provides a surplus of 113 parking spaces and is consistent with the City's parking requirements.

**Table 1: Parking Spaces Required**

Use	Sq. Ft.	Parking Formula	Spaces Required	Spaces Provided
<b><i>Retail and Tire Center located north of Amargosa Road</i></b>				
Retail	163,171	3.33 spaces per 1,000 sq. ft. for sites over 10 acres	544	632
Tire Center	1,940 / 4 bay doors	3 spaces per bay door and 4 spaces per 1,000 sq. ft. of non-service area	20	40
<i>Total</i>			564	672
<b><i>Carwash and Gas Station located south of Amargosa Road</i></b>				
Carwash	2,623	6 parking spaces per facility	6	6
Gas Station employee office	205	4 space per 1,000 sq. ft.	1	6
<i>Total</i>			7	12
<b>TOTAL FOR BOTH SITES</b>			<b>571</b>	<b>684</b>

Landscaping: The retail site will include landscape planters along the north side of Amargosa Road, ranging from 8 to 20 feet in width integrated within a meandering sidewalk. A minimum 10-foot-wide landscape planter will also be provided along the east and north property boundaries. In addition, parking areas will feature landscaped planters at the end of parking rows, as well as diamond shaped planters located between parking spaces. Overall, the retail site will provide approximately 16.2 percent landscape coverage, exceeding the minimum landscape coverage requirement of 10 percent.

The gas station and car wash site will include landscaped planters along the south side of Amargosa Road, ranging from 8 to 25 feet in width integrated within a meandering sidewalk, as well as a 34-foot-wide landscape planter located east of Key Pointe Drive. A landscape planter ranging from 5 to 10 feet, will be provided along the south and easterly property boundaries. Additional landscaped areas will be incorporated throughout the site, including surrounding drive aisles, drive-thru lanes, parking areas and the proposed buildings. This site will provide a combined landscape coverage of approximately 42 percent, exceeding the minimum landscape coverage requirement of 10 percent.

Building Design: The proposed retail building is designed as a large-format, warehouse-style facility intended to accommodate bulk and wholesale merchandise. The interior layout features wide aisles and tall industrial shelving stocked with high-volume products, along with multiple coolers and freezers for produce and frozen goods. The building also includes accessory service areas such as a pharmacy, optical center, and food court. A tire and battery service center is proposed on the east side of the building and will include four service bays with roll-up doors and an associated office area. A designated loading dock area with six loading doors is located on the northwest side of the building to accommodate truck deliveries and service operations and is oriented away from public-facing frontages to minimize visual and operational impacts.

The proposed fueling station will include a small employee office to support daily operations. In addition, the automated car wash is designed as a tunnel-style facility with clearly defined entry and exit points and includes an equipment room and an employee office. The car wash

component is intended to function solely as a drive-through wash and does not include a designated area for vacuuming or interior cleaning (Attachment 5).

**Architecture:** The design of the proposed buildings complies with the architectural guidelines of the Main Street and Freeway Corridor Specific Plan. The retail building features a prominent entry tower element with a decorative rooftop and stone veneer columns, along with articulated elements on both sides. The design also includes two additional tower elements on the south and east elevations, with stone veneer accents at the base and along the building’s sides, complemented by awnings and varied wall planes to enhance visual interest. The roofline incorporates breaks and is highlighted by a decorative cornice.

The gas station employee office features decorative split-face block with a stone veneer base and a decorative cornice. The gas station canopy will incorporate stone veneer on all columns to match the building’s design. The automated carwash includes tower elements on each elevation, finished with smooth concrete, split-face block and stone veneer on columns, with matching stone veneer integrated along the building’s base for a cohesive and durable finish. The building also features varied rooflines with decorative cornices. Overall, the proposed design of the buildings contributes to architectural character of the commercial development along the Main Street corridor (Attachment 6).

**Hours of Operation:** The retail store will be open from 9:00 a.m. to 8:00 p.m. for regular members, with an early start from 8:00 a.m. to 9:00 a.m. for plus members, Monday through Sunday. The tire center will be open from 8:00 a.m. to 7:00 p.m., Monday through Saturday and on Sundays from 10:00 a.m. to 6:00 p.m. The gas station will be open 24 hours with a fuel attendant available from 6:00 a.m. to 10:00 p.m., Monday through Saturday. The automated carwash will be open from 9:00 a.m. to 8:00 p.m., Monday through Sunday.

**Alcohol Sales:** The applicant will file an application for a Type 21 (Off-Sale General) license with the California Department of Alcoholic Beverage Control (ABC). Table 1 identifies four active off-sale alcoholic beverage licenses within Census Tract 100.09 (Attachment 3). ABC authorizes this census tract to have three off-sale licenses. Therefore, approval of the CUP24-00005 will exceed the limitation of three licenses and ABC will require that the City make a finding of public convenience and necessity (Attachment 7).

**Table 2: Existing Off-Sale Licenses in Census Tract 100.09**

Status	Business Name	Business Address	Type of License
Active	Walmart Inc.	1896 Amargosa Road (Victorville)	Type 21 - Beer, Wine, and Liquor
Active	Sky Market Inc.	12720 Main Street (Hesperia)	Type 21 - Beer, Wine, and Liquor
Active	G & M Oil Company Inc.	12080 Amargosa Road (Victorville)	Type 20 - Beer and Wine
Active	7 Eleven Inc.	12750 Main Street (Hesperia)	Type 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, Walmart and G & M Oil Company locations are outside the City limits and located more than two

and a half miles northeast of the project site. The remaining establishments, Sky Market and 7-Eleven, are located southwest of the project site, approximately 1,000 to 1,400 feet away.

The nearby 7-Eleven and Sky Market (convenience store) primarily serve quick and convenient liquor purchases for immediate consumption. In contrast, the proposed retail building would provide a wholesale, membership-based shopping experience with a wide range of products, including bulk alcohol, groceries and household goods. This distinction ensures that the new off-sale license would enhance public convenience rather than create direct competition or overconcentration with existing businesses. Accordingly, the Planning Commission may determine that approval of the proposed Type 21 – Off-sale General license would serve the public convenience and necessity.

Drainage: The Project proposes a network of underground storm drain piping that conveys runoff to catch basins equipped with filter inserts. From there, stormwater would be routed to two aboveground infiltration/retention basins located within landscaped areas. One basin is situated at the northwest corner of the northern parcel, and the other is located at the eastern corner of the southern parcel. These basins are designed to capture and infiltrate stormwater runoff to meet the required design capture volume (DCV), hydromodification volume, and excess runoff from storm events. On the southern parcel, stormwater from the fuel station and carwash areas would be pretreated through an oil-water separator prior to entering the infiltration basin. Overflow from both basins would be directed to the existing storm drain system in Amargosa Road, ensuring that post-development runoff does not exceed pre-development flow rates.

Water and Sewer: The development will connect to an existing 12-inch water line and an existing 18-inch sewer line north of the project site along Amargosa Road.

Environmental: Given the size and regional importance of this project, CEQA requires that the environmental impact of the project be analyzed. An initial study was prepared, which determined that the project may have a significant impact on the environment. As a result, an Environmental Impact Report (EIR) was required.

A Notice of Preparation (NOP) was distributed for public review for a period of 30 days from November 7, 2024 thru December 6, 2024 and the Draft EIR was distributed for a 45-day public period from November 24, 2025 thru January 14, 2026. The environmental document was circulated to local, state and federal agencies and organizations as well as surrounding property owners. No comment letters were received during the Initial Study/NOP comment period and 6 comment letters were received during the Draft EIR comment period. The letters, as well as the responses are included within the Final EIR. The Draft and Final EIR are available for review on the City website and have been provided to the Commission under separate cover.

The Draft EIR identified potentially significant impacts of the project and discussed numerous mitigation measures proposed to address potential impacts of the project. Mitigation measures presented in the Draft EIR have been included in the Mitigation Monitoring Reporting Program, which is attached to the Final EIR as Attachment 10. Mitigation measures for the project will reduce potentially significant impacts to Biological Resources, Cultural Resources, Geology and Soils, Noise and Tribal Cultural Resources. However, the EIR concluded that despite mitigation measures, the project could result in significant and unavoidable impacts to Transportation. Consequently, pursuant to CEQA guidelines, a statement of overriding considerations must be made to approve the project. The following is a summary of the significant and unavoidable impacts of the project:

Transportation: The City's TIA Guidelines (July 2020) establish Vehicle Miles Traveled (VMT) analysis methodology, impact thresholds and screening thresholds to determine if projects would require a VMT analysis. If a project meets Transit Priority Area Screening, Low VMT Area Screening or Project Type Screening criteria, then the VMT of the project is considered less than significant and no further VMT analysis would be required. The project did not meet the City's VMT screening thresholds and therefore required a full VMT analysis using the SBTAM Model. The analysis determined that the project's origin-destination VMT per service population of 64.93, exceeds the applicable County average threshold of 37.99. Implementing measures, such as preferential parking for carpools or electric vehicles, are not expected to result in measurable VMT reductions. These features are more appropriate in employment dense or transit-oriented environments. The project does comply with CALGreen requirements for EV-capable parking and proposes solar canopies over parking stalls; however, these features contribute to energy efficiency but not to quantifiable reductions in trip generation or VMT.

Given the regional retail land use, auto-oriented site context, the absence of feasible transit or bicycle infrastructure, and the limited effectiveness of available mitigation strategies, no additional feasible or enforceable VMT-reduction measures are available that would reduce the impact to a less than significant level. Therefore, the Project's VMT impact would remain significant and unavoidable.

Overriding Considerations: Pursuant to CEQA, the City must balance the benefits of the project against any significant and unavoidable environmental impacts that cannot be mitigated to less than significant. If the benefits of the project outweigh these environmental impacts, those impacts are considered "acceptable." Since the impact upon Transportation are considered significant and unavoidable, findings for a Statement of Overriding Considerations must be made.

The project's benefits includes off-site transportation improvements along Amargosa Road, including a signalized intersection, sidewalks, restriping and an emergency access road, improving circulation and safety. The Project will significantly contribute to the City's tax base through retail activity and would generate approximately 260 permanent jobs, providing employment opportunities for residents of Hesperia. It would develop a vacant, underutilized site with a modern retail center, enhancing access to goods and services while supporting economic development goals.

Conclusion: The proposed project is consistent with the City's General Plan and Main Street Freeway Corridor Specific Plan. Prior to acting on the project, the Planning Commission must make the environmental determination, certifying that the Final EIR is complete; that it has been prepared in compliance with CEQA; that it reflects the City's independent judgment; and that all impacts from carrying out the project have been identified and disclosed to the public. Resolution PC-2026-04 has been prepared to document this determination. Once that has occurred, the Planning Commission can consider the conditional use permit. If approved, the mitigation monitoring and reporting program will be administered with the project approval. Furthermore, the Planning Commission must determine that approval of the proposed Type 21 – Off-sale General license would serve the public convenience and necessity. Resolution PC-2026-05 has been prepared to document this determination.

## **CITY GOAL SUPPORTED BY THIS ITEM**

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

## **ALTERNATIVE**

Provide alternative direction to staff.

## **ATTACHMENTS**

1. Aerial Photo
2. General Plan Land Use Map
3. Census Tract 100.09 Map
4. Site Plan
5. Floor Plan
6. Elevations
7. Resolution No. PC-2026-04 (Adoption of EIR with Exhibit A - Findings of Fact and Statement of Overriding Considerations and Exhibit B - MMRP)
8. Resolution No. PC-2026-05 (CUP24-00005) with Attachment A – COA
9. Draft EIR (Available on the City's website - <https://www.hesperica.gov/1466/Environmental-Review-Documents>)
10. Final EIR (Available on the City's website - <https://www.hesperica.gov/1466/Environmental-Review-Documents>)

# ATTACHMENT 1



**APPLICANT(S):** KIMLEY-HORN

**FILE NO(S):** CUP24-00005

**LOCATION:** NORTH AND SOUTH OF AMARGOSA ROAD, SOUTH OF THE CALIFORNIA AQUEDUCT, EAST OF KEY POINTE DRIVE AND WEST OF THE I-15 FREEWAY

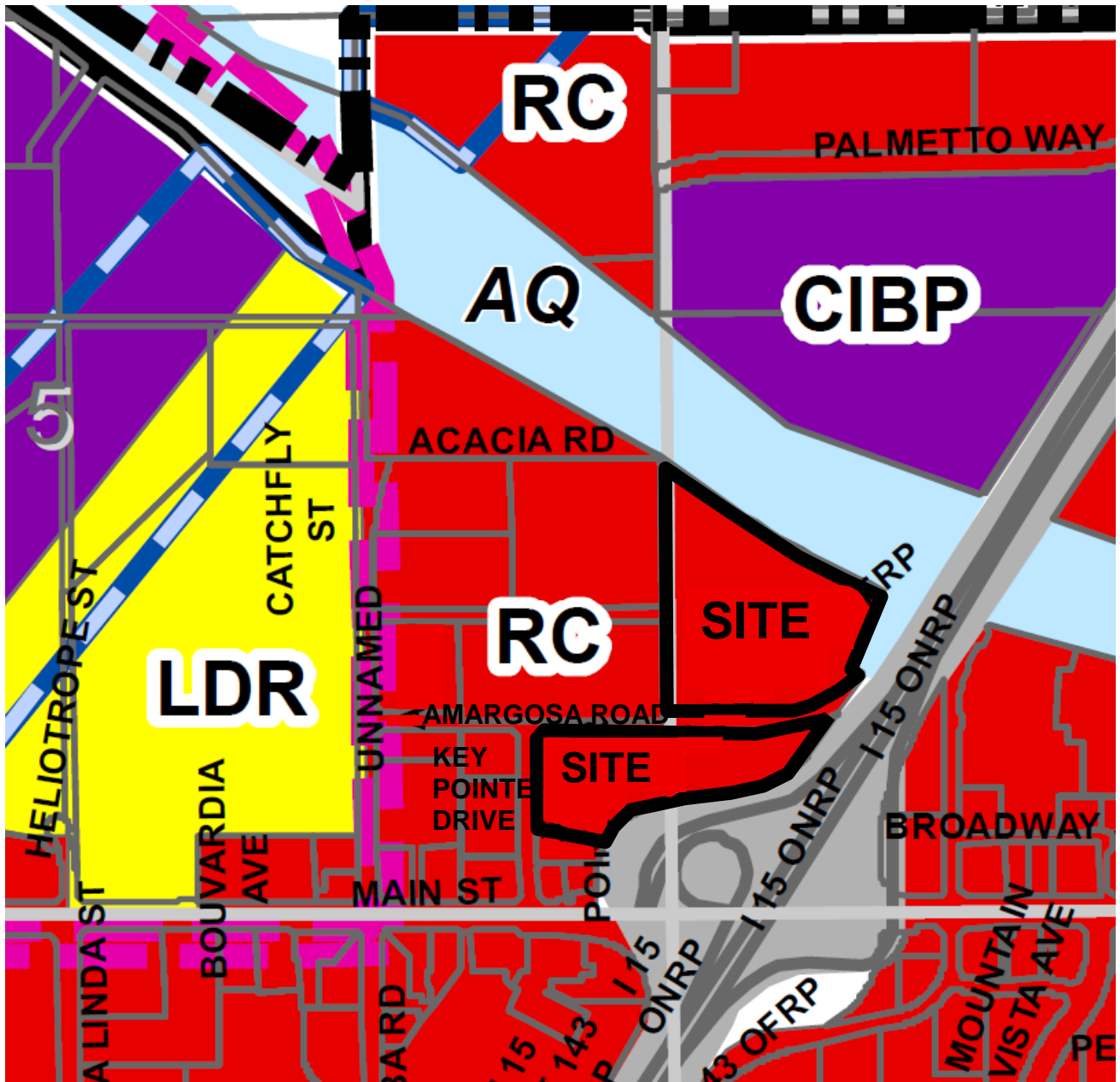
**APN(S):** 0405-062-72, -73 & 3064-481-25

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT (CUP24-00005) TO CONSTRUCT A 165,111 SQUARE FOOT RETAIL AND GROCERY STORE BUILDING WITH ALCOHOL SALES FOR OFF-SITE CONSUMPTION AND A TIRE CENTER. INCLUDING THE CONSTRUCTION OF A GAS STATION WITH 14 FUEL PUMPS (28 FUEL POSITIONS) AND A 2,623 SQUARE FOOT AUTOMATED CARWASH ON 25.4 ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN IN CONJUNCTION WITH THE ADOPTION OF AN ENVIRONMENTAL IMPACT REPORT PURSUANT TO THE PROVISIONS OF CEQA



**AERIAL PHOTO**

# ATTACHMENT 2



**APPLICANT(S):** KIMLEY-HORN

**FILE NO(S):** CUP24-00005

**LOCATION:** NORTH AND SOUTH OF AMARGOSA ROAD, SOUTH OF THE CALIFORNIA AQUEDUCT, EAST OF KEY POINTE DRIVE AND WEST OF THE I-15 FREEWAY

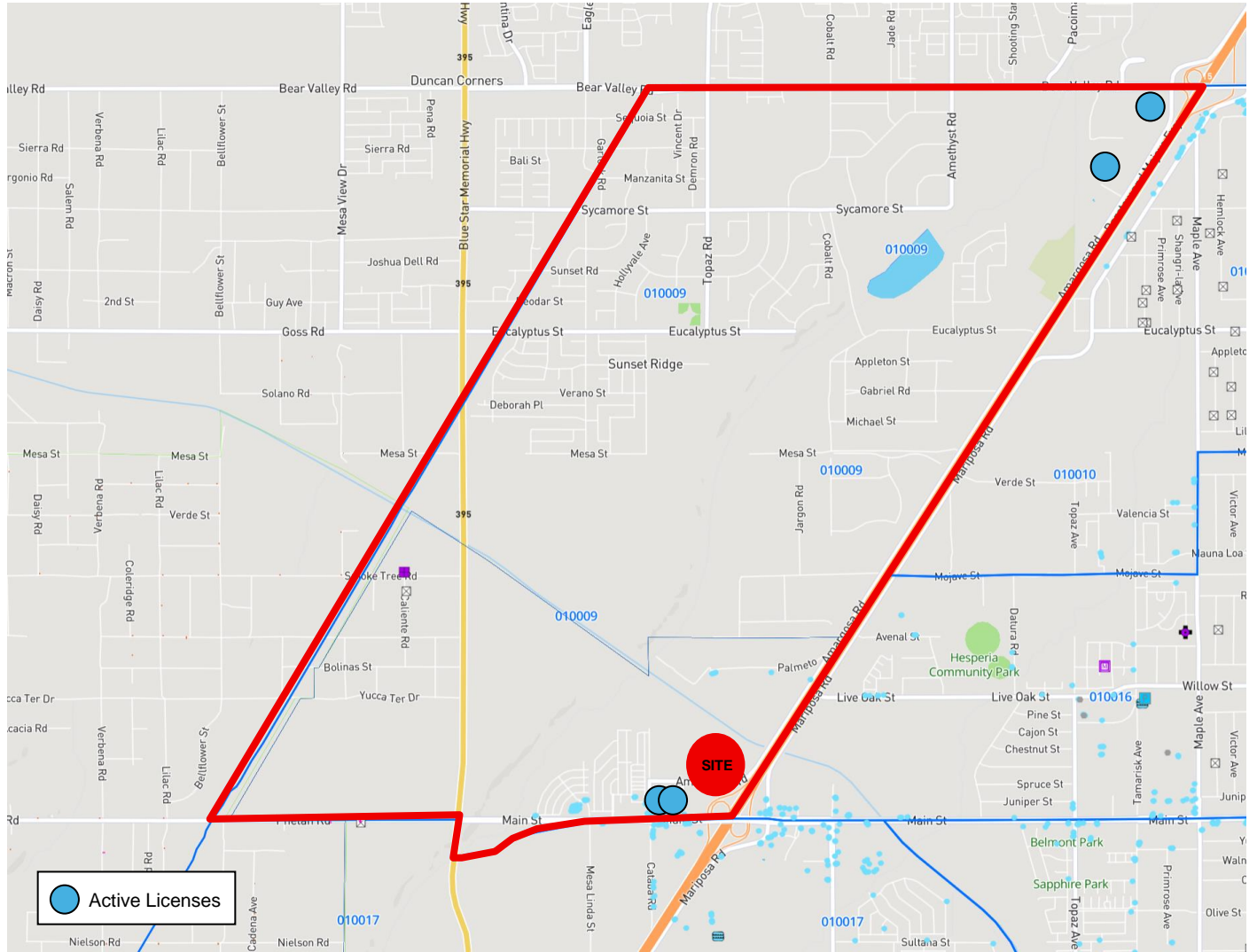
**APN(S):** 0405-062-72, -73 & 3064-481-25

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT (CUP24-00005) TO CONSTRUCT A 165,111 SQUARE FOOT RETAIL AND GROCERY STORE BUILDING WITH ALCOHOL SALES FOR OFF-SITE CONSUMPTION AND A TIRE CENTER. INCLUDING THE CONSTRUCTION OF A GAS STATION WITH 14 FUEL PUMPS (28 FUEL POSITIONS) AND A 2,623 SQUARE FOOT AUTOMATED CARWASH ON 25.4 ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN IN CONJUNCTION WITH THE ADOPTION OF AN ENVIRONMENTAL IMPACT REPORT PURSUANT TO THE PROVISIONS OF CEQA



## GENERAL PLAN MAP

# ATTACHMENT 3



**APPLICANT(S):** KIMLEY-HORN

**FILE NO(S):** CUP24-00005

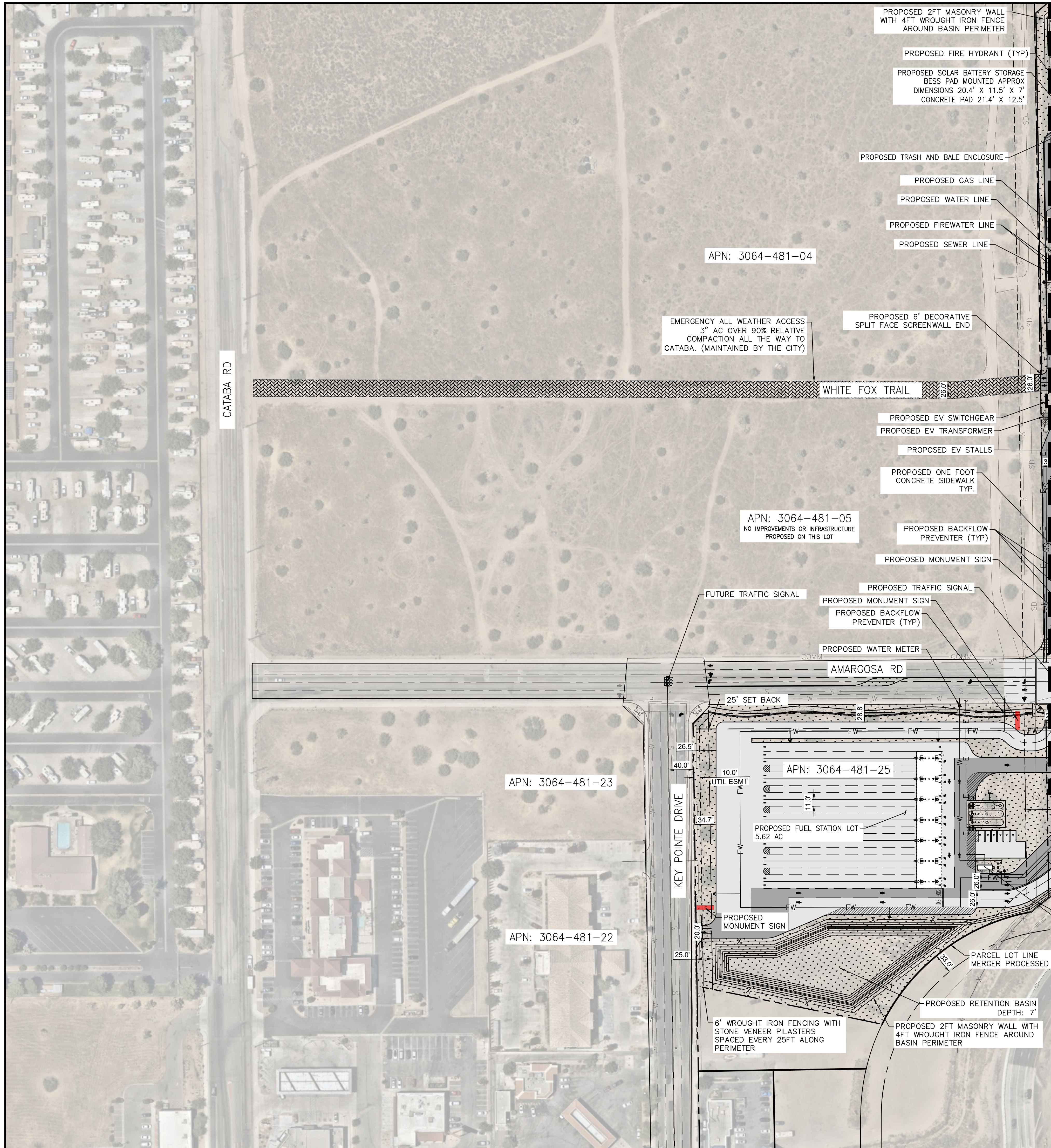
**LOCATION:** NORTH AND SOUTH OF AMARGOSA ROAD, SOUTH OF THE CALIFORNIA AQUEDUCT, EAST OF KEY POINTE DRIVE AND WEST OF THE I-15 FREEWAY

**APN(S):** 0405-062-72, -73 & 3064-481-25

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT (CUP24-00005) TO CONSTRUCT A 165,111 SQUARE FOOT RETAIL AND GROCERY STORE BUILDING WITH ALCOHOL SALES FOR OFF-SITE CONSUMPTION AND A TIRE CENTER. INCLUDING THE CONSTRUCTION OF A GAS STATION WITH 14 FUEL PUMPS (28 FUEL POSITIONS) AND A 2,623 SQUARE FOOT AUTOMATED CARWASH ON 25.4 ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN IN CONJUNCTION WITH THE ADOPTION OF AN ENVIRONMENTAL IMPACT REPORT PURSUANT TO THE PROVISIONS OF CEQA







**CIVIL**

KIMLEY-HORN AND ASSOCIATES, INC.  
 C/O RYAN ALVAREZ P.E. (CA, UT, AZ)  
 1100 W. TOWN AND COUNTRY RD, SUITE 700  
 ORANGE, CALIFORNIA 92868  
 PHONE: (714) 786-6322

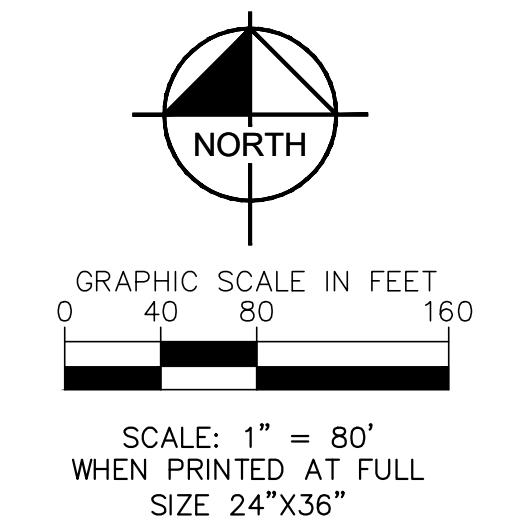
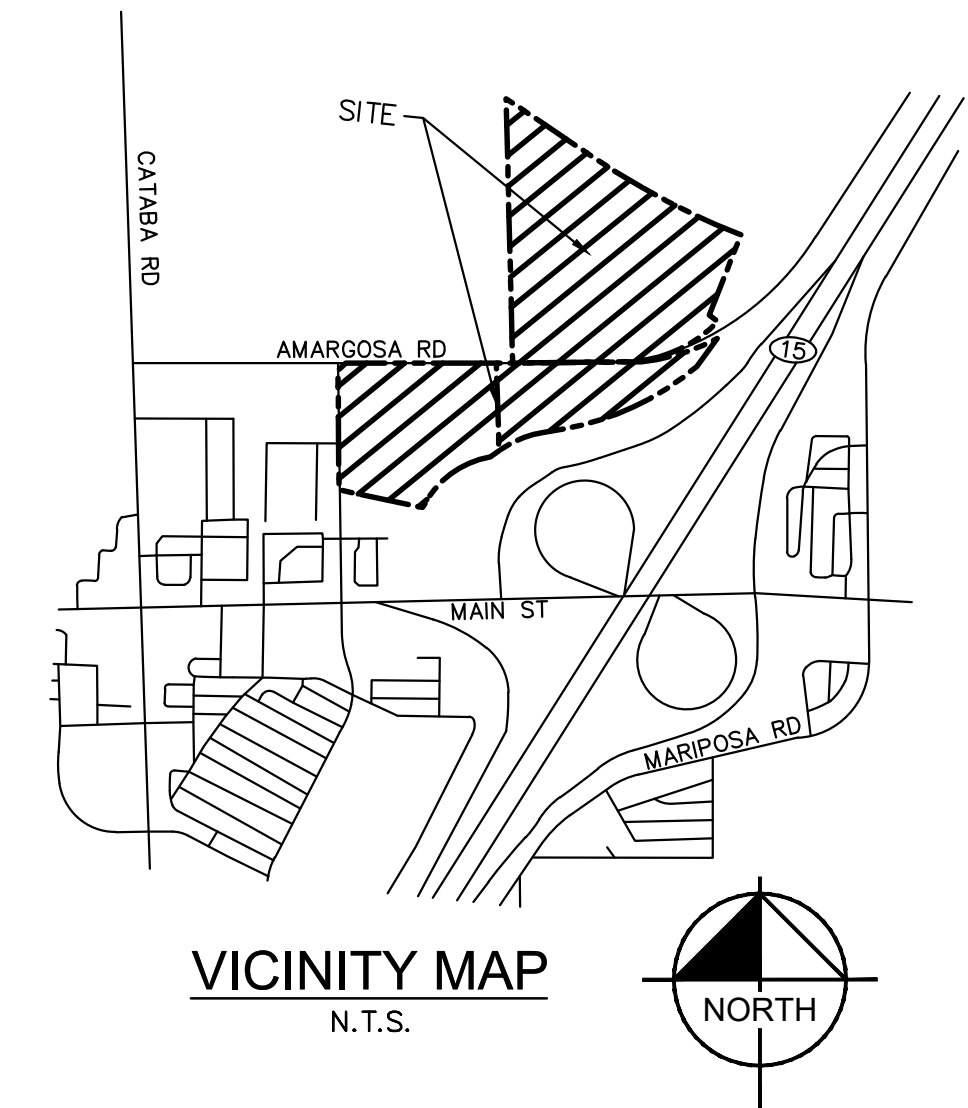
**PROPERTY INFORMATION**

LEGAL DESCRIPTION:  
 TRACT 1: PARCEL "C" OF DOCUMENT 2006-004387; RECORD OF SURVEY SECTION 14, T, 4N, R,5W S.B.M SAN BERNARDINO COUNTY, STATE OF CALIFORNIA (LUDWIG ENGINEERING MARCH 2006) ASSESSOR'S PARCEL NUMBER (APN): 0405-062-72  
 TRACT 2: PARCEL "D" OF DOCUMENT 2006-0043687; RECORD OF SURVEY SECTION 14, T, R, 5W S.B.M SAN BERNARDINO COUNTY, STATE OF CALIFORNIA (LUDWIG ENGINEERING MARCH 2006) ASSESSOR'S PARCEL NUMBER (APN): 0405-062-72  
 TRACT 3: PARCEL 4 OF MAP 3527 IN CITY OF HESPERIA, RECORD OF SURVEY SECTION 15, T, 4N, R,5W S.B.M SAN BERNARDINO COUNTY, STATE OF CALIFORNIA PER MAP RECORDED IN BOOK 33 OF PARCEL MAPS PAGES 34 AND 35. ASSESSOR'S PARCEL NUMBER 3064-481-06  
 TRACT 4: PARCEL 4 OF MAP 3527 IN CITY OF HESPERIA, RECORD OF SURVEY SECTION 14, T, 4N, R,5W S.B.M SAN BERNARDINO COUNTY, STATE OF CALIFORNIA PER MAP RECORDED IN BOOK 33 OF PARCEL MAPS PAGES 34 AND 35. ASSESSOR'S PARCEL NUMBER: 3064-481-07  
 GROSS AREA: 1,147,348.32 S.F. / 25.37 ACRES

SEE SHEET 1 FOR CONTINUATION

**LEGEND**

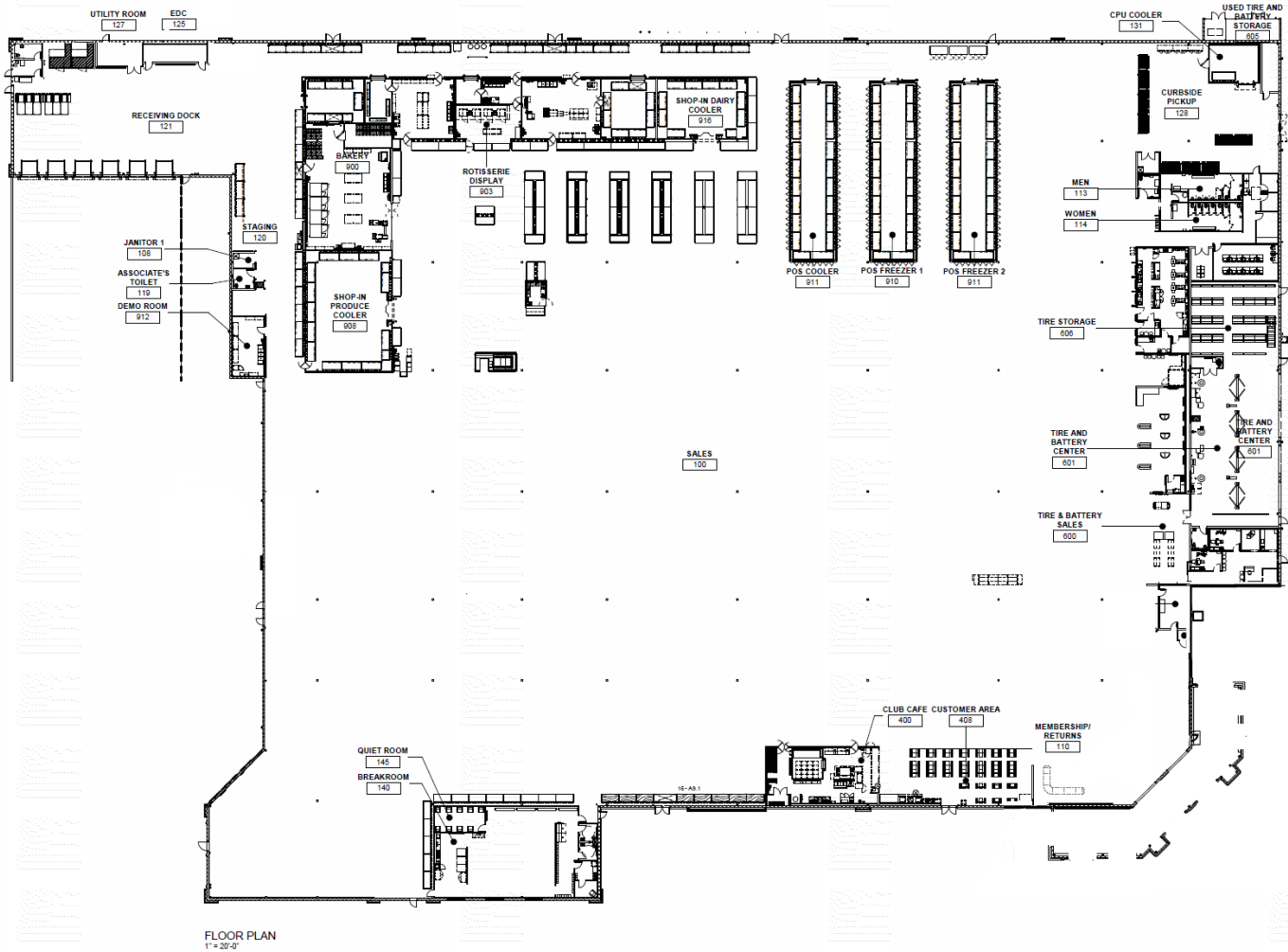
- PROPERTY LINE
  - - - - - EXISTING EASEMENT
  - x-x-x-x-x- EXISTING FENCE
  - W- PROPOSED WATER LINE
  - SS- PROPOSED SANITARY LINE
  - FW- PROPOSED FIRE WATER LINE
  - PROPOSED 25' SETBACK
  - PROPOSED DECORATIVE SPLIT FACE SCREEN WALL
  - I- PROPOSED WROUGHT IRON FENCE
  - T- PROPOSED TELECOM LINE
  - E-E- PROPOSED ELECTRICAL LINE
  - G- PROPOSED GAS LINE
- 
- CONCRETE PAVEMENT. REFER TO STRUCTURAL PLANS FOR MORE INFORMATION.
  - PROPOSED HEAVY DUTY ASPHALT PAVING
  - PROPOSED REGULAR DUTY ASPHALT PAVING
  - PROPOSED LANDSCAPING
  - PROPOSED CONCRETE SIDEWALK
  - PROPOSED DECORATIVE CONCRETE PAVEMENT
  - PROPOSED ALL WEATHER ACCESS ROAD



SCALE AS SHOWN		DESIGNED BY	DRAWN BY	CHECKED BY	REVISIONS	DATE
		MD	MD	RA		
NOT FOR CONSTRUCTION						
SITE PLAN						
COMMERCIAL RETAIL DEVELOPMENT NW 1-15 AND N AMARGOSA RD HESPERIA CA						
DATE					PROJECT NO.	
3/19/2026						
SHEET NUMBER					2	

**Kimley»Horn**  
 © 2024 KIMLEY-HORN AND ASSOCIATES, INC.  
 1100 W TOWN AND COUNTRY ROAD, SUITE 700, ORANGE, CA  
 PHONE: 714-939-1030  
 WWW.KIMLEY-HORN.COM

# ATTACHMENT 5



**APPLICANT(S):** KIMLEY-HORN

**FILE NO(S):** CUP24-00005

**LOCATION:** NORTH AND SOUTH OF AMARGOSA ROAD, SOUTH OF THE CALIFORNIA AQUEDUCT, EAST OF KEY POINTE DRIVE AND WEST OF THE I-15 FREEWAY

**APN(S):** 0405-062-72, -73 & 3064-481-25

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT (CUP24-00005) TO CONSTRUCT A 165,111 SQUARE FOOT RETAIL AND GROCERY STORE BUILDING WITH ALCOHOL SALES FOR OFF-SITE CONSUMPTION AND A TIRE CENTER. INCLUDING THE CONSTRUCTION OF A GAS STATION WITH 14 FUEL PUMPS (28 FUEL POSITIONS) AND A 2,623 SQUARE FOOT AUTOMATED CARWASH ON 25.4 ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN IN CONJUNCTION WITH THE ADOPTION OF AN ENVIRONMENTAL IMPACT REPORT PURSUANT TO THE PROVISIONS OF CEQA



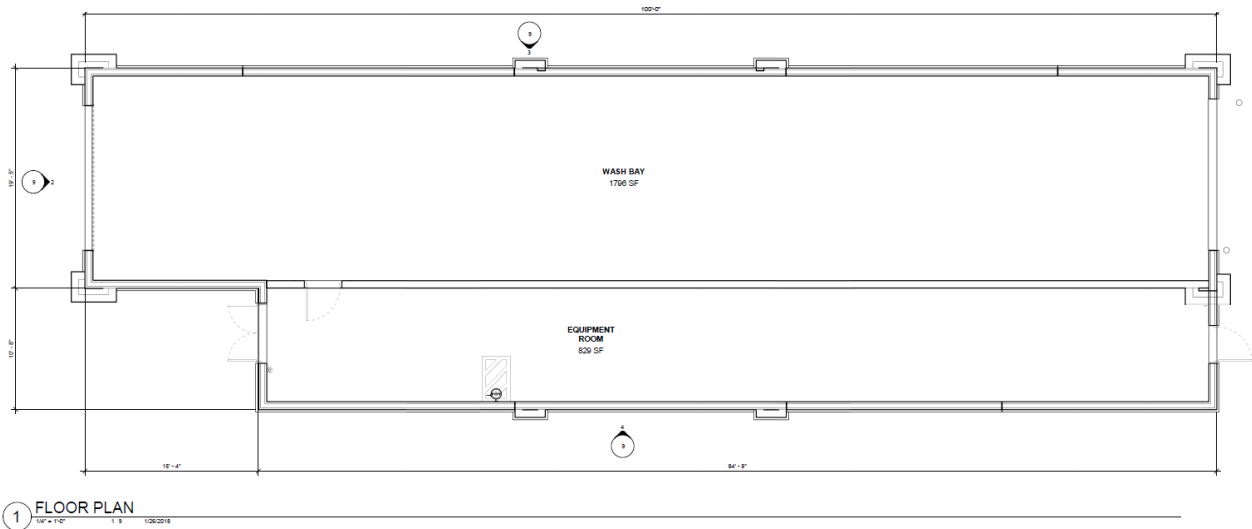
## FLOOR PLAN (1)

# ATTACHMENT 5

## Gas Station Office with walk-up widow



## Carwash



**APPLICANT(S):** KIMLEY-HORN

**FILE NO(S):** CUP24-00005

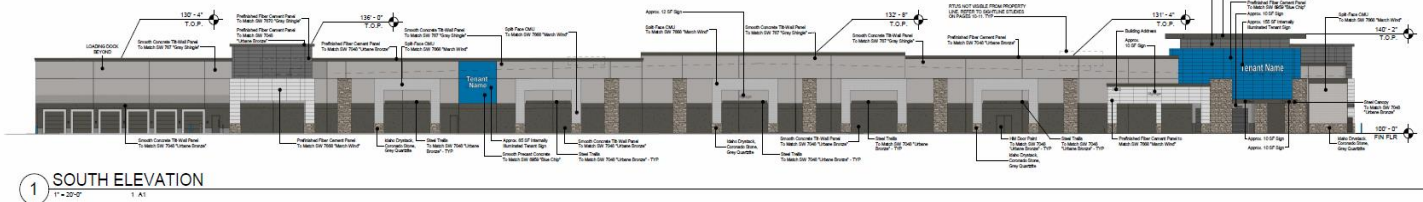
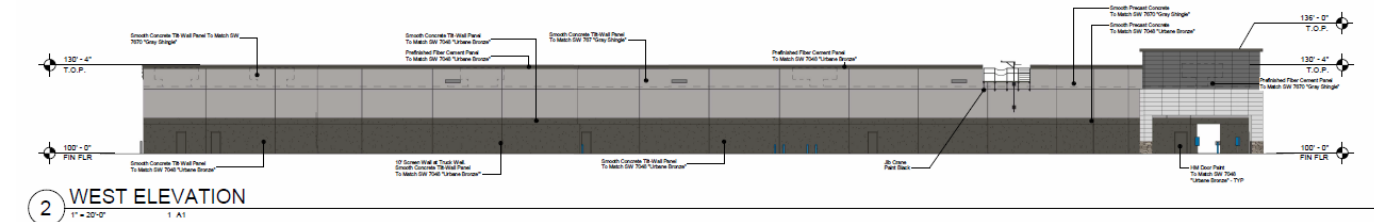
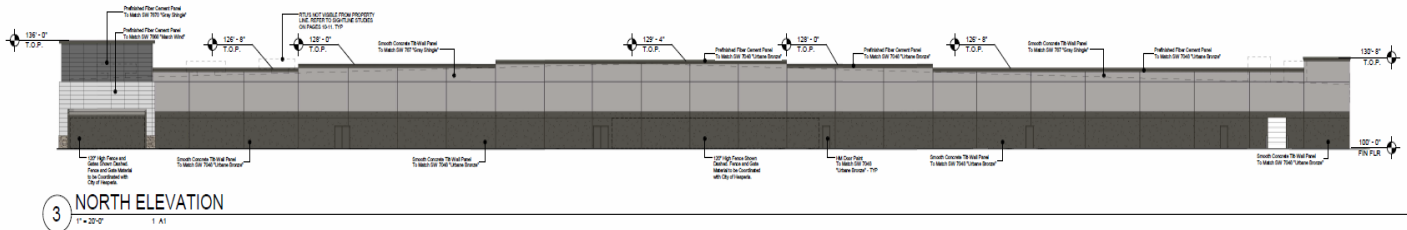
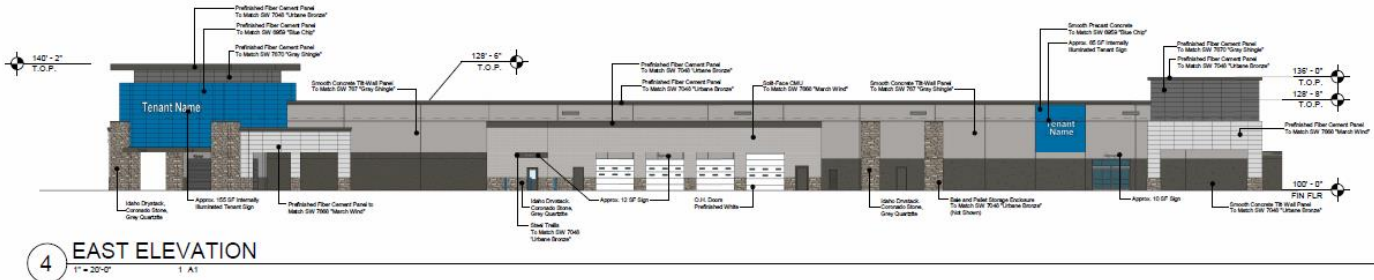
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**APN(S):** 0405-062-72, -73 & 3064-481-25

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# ATTACHMENT 6



**APPLICANT(S):** KIMLEY-HORN

**FILE NO(S):** CUP24-00005

**LOCATION:** NORTH AND SOUTH OF AMARGOSA ROAD, SOUTH OF THE CALIFORNIA AQUEDUCT, EAST OF KEY POINTE DRIVE AND WEST OF THE I-15 FREEWAY

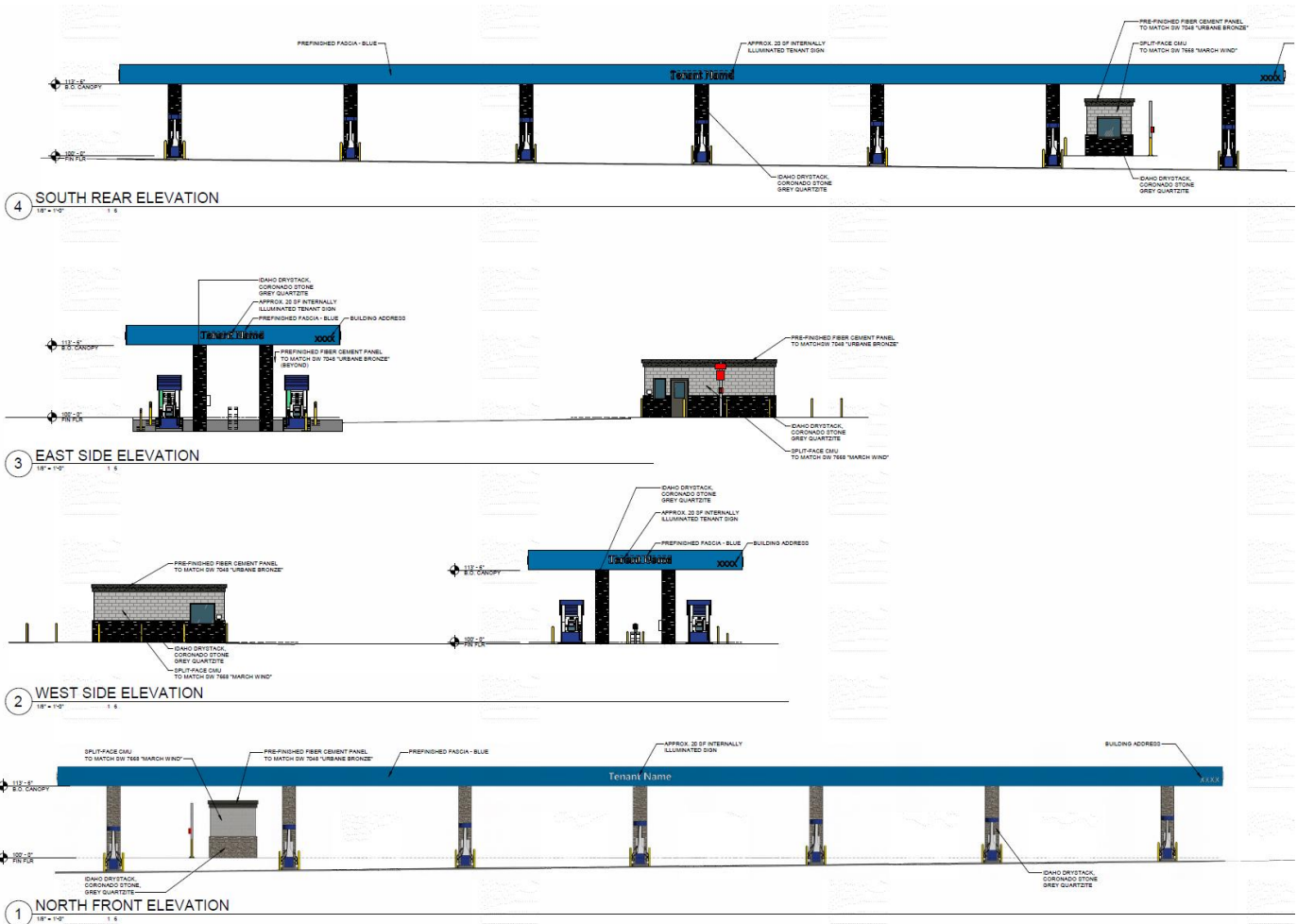
**APN(S):** 0405-062-72, -73 & 3064-481-25

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT (CUP24-00005) TO CONSTRUCT A 165,111 SQUARE FOOT RETAIL AND GROCERY STORE BUILDING WITH ALCOHOL SALES FOR OFF-SITE CONSUMPTION AND A TIRE CENTER. INCLUDING THE CONSTRUCTION OF A GAS STATION WITH 14 FUEL PUMPS (28 FUEL POSITIONS) AND A 2,623 SQUARE FOOT AUTOMATED CARWASH ON 25.4 ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN IN CONJUNCTION WITH THE ADOPTION OF AN ENVIRONMENTAL IMPACT REPORT PURSUANT TO THE PROVISIONS OF CEQA



# ELEVATIONS (1)

# ATTACHMENT 6



**APPLICANT(S):** KIMLEY-HORN

**FILE NO(S):** CUP24-00005

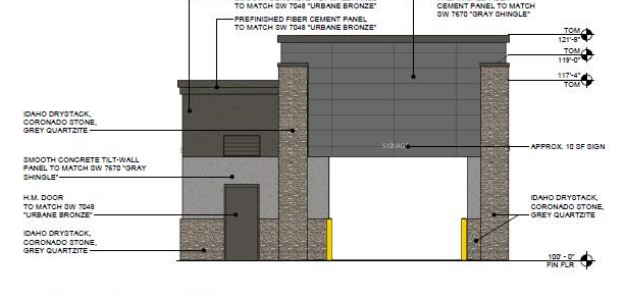
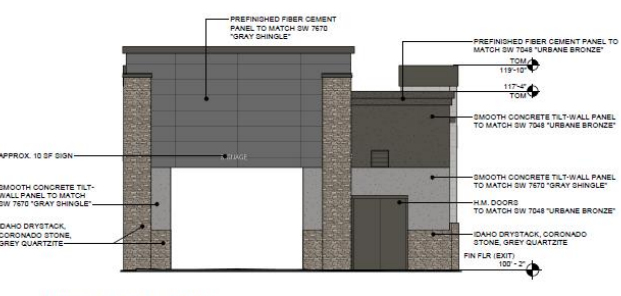
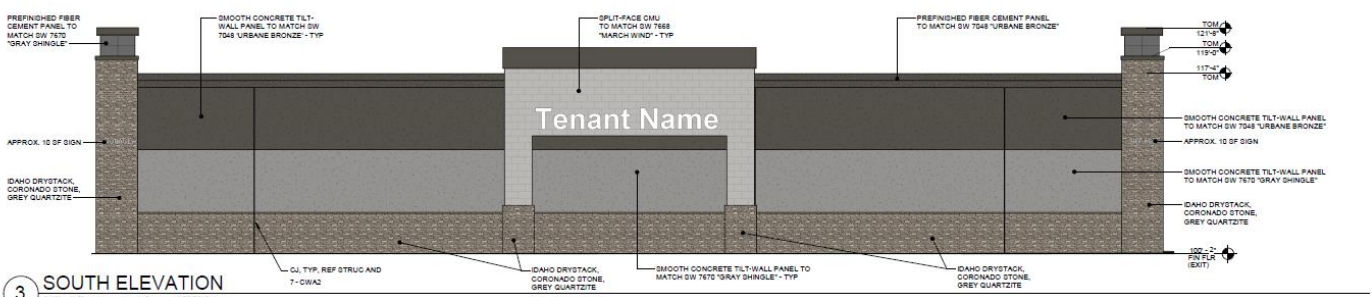
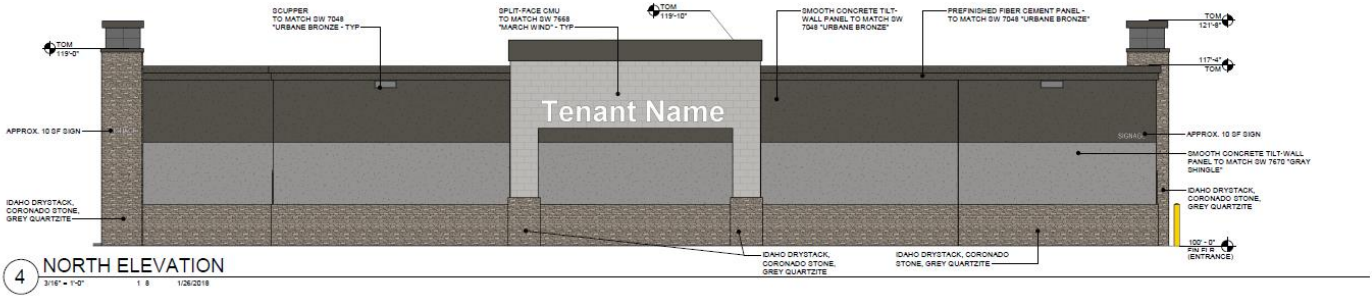
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# ATTACHMENT 6



**APPLICANT(S):** KIMLEY-HORN

**FILE NO(S):** CUP24-00005

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# ATTACHMENT 7

## RESOLUTION NO. PC-2026-04

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2024110259), ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, the proposed project consists of the construction of 165,111 square foot retail and grocery store building with alcohol sales for off-site consumption and a tire center. Including the construction of a gas station with 14 fuel pumps (28 fuel positions) and a 2,623 square foot automated carwash on 25.4 acres; and

**WHEREAS**, the project would be accessible from Amargosa Road and Key Pointe Road and would promote the City's economic development by creating approximately 260 permanent jobs for the citizens of Hesperia and surrounding communities, would increase the City's tax base, would fulfill the growing demand for wholesale or membership base bulk retail uses in the region, and would develop the land to the highest and best allowable use that is compatible with surrounded uses, the City's General Plan and Main Street and Freeway Corridor Specific Plan; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.) and the State CEQA Guidelines (14 CCR, Section 15000 et. seq.), the City of Hesperia is the lead agency for the project as the public agency with general governmental powers; and

**WHEREAS**, the City of Hesperia, as lead agency, prepared an initial study, from which it was determined that an Environmental Impact Report (EIR) should be prepared pursuant to CEQA to analyze all adverse environmental impacts of the Project; and

**WHEREAS**, a Notice of Preparation (NOP) and the Initial Study identifying the scope of environmental issues were distributed to numerous state, federal, and local agencies and organizations from November 7, 2024 thru December 6, 2024, for a period of 30 days, pursuant to State CEQA Guidelines sections 15082(a), 15103, and 15375. No comment letters were received during the Initial Study/NOP comment period; and

**WHEREAS**, the City completed the DEIR and circulated it with the Notice of Availability (NOA) to affected public agencies and interested members of the public for a 45-day public period from November 24, 2025 thru January 14, 2026. Six comment letters were received during the DEIR comment period and were incorporated into the FEIR with corresponding responses; and

**WHEREAS**, on April 9, 2026, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing, at which time all interested parties were provided the opportunity to give testimony for or against the issue; and

**WHEREAS**, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the project; and

**WHEREAS**, the EIR for the project reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR. The City has independently reviewed and analyzed the EIR and accompanying studies and finds that the report reflects the independent judgment of the City for the purposes of making decisions on the merits of the project; and

**WHEREAS**, all the requirements of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines have been satisfied in the EIR, which is sufficiently detailed so that all of the significant environmental effects of the project have been adequately evaluated; and

**WHEREAS**, the EIR prepared in connection with the project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the project's environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines; 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 April 9, 2026, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- a) The Planning Commission has independently reviewed, analyzed and considered the Final EIR and all written documentation and public comments prior to making recommendations on the proposed project; and
- b) The Final EIR was prepared and completed in compliance with the provisions of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines; and
- c) The information and analysis contained in the Final EIR reflects the City's independent judgment as to the environmental consequences of the proposed Project; and
- d) The documents and other materials, including without limitation, staff reports, memoranda, maps, letters, and minutes of all relevant meetings, which constitute the administrative record of proceedings upon which the Planning Commission's decision is based are located at the City of Hesperia, Planning Division, 9700 Seventh Avenue, Hesperia, CA 92345. The custodian of the records is the Planning Division.

Section 3. That on the basis of the evidence contained in the administrative record of the Final EIR, the Planning Commission finds based on the information submitted, following the conclusion of the public comment period on the Draft EIR, and following the consultant's responses thereto, there is no significant new information concerning the project's environmental effects, feasible mitigation measures, or feasible project alternatives; therefore there is no need or requirement to recirculate the EIR for additional public comment

Section 4. That the Planning Commission of the City of Hesperia hereby recommends that the City Council certify the Final EIR.

Section 5. **Exhibit A** (Findings of Facts and Statement of Overriding Considerations) and **Exhibit B** (Mitigation Monitoring and Reporting Program) of this Resolution provide findings required under Section 15091 of the State CEQA Guidelines for significant effects of the Project. Exhibit A of this Resolution provides the findings required under Section 15093 of the State CEQA Guidelines relating to the acceptable adverse impacts of the project due to overriding considerations. The City has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. Therefore, the Planning Commission hereby recommends that the City Council adopt the Findings of Facts and Statement of Overriding Considerations attached hereto as **Exhibit A**.

Section 6. Pursuant to Public Resources Code Section 21081.6, the Planning Commission hereby recommends approval of the Mitigation Monitoring and Reporting Program attached as **Exhibit B** to this Resolution and recommends the Council require the Project to comply with the mitigation measures contained therein. The Planning Commission finds that these mitigation measures are fully enforceable on the Project and shall be binding upon the City and affected parties.

Section 7. The Secretary shall certify the adoption of this Resolution.

**ADOPTED AND APPROVED** this 9<sup>th</sup> day of April 2026.

---

Roger Abreo, Chair, Planning Commission

ATTEST:

---

Leovi Wolsieffer, Secretary, Planning Commission

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

## 1.0 INTRODUCTION

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

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

### 1.1 Project Summary

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

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

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

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

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

## 1.2 Project Objectives

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

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

The specific objectives of the Project are to:

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

### 1.3 Purpose and Legal Requirements

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

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

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

### 1.4 Records of Proceedings

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

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

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

## 1.5 Independent Judgment

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

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

## 2.0 ENVIRONMENTAL IMPACTS FOUND TO HAVE NO IMPACT

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

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

### Aesthetics and Visual Resources

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

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

### Agriculture and Forestry Resources

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

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

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

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

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

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

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

## Cultural Resources

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

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

## Geology and Soils

***“Would the project directly or indirectly cause potential substantial adverse effects, including the risks of loss or death involving the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?”***

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

***“Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?”***

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

## Hazards and Hazardous Materials

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

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

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

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

***“For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?”***

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

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

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

## Land Use and Planning

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

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

## Mineral Resources

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

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

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

## Noise

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

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

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

## Population and Housing

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

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

## Public Services

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

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

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

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

## Recreation

***“Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?”***

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

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

## Wildfire

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

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

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

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

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

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

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

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

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

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

#### Aesthetics

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

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

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

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

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

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

## Air Quality

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

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

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

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

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

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

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

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

## Biological Resources

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

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

## Cultural Resources

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

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

## Energy

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

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

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

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

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

## Geology and Soils

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

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

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

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

## Greenhouse Gas Emissions

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

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

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

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

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

## Hazards and Hazardous Materials

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

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

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

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

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

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

## Hydrology and Water Quality

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Land Use and Planning

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

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

## Noise

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

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

## Public Services

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

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

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

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

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

## Transportation

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

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

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

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

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

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

## Utilities and Service Systems

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

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

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

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

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

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

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

***“Would the project result in a determination by the wastewater treatment provider, that serves or may serve the Project, that it has adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments?”***

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

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

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

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

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

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

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

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

## Wildfire

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

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

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

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

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

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

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

### Biological Resources

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

#### Finding

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

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

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

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

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

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

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

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

### Mitigation Measures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Finding**

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

### **Basis for Conclusion:**

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

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

## Mitigation Measures

Implement MM BIO-1A.

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

## Finding

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

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

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

## Mitigation Measures

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

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

## Finding

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

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

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

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

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

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

### **Mitigation Measures**

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

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

### **Cumulative Impacts**

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

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

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

## Cultural Resources

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

### Finding

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

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

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

### Mitigation Measures

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

Standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of the San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within MM TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, to provide Tribal input with regard to significance and treatment. If significant pre-contact cultural resources, as defined by CEQA, are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within MM TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease, and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5, and that code shall be enforced for the duration of the project. If the Coroner determines that the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC), which shall identify the Most Likely Descendant (MLD). The MLD shall be afforded an opportunity to make recommendations regarding treatment and disposition of the remains, consistent with Public Resources Code § 5097.98.

### **Cumulative Impacts**

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

### **Geology and Soils**

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

#### **Finding**

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

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

### **Mitigation Measures**

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

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

### **Cumulative Impacts**

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

## Noise

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

### Finding

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

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

### Mitigation Measures

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

### Cumulative Impacts

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

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

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

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

## Tribal Cultural Resources

***“Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?”***

### Finding

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

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

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

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

### **Mitigation Measures**

Implement MM CUL-1 and the following measures.

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

**MM TCR-2 Cultural Records.** Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and the City of Hesperia Planning Department for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN). The City and/or applicant shall, in good faith, consult with YSMN throughout the life of the Project.

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

### **Finding**

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

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

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

#### **Mitigation Measures**

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

#### **Cumulative Impacts**

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

## 5.0 ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE

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

### Transportation

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

#### Finding

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

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

#### Cumulative Impacts

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

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

## 6.0 ALTERNATIVES TO THE PROJECT

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

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

### 6.1 Elimination or Reduction of Significant Impacts

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

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

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

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

### 6.2 Project Alternatives Considered

#### Alternative 1: No Development Alternative

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

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

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

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

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

### Alternative 2: Retail-Only Alternative

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

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

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

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

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

### Alternative 3: Reduced Development Alternative

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

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

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

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

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

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

## 7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

### 7.1 Introduction

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

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

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

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

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

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

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

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

## 4.0 MITIGATION MONITORING AND REPORTING PROGRAM

### 4.1 PURPOSE OF THE MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that all public agencies establish monitoring and/or reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor the Mitigation Program outlined in the Hesperia Big Box Retail Project EIR. The MMRP has been prepared in conformance with Section 21081.6 of the Public Resources Code. Specifically, Section 21081.6 states:

- (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
  - (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
  - (2) 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.

CEQA Guidelines Section 15097 clarifies mitigation monitoring and reporting requirements and provides guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The Lead Agency is responsible for ensuring the implementation of the MMRP. The MMRP has been drafted to meet the requirements of Public Resources Code Section 21081.6 as a fully enforceable monitoring program.

### 4.2 BACKGROUND

The MMRP identifies the mitigation measures and other enforceable project requirements, if any, adopted by the City to avoid or reduce significant environmental effects, and describes the timing, responsible parties, and implementation verification procedures. The ongoing documentation and monitoring of mitigation compliance will be completed by the City of Hesperia. The completed MMRP and supplemental documents will be kept on file at the City of Hesperia Planning Department.

Mitigation Monitoring and Reporting Program				
Mitigation Measures	Implementation Timing	Responsible Party	Verification	
			Date	Initials
<p><b>MM BIO-1A: Western Joshua Tree Incidental Take Permit.</b> Prior to the issuance of grading permits, the Project Proponent shall obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW). If a Western Joshua Tree Conservation Act (WJTCA) ITP is obtained, the Project Proponent shall pay statutorily prescribed fees defined in the WJTCA to offset proposed impacts to western Joshua trees as a result of the Project, as well as prepare and implement a Relocation Plan, if required by CDFW. If a CESA ITP is obtained, compensatory habitat mitigation shall be provided through purchase of mitigation credits from an agency-approved mitigation bank or protection of western Joshua tree habitat through acquisition of fee title or conservation easement and funding for long-term management of the habitat.</p>	<p>Prior to the issuance of grading permits.</p>	<p>California Department of Fish and Wildlife (CDFW); Project Applicant</p>		
<p><b>MM BIO-1B: Biological Monitoring.</b> A designated biological monitor, knowledgeable in the biology of western Joshua tree, shall be responsible for monitoring project activities through the end of construction to minimize disturbance to western Joshua tree habitat off site, prevent unlawful take of the species, and ensure that project activities are confined to authorized impact areas. The biological monitor shall have authority to stop any activity that does not comply with the conditions of the approved Incidental Take Permit (ITP) and/or to implement any reasonable measure to avoid unauthorized take of western Joshua tree.</p>	<p>Prior to initiation of any ground-disturbing activities; continuous during all construction activities through completion of construction.</p>	<p>Project Proponent; City of Hesperia; CDFW</p>		
<p><b>MM BIO-1C: Construction Access Routes.</b> Project-related personnel shall access the project site using existing routes and shall not cross western Joshua tree habitat outside of, or in route to, the project site. If construction of routes is necessary outside of the project site, the</p>	<p>Prior to commencement of construction and continuously throughout all construction activities; prior to construction of any access routes outside the project site, if required.</p>	<p>Project Proponent; Designated Biological Monitor; City of Hesperia; CDFW</p>		

Mitigation Monitoring and Reporting Program				
Mitigation Measures	Implementation Timing	Responsible Party	Verification	
			Date	Initials
biological monitor shall coordinate with the California Department of Fish and Wildlife to obtain written approval prior to initiating such activity.				
<b>MM BIO-2A: Burrowing Owl Preconstruction Surveys.</b> No less than 14 days prior to the onset of construction activities, a qualified biologist shall conduct a survey of the project site and a 500-foot buffer to identify the presence of burrowing owls or occupied burrows. A second survey shall be conducted within 24 hours prior to the start of construction. Surveys shall be conducted in accordance with the most current California Department of Fish and Wildlife (CDFW) <i>Staff Report on Burrowing Owl Mitigation</i> (CDFW 2012 or as updated). At least one burrowing owl pre-construction survey report shall be submitted to the City to document compliance with this mitigation measure. For the purposes of this measure, "qualified biologist" is a biologist who meets the criteria outlined in the CDFW BUOW Guidelines (2012).	No less than 14 days prior to the start of construction activities and within 24 hours prior to commencement of construction.	Project Proponent; Qualified Biologist; City of Hesperia		
<b>MM BIO-2B: Burrowing Owl Incidental Take Permit.</b> Suitable burrowing owl habitat and burrowing owl presence has been confirmed on the site. Therefore, the Project Applicant shall obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW) pursuant to the California Endangered Species Act (CESA) prior to the start of any ground disturbance or construction activities.  The ITP shall include, at a minimum: a description of project activities and equipment, proposed avoidance and buffer zones, identification of temporary and permanent impacts, monitoring requirements, proposed relocation or translocation protocols, and compensatory mitigation	Prior to issuance of grading permits and before commencement of any ground-disturbing or construction activities; notification to CDFW within 48 hours of any burrowing owl detection during pre-construction surveys or construction.	Project Proponent; Designated Biological Monitor		

Mitigation Monitoring and Reporting Program				
Mitigation Measures	Implementation Timing	Responsible Party	Verification	
			Date	Initials
<p>measures. Compensatory mitigation shall be satisfied through one or more of the following mechanisms:</p> <ol style="list-style-type: none"> <li>1. Purchase of credits at a CDFW-approved conservation or mitigation bank (if available); or</li> <li>2. Permittee-responsible mitigation land acquisition</li> </ol> <p>If burrowing owl is documented within the project site or within the 500-foot buffer during pre-construction surveys or construction-phase biological monitoring, the biological monitor shall notify CDFW within 48 hours of the observation. All applicable conditions of the ITP shall be fully implemented to avoid unauthorized take.</p>				
<p><b>MM BIO-2C: Mohave Ground Squirrel Pre-Construction Surveys.</b> Prior to commencement of ground disturbing Project activities, a visual survey shall be conducted by a qualified biologist during the period of March 15 through April 15 to determine presence of Mohave ground squirrel. The survey shall be conducted on the project site according to the <i>Mohave Ground Squirrel Survey Guidelines</i> (CDFW, October 2023 Revision 4 or most recent version) during daylight hours by the qualified biologist who can visually identify Mohave ground squirrel and white-tailed antelope squirrel and detect vocalization calls. If the survey or monitoring confirms presence, the Project Proponents shall contact CDFW immediately (within 24 hours) and fully avoid all impacts to Mohave ground squirrel or obtain an incidental take permit (ITP).</p>	Prior to commencing ground- or vegetation-disturbing activities	Project Proponent; Qualified Biologist; City of Hesperia		
<p><b>MM BIO-2D: Desert Tortoise Pre-Construction Surveys.</b> A qualified biologist shall conduct a protocol-level presence or absence survey within the Project Site, and 50-foot buffer zone no more than 48 hours prior to Project activities commencing in accordance with the U.S. Fish</p>	Prior to commencing ground- or vegetation-disturbing activities	Project Proponent; Qualified Biologist; City of Hesperia		

Mitigation Monitoring and Reporting Program				
Mitigation Measures	Implementation Timing	Responsible Party	Verification	
			Date	Initials
and Wildlife Service 2019 desert tortoise survey methodology (USFWS 2019). The survey shall utilize survey routes that provide 100 percent visual coverage for desert tortoise and their sign. If desert tortoise may be impacted by the Project, Permittee shall fully avoid impacts to desert tortoise or should obtain a CESA ITP if impacts are unavoidable.				
<b>MM BIO-3A: Crotch’s Bumble Bee Preconstruction Nesting Surveys.</b> At a minimum, two pre-construction nesting surveys shall be conducted prior to project implementation. Surveys shall occur: 1) within one week; and 2) within 24 hours prior to any vegetation removal or ground-disturbing activities scheduled to occur during the Crotch’s bumble bee flight season (February through October). Surveys shall follow the guidelines in the California Department of Fish and Wildlife (CDFW) <i>Survey Considerations for CESA Candidate Bumble Bee Species</i> (CDFW 2024c) and shall occur within the project site and areas adjacent to the project site where suitable habitat exists. Surveys shall be conducted with qualified biologists familiar with Crotch’s bumble bee identification and life history.	Within one week prior to project implementation and within 24 hours prior to any vegetation removal or ground-disturbing activities occurring during the Crotch’s bumble bee flight season (February through October).	Project Proponent; Qualified Biologist; City of Hesperia		
<b>MM BIO-3B: Crotch’s Bumble Bee Nest Avoidance and CDFW Coordination.</b> If an active Crotch’s bumble bee nest is detected, the California Department of Fish and Wildlife (CDFW) shall be notified, and an appropriate no-disturbance buffer zone shall be established around the nest to reduce the risk of disturbance or accidental take. The buffer shall also include foraging resources and flight corridors essential to the colony. If avoidance is not feasible, or if complete avoidance cannot be achieved, project activities shall be postponed until appropriate	Immediately upon detection of an active Crotch’s bumble bee nest and prior to continuation of any project activities that could affect the nest.	Project Proponent; Qualified Biologist; City of Hesperia; CDFW		

Mitigation Monitoring and Reporting Program				
Mitigation Measures	Implementation Timing	Responsible Party	Verification	
			Date	Initials
authorization (i.e., a finalized Incidental Take Permit under Fish and Game Code §2081) is obtained from CDFW.				
<b>MM BIO-3C: Crotch’s Bumble Bee Construction Monitoring.</b> If no active nests are found but the Crotch’s bumble bee is present, a qualified biologist shall conduct full-time monitoring during vegetation removal or ground-disturbing activities occurring during the queen flight period (February through March), colony active period (March through September), and/or gyne flight period (September through October). The monitor shall have authority to halt or redirect activities to avoid impacts.	During all vegetation removal or ground-disturbing activities occurring during the Crotch’s bumble bee queen flight, colony active, and gyne flight periods, if the species is present and no active nests are detected.	Project Proponent; Qualified Biologist; City of Hesperia		
<b>MM BIO-3D: Crotch’s Bumble Bee Foraging Habitat Revegetation Plan.</b> If occupied foraging habitat for Crotch’s bumble bee is present within project impact areas, a Revegetation Plan shall be prepared in consultation with a qualified biologist familiar with the species. The plan shall include native shrubs and native seed mixes that contain known nectar sources for Crotch’s bumble bee and shall be implemented following project construction.	If occupied foraging habitat is identified, prepare the Revegetation Plan prior to initiation of construction activities affecting the habitat; implement the plan following completion of project construction.	Project Proponent; Qualified Biologist; City of Hesperia		
<b>MM BIO-3E: Crotch’s Bumble Bee Incidental Take Permit.</b> If avoidance of Crotch’s bumble bee is not feasible, the applicant shall obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW) under Fish and Game Code Section 2081 prior to the start of project activities. If, at the time of construction, Crotch’s bumble bee is no longer a listed or candidate species under CESA, then the requirements of Mitigation Measures BIO-3A through BIO-3E shall no longer apply.	Prior to commencement of any project activities if avoidance of Crotch’s bumble bee is not feasible; mitigation measures BIO-3A through BIO-3E shall not apply if the species is no longer listed or a CESA candidate at the time of construction.	Project Proponent; City of Hesperia; CDFW		
<b>MM BIO-4A: Avoidance of Nesting Season (If Feasible).</b> To ensure compliance with California Fish and Game Code Sections 3503, 3503.5, and 3513 and to avoid potential	Prior to scheduling and during vegetation clearing and ground-disturbing activities; outside of the typical nesting bird season	Project Proponent; City of Hesperia		

Mitigation Monitoring and Reporting Program				
Mitigation Measures	Implementation Timing	Responsible Party	Verification	
			Date	Initials
impacts to nesting birds, vegetation clearing and ground-disturbing activities shall be conducted outside of the typical bird nesting season (February 15 through August 31), where feasible.	(February 15 through August 31), where feasible.			
<b>MM BIO-4B. Pre-Construction Nesting Bird Surveys.</b> Regardless of the time of year, a qualified biologist shall conduct a pre-construction nesting bird survey within three days prior to the start of vegetation clearing, disking, demolition activities, grading, or other ground disturbance.	Within three days prior to the start of vegetation clearing, disking, demolition activities, grading, or other ground-disturbing activities.	Project Proponent; Qualified Biologist; City of Hesperia		
<b>MM BIO-4C: Nest Protection, Buffers, and Monitoring.</b> If active nests are detected, the biologist shall establish species-appropriate buffer zones around the nests based on the level of activity within the buffer and species observed. The buffer areas shall be avoided until the nests are no longer occupied, and the juvenile birds can survive independently from the nests. During construction activities, the qualified biologist shall conduct monitoring at a frequency recommended by the qualified biologist using their best professional judgment. If nesting birds are documented and at risk of disturbance, the biologist may modify avoidance and minimization measures, and shall have authority to stop or redirect construction activities as needed using their best professional judgement to avoid take of nesting birds. If no active nests are documented during the pre-construction survey, no further nesting bird measures shall be required.	Immediately upon detection of active nests and throughout construction activities until nests are no longer occupied and juvenile birds are independent; no further measures required if no active nests are identified during pre-construction surveys.	Project Proponent; Qualified Biologist; City of Hesperia		
<b>MM BIO-5. Best Management Practices.</b> To avoid impacts to special-status species and prevent inadvertent disturbance to wildlife, the following Best Management	Prior to initiation of ground-disturbing activities (as applicable to specific BMPs) and continuously throughout all construction activities.	Project Proponent; Construction Contractor; Qualified Biologist; City of Hesperia		

<b>Mitigation Monitoring and Reporting Program</b>				
<b>Mitigation Measures</b>	<b>Implementation Timing</b>	<b>Responsible Party</b>	<b>Verification</b>	
			<b>Date</b>	<b>Initials</b>
<p>Practices (BMPs) shall be implemented throughout construction activities:</p> <p>A. A qualified biologist shall flush special-status wildlife species (i.e., avian or other mobile species) from suitable habitat areas within the project development footprint to the maximum extent practicable immediately (e.g., within 24 hours) prior to initial vegetation removal activities. The biologist shall flush wildlife by walking through the habitat to be removed.</p> <p>B. Construction vehicles shall not exceed 15 miles per hour on unpaved roads adjacent to the project site or the right-of-way accessing the site.</p> <p>C. Construction activities shall occur during daytime hours unless otherwise approved by the lead agency and biological monitor.</p> <p>D. If trash and debris need to be stored overnight during maintenance activities, fully covered trash receptacles that are animal-proof and weather-proof shall be used by the maintenance contractor to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Alternatively, standard trash receptacles may be used during the day but must be removed each night.</p> <p>E. The operator shall not permit pets on or adjacent to construction sites.</p> <p>F. At the end of each workday during construction, the Project Applicant or its contractors shall cover all excavated, steep-sided holes or trenches more than</p>				

Mitigation Monitoring and Reporting Program				
Mitigation Measures	Implementation Timing	Responsible Party	Verification	
			Date	Initials
<p>eight inches deep and that have sidewalls steeper than 1:1 (45 degree) slope with plywood or similar materials, or provide a minimum of one escape ramp per 100 feet of trenching (with slopes no greater than 3:1) constructed of earth fill or wooden planks. The project biologist shall thoroughly inspect holes and trenches for trapped animals during biological monitoring.</p> <p>G. The Project Applicant, or its contractors, shall screen, cover, or elevate at least one (1) foot above ground, all construction pipe, culverts, or similar structures with a diameter of three inches or greater that are stored on site overnight. These pipes, culverts, and similar structures shall be inspected by the project biologist for wildlife before such material is moved, buried, or capped.</p> <p>H. The Project Applicant, or its contractors, shall avoid the use of invasive plant species in the associated landscaping.</p> <p>I. To prevent inadvertent disturbance to areas outside the limits of work, the construction limits shall be clearly demarcated (e.g., installation of flagging or temporary visibility construction fence) prior to ground-disturbance activities, and all construction activities, including equipment staging and maintenance, shall be conducted within the marked disturbance limits. The work limit delineation shall be maintained throughout project construction.</p> <p>J. Prior to construction mobilization activities, the implementing entity shall prepare a Storm Water</p>				

<b>Mitigation Monitoring and Reporting Program</b>				
<b>Mitigation Measures</b>	<b>Implementation Timing</b>	<b>Responsible Party</b>	<b>Verification</b>	
			<b>Date</b>	<b>Initials</b>
<p>Pollution Prevention Plan in conformance with California Construction Stormwater General Permit Order 2022-0057-DWQ requirements to avoid and minimize impacts associated with erosion, runoff, and storm water contaminants. The Storm Water Pollution Prevention Plan shall include BMPs to avoid and minimize impacts on adjacent potentially jurisdictional aquatic resources, including, but not limited to:</p> <ul style="list-style-type: none"> <li>○ Vehicles and equipment should not be operated in ponded or flowing water.</li> <li>○ Water containing mud, silt, or other pollutants from grading or other activities should not be allowed to enter jurisdictional waters adjacent to the project or be placed in locations that may be subjected to high storm flows.</li> <li>○ Spoil sites should not be located within 30 feet from the boundaries of potentially jurisdictional waters or in locations that may be subject to high storm flows, where spoils might be washed back into potentially jurisdictional aquatic resources adjacent to the project.</li> <li>○ Raw cement/concrete or washings thereof; asphalt, paint, or other coating material; oil or other petroleum products; or any other substances that could be hazardous to vegetation or wildlife resources, resulting from project construction, should be</li> </ul>				

Mitigation Monitoring and Reporting Program				
Mitigation Measures	Implementation Timing	Responsible Party	Verification	
			Date	Initials
<p>prevented from contaminating the soil and/or entering potentially jurisdictional waters adjacent to the project.</p> <ul style="list-style-type: none"> <li>○ No equipment maintenance or fueling should be performed within 100 feet of potentially jurisdictional aquatic resources adjacent to the project, where petroleum products or other pollutants from the equipment may enter these areas.</li> <li>○ Temporary structures, storage of construction materials, and staging/storage of construction equipment should be located outside potentially jurisdictional aquatic resources.</li> </ul>				
<p><b>MM BIO-6. Desert Native Plants.</b> Prior to the start of ground-disturbing or vegetation-removal activities, the Project Applicant shall coordinate with the City of Hesperia to determine permitting requirements under the City’s Desert Native Plant Protection Ordinance for all Desert Native Plant Act (DNPA) species documented within the project site, including silver cholla (<i>Cylindropuntia echinocarpa</i>). The Project Applicant shall comply with all conditions imposed by the City, which may include payment of permit fees and/or salvage of plants for translocation to a suitable recipient site. If salvage or translocation is required, a Desert Native Plant Salvage Plan shall be prepared by a qualified biologist or botanist and submitted to the City for review and approval prior to initiation of ground-disturbing activities. At a minimum, the plan shall identify and map plants to be salvaged,</p>	<p>Prior to the start of ground-disturbing or vegetation removal activities; prior to the issuance of grading permits if salvage or translocation is required.</p>	<p>Project Applicant; Qualified Biologist or Botanist; City of Hesperia</p>		

Mitigation Monitoring and Reporting Program				
Mitigation Measures	Implementation Timing	Responsible Party	Verification	
			Date	Initials
describe salvage and transport methods, and specify the proposed recipient site and final disposition of salvaged specimens. Acceptable recipient sites may include conservation areas, botanical preserves, museums, zoological societies, or other conservation organizations that provide suitable habitat and management of desert native plants. Documentation of compliance with City permitting requirements and approval of the Desert Native Plant Salvage Plan shall be provided to the City prior to issuance of grading permits.				
<b>MM CUL-1: Inadvertent Discoveries of Cultural Resources.</b> In the event that cultural resources are discovered during project activities, all work within 60 feet of the find shall cease, and a qualified archaeologist meeting the Secretary of Interior Professional Standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of the San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within MM TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, to provide Tribal input with regards to significance and treatment. If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within MM TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly. If human remains or funerary objects are encountered during any activities associated with the	Immediately upon discovery of cultural resources during project activities; throughout construction as required if monitoring or treatment measures are implemented.	Project Proponent; Qualified Archaeologist; Yuhaaviatam of San Manuel Nation Cultural Resources Management Department; County Coroner; City of Hesperia		

Mitigation Monitoring and Reporting Program				
Mitigation Measures	Implementation Timing	Responsible Party	Verification	
			Date	Initials
<p>project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease, and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5 and that code enforced for the duration of the project. If the Coroner determines that the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC), which shall identify the Most Likely Descendant (MLD). The MLD shall be afforded an opportunity to make recommendations regarding treatment and disposition of the remains, consistent with Public Resources Code §5097.98.</p>				
<p><b>MM GEO-1: Paleontological Monitoring.</b> Prior to the issuance of any grading permits or any permit authorizing ground disturbance, the Project Applicant shall, to the satisfaction of the City of Hesperia Director of Development Services, demonstrate that a qualified paleontologist has been retained to respond on an as-needed basis to address unanticipated paleontological discoveries. A paleontologist is defined as an individual with an M.S./M.A. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques and knowledgeable in geology and paleontology of the area.</p> <p>In the event that fossils or fossil-bearing deposits are inadvertently unearthed during excavation and grading activities, all earth-disturbing activities within a 100-foot radius of the area of discovery shall be temporarily halted or diverted. The qualified paleontologist shall be contacted to evaluate the significance of the finding and determine an appropriate course of action in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set</p>	<p>Prior to the issuance of the grading permits or any permit authorizing ground disturbance; immediately upon discovery of fossils or fossil-bearing deposits during excavation and grading activities.</p>	<p>Project Applicant; Qualified Paleontologist; City of Hesperia Director of Development Services</p>		

Mitigation Monitoring and Reporting Program				
Mitigation Measures	Implementation Timing	Responsible Party	Verification	
			Date	Initials
<p>forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If, in consultation with the paleontologist, the city staff, and the project applicant, the paleontologist determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan to reduce the project's effect on the qualities that make the resource important. The plan shall be submitted to the City for review and approval, and the project applicant shall implement the approved excavation plan.</p>				
<p><b>MM NOI-1: Noise Shielding and Muffling.</b> Power construction equipment (including combustion engines), fixed or mobile, will be equipped with noise shielding and muffling devices consistent with manufacturers' standards or the Best Available Control Technology, which achieve a noise reduction of 10 dBA or greater. All equipment will be properly maintained, and the Applicant or Owner will require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer specifications.</p>	<p>During all earthwork and construction activities.</p>	<p>Project Applicant;  Construction Contractor;  City of Hesperia</p>		
<p><b>MM TCR-1: Cultural Resources Monitoring and Treatment Plan.</b> The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) shall be contacted, as detailed in MM CUL-1, of any pre-contact cultural resources discovered during Project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be</p>	<p>Immediately upon discovery of pre-contact cultural resources during project implementation; throughout remaining ground-disturbing activities if a Monitoring and Treatment Plan is required.</p>	<p>Project Applicant;  Qualified Archaeologist;  Yuhaaviatam of San Manuel Nation Cultural Resources Management Department; City of Hesperia</p>		

Mitigation Monitoring and Reporting Program				
Mitigation Measures	Implementation Timing	Responsible Party	Verification	
			Date	Initials
deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the Project’s ground-disturbing activities, should YSMN elect to place a monitor on the site.				
<b>MM TCR-2: Cultural Records.</b> Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and the City of Hesperia Planning Department for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN). The City and/or applicant shall, in good faith, consult with YSMN throughout the life of the Project.	Throughout project construction and upon completion of archaeological or cultural investigations; ongoing consultation throughout the life of the Project.	Project Applicant; Qualified Archaeologist; City of Hesperia Planning Department; Yuhaaviatam of San Manuel Nation Cultural Resources Management Department		

# ATTACHMENT 8

## RESOLUTION NO. PC-2026-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP-24-00005 TO CONSTRUCT A 165,111 SQUARE FOOT RETAIL AND GROCERY STORE BUILDING WITH ALCOHOL SALES FOR OFF-SITE CONSUMPTION AND A TIRE CENTER AS WELL AS A GAS STATION WITH 14 FUEL PUMPS (28 FUEL POSITIONS) AND A 2,623 SQUARE FOOT AUTOMATED CARWASH FACILITY ON 25.4 ACRES (CUP24-00005)**

**WHEREAS**, Kimely-Horn (Applicant), has filed an application requesting approval of Conditional Use Permit CUP24-00005 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application, as contemplated, proposes to construct a 165,111 square foot large box retail building with alcohol sales for off-site consumption and a tire center. Including the construction of a gas station with 14 fuel pumps (28 fuel positions) and a 2,623 square foot automated carwash; and

**WHEREAS**, the proposed project is generally located north and south of Amargosa Road, south of the California Aqueduct, east of Key Pointe Drive and west of the I-15 Freeway; APNs: 0405-062-72, -73 and 3064-481-25; and

**WHEREAS**, the project site is located within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan and is currently vacant. The properties to the west are also designated Regional Commercial (RC) within the Specific Plan and consist of vacant land. To the south, the Interstate 15 southbound off-ramp at Main Street and associated Caltrans right-of-way occupy a portion of the area, with additional commercial uses, including retail and fast food establishments, located further south of the off-ramp. Along the southwest, existing developed uses include a hotel and a gas station along Key Pointe Drive. The California Aqueduct borders the site to the north, while the Interstate 15 Freeway lies directly to the east; and

**WHEREAS**, the northern portion of the site is approximately 16.7 acres and is proposed to be developed with a 165,111 square foot retail and grocery store. The building would be sited in the northern area of the parcel, with surface parking located primarily to the east and south of the structure. The store would accommodate a variety of customer-serving uses, including food and produce, a tire and battery center, vision center, food service area, and off-site alcohol sales for the sale of beer, wine, and distilled spirits (Type 21 license). Six truck-loading doors would be located along the west elevation, providing access to an enclosed receiving area, and a designated curbside pickup area would be provided on the south side of the building. Within the Regional Commercial (RC) zone, both the off-sale alcohol use and the tire center are permitted subject to approval of a Conditional Use Permit (CUP); and

**WHEREAS**, the southern portion of the site is approximately 8.67 acres and is proposed to be developed with a 14 pump (28 fueling position) vehicle fuel station and an automated carwash facility. The fuel station would consist of 14 drive-in lanes serving the 28 fuel positions, with each lane providing stacking for approximately 11 vehicles, for a total capacity of approximately 154 vehicles. The vehicle fuel station does not include a convenience store component, however an approximately 205 square foot employee building will be provided for the operations of the gas station. East of the fuel station, a 2,623-square-foot automated carwash is proposed with two drive-through lanes, providing stacking for approximately 40 vehicles. The carwash is designed as an automated facility and does not include vacuum stations; it is intended to function solely as a drive-through wash and is not intended to include a designated area for vacuuming or interior cleaning. Within the Regional Commercial (RC) zone, a gas station and a carwash are permitted subject to the approval of a Conditional Use Permit (CUP); and

**WHEREAS**, the Project would provide direct vehicular access for the retail building located north of Amargosa Road through two proposed access points: 1) a fully signalized intersection located approximately 650 feet east of Key Pointe Drive along Amargosa Road, which will serve as the primary point of access to improve traffic control and safety for vehicles entering and exiting the site; and 2) an unsignalized driveway allowing full access in and right-out only traffic, located approximately 1,000 feet east of Key Pointe Drive along Amargosa Road. Additionally, an emergency access only route will be provided along White Fox Trail, consisting of a 26-foot-wide paved road, connecting the west side of the project site to Cataba Road. Access to White Fox Trail will be restricted and limited to emergency vehicles only; and

**WHEREAS**, direct vehicular access for the fuel station and car wash would be provided through three proposed access points: 1) a signalized intersection along Amargosa Road aligned with the primary signalized access for the retail building; 2) an unsignalized right-turn-exit-only driveway along Amargosa Road aligned with the unsignalized retail driveway; and 3) and an unsignalized entrance-only driveway approximately 400 feet south of Amargosa Road along Key Pointe Drive; and

**WHEREAS**, the proposed automated carwash is considered ancillary to the primary use, which is the gas station. As such, it must comply with specific land use standards, including a minimum distance of 1,000 feet from the nearest full-service carwash. The closest full-service carwash is Quick Quack Carwash, located west of the project site at a distance of approximately 1,380 feet, therefore satisfying the minimum separation requirement; and

**WHEREAS**, the applicant will file an application for a Type 21 (Off-Sale General) license with the California Department of Alcoholic Beverage Control (ABC). There are currently four active off-sale alcoholic beverage licenses within Census Tract 100.09, which includes Walmart, Sky Market, G & M Oil Company and 7-Eleven. ABC authorizes this census tract to have three off-sale licenses. Therefore, approval of the CUP24-00005 will exceed the limitation of three licenses and ABC will require that the City make a finding of public convenience and necessity; and

**WHEREAS**, 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, Walmart and G & M Oil Company locations are outside the City limits and located more than two and a half miles from the project site. The remaining establishments, Sky Market and 7-Eleven, are located southwest of the project site, approximately 1,000 to 1,400 feet; and

**WHEREAS**, the nearby 7-Eleven and Sky Market (convenience store) primarily serves quick and convenient liquor purchases for immediate consumption. In contrast, the proposed retail building would provide a wholesale, membership-based shopping experience with a wide range of products, including bulk alcohol, groceries and household goods. This distinction ensures that the new off-sale license would enhance public convenience rather than create direct competition or overconcentration with existing businesses. Accordingly, the Planning Commission may determine that approval of the proposed Type 21 – Off-sale General license would serve the public convenience and necessity; and

**WHEREAS**, the project complies with all development standards and regulations within the City’s Municipal Code and within Main Street and Freeway Corridor Specific Plan; and

**WHEREAS**, on April 9, 2026, the Planning Commission of the City of Hesperia adopted Resolution No. PC-2026-04, adopting the environmental findings pursuant to California Environmental Quality Act (CEQA), adopting a Statement of Overriding Considerations, certifying the Final Environmental Impact Report (SCH #2024110259), and adopting a Mitigation Monitoring and Reporting Plan; and

**WHEREAS**, on April 9, 2026, 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 April 9, 2026, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based on adoption of Resolution No. PC-2026-04, the Environmental Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting have been adopted and the Final Environmental Impact Report (SCH #2024110259) has been certified pursuant to the California Environmental Quality Act (CEQA) for this project.
- (b) The site is adequate in size and shape to accommodate setbacks, walls and fences, parking areas, fire and building codes. The proposed project consists of the development of a 165,111 square foot retail and grocery store building with alcohol sales for off-site consumption and a built-in tire center. Including the construction of a gas station with 14 fuel pumps (28 fuel positions) and a 2,623 square foot automated carwash on approximately 25.4 acres. The project is conditionally permitted within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan

and will comply with all applicable provisions of the Development Code. The development will be constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments. The site is suitable for the type and intensity of the use that is proposed.

- (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. The proposed uses are compatible with surrounding commercial developments and will operate in a manner that maintains orderly circulation, minimizes impacts on adjacent properties and enhances the aesthetic and functional character of the area. With appropriate landscaping, signage and adherence to operational standards, the project will contribute positively to the surrounding environment while providing a service to the community. A Traffic Impact Analysis (TIA) was submitted as part of the application, identifying necessary improvements to address project related traffic, including the installation of a traffic signal on Amargosa Road which will help mitigate increased traffic volumes.
- (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. The project is consistent with the conditional allowed uses of the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan.

The proposed automated carwash is considered ancillary to the primary use, which is the gas station and complies with specific land use standards of 1,000 feet separation from the nearest full-service carwash. The closest full-service carwash is Quick Quack Carwash, located west of the project site at a distance of approximately 1,380 feet.

The applicant will file an application for a Type 21 Off Sale General license with the California Department of Alcoholic Beverage Control. There are currently four active off-sale licenses within Census Tract 100.09, while only three are authorized by ABC, the CUP24-00005 will exceed the limitation of three licenses and ABC will require that the City make a finding of public convenience and necessity. Although four licenses exist, two are located outside City limits and more than two and a half miles northeast of the project site, while the remaining two are approximately 1,000 to 1,400 feet away. The nearby stores primarily serve quick convenience purchases, whereas the proposed project would offer a broader selection of goods, including bulk alcohol, groceries, and household items, in a larger scale retail setting designed for planned shopping trips; therefore, the Planning Commission finds that approval of the requested license would serve the public

convenience and necessity, expand consumer choice, and would not result in undue impacts to the surrounding community or contribute to an overconcentration of similar uses.

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.

- (e) The site will have adequate access. The Project would provide direct vehicular access for the retail building located north of Amargosa Road through two proposed access points: 1) a fully signalized intersection located approximately 650 feet east of Key Pointe Drive along Amargosa Road, which will serve as the primary point of access to improve traffic control and safety for vehicles entering and exiting the site; and 2) an unsignalized driveway allowing full access in and right-out only traffic, located approximately 1,000 feet east of Key Pointe Drive along Amargosa Road. Additionally, an emergency access only route will be provided along White Fox Trail, consisting of a 26-foot-wide paved road, connecting the west side of the project site to Cataba Road. Access to White Fox Trail will be restricted and limited to emergency vehicles only. Direct vehicular access for the fuel station and car wash would be provided through three proposed access points: 1) a signalized intersection along Amargosa Road aligned with the primary signalized access for the retail building; 2) an unsignalized right-turn-exit-only driveway along Amargosa Road aligned with the unsignalized retail driveway; and 3) and an unsignalized entrance-only driveway approximately 400 feet south of Amargosa Road along Key Pointe Drive (Attachment 4). In addition, a Traffic Impact Analysis (TIA) was submitted as part of the application, identifying necessary improvements to address project related traffic, including the installation of a traffic signal on Amargosa Road which will help mitigate increased traffic volume.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP24-00005 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 9<sup>th</sup> day of April 2026.

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Roger Abreo, Chair, Planning Commission

ATTEST:

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Leovi Wolsieffer, Secretary, Planning Commission

# DRAFT

## ATTACHMENT "A" List of Conditions for CUP24-00005

Approval Date: April 09, 2026  
Effective Date: April 21, 2026  
Expiration Date: April 21, 2029

This list of conditions applies to: Consideration of Conditional Use Permit CUP24-00005 to construct a 165,111 square foot large box retail building with alcohol sales for off-site consumption and a built-in tire center. The project also includes the construction of a gas station with 28 fuel pumps and a 2,623 square foot automated carwash on 25.4 acres within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan located north and south of Amargosa Road, south of the California Aqueduct, east of Key Pointe Drive and west of the I-15 Freeway, in conjunction with the adoption of an Environmental Impact Report pursuant to the provisions of CEQA (Applicant: Kimley-Horn; APNs: 0405-062-72, -73 and 3064-481-25)

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

<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	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)
<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	DUST CONTROL. Dust control shall be maintained before, during, and after all grading operations. (B)
<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	SPECIALTY PLANS. The following additional plans/reports shall be required for businesses with special environmental concerns: (B)  A. Restaurants and food handling facilities shall submit plans to the San Bernardino County Department of Environmental Health Services. One set of the approved plans shall be submitted to the Building Division with the required application fees. B. Three sets of plans for underground fuel storage tanks shall be submitted to the Building Division with required application fees.
<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
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**

TRAFFIC STUDY. The applicant shall be required to provide a traffic study prepared by a California licensed traffic engineer. (E)

**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. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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. (E)

**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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
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 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**  
NOT IN COMPLIANCE

**COMPLIED BY**

CEQA MITIGATION MEASURES. In addition to the conditions of approval, the project must comply with all mitigation measures that are identified in the Final Environmental Impact Report (P).

#### CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Amargosa Road. The right-of-way full width for Amargosa Road shall be one-hundred (100') feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. Corner cut off right of way dedication per City standards is required at all intersections. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

TRAFFIC SIGNAL(S). The Developer shall design to construct, relocate, and modify traffic signal(s) as identified in the approved TIA and per City Engineer. Traffic signal preemption device for emergency vehicle operation shall be included. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

AMARGOSA ROAD: Developer shall design to construct full street improvements on Amargosa Road across the project frontages based on City's 100-foot Roadway Standard. The curb face is to be at 36' from the approved centerline, 72' curb to curb. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of (E)

- A. 8 Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial drive approach per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing approved street sections and per R value testing with a traffic index of 10 and per the soils report.
- I. Cross sections every 50-feet per City standards.
- J. Traffic control signs and devices as required by the traffic study and or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developers responsibility to obtain any off-site dedications for transition tapers including acceleration deceleration tapers and to satisfy the 26 minimum paving

requirement per City standards

M. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

KEY POINT DRIVE: Developer shall design to construct half-width improvements on Key Point Drive across the project frontage based on City's 80-foot Secondary Roadway Standard. Curb face can be left at its current location. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of (E)

A. 8 Curb and Gutter per City standards.

B. Sidewalk (width = 6 feet) per City standards.

C. Roadway drainage device(s).

D. Streetlights per City standards.

E. Intersection improvements including handicapped ramps per City standards.

F. Commercial drive approach per City standards.

G. Design roadway sections per existing approved street sections and per R value testing with a traffic index of 10 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.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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 water line in Amargosa Road 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 18" PVC sewer main in Amargosa Road and utility easement 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**  
NOT IN COMPLIANCE

**COMPLIED BY**

ONSITE RETENTION/INFILTRATION-FUELING STATIONS. The project shall provide an EPA-approved oil and gasoline stop valve to protect any retention/infiltration or detention facilities. Specifications and installation details shall be included in project plans. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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 \$4,277.50 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**

PRE-CONSTRUCTION SURVEY. A pre-construction survey

NOT IN COMPLIANCE

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  
NOT IN COMPLIANCE

COMPLIED BY

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  
NOT IN COMPLIANCE

COMPLIED BY

LOT MERGER. A lot merger shall be submitted, approved, and recorded to merge APN(s) 0405-062-73 and 3064-481-25 into one lot. The lot merger and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)

**CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE**

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

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

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. School Fees (B)

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**

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. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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>.(E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

LANDSCAPE AND IRRIGATION 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 with the required application fees. 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**

CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01. (F)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

BASIN 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 basins 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**

REQUIRE MASONRY WALLS AND FENCING. The developer shall construct a 6-foot-high split face masonry wall along the west property line of the retail building to screen the dock doors. A 6-foot-high wrought iron fence shall also be installed along the north property line of the retail building. A

6-foot-high wrought iron fence with stone veneer pilasters spaced every 25 feet, shall be constructed along the eastern and southern property lines of the retail building, carwash and gas station sites, as shown on the approved site plan. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

PERMITS FOR 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 in accordance with the Development Code. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

ROOFTOP EQUIPMENT. All rooftop 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**

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. 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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**

AS BUILT PLANS. The Developer shall provide as built plans.

NOT IN COMPLIANCE

(E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**  
NOT IN COMPLIANCE

**COMPLIED BY**

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. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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 buildings proposed shall be designed consistent with the design shown upon the approved color exterior building elevations. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

CONSTRUCTION PHASING. The gas station and carwash may begin operations under a temporary Certificate of Occupancy once all required street improvements for both sites and the traffic signal have been completed. The temporary Certificate of Occupancy shall be limited to a six month period, in which the retail building and all on site improvements shall be fully completed prior to the expiration of the six month period.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

LANDSCAPING/IRRIGATION. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)

**NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:**

<b>(B) Building Division</b>	<b>947-1300</b>
<b>(E) Engineering Division</b>	<b>947-1476</b>
<b>(F) Fire Prevention Division</b>	<b>947-1603</b>
<b>(P) Planning Division</b>	<b>947-1200</b>
<b>(RPD) Hesperia Recreation and Park District</b>	<b>244-5488</b>