PLANNING COMMISSION
REGULAR MEETING

Meeting Agenda

Thursday, August 14, 2025
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

Nathan Freeman, Director of Development Services
Ryan Leonard, Principal Planner
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 Department 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. City Council meetings may be viewed live or after the event on the City's website at www.hesperiaca.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**

D. **Reorganization of the Planning Commission**

1. **Election of Chair**

2. **Election of Vice Chair**

E. **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 1 Consideration of the June 12, 2025 Planning Commission Meeting Minutes.

Recommended Action:

It is recommended that the Planning Commission approve the Draft Minutes from the regular scheduled meeting on June 12, 2025.

Staff Person: Planning Specialist Maricruz Montes

Attachments: 6-12-25 PC Meeting Minutes

DISCUSSION

2. Page 5 Draft Objective Design Standards for Multi-Family and Mixed -Use Development

Recommended Action:

The Draft Objective Design Standards (ODS) are being presented to the Planning Commission as a discussion item only; no action will be taken at this time

Staff Person: Principal Planner Ryan Leonard

Attachments: Staff report
Draft Objective Design Standards
Draft Objective Design Standards Checklist and User Guide

PUBLIC HEARINGS

3. Page 69 Consideration of an appeal to the Planning Commission to overturn the Development Review Committees decision to adopt associated Mitigated Negative Declaration ("MND") and approve site plan review SPR23-00018.

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2025-10 denying appeal APP25-00001 and upholding the Development Review Committee (DRC) approval of site plan review SPR23-00018 and adoption of associated Mitigated Negative Declaration.

Staff Person: Associate Planner Leilani Henry

Attachments: APP25-00001 Staff Report
Attachment 1- Appeal Application
Attachment 2- Land Use Map
Attachment 3- Aerial View
Attachment 4- ISMND
Attachment 5- NOI
Attachment 6- Comment Letters Received
Attachment 7- Conditions Of Approval
Attachment 8- Resolution PC 2025-10

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, Maricruz Montes, Planning Commission Secretary of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Friday, August 8, 2025 at 5:30 p.m. pursuant to California Government Code §54954.2.

Maricruz Montes,
Planning Commission Secretary

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City of Hesperia

Meeting Minutes - Draft

PLANNING COMMISSION REGULAR MEETING

City Council Chambers
9700 Seventh Avenue
Hesperia, CA 92345

Thursday, June 12, 2025

CALL TO ORDER - 6:32 PM

A. Pledge of Allegiance to the Flag
Pledge led by Commissioner Timothy Auman.

B. Invocation
Invocation led by Chair Abreo.

C. Roll Call

Present 4 - Commissioner Hodson V, Commissioner Burke, Chair Roger Abreo, and Commissioner Auman

Absent 1 - Vice Chair Steeno

D. Reorganization of Planning Commission

A motion was made by Chair Abreo, seconded by Commissioner Burke, that this item be continued. The motion carried by the following vote:

Aye:	4	Commissioner Hodson V, Commissioner Burke, Chair Abreo and Commissioner Auman
Nay:	0	
Absent:	1	Vice Chair Steeno

E. Agenda Revisions and Announcements by Planning Secretary

There were no revisions made to the agenda.

PRESENTATION

Capital Improvement Program (CIP) Presentation by Cassandra Sanchez, Director of Public Works.

JOINT PUBLIC COMMENTS

Public Comments opened at 6:58 pm.
Public Comment from Robert Davis.
Public Comments closed at 7:02 pm.

CONSENT CALENDAR

1. Consideration of the May 8, 2025, Planning Commission Meeting Minutes.

Recommended Action:
It is recommended that the Planning Commission approve the Draft Minutes from the regularly scheduled meeting on May 8,2025.

Sponsor: Planning Specialist Maricruz Montes

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

Aye:	3	Commissioner Burke, Chair Abreo and Commissioner Auman
Nay:	0	
Absent:	1	Vice Chair Steeno
Abstain:	1	Commissioner Hodson V

PUBLIC HEARINGS

2. Development Code Amendment DCA24-00003 and Specific Plan Amendment SPLA24-00005; Applicant: City of Hesperia; Area affected: City-wide.

Recommended Action:
That the Planning Commission adopt Resolution No. PC-2025-07 recommending that the City Council introduce and place on first reading an ordinance approving Development Code Amendment DCA24-00003 and Specific Plan Amendment SPLA24-00005 to prohibit the establishment of new, or the expansion of existing outdoor pallet yards and indoor pallet manufacturing facilities.

Sponsor: Senior Planner Edgar Gonzalez

A motion was made by Commissioner Burke, seconded by Commissioner Hudson, that the proposed Development Code Amendment be forwarded to the City Council with a recommendation to modify the proposed standards to allow indoor and outdoor pallet yard facilities only within the General Manufacturing (I2) zone, subject to the following regulations:

- **A minimum 1,000-foot separation from all residential zones and sensitive uses.**
- **Outdoor pallet stacks be limited to a maximum height of 12 feet.**
- **Requirements to install an outdoor fire suppression system.**
- **A Citywide cap limiting the maximum number of pallet yard facilities, whether indoor or outdoor, to two.**

The motion carried by the following vote:

Aye:	4 -	Commissioner Hodson V, Commissioner Burke, Chair Abreo and Commissioner Auman
Nay:	0	
Absent:	1 -	Vice Chair Steeno

Meeting went into recess 8:32 pm.

Meeting reconvened 8:46 pm.

3. 2025 General Plan Update

Recommended Action:

It is recommended that the Planning Commission adopt Resolution Nos. PC-2025-08 and PC-2025-09 recommending that the City Council: 1) Certify the Addendum as being complete in compliance with the California Environmental Quality Act (CEQA); and 2) Adopt the updated Land Use Element, Circulation Element, and Health and Safety Element.

Sponsor: Principal Planner Ryan Leonard

A motion was made by Commissioner Hodson V, seconded by Commissioner Auman, that this item be forwarded to the City Council recommending adoption. The motion carried by the following vote:

Aye:	4	Commissioner Hodson V, Commissioner Burke, Chair Abreo and Commissioner Auman
Nay:	0	
Absent:	1	Vice Chair Steeno

PLANNING DIVISION REPORT

Principal Planner Ryan Leonard thanked everyone for attending and expressed appreciation to the Commissioners for adopting the General Plan, which will be presented to City Council in July. He noted that the General Plan serves as the blueprint for the City's development over the next 10 to 30 years and is a significant document that reflects how the City will grow and develop. He acknowledged the year-and-a-half-long effort put into the update and thanked the consultants for their contributions. He also noted that the previous General Plan was last updated in 2010 and emphasized that the current version reflects the input and involvement of the Planning Commissioners. Principal Planner Leonard highlighted recent DRC approved projects, including the redevelopment of the corner of Seventh Avenue and Main Street, where a Starbucks and McDonald's were approved, involving the demolition of an existing used car lot. He informed the Commission that the next Planning Commission meeting will include the next component of the General Plan: Objective Design Standards for all multi-family developments. He also mentioned the upcoming comprehensive code development update and future workshops, noting there is much to look forward to.

ASSISTANT CITY ATTORNEY REPORT

Nothing to report.

DIRECTOR REPORT

Director Nathan Freeman recognized staff and PlaceWorks for their incredible amount of work in preparing the agenda. He noted that an overview of the Economic Development Element will be presented to the City Council on July 15th, with the same presentation scheduled for the Planning Commission in August.

PLANNING COMMISSION COMMENTS

Commissioner Auman thanked staff for the detailed presentation, particularly highlighting the focus on living wages and increasing employment opportunities in Hesperia.
Commissioner Burke expressed appreciation to everyone involved in the presentation and to the public for their participation. He noted the City's ongoing efforts to get things right and also took a moment to remember the Fire of 1979.

Commissioner Hodson shared that he is a fifth-generation resident raised in the High Desert and emphasized that what the City is doing is significant. He acknowledged the time and dedication invested in the City's progress and thanked all those involved.
Chair Abreo agreed with his fellow Commissioners and thanked staff for the information provided. He complimented consultant Cory for delivering the presentation efficiently and clearly, while also lightheartedly joking about Cory's quick delivery. He also thanked Jolene for her contributions and wished everyone a safe Fourth of July. Chair Abreo concluded by informing residents about upcoming community engagement opportunities.

ADJOURNMENT

Meeting adjourned at 10:13 PM until the next regular meeting.

Maricruz Montes
Planning Commission Secretary

Roger Abreo, Planning Commission Chair

City of Hesperia
STAFF REPORT

DATE: August 14, 2025

TO: Planning Commission Members

FROM: Nathan R. Freeman, Director of Development Services

BY: Ryan Leonard, Principal Planner

SUBJECT: Draft Objective Design Standards for Multi-Family and Mixed -Use Development

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RECOMMENDED ACTION

The Draft Objective Design Standards (ODS) are being presented to the Planning Commission as a discussion item only; no action will be taken at this time. Staff anticipates bringing the item back for formal consideration at the Commission's next regularly scheduled meeting

ATTACHMENT(S)

1) Draft Objective Design Standards
2) Draft Objective Design Standards Checklist and User's Guide

MULTIFAMILY & MIXED-USE

OBJECTIVE DESIGN STANDARDS

CITY OF HESPERIA | CA

DRAFT - August 14, 2025

ACKNOWLEDGEMENTS

Prepared for: City of Hesperia

Prepared by: PLACEWORKS

Adopted: **Ordinance: Month Day, Year**

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

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

Planning Department
Ryan Leonard, Principal Planner
Edgar Gonzalez, Senior Planner
Leilani Henry, Assistant Planner
Maricruz Montes, Planning Specialist

PlaceWorks
Alan Loomis
David Christie
Pranjali Deokule
Chad So

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1.0 PURPOSE

1.1 Introduction

1.2 Purpose

1.3 Who Is This Document For?

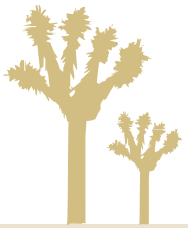
1.4 Where Do These Standards Apply?

1.5 Document Organization

1.6 Administration

1.7 Deviations

1.8 Development Scale Definitions



1.1 INTRODUCTION

Development and design standards regulate development intensity, style, size, and orientation. Objective design standards (ODS) are measurable, verifiable, and quantifiable, supporting consistent housing design in the community. Ultimately, the standards contained in this document will provide for a predictable and equitable path for new multifamily and mixed-use developments in the City of Hesperia.

1.2 PURPOSE

The State of California continues to experience a housing crisis and the availability and affordability of housing remains a key issue. This document provides the required, objective standards for housing development, streamlining design review and increasing transparency. Additionally, this document complies with Senate Bill (SB) 35 and SB 330, which require jurisdictions to review new multifamily and mixed-use residential housing projects ministerially or streamlined, guided by objective design and development standards. These new laws prevent cities from denying approvals for certain multifamily housing projects based on discretionary design guidelines.

This document provides clear and useful guidelines and standards for the design, construction, review, and approval of multifamily residential and mixed-use development in Hesperia. With this document applicants, developers, and City staff have a clear and concise reference for the City's minimum design expectations. These standards are written as minimum standards for site and structure design but also offer various recommendations and guidelines for quality and character. However, this document does not replace the City's existing development standards. Proposed projects must also comply with all applicable building permit requirements, zoning code requirements, and other development standards found in the City of Hesperia's Development Code.

SB 35

- A streamlined approval process for housing projects with a specified amount of affordable housing.
- Applies to jurisdictions that haven't made enough progress in meeting their Regional Housing Needs Allocation (RHNA).
- Applications must be for infill sites and comply with existing General Plan or Zoning provisions.
- Can only apply objective zoning, subdivision, or design review standards to determine consistency.
- https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-update-final.pdf

Fundamentally, this document serves to provide baseline design standards for the City of Hesperia. These standards may be expanded or revised by the City in the future. Additional design standards may be included on top of these standards to account for the distinct character of specific neighborhoods and communities throughout Hesperia.

1.3 WHO IS THIS DOCUMENT FOR?

Developers

This document will provide clear guidance for both renovation and new construction projects. The required checklist will act as a tool for property owners, developers/designers, and staff throughout the review process, ensuring that key aspects of quality design are addressed.

Property Owners

This document will provide property owners with a clear understanding of the design elements required for development projects in Hesperia. It will complement the General Plan and the Hesperia Municipal Code, establishing a set of expectations and responsibilities for property owners.

City Staff

City staff will utilize these standards to assist applicants and their representatives in the project review and approval process. The document and checklist will serve as a foundation for evaluating design quality in submitted proposals.

Review Bodies and Decision Makers

This document will provide a framework for the City of Hesperia Planning Commission, City Council, Development Review Committee, Director of Development Services, and other review bodies to assess the quality of design in development applications.

1.4 WHERE DO THESE STANDARDS APPLY?

These standards apply to new construction for multifamily and mixed-use developments. For developments spanning multiple lots, these standards apply to all lots proposed for multifamily housing, mixed-use developments, and any associated amenities, open space, or utilities that would serve multifamily or mixed-use units.

These standards do not apply to the new construction of single-family dwellings, or to single-family dwellings within a development containing more than one housing type.

These standards do not apply to renovations and routine maintenance of residential (single-family, multifamily, and mixed-use) developments.

If an applicant chooses, they may request in writing to opt out of the objective design standards in lieu of their project being reviewed against the City's architectural and site design guidelines for multifamily developments.

These standards are in addition to the standards of the underlying base zone. In the event of conflicting standards between these standards and the base zone, the more restrictive standard shall apply. For projects located in a Specific Plan or Planned Community, and there is a conflict between these standards and the Specific Plan's or Planned Community's, standards, the Specific Plan or Planned Community standards shall prevail.

Proposed projects must also comply with all other applicable local and state ordinances and codes.

1.5 DOCUMENT ORGANIZATION

These Objective Design Standards serve as a stand-alone illustrated document, empowered by appropriate reference within Hesperia's City Code. These standards have been designed in a modular fashion, with differing sets of standards applying to projects at different scales. For instance, a small development would be subject to less complex standards, while a larger project would be subject to more intensive standards.

This document is organized in a site-focused manner. Key site development standards are discussed at the beginning of the document. These include site access, building orientation, pedestrian and vehicular circulation, mixing of uses, and parking. Open space standards for both common and private open space follow.

This way, the design of the buildings subject to objective design standards follow the site planning standards. With regard to buildings, these objective design standards focus on height modulation, horizontal modulation, transitional massing, as well as a building's materials and details. Finally, this document provides standards for both vertical and horizontal mixed-use development.

1.6 ADMINISTRATION

The Planning Division shall be responsible for the administration of these objective design standards. If ambiguity arises concerning the meaning or appropriate application of provisions of these objective design standards, the Director of Development Services, or his/her designee shall make the appropriate determination.

1.7 DEVIATIONS

Applicability. The Objective Design Standards apply to residential projects that, under State law, are subject to City review solely for compliance with objective standards. This includes "housing development projects" as defined in Government Code § 65589.5(h)(2).

Compliance is Optional. Applicants may choose not to apply the Objective Design Standards to their project, even if the project otherwise qualifies under State law for objective review. In such cases, the applicant must submit a written request to opt out. The written request shall include findings for how the project meets the purpose and intent for each topic in the Objective Design Standards Checklist. The project will then be reviewed against the City's architectural and site design guidelines for multifamily developments.

Note: By opting out, the project will not be subject to the protections or provisions of the Housing Accountability Act that apply to projects reviewed only against objective standards. In addition, the project may be subject to review by the Planning Commission.

Deviations. Deviations from the Objective Design Standards are allowed in two ways:

1. **State Density Bonus Law:** Projects may request waivers, concessions, or incentives pursuant to Government Code § 65915.
2. **Limited Dimensional Deviations:** Projects may deviate from up to three dimensional standards (e.g., height, length, width, depth) by no more than 10% for each standard.

Example:
Standard 2.4.3.a.i states:

Auto courts shall not exceed 150 feet in length.

A project may increase this maximum by 10%, up to **165 feet**, by utilizing the allowable deviation.

All deviations are subject to review and approval or denial by the Director of Development Services or their designee.

1.8 DEVELOPMENT SCALE DEFINITIONS

Development occurs at various scales and intensities and therefore requires variations to ensure that standards are both appropriate and do not create unnecessary constraints or unachievable development. This section defines the different scales of development and how to use this document accordingly for each.

In the event that a project includes criteria falling under two or more development scales, the project will be subject to the standards associated with the greater scale. For example, if a project is two stories and proposes 30 dwelling units, it would be classified as Medium Development. Alternatively, if a project is situated on 1.8 acres and proposes 108 dwelling units, it would be classified as Large Development.

Table 1.1: Development Scales

	Small	Medium	Large
Site Size	Under 1 acre and	1 - 5 acres or	Larger than 5 acres or
Unit Count	3 - 10 units and	11 - 30 units or	31+ units
Height	Up to 2 stories	Up to 3 stories	n/a

Table 1.2: Applicability Chart

Standard		Small	Medium	Large
Site Planning	Site Layout	X	X	X
	Building Orientation	X	X	X
	Pedestrian Circulation	X	X	X
	Vehicular Circulation	X	X	X
	Parking	X	X	X
Open Space	General	X	X	X
	Amenities	X	X	X
	Private Open Space	X	X	X
Mass and Scale	Modulation	X	X	X
	Height and Roof Lines	X	X	X
	Corner Elements		X	X
	Transitional Massing		X	X
Materials and Details	Materials	X	X	X
	Facade Details	X	X	X
	Color and Texture	X	X	X
	Unit Entrances	X	X	X
	Doors and Windows	X	X	X
Mixed Use	Vertical Mixed Use	X	X	X
	Horizontal Mixed Use	X	X	X
	Structured Parking			X

2.0
SITE PLANNING

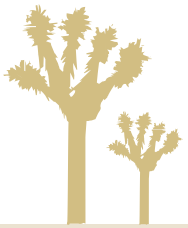
2.1 Site Layout

2.2 Building Orientation

2.3 Pedestrian Circulation

2.4 Vehicular Circulation

2.5 Parking



2.1 SITE LAYOUT

a. Buildings adjacent to a public street shall have a strong street presence with public entrances oriented towards the street. Building entries shall face the primary public street with pedestrian access provided from sidewalks to all building entries, parking areas, and common open space areas. For larger sites with multiple buildings, building entries may also be oriented to face internal open spaces, paseos, and recreation amenities.

b. A minimum of 60 percent of the street frontage shall be devoted to buildings located behind the minimum setback line. The remaining 40 percent may be devoted to parking, landscaping, and driveways.

c. If the development contains multiple buildings, the minimum distance between buildings shall be 10 feet. However, for multiple story buildings, the distance between buildings shall be increased to 15 feet if the sides of the building that face each other include openings such as windows and doors with a direct line of sight into adjacent units.

d. On sites with four or more residential buildings, buildings shall be clustered into groups of at least two or more buildings. Clustering can be achieved through:

   i. Siting the longest façade of each clustered building up to 30 feet of another building.

   ii. Siting secondary façades of each clustered building within 20 feet of another building.

   iii. Siting corners of a building within 20 feet of the corner of another building.

e. The design and location of the access drive(s) shall be subject to the review and approval of the City Engineer or his/her designee.

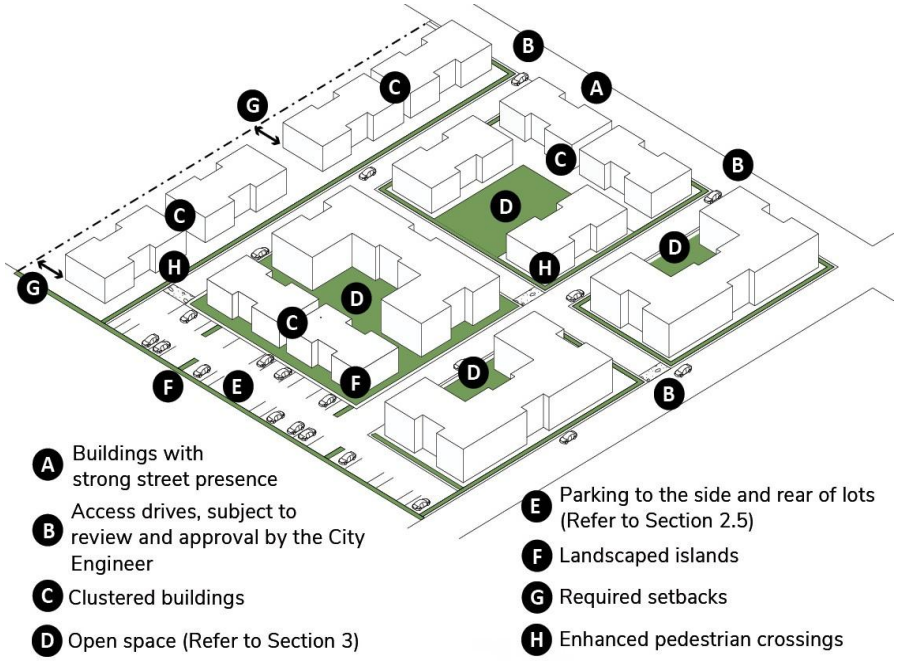


Figure 2.1. Site Layout

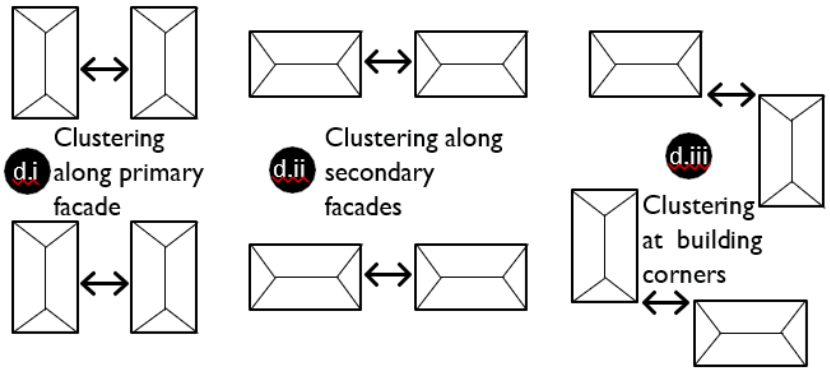


Figure 2.2. Building Clustering

f. The setback area shall primarily be used for planting landscape
screens to protect the privacy of the ground floor units.

g. If adjacent to an existing commercial or industrial use, a residential project shall locate its required parking along edges common with commercial or industrial uses. A landscaped buffer at least 5 feet in width with 6-inch curbing shall be utilized to separate the parking spaces from the property line.

2.2 BUILDING ORIENTATION

a. Primary ground-floor common entries or individual unit entries shall be oriented towards the primary street unless the primary street is an arterial (of any type).

b. Front doors shall orient towards and be visible from the street.

c. Building front elevations shall emphasize entries, porches and other living areas.

d. Buildings located along an arterial street shall provide at least two of the following:

   i. Pedestrian level articulation with ground floor specific colors and materials (Refer to Section 5.1).

   ii. Ground floor activation adjacent to the sidewalk through leasing office, common space, gym/ recreation room etc.

   iii. Enhanced landscaping with at least 4-foot-tall shrubs and evergreen trees in the front setback.

e. All buildings within 15 linear feet of an adjacent building within and outside of the project shall orient all windows, balconies, or similar openings so as not to have a direct line-of-sight into adjacent units or onto private patios or backyards. This can be accomplished through:

   i. Offset windows at least 1 foot from any windows in adjacent buildings on site within 15 feet; or

   ii. Use of clerestory windows, glass block, or opaque glass.

f. New multifamily development shall be designed to shield residents from the heat of the sun. This shall be accomplished through at least one of the following methods:

   i. Use of 3-foot roof overhangs on the southeast, south, southwest, and west facing façades to shade units below.

   ii. Planting 24-gallon trees in front of windows facing southeast, south, southwest, and west, up to 20 feet from the building façades.

   iii. Covered patios and porches for all units on the ground floor.

2.3 PEDESTRIAN CIRCULATION

a. General.
   i. Multifamily projects shall include pedestrian walkways. Pedestrian walkways shall link dwelling units with common open space and recreation areas, parking areas, and the street.
   ii. Multifamily projects shall plan for and incorporate pedestrian connections to adjoining commercial projects in the project's design.

b. Safety and Design.
   i. Pedestrian entrances and walkways shall be adequately separated from vehicular traffic and clearly identified by landscaping and lights and easily accessible to minimize pedestrian/vehicle conflict.
   ii. Walkways shall be constructed of firm and slip-resistant materials, such as poured-in-place concrete (including stamped concrete), permeable paving, or concrete pavers. The use of asphalt for pedestrian walkways is prohibited.
   iii. Decorative paving shall be used to delineate pedestrian crossings in parking areas.

c. Width.
   i. Pedestrian walkways shall be a minimum of 4 feet in width.
   ii. If combined with a bicycle path, as a part of a dedicated public path/paseo, the minimum total walkway width shall be 14 feet.

2.4 VEHICULAR CIRCULATION

2.4.1 VEHICULAR ACCESS

a. Vehicular entrances shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.

b. Principal vehicular access into multifamily developments shall be through an entry drive rather than a parking aisle.

c. The number of site access points or driveway aprons shall be minimized for aesthetic purposes, to achieve efficient and productive use of paved accessways, and to eliminate traffic hazards.

d. Textured paving or stamped concrete shall be used to cover the full length of each driveway entrance for the project not to include the public right of way.

e. For properties containing more than 150 feet of street frontage, landscaped islands shall be incorporated into the driveway entry area to separate driveway lanes for ingress and egress. Each driveway lane shall have a minimum width of 20 feet. Continuous driveways, uninterrupted by landscaping are not permitted.

f. Alley improvements shall coincide with site planning to minimize alleyway deterioration and address problems such as debris, safety, and any nuisance odors or hazards.

2.4.2 VEHICULAR CIRCULATION

a. Continuous circulation shall be provided throughout the site to the greatest extent possible.

b. Dead-end driveways shall be minimized.

c. Adequate areas for maneuvering, stacking, and emergency vehicle access shall be provided.

d. The use of asphalt for driveways and walkways is prohibited.

2.4.3 AUTO COURTS AND COMMON COURTS

a. Auto Courts provide vehicular access to multiple residences via a common driveway fronted with garages. Front doors to residences are not permitted on auto courts.
    i. Auto courts shall not exceed 150 feet in length and shall have a minimum width of 26 feet.
    ii. Auto courts shall not serve more than 12 individual residences. Separate pedestrian access may be provided to other auto courts.
    iii. Primary pedestrian entrances are not permitted on auto courts.
    iv. Auto courts shall have no through street access.

b. Common courts provide both vehicular and pedestrian access to multiple residences. Front doors to residences and garages open to common courts.
    i. Common courts shall not exceed 150 feet in length, unless provided with a connecting pedestrian access way, and shall have a minimum width of 26 feet.
    ii. Common courts shall not serve more than 8 individual residences. Separate pedestrian access may be provided to other common courts.
    iii. Common courts shall feature enhanced paving, such as patterned and/or colored pavers, brick, decorative colored concrete, stamped concrete, or permeable materials.
    iv. A minimum of 5 percent of the common court shall be landscaped.

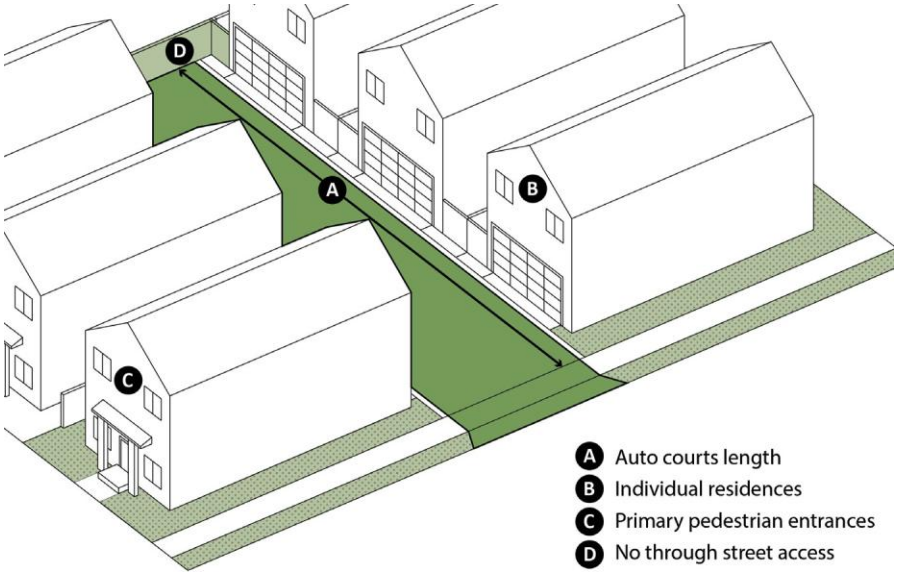


Figure 2.3. Auto Courts

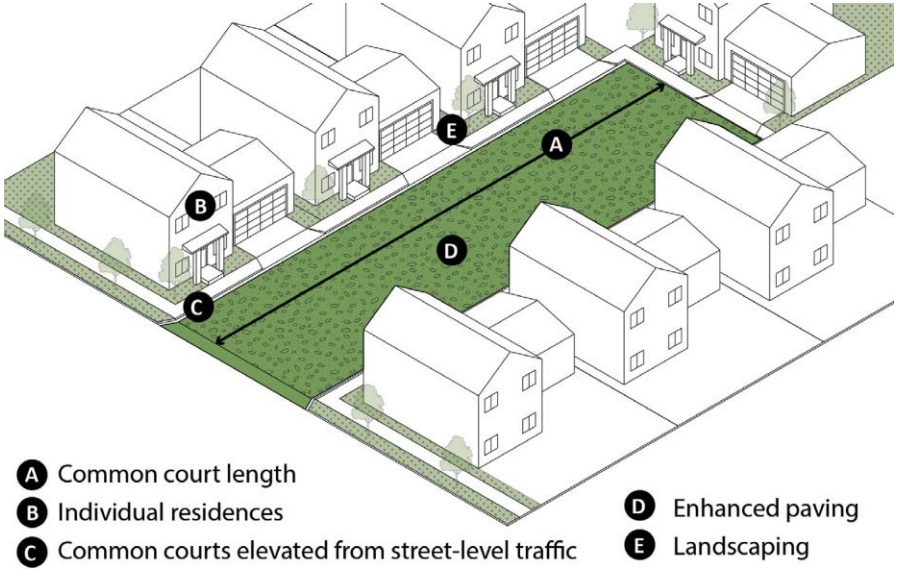


Figure 2.4. Common Courts

2.5 PARKING

a. Parking for multifamily developments shall be provided on site in on-grade or underground structures, parking courts, carports, or attached garages. These standards are in addition to the parking and loading standards found in Chapter 16.20, Article 4 of the Hesperia Development Code.

b. Parking lots shall be connected to all building entrances by means of internal pedestrian walkways.

c. Parking shall not occupy more than 40 percent of any linear street frontage.

d. Parking areas, driveways, and pedestrian areas shall contain automatically controlled lighting.

Figure 2.5. Example Carport

2.5.1 PARKING COURTS

a. Parking courts shall be separated from buildings by a walkway with a minimum of 4 feet wide and a landscape strip with a minimum of 7 feet wide. Continuous 6-inch concrete curbs shall be provided as wheel stops where parking adjoins landscaping.

2.5.2 CARPORTS

a. Carport structures shall utilize the same colors, architectural finishes, and roofing materials as the main building(s) in the project.

b. Flat aluminum carport structures are prohibited.

c. Carports shall meet setback and building separation requirements.

2.5.3 TUCK-UNDER PARKING

a. If tuck-under parking is provided, the first floor of the residential units shall not be more than 4 feet above the finished street/sidewalk grade level.

b. Tuck-under parking shall not be visible from the street.

2.5.4 GARAGES, INDIVIDUAL

a. Garage doors may occupy no more than 40 percent of a building's street frontage and shall be recessed a minimum of 18 inches from a street-facing wall plane.

b. Street-facing garage doors serving individual units that are attached to the structure must incorporate two or more of the following so that the garage doors are visually subservient and complementary to other building elements:

   i. Enhanced materials, such as faux wood or opaque glass.

   ii. Decorative features on garage doors composed of steel or aluminum.

   iii. Garage door windows or architectural detailing consistent with the main dwelling.

   iv. Arbor or other similar projecting features above the garage doors.

Figure 2.6. Private Garages

Figure 2.7. Private Garages

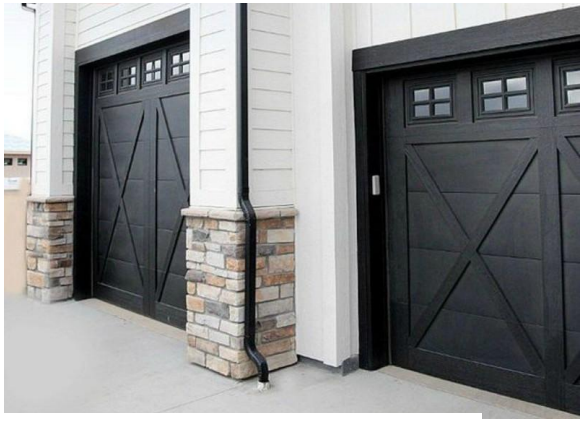


Figure 2.8. Private Garages

3.0
OPEN SPACE

3.1 General
3.2 Amenities
3.3 Private Open Space

3.1 GENERAL

a. Residents of multifamily developments shall have safe and efficient access to usable open space for recreation and social activities. Open space areas shall be provided in large, meaningful, and usable areas, pursuant to the requirements of Article VII of the Hesperia Development Code. All common open spaces shall include seating and lights. Site furniture shall use graffiti-resistant materials and/or coatings and skateboard deterrents. Pedestrian walkways shall connect the common open space to a public right-of-way or building entrance.

b. All recreation areas or facilities required by this section shall be maintained by private homeowners' associations, property owners, or private assessment districts subject to the reviewing authority's approval.

c. Open space areas shall not be directly adjacent to arterial streets, service areas, or commercial development to ensure that they are sheltered from the noise and traffic of streets and incompatible uses. Alternatively, a minimum of 10-foot wide, dense landscaping shall be provided as screening, in addition to tubular fencing with masonry pillars.

d. At least 200 square feet of common usable open space shall be provided per dwelling unit.

e. Areas counting toward common open space shall be a minimum of 1,000 square feet and have no dimension less than 25 feet.

f. Common usable open space may be divided into more than one area.

Figure 3.1. Common Open Space Size

3.2 AMENITIES

a. Common amenities are shared by individual units on the same lot or within the same development, which may be located on roofs, parking podiums, or at grade.

b. The following listed major and minor amenities satisfy the common open space requirements. For projects with less than 60 units, repeating the same amenity twice will not satisfy the requirement; however, additional amenities are encouraged. Projects with more than 60 units may use the same amenity twice. Projects with more than 120 units may use the same amenity three times.

Table 3.1: Required Common Amenities

Number of Units	Option 1	Option 2	Option 3
3 – 10	1 major or minor amenity	--	--
11 – 30	1 major amenity	2 minor amenities	--
31 – 60	2 major amenities	1 major and 2 minor amenities	--
61 – 90	3 major amenities	2 major and 3 minor amenities	1 major and 4 minor amenities
91 – 120	4 major amenities	3 major and 4 minor amenities	2 major and 5 minor amenities
121 – 150	5 major amenities	4 major and 5 minor amenities	3 major and 6 minor amenities
151 or more	6 major amenities	5 major and 6 minor amenities	4 major and 7 minor amenities

c. Major Amenities:

i. Private Parks (minimum of 50 percent of the area shall be landscaped) shall have a minimum area of 1,000 square feet. Other amenities or features that can be combined with a park may include, but are not limited to, recreational courts, pools, barbeque areas, commercial playground equipment, community gardens, and gazebos. However, each individual amenity's minimum size must be met.

ii. Clubhouses shall have at least 750 square feet accessible and usable for residents. Features may include, but are not limited to, event spaces, community kitchens, conference rooms, business centers, or game rooms. A clubhouse may be combined with other amenities, provided that each amenity's minimum size is met. Clubhouses may also serve adjacent pools.

iii. Rooftop terraces shall have a minimum area of 750 square feet. Similar features found in a park may also be utilized on a rooftop terrace.

iv. Swimming pools shall have a minimum dimension of 15 feet by 30 feet.

v. Gymnasiums shall have a minimum area of 625 square feet.

vi. Spas/hot tubs shall be installed in the ground with a minimum of 8-person seating.

vii. Other recreational amenities deemed adequate by the Director.

d. Minor Amenities:

i. Barbeque areas shall have a minimum of 2 permanent grills, a shade structure, and 2 picnic tables.

ii. Tennis, pickleball, basketball (half court and/or full court), or volleyball courts.

iii. Tot lots with commercial playground equipment shall have a minimum area of 625 square feet with a minimum dimension of 20 feet in each direction. Children's play areas shall be protected from any adjacent streets or parking lots with a fence or other barrier at least four feet in height.

iv. Gazebos or covered seating areas shall have a minimum of 8 permanent seats

v. Community gardens shall have a minimum of 250 square feet of decorative raised beds with a minimum of 4 feet by 4 feet each with irrigation.

vi. Courtyards shall have a minimum area of 625 square feet.

vii. Above ground decorative gas fire pits shall be surrounded by a minimum of 4 permanent seats within a minimum area of 100 square feet.

viii. Community rooms shall have a minimum area of 500 square feet.

ix. Other recreational amenities deemed adequate by the Director.

Figure 3.2. Example Major Amenity (Park) featuring a Minor Amenity (Playground)

Figure 3.3. Example Major Amenity - Pool

Figure 3.4. Example Minor Amenity - Fire Pit

3.3 PRIVATE OPEN SPACE STANDARDS

a. Private open spaces may include, but are not limited to, balconies, terraces, roof decks, and patios, and may overlook the street, side yards, and internal courtyards.

b. Private open spaces shall be accessible directly from the living unit and screened to a minimum height of 42 inches by use of walls and/or fences. All private open spaces shall be outdoors.

c. Private open space that is provided on a balcony or roof deck that fronts a public street shall have opaque balcony/railing enclosures to screen items being stored on the balcony or patio.

d. The required amount of private open space is as follows:

   i. Each dwelling unit shall have a minimum private usable open space of 100 square feet with no dimension less than 8 feet. Private open space on the ground floor shall have no more than 50 percent of the ground level space covered by an overhang balcony or patio roof.

   ii. Each unit shall also be provided with a minimum of one hundred (100) cubic feet of lockable, private storage space. This space may be provided at the dwelling unit, accessible from the outside on a private patio or balcony for the unit. A storage area is not required if each unit is served by an enclosed garage in lieu of a carport.

3.3.1 BALCONIES

a. All balconies shall be recessed into the building façade. The maximum projection shall be 50 percent of the balcony's full depth or 6 feet, whichever is less.

b. The underside of the projecting balconies shall be finished with building material that matches or is otherwise compatible with the building.

c. No balconies shall overhang into the public right-of-way or sidewalk and shall not encroach more than 3 feet into the building setback.

d. Balconies and patios shall be enclosed by a decorative solid wall or fence designed as an integral part of the architecture of the project, to screen items being stored outdoors.

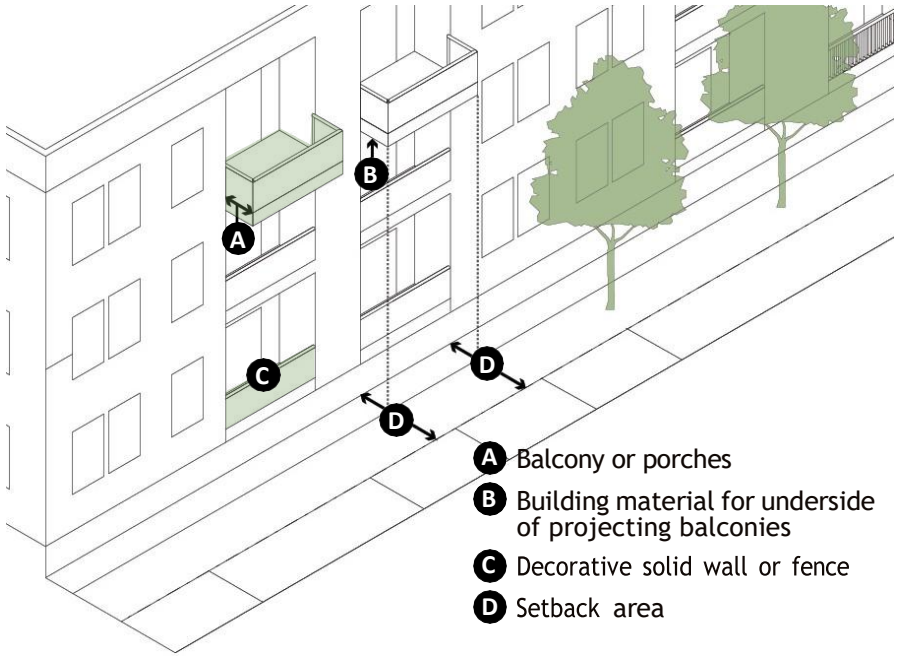


Figure 3.5. Balconies

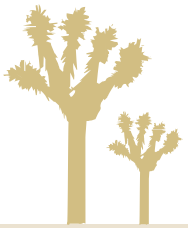
4.0
MASS AND SCALE

4.1 Modulation

4.2 Height and Roof Lines

4.3 Transitional Massing

4.4 Corner Elements



4.1 MODULATION

a. Building design shall avoid large monotonous façades, long straight-line building fronts, plain box shapes, and barren exterior treatment through the methods listed below.

b. Vertical Façade Modulation. All buildings two or more stories in height shall achieve vertical modulation through at least two of the following:

   i. A change in façade materials, textures, and colors between the ground floor and the second floor.

   ii. For buildings with three or more stories, a change in façade materials, textures, and colors between the uppermost floor and the floor below.

   iii. Use of functional and/or decorative horizontal façade projections or recesses at transition lines above the ground floor or below the uppermost floor.

   iv. Changes in floor-to-floor heights at the second floor or above.

c. Horizontal Façade Modulation. All design proposals shall comply with the following horizontal modulation standards:

   i. For every 60 feet of façade, a minor modulation that is a minimum of 10 feet in width and 3 feet in depth from the primary façade plane shall be provided. Façade area used to meet this standard may be recessed behind, or project out from the primary façade plane, and may be in one continuous section or a combination of sections across the façade.

   ii. For every 120 feet of street-facing façade, a major modulation that is a minimum of 6 feet in depth and 20 feet in length shall be provided. The major modulation shall extend from grade to the highest story.

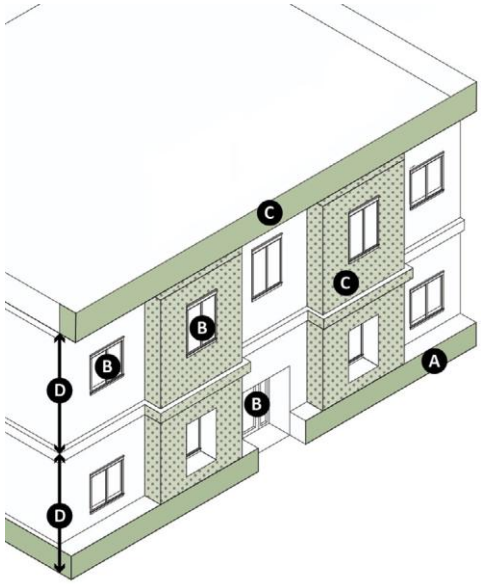


Figure 4.1. Example of a modulated façade

- **A** Changes in facade materials, textures, and colors
- **B** Changes in type, size, number, and arrangement of façade doors and windows
- **C** Functional and/or decorative horizontal façade projections or recesses at transition lines.
- **D** Changes in floor-to-floor heights at the second floor or above.

4.2 HEIGHT AND ROOF LINES

a. Roofline Variation. Variation in roof height of at least 3 feet for every 50 linear feet. Rooflines shall be vertically articulated at least every 50 feet along the street frontage, though the use of architectural elements such as parapets, varying cornices, reveals, clearstory windows, and varying roof height and/or form.

b. Height Modulation. Buildings over three stories tall shall have major massing breaks at least every 100 feet along any street frontage, through the use of varying setbacks, and/or building entries. Major breaks shall be a minimum of 30 inches deep and four feet wide and extend the full height of the building.

c. Roofline Articulation. Rooflines greater than 50 linear feet shall be articulated with at least one of the following techniques:

   i. Change in the height of the roof ridge and/or parapet;

   ii. Change in the shape of the roof form;

   iii. Change in the angle of the roof slope.

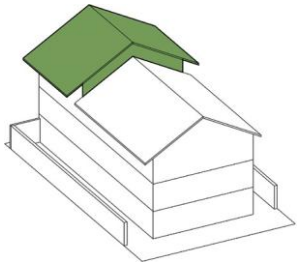


Figure 4.2. Ridgeline Change

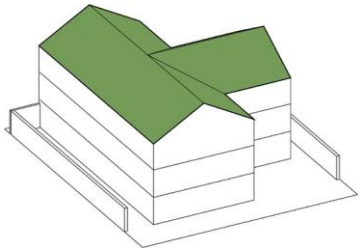


Figure 4.3. Cross Ridgeline

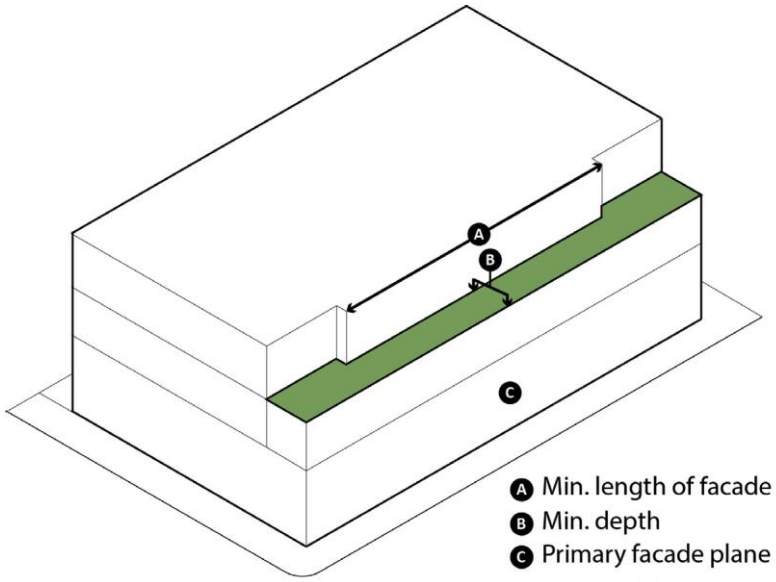


Figure 4.4. Massing Breaks Along Uppermost Floor

4.3 TRANSITIONAL MASSING

a. If adjacent to a single-family residential zone, buildings shall be designed so as not to have a direct line-of-sight into adjacent units or onto private patios or backyards adjoining the property line. This shall be accomplished through a solid wall at least 6 feet in height and at least two of the following:

   i. Increased Setback. An increased interior setback adjacent to the single-family zone of 5 feet.

   ii. Stepback. Minimum depth of 10 feet for entire adjacent façade for the third floor and above.

   iii. Windows. Offset all windows facing a single-family zone by at least 1 foot from any windows in adjacent low-rise residential buildings within 20 linear feet to avoid direct line-of-sight.

   iv. Transitional Height. All buildings within 100 feet of an adjacent single-family zone do not exceed the height limit of the adjacent zone or exceed more than one story above surrounding developments.

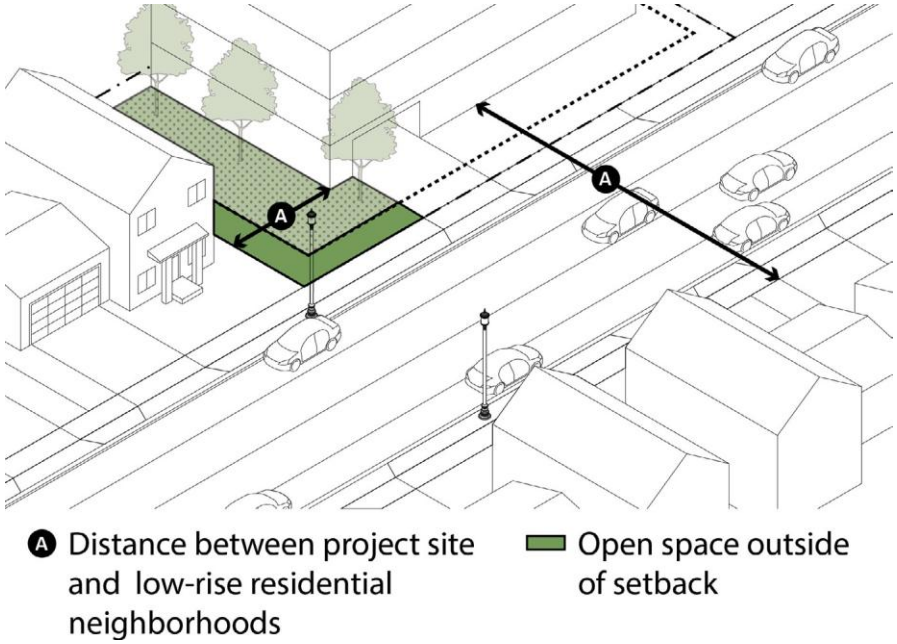


Figure 4.5. Transitional Massing

4.4 CORNER ELEMENTS

a. All multifamily residential sites located on a corner shall incorporate at least one of the following corner elements:
    i. Decorative features such as monument signage or public art;
    ii. Pedestrian entrance into site.

b. A structure located on a corner lot shall incorporate at least two of the following corner elements:
    i. Corner feature, such as a spire, tower, or dome, with a greater height than adjacent building façades by a minimum of 10 feet; for a horizontal area of a minimum of 20 feet by 20 feet;
    ii. Corner feature with a minimum of 5 feet recess or projection from the primary façade for a minimum of 20 feet by 20 feet and extend from grade to building height;
    iii. A corner entry-oriented diagonal to the intersection;
    iv. Unique corner features, wraparound balconies, or terraces above the ground floor;
    v. Diagonal or curved walls at the intersection;
    vi. Color and material variation from the primary façade with an area at least 20 feet by 20 feet.

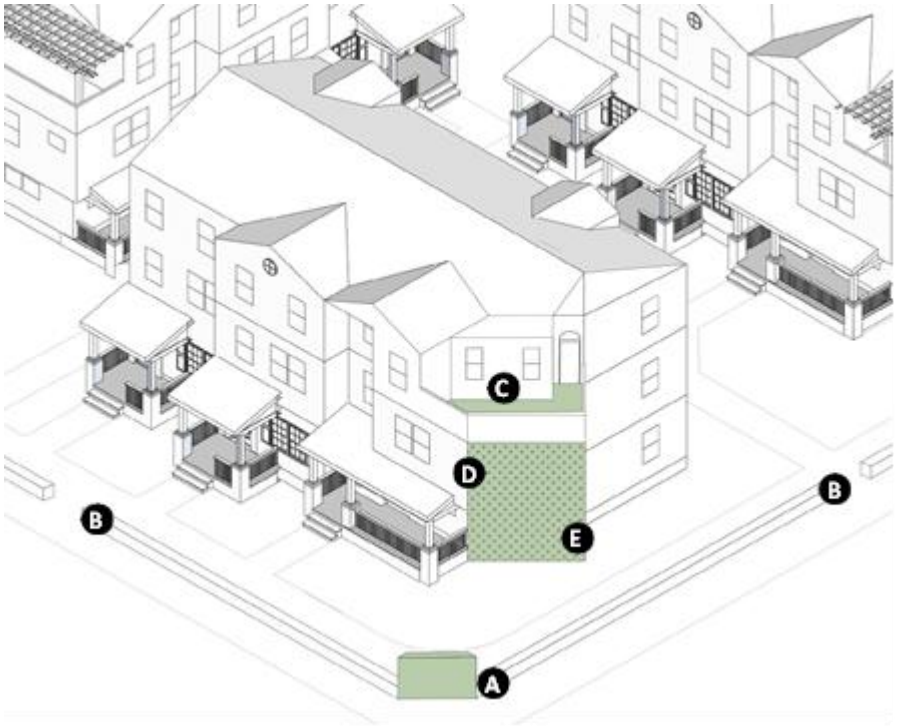


Figure 4.6. Corner Elements

A Monument signage
B Pedestrian entrances into site
C Wraparound balcony/terrace
D Diagonal walls
E Material and color variation

5.0
MATERIALS AND DETAILS

5.1 Materials and Finishes

5.2 Façade Details

5.3 Color and Texture

5.4 Unit Entrances

5.5 Doors, Windows and Walls

5.1 MATERIALS AND FINISHES

a. All building façades, including alley-facing elevations, shall be treated with the same materials.

b. All building façades shall be constructed with durable materials rated for residential construction, such as stucco, natural stone, brick, siding, and precast concrete. Exterior siding/cladding may include manufactured, composite, or veneer stone/brick. Trim and accent materials permitted include metal, tiles (ceramic, porcelain, stones) or similar materials that can withstand significant deterioration, decay, or discoloring due to wear or weathering.

c. Materials such as brick or stone shall be left in their natural colors.

d. A minimum of two complementary building materials, excluding glass, shall be used on any façade facing a public right-of-way.

e. Changes in material or color shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as columns.

f. The same material and finishes must be uniformly applied on the building exterior elevations to create 4-sided architecture.

g. For buildings with three or more stories, material, texture, and color variations shall distinguish a building's base, and/or middle, and/or top.

    i. If a distinct building base is provided (as delineated in Table 5.1), the building's middle and top may feature the same materials and textures.

    ii. No more than 60 percent of a multistory building's façades may feature materials, colors and textures which extend uninterrupted from the ground to the roofline.

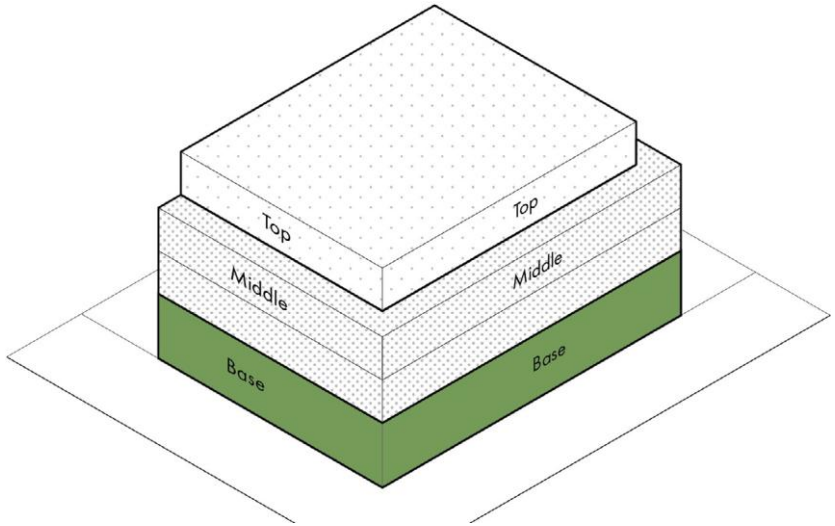


Figure 5.1. Building Materials

Table 5.1: Material Variation	
Number of Stories	**Distinct base height, extending up from grade**
3	3 feet
4	10 feet
5+	12 feet

5.2 FAÇADE DETAILS

a. All building façades facing a street or public open space shall be articulated for at least 80 percent of each façade length. All other building façades shall be articulated for at least 60 percent of each façade length. Façade articulation shall be achieved through at least four of the following architectural elements:

   i. Minimum of 2 fenestration type and/or size variation; or

   ii. Window details such as moldings, decorative trim, and wood frames; or

   iii. Balconies and/or porches; or

   iv. Decorative veneer; or

   v. Decorative light fixtures; or

   vi. Decorative attic/gable vent; or

   vii. Decorative moldings and/or cornices; or

   viii. Trellis and/or arbor structures.

b. Accessory and service buildings/structures, such as carports, detached garages, recreational buildings, laundry facilities, and storage buildings/structures, shall feature the same materials, colors, and details as to the primary buildings.

c. Blank Façades. A blank façade is a portion of a façade without a window, balcony, ground floor windows, and/or doorways more than 30 feet in any direction. Where a blank façade is unavoidable, architectural treatments (such as trellises, screens, or changes in materials) shall cover at least 50 percent of the blank façade surface.

d. Expansion Joints. If employed on stucco façades, expansion joints shall reinforce the grid pattern created by fenestration openings by aligning with:

   i. Window and/or door jams, sills, and/or headers; or
   ii. The centerlines of windows and/or doors; or
   iii. Wall breaks such as recesses and/or soffits created by balcony openings.

Figure 5.2 Façade Details

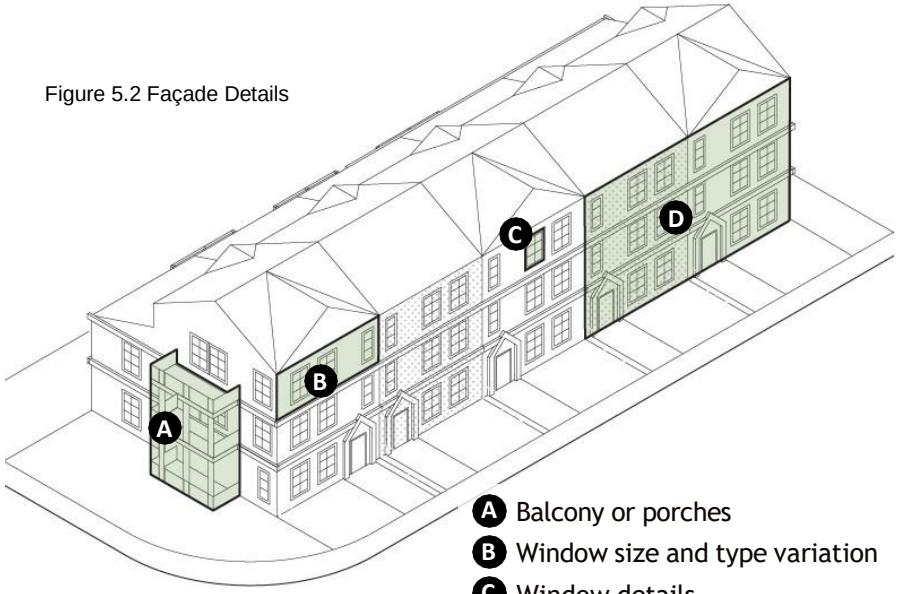


Figure 5.3 Example Expansion Joint Alignment

e. Exterior Details.

i. Exterior stairways shall be designed as an integral part of the architecture of a project and shall incorporate solid wall portions, columns, and/or a decorative balustrade. They shall be of the same materials, color and detail of the building. Thin-looking, open metal, prefabricated stairs shall not be used.

ii. Exterior columns for trellises, porches or colonnades shall utilize the same materials and colors of the adjacent building.

iii. Gutters and downspouts shall be concealed, unless designed as a decorative architectural feature.

iv. Balconies and patios shall be enclosed by a decorative solid wall or fence designed as an integral part of the architecture of the project, to screen items being stored outdoors.

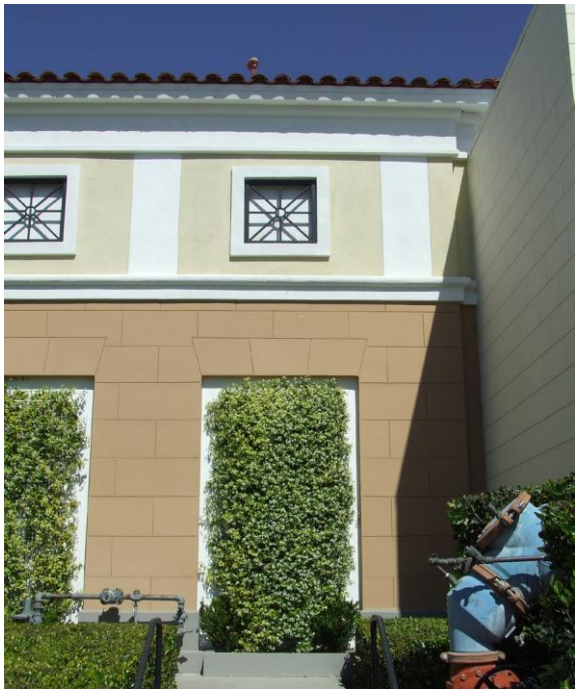


Figure 5.4. Blank Façade Treatment

5.3 COLOR AND TEXTURE

a. Colors

   i. Primary colors shall be utilized on a building's façades.

   ii. Primary colors shall be earth-toned.

   iii. Accent colors shall be reserved for window and door frames, recesses and projections, expansion joints, plane brakes, material breaks, as well as other decorative trim and exterior architectural features.

   iv. Accent colors may be a different color to accentuate and contrast with the building's façades. The use of strong or bright, unnatural colors shall be avoided.

b. Color Schemes – Single Structure

   i. Structures shall have at least one primary color and one accent color, in addition to roof color.

   ii. Structures shall have a maximum of two primary colors and three accent colors, in addition to roof color.

c. Color Schemes – Multiple Buildings

   i. Residential developments between 3 and 24 habitable buildings shall provide a minimum of two distinct color schemes. A single-color scheme shall be dedicated to no less than 30 percent of all residential buildings.

   ii. Residential developments with 25 or more habitable buildings shall provide a minimum of three distinct color schemes. A single-color scheme shall be dedicated to no less than 30 percent of all residential buildings.

   iii. Clubhouses and other buildings may utilize a separate complimentary color scheme from the residential buildings.

EARTH TONES

- An earth tone color draws from a color palette of browns, tans, warm grays, greens, oranges, whites, and some reds, and some blues.
- The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks. Many earth tones originate from clay earth pigments, such as umber, ochre, and sienna.
- In case of doubt, the following definition shall be applied to determine whether a color is an earth tone: *"Earth tone means a color with a lightness (light reflective) value of 25 to 60 that is composed of a mixture of any shade of brown and any shade of any other color or colors."*

5.4 UNIT ENTRANCES

a. Where individual unit entrances are provided, transitional spaces in the form of stoops, overhangs and porches shall be provided, subject to the dimensions below:

   i. Front porches shall have a minimum depth of 5 feet and a minimum width of 8 feet.

   ii. Stoops shall have a minimum depth of 3 feet and a minimum width of 5 feet.

   iii. Overhangs shall have a minimum depth of 3 feet and a minimum width of 5 feet.

b. Exterior primary dwelling unit entries, fronting the public right of way, shall incorporate at least 3 of the following architectural treatments consistent with the primary dwelling unit.

   i. Façade projection or recess with a minimum depth of 5 feet;

   ii. Projecting element above the entrance with a minimum depth of 2 feet; or

   iii. Window detailing;

   iv. Decorative veneer or siding;

   v. Porches or stoops; or

   vi. Material and/or color variation.

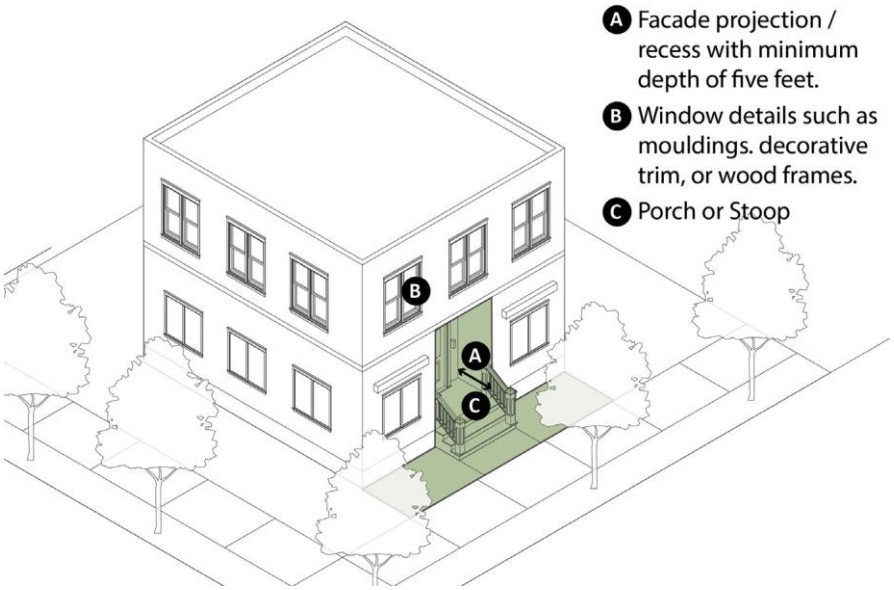


Figure 5.5. Unit entrance requirement

5.5 DOORS, WINDOWS, AND WALLS

a. All windows shall be offset at least 1 foot from any windows in adjacent buildings within 15 linear feet to avoid direct line- of-sight.

b. All doors and window frames shall be composed of consistent material. All windows shall either be recessed at least 3 inches from the plane of the surrounding exterior wall or shall have a trim or windowsill at least 1 inch in depth.

   i. When trim is used, a minimum of 1 inch by 4 inch wide trim is required.

   ii. With stucco walls, a minimum of 1 inch deep, raised relief around the window is required.

   iii. With brick, a minimum 2-inch wide brickmold is required around windows.

c. All windows facing a public street shall feature at least two of the following treatments:

   i. Variation in window types and/or sizes; or

   ii. Moldings; or

   iii. Mullions: or

   iv. Wood frames; or

   v. Decorative trim; or

   vi. Shutters.

d. Additional window standards include:

   i. For new multifamily developments, double glazing shall be used consistent with energy code requirements.

   ii. Openable windows shall feature screens.

   iii. Raw or clear anodized aluminum window frames are prohibited.

e. Additional door standards include:

   i. Doorbells shall be provided on doors or within the main entrance.

   ii. Entry doors for individual multifamily units shall include viewers.

f. Units within a project shall be insulated to protect residents from noise intrusion from adjoining units. In addition to insulation between common walls, vertical insulation on exterior walls and from floor-to-floor shall be provided.

6.0 UTILITIES, SERVICES, LIGHTING, AND FENCES

6.1 Fences, Walls, and Gates
6.2 Exterior Lighting
6.3 Utility and Mechanical Storage
6.4 Refuse and Storage Areas

6.1 FENCES, WALLS, AND GATES

a. The design of walls, as well as the materials and colors used, shall be consistent with the overall development's design.

b. Walls and fences shall be constructed with durable materials that can withstand significant deterioration, decay, or discoloring due to wear or weathering. Acceptable materials are as follows:
   i. Ornamental metal
   ii. Grillwork
   iii. Wrought iron
   iv. Tubular steel
   v. Vinyl fencing
   vi. Decorative masonry
   vii. Stone and brick

c. Both sides of all perimeter walls shall be architecturally treated.

d. The wall or fence height shall not exceed 6 feet. View-obscuring walls or fences shall not exceed 3 feet in height when located within front and street side yard setbacks. These areas may incorporate a non-view-obscuring estate-type fence as follows:
   i. Solid masonry pillars with ornamental metal fencing between.
   ii. Masonry pillars shall not be more than thirty (30) inches in width.
   iii. Masonry pillars shall not be placed less than eight feet apart.

e. Wall/fence sections greater than 50 feet in length fronting a street shall incorporate at least 2 of the following design features, in proportion to the length of the wall:
   i. A minimum 2-foot change in horizontal plane for at least 10 feet.
   ii. A minimum 18-inch change in height for at least 10 feet.
   iii. A minimum 18-inch-high raised planter for at least half the length of the wall.
   iv. Use of pilasters at 25-foot maximum intervals and at changes in wall planes.

f. Required fencing around a basin shall consist of a combination wall with 2 feet of split face block and 4 feet of tubular steel.

g. Internal fencing, not viewable from public right of way, to separate private rear yards may be vinyl.

h. Gates shall be provided in perimeter walls or fences to allow emergency access and facilitate convenient pedestrian access to activity areas and adjacent uses.

i. Walls shall be curved or angled at corner locations along street frontages and at vehicular entrances to allow sight line views around the corner. In no event shall any fence, wall obscure any clear sight triangle.

Figure 6.1 Example Fencing

6.2 EXTERIOR LIGHTING

a. Every multifamily project shall have adequate lighting to provide security and visibility.

b. Site lighting throughout the development shall be a minimum of 0.1 foot- candles but shall not exceed 0.5 foot-candle at residential property lines and the right-of-way.

c. The design of all exterior light fixtures shall be compatible with the building's architecture. All lighting fixtures must be shielded to confine light spread on-site and to prevent nighttime light pollution.

d. Pedestrian-scale lighting shall be located along all walkways within the development.

e. Lighting of pedestrian walkways shall illuminate changes in grade, path intersections, seating areas and any other uses along the movement path that, if left unlighted, would create an unsafe situation.

f. The maximum height of walkway lighting shall be 15 feet.

g. Open spaces shall be adequately lit with durable low maintenance fixtures.

h. Night lighting of buildings shall be used to highlight special building features, such as building entrances and addresses, emphasize repeated or decorative features, and articulate the building façades.

Figure 6.4. Example Outdoor Lighting

Figure 6.3. Example Pedestrian Lighting

6.3 UTILITY AND MECHANICAL EQUIPMENT

a. All utility equipment shall be screened from view on all sides
b. All screening devices shall be compatible with the architecture and color of the building.
c. Ground mounted screening shall be accomplished with one or more of the following:
    i. Landscaping
    ii. Solid masonry walls
    iii. Permanent buildings/enclosures
d. Mechanical equipment shall not be permitted on any exposed portion of a pitched roof.
e. Roof-mounted screening shall be accomplished with the following:
    i. Roof mounted equipment shall be screened through the use of parapets, screening walls, mechanical room enclosures and similar design features. Screening devices other than parapet walls shall be designed as an integral element of the building massing.
    ii. The top of screens shall be at least as high as the top of the equipment being screened.
    iii. Mechanical equipment shall not be permitted on any exposed portion of a pitched roof.
f. Electric and other metering equipment and panels shall be painted to match adjacent building and wall surfaces.

Figure 6.5. Example Utility Screening

6.4 REFUSE AREAS

a. All trash enclosures shall meet the solid waste management standards found in Chapter 8.04 of the City of Hesperia Health and Safety Code.

b. All trash enclosures shall be per the City of Hesperia Trash Enclosure Detail.

c. The collection area(s) shall be enclosed on three sides by a minimum six-foot tall masonry wall consisting of split-faced or treated with finish material that matches the architectural style and color of the development they serve. The fourth side of the enclosure shall be enclosed with an opaque, self-latching metal gate. Enclosures shall feature decorative trellis and screened gates.

Figure 6.7 Trash Enclosure

Figure 6.8 Trash Enclosure

7.0 MIXED-USE

7.1 Vertical Mixed-Use
7.2 Horizontal Mixed-Use
7.3 Structured Parking

7.1 VERTICAL MIXED-USE

7.1.1 BUILDING SITING, ORIENTATION AND SETBACKS

a. The placement and design of buildings shall facilitate and encourage pedestrian activity and convey a visual link to the street and sidewalks. The building(s) and main entrance(s) shall be oriented toward the primary street frontage.

b. Retail uses in mixed-use developments shall front onto the street at the ground-floor level, with parking generally located in the rear or side of buildings.

c. Buildings shall avoid visible blank walls along interior side property lines.

Figure 7.1. Vertical Mixed-Use Vehicular Circulation

7.1.2 VEHICLE CIRCULATION, ACCESS, AND PARKING

a. Common driveways for the different portions of mixed-use developments shall be provided. Driveway entry locations shall be coordinated with existing or planned median openings and driveways on the opposite side of the roadway.

b. Separate parking facilities shall be provided for residential uses and commercial uses.

c. Site access and internal circulation shall promote safety, efficiency, and convenience. Vehicular traffic shall be adequately separated from pedestrian circulation. Vehicular entrances shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.

d. Non-residential uses in a mixed-use project may utilize 75 percent of the required parking listed in Table 16.20.080(B) of Chapter 16.20, Article IV, Parking and Loading Standards, of the Hesperia Municipal Code.

7.1.3 PEDESTRIAN CIRCULATION

a. Mixed-use developments shall be oriented and designed to enhance pedestrian movement within the development and to adjacent uses.

b. Well-marked pedestrian links between parking areas and buildings shall be provided. Pedestrian connections shall be clearly identified and easily accessible to minimize pedestrian/ vehicle conflict.

c. Pedestrian walkways shall be a minimum of 4 feet wide and shall link dwelling units with commercial uses in the mixed-use development, as well as with common open space, plazas and courtyards, and public sidewalks. Pedestrian connections shall also be provided between buildings and adjoining residential and commercial sites.

d. Pedestrian connections shall include design cues to help demarcate the transition between public and private spaces, such as decorative pavers or stamped concrete. Design cues may also include a change in colors, materials, landscaping, or the dimensions of the walkway.

7.1.4 BUILDING ORGANIZATION

a. Vertically mixed-use buildings shall be designed with commercial storefronts or offices on the ground floor and residential units above.

b. A ground floor retail or office use shall have a minimum floor-to-ceiling height of 12 feet.

7.1.5 ARCHITECTURAL STYLE

a. The architectural style and use of materials shall be consistent throughout the entire mixed-use development. Differences in use of architectural details may occur where the intent is to differentiate between the residential and commercial scale and character of the structure(s).

b. The buildings shall present an “active” building elevation including entrances and windows to the street, not blank walls or parking.

c. All building façades shall be designed with the same level of architectural detailing, material variation, and coloration.

7.1.6 MODULATION, ARTICULATION AND DETAILING

a. Use building form to emphasize individual units within a building, larger units and/or anchor stores within retail projects, and foyers, lobbies, and reception areas within non-retail commercial projects. Use building form and articulation to emphasize public entrances and de-emphasize service areas, and to define and shelter (i.e. give a sense of invitation and enclosure) pedestrian walks and exterior spaces.

b. Building façades shall be designed so as to give individual identity to each vertical module of residential units, using techniques such as providing a deep notch between the modules; varying architectural elements between units (e.g., window color, roof shape, window shape, stoop detail, railing type); providing porches and balconies; varying color or materials of each individual module within a palette of colors and materials, etc.

c. Buildings shall incorporate architectural details and elements visible from the public right-of-way, such as awnings, canopies, arbors, trellises, etc.

7.1.7 SITE AND BUILDING ENTRANCES

a. Separate building entrances shall be provided for residential and commercial uses.

b. Main entries to ground-floor retail uses shall be clearly demarcated, visible and accessible from the street and/or pedestrian walkways. Secondary entries may be from parking areas.

c. Entrances to residential, office, or other upper story uses shall be clearly distinguishable in form and location from retail entrances.

d. Building entries shall be integrated with the overall building form. Variation in building height, wall plane, roof treatment, window placement, architectural detailing, etc. shall define and emphasize public entries. Variation in material, texture, and/or color is also recommended as a means of identifying building entries.

e. Entries shall be highly visible and shall not be recessed more than 3 feet from the main façade.

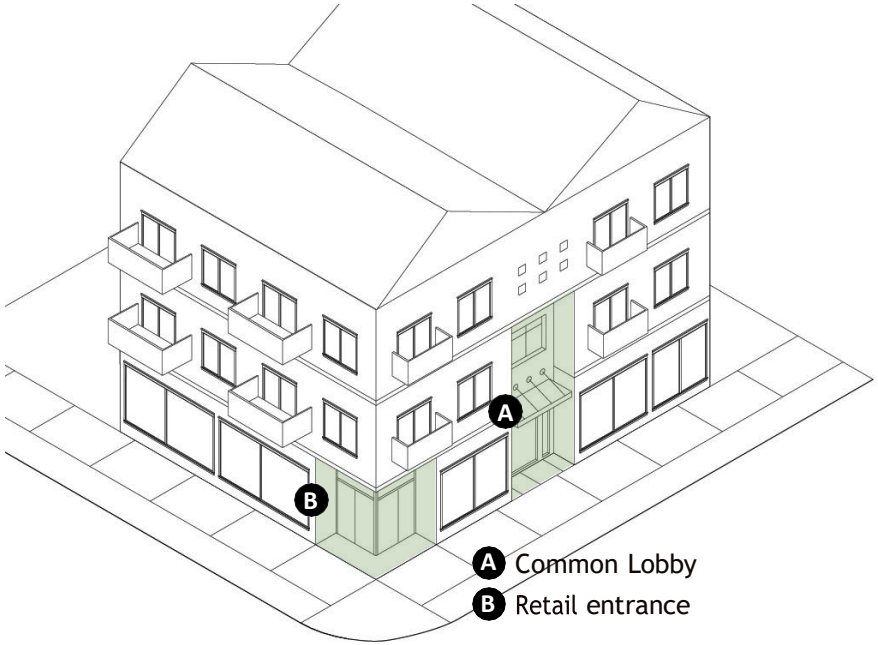


Figure 7.2. Common lobby, separated from retail uses.

7.1.8 PRIVACY FOR RESIDENTIAL UNITS

a. Buildings shall be oriented to promote privacy to the greatest extent possible. In mixed-use developments, residential windows shall face away from loading areas and docks.

b. Windows, balconies, or similar openings shall be oriented so as not to have a direct line of-sight into adjacent units within the development. In addition, units above the first story shall be designed so that they do not look directly onto private patios or backyards of adjoining residential property or units.

7.2 HORIZONTAL MIXED-USE

7.2.1 BUILDING SITING, ORIENTATION AND SETBACKS

a. Ensure that commercial buildings face public streets or internal paseos or plazas that engage the public realm to create an active and enjoyable pedestrian environment.

b. Locate residential uses at the rear or side of the site.

c. Locate parking for on-site commercial uses at the center of the site, allowing parking to provide a buffer from on-site residential uses.

d. Dedicated private residential parking areas shall be located in private areas away from public commercial parking.

7.2.2 CIRCULATION, ACCESS, AND PARKING

a. All commercial, residential, and open space areas shall be linked by internal pathways.

b. Screen surface parking from residential uses to reduce the visual impact of large parking areas.

c. Non-residential uses in a mixed-use project may utilize 75 percent of the required parking listed in Table 16.20.080(B) of Chapter 16.20, Article IV, Parking and Loading Standards, of the Hesperia Municipal Code.

7.2.3 OPEN SPACE

a. Common residential open space as part of a horizontal mixed- use project shall not be publicly accessible.

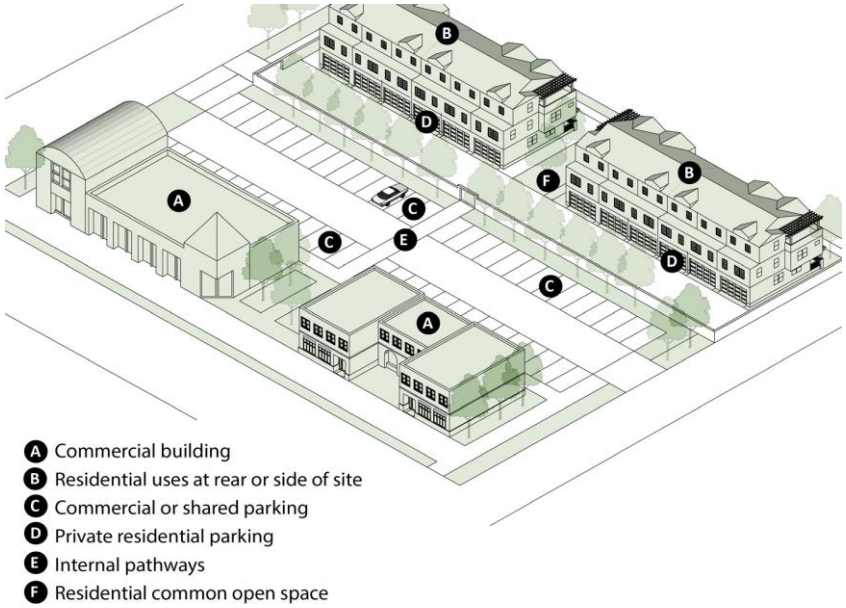


Figure 7.3. Horizonal Mixed Use Example

7.2.4 BUILDING ORGANIZATION

a. Service entries, loading areas, and trash areas associated with commercial uses shall not be within 50 feet of residential uses.

b. The windows, doors, and other access points of commercial use shall be oriented so as not to have a direct line-of-sight into residential uses.

7.3 STRUCTURED PARKING

a. Ramps within a parking garage must be screened by spandrels or architectural treatments that create a level appearance from the exterior.

b. Pedestrian and vehicular entrances must be distinctly marked with signage and differentiated by color or material treatment that contrasts with the primary façade.

c. The parking garage must provide design details to reduce a monolithic appearance for all street-facing façades. This must include, at minimum, two of the following methods:

   i. Façades incorporating alternating projections and recesses, at least 2 feet in depth and 2 feet in length, applied every 80 feet horizontally, or for every level above the ground level.

   ii. Vehicular and pedestrian entrances utilizing the architectural elements of the adjacent buildings served by the parking structure.

   iii. Elevators and covered stairwells which project at least 5 feet from the edge of the ground level of the parking garage.

   iv. Active uses on the ground floor, such as commercial or office uses.

   v. Setting back upper floors of the parking garage, if active uses are provided on the ground level, by a minimum of 5 feet.

Figure 7.4. Example Parking Structure

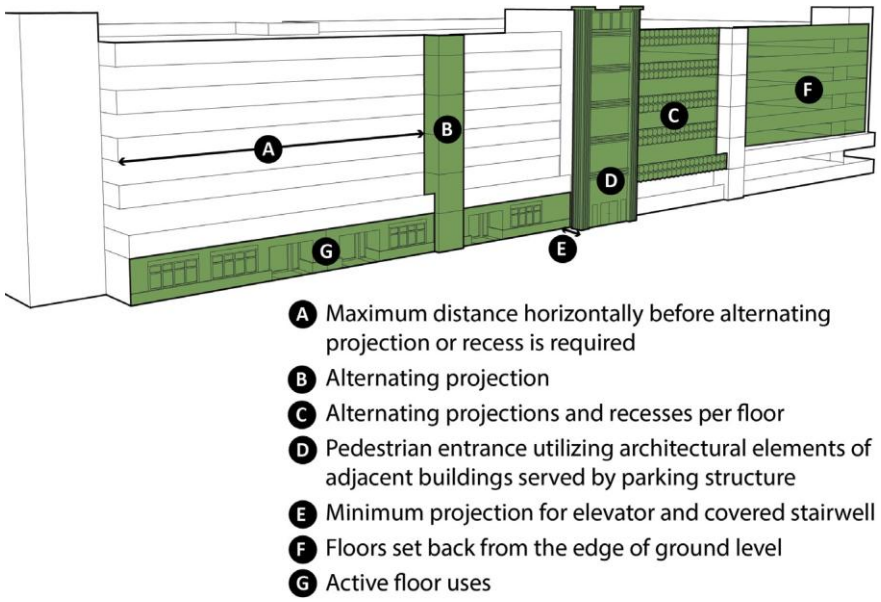


Figure 7.5. Parking Structure Features

8.0
DEFINITIONS

8.1 DEFINITIONS

Alley- A public or private roadway, generally not more than thirty feet wide that provides vehicle access to the rear or side of parcels having other public street frontage, that is not intended for general traffic circulation.

Articulation- The process of stepping and recessing external walls of a building in plan and in section. This process essentially creates more corners and edges to a building, which reduces the potential for the presentation of large expanses of blank walls.

Awning- An architectural fabric or metal projection that provides weather protection, building identity, or decoration, and is wholly supported by the building to which it is attached. An awning consists of a lightweight frame structure over which a cover is attached.

Block- All property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a waterway, dead end street, park, or city boundary. An intercepting street shall determine only the boundary of the block on the side of a street which it intercepts.

Building Mass (Massing)- Mass refers to the general shape and form as well as size of a building.

Carport- An attached or detached accessory structure enclosed on no more than two sides.

Clerestory Windows- Vertical windows placed high on a wall, often above eye level.

Commercial Use- A non-residential use such as retail, service, automotive, medical, food service, hospitality, and office uses.

Cornice- A horizontal moulding projecting along the top of a wall, building, etc.

Corner Element- A distinct architectural treatment, expressed through a change in form, mass, decoration, or any combination thereof, located on the corner of a building or site.

Courtyard- An extent of open ground partially or completely enclosed by walls or buildings.

Detail- An element of a building such as trim, moldings, other ornamentation, or decorative features.

Dormer- A structure projecting from a sloping roof, usually housing a vertical window in a small gable or a ventilating louver.

Driveway- A paved area of a lot located between the public right-of-way and the garage, carport, or required parking space designed and intended as an access way between a private or public road and the garage, carport, or required parking space.

Driveway, Primary- A driveway providing both ingress and egress from a property.

Driveway, Secondary- A driveway providing either ingress or egress from a property.

Dwelling- A room or group of internally connected rooms that have sleeping, cooking, eating and sanitation facilities, but not more than one kitchen, which constitutes an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

Earth Tone- A color with a lightness (light reflective) value of 25 to 60 that is composed of a mixture of any shade of brown and any shade of any other color or colors.

Easement- A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

Elevation- An orthographic view of the vertical features of a building (front, rear, side, interior elevation).

Exterior Architectural Feature- The architectural elements embodying style, design, general arrangement, and components of all the outer surfaces of an improvement, including, but not limited to, the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs, and other fixtures

appurtenant to such improvement.

Façade- The entire exterior side of a building; especially the architectural front, sometimes distinguished from the other sides by elaboration of architectural or ornamental details.

Fenestration- The stylistic arrangement of windows in a building.

Frontage or Fronting- The portion of a parcel which abuts a street right-of-way.

Gable Roof- A roof having a gable at one or both ends; a roof sloping downward in two opposite directions from a central ridge, forming a gable at each end.

Garage- An attached or detached accessory structure with a door, enclosed on at least three sides.

Glass Blocks- Thick blocks of glass, typically hollow, used as a building material.

Glass, Opaque- Glass that blocks the passage of light.

Hardscape- The non-living, structural elements of a landscape, such as patios, walkways, driveways, and decks.

High-Quality Materials- Treated wood, stone, brick, stucco, fiber cement or other cementitious material, or composite wood or stone, with no unfinished edges.

Hipped Roof- A roof that slopes upward from all four sides of a
building, requiring a hip rafter at each corner.

Lot- Means an area shown on and created by a final map, official map or parcel map recorded with the county recorder.

Lot Line- Any recorded boundary of a lot.

Maintenance- The work of keeping something in proper condition; upkeep.

Mixed-Use- A project allowing for a combination of residential and nonresidential uses in a single building site.

Mixed-Use, Horizontal- A project allowing for a combination of residential and nonresidential uses on separate portions of a single building site.

Mixed-Use, Vertical- A project allowing for a combination of residential and nonresidential uses in the same building, typically with commercial uses on the ground floor, and residential dwellings above.

Modulation, Major- An articulation which extends from the ground level to roofline of a building.

Modulation, Minor- An articulation which does not extend from the ground level to the roofline.

Multifamily dwelling(s)- A building or a portion of a building used and/or designed as residences for three or more families living independently of each other. Includes: triplexes, fourplexes (buildings under one ownership with three or four dwelling units, respectively, in the same structure) and apartments (five or more units under one ownership in a single building); townhouse developments (three or more attached single-family dwellings where no unit is located over another unit) and senior citizen multifamily housing.

Parapet- A retaining wall at the edge of a roof, porch, or terrace.

Parcel- *See Lot.*

Parking- To put or leave (a vehicle) for a time in a certain location.

Parking Court- A parking area open to the sky.

Pedestrian Paseos- Landscaped passageways that serve as midblock crossings and may additionally provide access to interior courtyards.

Rooflines- Various forms to a roof, such as pitch, ridge, hip, etc., often at different angles.

Setback- The distance a building is recessed from the property line, curb of the street, or the edge of the sidewalk.

Shade Trees- A twenty-four (24) inch box tree or larger.

Shutter- Each of a pair of hinged panels, often louvered, fixed inside or outside a window that can be closed for security or privacy or to keep out light.

Sidewalk- A paved walkway along the side of a street.

Sill- The horizontal exterior member at the bottom of a window or door opening, usually sloped away from the bottom of the window or door for drainage of water and overhanging the wall below.

Site- A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

Softscape- The living elements of a landscape, primarily plants, such as trees, shrubs, flowers, grass, groundcover, and mulch.

Spire- A tall, pointed structure on top of a building.

Stepback- The recess of the upper part of the façade due to the smaller area of the upper floors.

Street- A public thoroughfare accepted by the City, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley.

Structure- Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground.

Yard- An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections.

This User Guide complements the City of Hesperia Objective Design Standards. This guide forms a checklist for applicants and City staff to analyze if a proposed project complies with the minimum design standards. A brief description of each standard is listed in the two columns to the left of the table. The full standards are contained in the City's adopted Objective Design Standards. It is an applicant's responsibility to check their project against the City's standards, and to provide a response to each standard on how a proposed project meets or exceeds the standards. It is also the applicant's responsibility to provide the page numbers of the project plans wherein City staff can check if the standard has been met. Once the completed checklist is submitted, the Planning Division will review the responses and determine whether the project does or does not conform to each applicable standard.

Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
2.0 Site Planning						
2.1Site Layout						
2.1.a and b	Buildings have public entrances facing the street, with access drives appropriately located; at least 60 percent of frontage is devoted to buildings; up to 40 percent of frontage is devoted to parking, landscaping, and driveways					
2.1.c	Minimum distance of 10 feet for single story buildings, 15 feet for multi- story buildings					
2.1. d	On sites with four or more residential buildings, buildings are clustered					
2.1.	Setbacks are utilized for landscaping					
2.1.	If adjacent to commercial or industrial uses, parking is located adjacent to these uses and features a landscaped buffer					

Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
2.2 Building Orientation						
2.2.a, b, and c	Entrances are oriented towards non-arterial streets, front doors are oriented toward the street, and elevations emphasize entries, porches, and other living areas					
2.2. d	Buildings along an arterial provide at least 2 of the following:					
	• Pedestrian level articulation					
	• Ground floor activation					
	• Enhanced landscaping					
2.2. e	Buildings within 15 feet of an adjacent building avoid direct line-of-sight into other units by:					
	• Offset windows					
	• Clerestory windows					
	• Opaque glass					
	• Glass block					
2.2. f	New development protects residents from the sun by at least 1 of the following:					
	• Use of overhangs					
	• Planting trees in front of windows					
	• Covered porches/patios					
2.3 Pedestrian Circulation						
2.3. a	Pedestrian walkways connect throughout the site					
2.3. b	Walkways are separated from vehicular traffic and utilize appropriate materials					

Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
2.3 c	Pedestrian walkways meet width requirement of 4 feet					
2.4 Vehicular Circulation						
2.4.1.a, b, c, and d	Vehicular entrances are marked, lead into an entry drive, are limited in number, and utilize appropriate materials					
2.4.1. e	On lots with more than 150 feet of frontage, landscaped islands are provided					
2.4.1. f	Alley improvements coincide with site planning					
2.4.2	Vehicular circulation standards are met					
2.4.3	Minimum auto court/common court standards are met:					
	• Length					
	• Unit Count & Unit Entrances					
	• Paving/Elevation					
	• Landscaping					

Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
2.5 Parking						
General	Surface parking requirements are met, and these standards are in addition to the parking and loading standards found in Chapter 16.20, Article 4 of the Hesperia Development Code					
2.5.1	If provided, parking lots meet design standards					
2.5.2	If provided, carports meet design standards					
2.5.3	If provided, tuck-under parking meets design standards					
2.5.4	Individual garages do not occupy more than 40 percent of a building's street frontage and are appropriately recessed					
	In addition, garage doors feature at least 2 of the following:					
	• Enhanced materials					
	• Decorative features					
	• Garage door windows or architectural detailing					
	• Arbors or other projecting features					

Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
3.0 Open Space						
3.1 General						
3.1.a and b	Open space areas shall be provided in large, meaningful and usable areas, pursuant to the requirements of Article VII of the Hesperia Development Code and all recreation areas or facilities required by this section shall be maintained by private homeowners' associations, property owners, or private assessment districts subject to the reviewing authority's approval					
3.1.c, d, e, and f	Open space meets locational and dimensional requirements					
3.2 Common Amenities						
3.2.c	The following major amenities are provided at ratios based on a project's size (See Table 3.1):					
	• Park					
	• Clubhouse					
	• Rooftop Terrace					
	• Swimming Pool					
	• Gymnasium					
	• An alternative amenity as deemed adequate by the Director					
3.2.d	The following minor amenities are provided at ratios based on a project's size (See Table 3.1):					
	• Barbecue and picnic area					
	• Sports court					
	• Tot lot with commercial playground equipment					
	• Gazebo or covered seating					
	• Community garden					
	• Courtyard					
	• Aboveground gas fire pit					
	• Spa/hot tub					
	• Community room					
	• Other amenities as deemed adequate by the Director					

Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
3.3 Private Open Space						
3.3.a, b, and c	Private open space is contiguous to unit it serves and features opaque fencing of at least 42 inches					
3.3d	Units feature at least 100 square feet of usable open space with dimensions no less than 8 feet and provides 100 cubic feet of lockable, private storage space if a garage is not provided for the unit					
3.3.1	Balconies meet locational, dimensional, and material requirements					
4.0 Mass and Scale						
4.1 Modulation						
4.1b	Vertical façade modulation is provided for buildings 2 or more stories in height with at least 2 of the following:					
	• Change in materials, textures, and colors above ground floor					
	• Functional/decorative projections and recesses					
	• Changes in floor height					
	• Change in materials, textures, and colors below the uppermost floor (3+ stories only)					
4.1c	Horizontal façade modulation is provided for buildings as follows:					
	• Minor modulation provided every 60 feet of street-facing façade					
	• Major modulation provided every 120 feet of street-facing façade					

Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
4.2 Height Modulation						
4.2a	Rooflines are vertically articulated at a minimum of 3 feet every 50 feet					
4.2b	Buildings 4+ stories feature massing breaks at least every 100 feet					
4.2c	Rooflines greater than 50 linear feet shall be articulated with at least one of the following:					
	• Change in height of roof ridge/parapet					
	• Change in roof form					
	• Change in angle of roof slope					
4.3 Transitional Massing						
4.3	If adjacent to a single-family zone, a 6-foot wall and at least 2 of the following are provided:					
	• Increased setback					
	• Stepbacks					
	• Offset windows					
	• Transitional height					
4.4 Corner Elements						
4.4	Buildings on a corner must feature at least 2 of the following:					
	• Spire, tower, or dome					
	• Recess or projection					
	• Building entrance diagonal to intersection					
	• Unique corner features					
	• Diagonal or curved walls at intersection					
	• Color and material variation					

Standard		Conforms? (City) Yes	No	N/A	Response (Applicant)	Page # (Applicant)
5.0 Materials and Details						
5.1 Materials						
5.1a, b, c, d, e, f.	All buildings feature at least 2 materials on façades fronting a public right-of-way, and all buildings are constructed with durable materials, and all material variation standards are met to produce four-sided architecture					
5.1.g	For buildings with three or more stories, material, texture, and color variations shall distinguish a building's base, and/or middle, and/or top					
5.2 Façade Details						
5.2.a	Façade articulation must be provided through at least 4 of the following:					
	• At least 2 window or door types					
	• Window details					
	• Balconies and/or porches					
	• Decorative light fixtures					
	• Decorative attic/gable vent					
	• Decorative moldings and/or cornices					
	• Trellis and/or arbor structures					
	• Decorative veneer					
5.2.b	Accessory structures and buildings feature the same materials and colors as the primary building					
5.2.c	Blank façades over 30 feet in length shall include architectural treatments					

Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
5.2.d and e	Standards for expansion joints, exterior stairways, columns, gutters, and other exterior architectural details are followed					
5.3 Color and Texture						
5.3.a, b, and c	Structures meet primary, accent, and roof color requirements; developments with multiple buildings feature a variety of color schemes					
5.4 Unit Entrances						
5.4a	Transitional spaces in the form of stoops, overhangs and porches are provided					
5.4.b	Primary entrances shall incorporate at least 3 of the following:					
	• Façade projection or recess					
	• Projecting element above entrance					
	• Window detailing					
	• Decorative veneer or siding					
	• Porches or stoops					
	• Material/color variation					
5.5 Doors and Windows						
5.5.a,	Windows are offset at least 1 foot from any windows in adjacent buildings within 15 linear feet					

Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
5.5.b	Windows and doors are recessed or include trim or a windowsill as applicable					
5.5.c	Windows feature at least 2 of the following:					
	• Variation in window types and/or sizes					
	• Mullion patterning					
	• Moldings					
	• Wood frames					
	• Decorative trim					
	• Shutters					
5.5.d	Windows are double glazed and include screens					
5.5. e	Doors include doorbells and viewers					
6.0 Utilities, Services, Lighting, and Fences						
6.1 Fence, Walls, and Gates						
6.1.a, b and c	Walls are treated on both sides with materials that are durable and consistent with development design					
6.1.d	Walls and fences are of appropriate height with pillars spaced appropriately where applicable					

Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
6.1.e	Wall/fence sections greater than 50 feet in length fronting a street shall incorporate at least 2 of the following design features:					
	• A minimum 2-foot change in horizontal plane for at least 10 feet					
	• A minimum 18-inch change in height for at least 10 feet					
	• A minimum 18-inch-high raised planter for at least half the length of the wall					
	• Pilasters at 25-foot maximum intervals and at changes in wall planes					
6.1.f, g and h	Basin, internal fencing, and access gates are appropriate					
6.1.i	Walls are curved or angled at corner and vehicle entry locations					
6.2 Exterior Lighting						
6.2.a and b	Lighting is adequate and a minimum of 0.1 foot- candles but shall not exceed 0.5 foot-candle at residential property lines and the right-of-way					
6.2.c	Fixtures are hooded and compatible with the building architecture					
6.2.d, e, and f	Pedestrian scale lighting is provided along walkways and a maximum of 15 feet					

Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
6.2.g and h	Adequate lighting of open space and buildings throughout the development					
6.3 Utility and Mechanical Equipment						
6.3	All utility equipment is appropriately screened as outlined					
6.4 Refuse Areas						
6.4.a	Enclosures meet waste management standards HMC Ch. 8.04					
6.4.b	Enclosure is per City detail					
6.4.c	Enclosure includes the following:					
	• 3 sides of split faced masonry or treated finish					
	• Self-latching opaque metal gate					
	• Decorative trellis/screen gates on top					
7.0 Mixed-Use						
7.1 Vertical Mix of Uses						
7.1.1	Building siting, orientation, and setback standards are met					

Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
7.1.2	Vehicle circulation, access, and parking standards are met					
7.1.3	Pedestrian circulation standards are met					
7.1.4	Building organization standards are met					
7.1.5	Architectural style standards are met					
7.1.6	Modulation, articulation, and detailing standards are met					
7.1.7	Site and building entrance standards are met					
7.1.8	Privacy for residential units is provided					

Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
7.2 Horizontal Mix of Uses						
7.2.1	Building siting, orientation, and setback standards are met					
7.2.2	Circulation, access, and parking standards are met					
7.2.3	Open space standards are met					
7.2.4	Building organization standards are met					
7.3 Structured Parking						
7.3.a	Ramps are screened by spandrels					
7.3.b	Pedestrian and vehicular entrances are distinctly marked					
7.3.c	Design details for exposed parking structures (must select at least 2):					
	• Alternating façades					
	• Vertical landscaping treatments					
	• Projected elevator shafts and stairwells					
	• Ground floor active uses					
	• Setting back primary mass of structure, if ground floor is activated					

DATE: August 14, 2025

TO: Planning Commission

FROM: Nathan R. Freeman, Director of Development Services

BY: Ryan Leonard, Principal Planner
Leilani Henry, Assistant Planner

SUBJECT: Appeal to the Planning Commission (APP25-00001); Applicant Supporters Alliance for Environmental Responsibility "SAFER"; APN: 0410-051-11

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2025-10, denying appeal APP25-00001 and upholding the Development Review Committee's (DRC) decision to adopt the Mitigated Negative Declaration ("MND") associated with the approval of site plan review SPR23-00018.

BACKGROUND

Proposal: On April 23, 2025, the DRC approved Site Plan Review SPR23-00018, to construct two industrial warehouse buildings totaling 79,778 square feet on approximately 5.2 acres of vacant land. As a part of the approval, the DRC made an environmental determination pursuant to the California Environmental Quality Act (CEQA) and adopted the associated Mitigated Negative Declaration (SCH No.2025021160). There were no public comments during the meeting.

On April 30, 2025, Lozeau Drury submitted, on behalf of the Supporters Alliance for Environmental Responsibility (SAFER), an application to appeal the decision of the Development Review Committee to the Planning Commission. The appellant generally asserts that the Mitigated Negative Declaration does not adequately analyze the project's impacts and requests the preparation of an Environmental Impact Report to analyze potential significant impacts on Biological Resources (Attachment 1).

Current General Plan, Zoning and Land Uses: The project is located on the southwest corner of Mojave Street and "E" Avenue. The site is within General Industrial (GI) zone of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated as noted on the General Plan Land Use Map (Attachment 2). The property is currently vacant. An automotive and body repair facility exists to the north. To the south is an abandoned non-conforming residence which has remained vacant for over 10 years. The properties to the east and west are vacant (Attachment 3).

ISSUES/ANALYSIS

Given the size and significance of the project, environmental review under the California Environmental Quality Act (CEQA) is required. A qualified CEQA consultant prepared an Initial Study (IS), which concluded that all potentially significant environmental impacts could be reduced

to a less-than-significant level with the implementation of specific mitigation measures. As a result, a Mitigated Negative Declaration (MND) was prepared for the project (Attachment 4)

A Notice of Intent (Attachement 5) was distributed on February 26, 2025 and the IS/MND was released for a 30-day public review period from February 28, 2025 to March 31, 2025 (SCH No.2025021160). The environmental document was circulated to local, state and federal agencies and organizations as well as surrounding property owners. During the review period, 4 comment letters were received (Attachment 6). Of these, the Mojave Water Agency and the Mojave Desert Air Quality Management District expressed satisfaction with the proposed mitigation measures. The California Department of Fish and Wildlife (CDFW) provided additional recommended mitigation measures, which were incorporated into the project's conditions of approval. The fourth comment letter was submitted by the law firm Lozeau Drury LLP, on behalf of Supporters Alliance for Environmental Responsibility (SAFER). The letter requests the preparation of an Environmental Impact Report (EIR) due to concerns with possible environmental impacts that the project might have that may not have been addressed within the IS/MND.

Although SAFER's comment letter raises concerns, it does not include site-specific evidence indicating that impacts to biological resources cannot be mitigated. All potential impacts were evaluated in the Initial Study, and mitigation measures have been incorporated as conditions of approval.

Per CEQA Guidelines §15064, an EIR is required if there is substantial evidence of a fair argument that the project may have a significant environmental effect. The comment letter does not provide substantial evidence. The Initial Study determined that there would be a less than significant impact with mitigation to habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, as well as conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The following mitigation measure was placed:

> *BIO Mitigation No. 1. Mitigation for direct impacts to the western Joshua trees within the Project site will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit.*

Additionally, in response to the comment letter received from the CDFW, conditions of approval were added requiring a nesting bird survey, a Strembed Alternation Agreement, and a Burrowing Owl survey (Attachment 7).

CONCLUSION

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

All potential impacts have been mitigated to less-than-significant levels, and the conditions of approval further protect the project's impact on biological resources. Therefore, there is no substantial evidence to support the need for preparation of an EIR. It is recommended that the

Planning Commission adopt Resolution No. PC-2025-10 (Attachment 7), denying the appeal (APP25-00001), and upholding the Development Review Committee's decision to adopt the IS/MND (SCH# 2025021160) for the Project.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Appeal Application
2. Land Use Map
3. Aerial View
4. IS/MND
5. NOI
6. Comment Letters Received
    a. CDFW
    b. MWA
    c. MDAQMD
    d. Lozeau Drury
7. Conditions of Approval
8. Resolution PC-2025-10

City of Hesperia
PLANNING DIVISION

APPLICATION FOR APPEAL

FEES

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

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

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

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

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

Project Action Date: 4/23/2025

File No: SPR23-00018 SCH No. 2025021160 Date Appeal Filed: 4/30/2025

Project Applicant(s): Wei Ding/ DW Bickmore LLC

Appellant's Name: Supporters Alliance for Environmental Responsibility “SAFER”

Appellant's Address: 1939 Harrison St., Suite 150

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

Assessor's Parcel No. of Subject Property:

0410-051-11

General Location of Property:

This property is located on the southwest corner of Mojave Avenue and “E” Avenue.

A P P E A L S T A T E M E N T

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

   [X] Planning Commission

   [ ] City Council

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

   [ ] DENY the project [ ] DENY the project without prejudice

   [X] APPROVE the project [ ] APPROVE the project with conditions (attach a copy of the conditions, if they are the subject of the appeal).

   [ ] ADOPT a Negative Declaration

   [ ] OTHER (specify) _____

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

   SAFER appeals the Design Review Commission ("DRC") April 23rd, 2025 decision to approve SPR23-00018, (SCH No.2025021160) and the adoption of the associated Mitigated Negative Declaration ("MND").The prepared MND does not adequately analyze the projects adverse environmental impacts. SAFER requests that the city instead prepare an Environmental Impact Report to adequately analyze and mitigate the Project's significant adverse environmental impacts.

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

   The reasons for this appeal are set forth in the attached letter dated April 29, 2025.

I/We certify that I/We are the:

[ ] Legal Owner(s)

[ ] Authorized Legal Agent(s)

[X] Other Interested Person(s)

Mitchell E. Thielemann
Signature of Appellant(s)

DATE: 4/29/2025

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Via Email

April 29, 2025

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Re: Comment on the Initial Study and Mitigated Negative Declaration for Bickmore Warehouse Project (SCH 2025021160)

Dear Ms. Henry, Mr. Hearn, and Ms. Sayre

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Bickmore Warehouse Project**,** including all actions related or referring to the proposed construction of two new warehouse buildings located on the southwest corner of Mojave Street and East Avenue in the City of Hesperia ("Project").

After careful review of the Initial Study and Mitigated Negative Declaration ("MND") prepared for the Project, SAFER has concluded that the MND does not adequately analyze the Project's impacts and that there is a fair argument that the Project may have adverse environmental impacts. We therefore request that the City of Hesperia ("City") prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq. SAFER's comments are supported by the analysis of several highly qualified experts, which are attached hereto.

PROJECT DESCRIPTION

The Project would involve the construction and subsequent operation of two new warehouse buildings within the currently undeveloped 5.22-acre (202,261 square foot) project site. Warehouse 1 would consist of 39,530 square feet of floor area, including 36,101 square feet of

warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,028 square feet of floor area, including 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would be single level with a maximum height of 41 feet. Parking areas would be located to the eastern and southern portion of the site, including a total of 73 parking spaces.

As discussed below, the Project will have many undisclosed or inadequately mitigated environmental impacts, including significant negative effects on biological resources.

LEGAL STANDARD

As the California Supreme Court has held "[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR." (*Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-320 [citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 88; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504–505].) "Significant environmental effect" is defined very broadly as "a substantial or potentially substantial adverse change in the environment." (Pub. Res. Code § 21068; *see also* 14 CCR § 15382.)

The EIR is the very heart of CEQA. *Bakersfield Citizens for Local Control v. City of Bakersfield (*2004) 124 Cal.App.4th 1184, 1214 (*Bakersfield Citizens*); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927. The EIR is an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return." *Bakersfield Citizens,* 124 Cal.App.4th at 1220. The EIR also functions as a "document of accountability," intended to "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." *Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392. The EIR process "protects not only the environment but also informed self-government." *Pocket Protectors,* 124 Cal.App.4th at 927.

Where an initial study shows that the project may have a significant effect on the environment, a mitigated negative declaration may be appropriate. However, a mitigated negative declaration is proper *only* if the project revisions would avoid or mitigate the potentially significant effects identified in the initial study "to a point where clearly no significant effect on the environment would occur, and…there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment." PRC §§ 21064.5 and 21080(c)(2); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331. In that context, "may" means a reasonable possibility of a significant effect on the environment. PRC §§ 21082.2(a), 21100, 21151(a); *Pocket Protectors,* 124 Cal.App.4th at 927; *League for Protection of Oakland's etc. Historic Res. v. City of Oakland* (1997) 52 Cal.App.4th 896, 904–05.

Under the "fair argument" standard, an EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency's decision. 14 CCR § 15064(f)(1); *Pocket Protectors,* 124

Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602. The "fair argument" standard creates a "low threshold" favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. *Pocket Protectors*, 124 Cal.App.4th at 928. The "fair argument" standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

> This 'fair argument' standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. [Citations]. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency's decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument.
>
> Kostka & Zishcke, *Practice Under CEQA*, §6.29, pp. 273–74.

The Courts have explained that "it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency's determination. Review is de novo, with *a preference for resolving doubts in favor of environmental review*." *Pocket Protectors*, 124 Cal.App.4th at 928 (emphasis in original).

DISCUSSION

I. THERE IS SUBSTANTIAL EVIDENCE OF A FAIR ARGUMENT THAT THE PROJECT WILL HAVE POTENTIALLY SIGNIFICANT IMPACTS ON BIOLOGICAL RESOURCES.

An EIR is required because substantial evidence in the record indicates a fair argument that the Project will have significant biological impacts. Specifically, expert wildlife biologist Dr. Shawn Smallwood, Ph.D. has concluded that the Project site has value as a habitat for special status species and that the Project will have significant impacts on biological resources. Dr. Smallwood's comments and CV are attached as Exhibit A.[1] Additionally, Rare Plant Ecologist Christopher Winchell has concluded that the Project will result in significant impacts to special status plant species and burrowing owls. Mr. Winchell's comments and CV are attached as Exhibit B.[2]The City therefore must prepare an EIR for the Project. Dr. Smallwood's comments are supported by a site visit by wildlife biologist Noriko Smallwood ("Ms. Smallwood").[3] Mr.

[1] Ex. A, at 1.
[2] Ex. B, at 1.
[3] Ex. A, at 2.

Winchell's comments are supported by a site visit performed on March 14, 2025 to determine the suitability or presence of special-status plant and animal species.[4]

1. The MND Fails to Adequately Describe the Project's Environmental Setting.

The City inadequately characterized the existing environmental setting by failing to conduct adequate field surveys and desktop review. Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. *Communities for a Better Envt. v. So. Coast Air Qual. Mgmt. Dist*. (2010) 48 Cal. 4th 310, 321. Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency's environmental review under CEQA:

> "…must include a description of the physical environmental conditions in the vicinity of the project, ***as they exist at the time [environmental analysis] is commenced***, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." (Emphasis added.)

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125.) As the court of appeal has explained, "the impacts of the project must be measured against the 'real conditions on the ground,'" and not against hypothetical permitted levels. (*Save Our Peninsula, supra,* 87 Cal.App.4th 99, 121-123.)

The MND takes a mistaken view of species and habitat, stating that "[s]ensitive biological resources include a variety of plant and animal species that are specialized and endemic to a particular habitat type.[5] However, the relationship between habitat and species involves much more than just a vegetation complex assigned to a "habitat type."[6]. The MND is misleading in that it insinuates that sensitive species do not exist on the site merely because certain unidentified vegetation complexes are supposedly not present on the site.[7]

The MND claims that "[a]ccording to the United States Fish and Wildlife Service, there are no wetland or migratory bird nesting areas located within the project site," and that "[n]o offsite . . . migratory bird nesting areas would be affected by the proposed development since all development will be confined to the project site. *As a result, no impacts would occur.*"[8] However, the MND does not report the basis of these findings. No surveys or reports are cited and there is no other evidence to support this claim.[9]

[4] Ex. B, at 2.
[5] MND, at 32.
[6] Ex. A, page 10.
[7] Id.
[8] MND, page 33.
[9] Ex. A, page 11.

There are also notable inconsistencies between the City's conclusions regarding the environmental setting.[10] For example, the MND repeatedly characterizes the project site as "showing signs of human disturbances"[11] later described as "severe artificial disturbances associated with off-road vehicle activity, discing, and installation of modern flood control culverts, and modern refuse dumping."[12] However, the MND also reports that "**the site in its entirety is undisturbed**."[13] While there do appear to be signs of disturbances, they were not severe enough to prevent the occurrence of 34 Joshua trees on the site, nor the wildlife that Ms. Smallwood and Mr. Winchell detected on and around the site.[14] The City's repeated inconsistences and exaggerations preclude an understanding of the environmental setting and an effective impact analysis of the environmental setting.

The MND's environmental setting characterization is also deficient because no wildlife surveys have been completed at the project site. The City did not send any professional ecologists to survey the site, and the MND provides no reason for this deficiency of the CEQA review process.[15] Similarly, there were no protocol-level detection surveys conducted for monarch butterflies, Crotch's bumble bee, Mohave Desert tortoises, Mohave ground squirrels, Swainson's hawks, burrowing owls, or LeConte's thrashers.[16] While there was a survey conducted for Joshua trees, the CDFW guidelines for rare plants was not implemented. Therefore, Joshua trees aside, the findings of the MND lack connection to field surveys of plants and wildlife and there is no substantial evidence to support the MND's conclusions of less-than-significant impacts.

Dr. Smallwood notes that the MND does not report on the findings of any desktop review.[17] Similarly, USFWS findings are reported, but no source documents are cited. There is no evidence in the MND that a review of wildlife occurrence records was completed.[18] The omission of this review is a major deficiency that prevents disclosure of potential environmental impacts that would result from this project.

Numerous special status species will be adversely affected by the Project. "Special Status Species" is a universal term used in the scientific community for species that are considered sufficiently rare that they require special consideration and/or protection and should be, or have been, listed as rare, threatened or endangered by the Federal and/or State governments. Based on a database review and Ms. Smallwood's' site visit, Dr. Smallwood estimates that 114 special-status species of wildlife are known to occur on or near enough to the site to warrant analysis of occurrence potential.[19] Four (4) special status species were recorded on or just off the project site,

[10] Id.
[11] MND, pages 3, 7, 9, 21, 24, 27, 32.
[12] Id. at 37.
[13] Id. at 33 (emphasis added).
[14] Ex. A, page 11.
[15] Id. at 12.
[16] Id.
[17] Id. at 12.
[18] Id.
[19] Id.

and nearly half of these species have reportedly been seen within 4 miles of the project site.[20] Ms. Smallwood's brief site visit survey identified 4 special status species on the proposed Project site: one species on the U.S. Fish and Wildlife Service Bird of Conservation Concern (BCC) (California gull), two species on the Taxa to Watch List (California gull; California horned lark), one species on Bird of Prey (BOP) listed under California Fish and Game Code 3503.5 (American Kestrel), and one species located on the California Species of Special Concern list (Loggerhead shrike).[21]

Furthermore, Mr. Winchell's survey identified suitable burrowing owl foraging and nesting habitat on the Project site, as well as suitable habitat for desert kit fox and California ground squirrel, which dig burrows suitable for burrowing owl use.[22] Mr. Winchell's site visit determined that the site has potential to support 11 special-status plant species, including crowned muilla and the Western Joshua tree.[23] Therefore, the site supports multiple special-status species of wildlife, and carries the potential to support many more.

Because the MND fails to accurately describe the Project's environmental setting, a fair argument exists that the Project may have a significant impact on wildlife requiring preparation of an EIR..

2. The MND Lacks Evidence to Support a Finding that the Project Will Not Interfere with Wildlife Movement.

The MND provides no serious analysis of the potential for the project to interfere with wildlife movement in the region. The MND merely states that "[t]he site's utility as a habitat and a migration corridor is constrained by the presence of an adjacent roadways and the development that is present in the neighboring areas. *As a result, no impacts would occur*."[24] However, the MND cites no evidence that the adjacent roads and/or development constrain habitats or wildlife movement in any way.[25] If the MND's reasoning carried any weight, Ms. Smallwood should not have been able to see wildlife on the site.[26]

Further, the City did not retain any wildlife ecologists to survey the project site or surroundings. There was no program of observation to characterize wildlife use of the site for movement, nor any surveys to determine which species of wildlife occur on or around the site.[27] The existence of roads does not truly serve as a barrier to wildlife movement, as wildlife collisions with automobiles is one of the largest anthropogenic sources of wildlife mortality.[28]

[20] Id.
[21] Id. at 7.
[22] Ex. B, at 3.
[23] Id. at 1.
[24] MND, at 34 (emphasis added).
[25] Ex. A, at 19.
[26] Id.
[27] Id.
[28] Id.

A fair argument can be made for the need to prepare an EIR to appropriately analyze the potential impacts to volant wildlife, as well as potential mitigation strategies.

3. There is Substantial Evidence that the Project will have a Significant Impact on Biological Resources as a Result of Traffic Collisions.

As a result of increased traffic resulting from the Project, Dr. Smallwood identified likely impacts to special-status species. Indeed, mortality and injures caused by project-generated traffic is one of the project's most substantial impacts to wildlife.[29] "Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic. . .including along roads far from the project footprint but which would nevertheless by traversed by automobiles head to or from the project's building."[30] Vehicle collisions with special-status species is not a minor issue, but rather results in the death of millions of species each year, and impacts have been found to be significant at the population level.[31]

Based on his calculations, Dr. Smallwood predicts that the Project's annual VMT[32] would cause 731 vertebrate wildlife fatalities per year due to project-generated traffic, including special-status species.[33] Dr. Smallwood concludes the Project's traffic-related injuries and fatalities to wildlife constitutes a significant impact.[34] The MND does not address this potential impact and therefore lacks any evidence that the impact will not be significant. An EIR is necessary to appropriately analyze the impact of wildlife collision mortality resulting from project-generated traffic.

4. There is Substantial Evidence that the Project will have a Significant Impact on Biological Resources as a Result of Habitat Loss and the Resulting Lost Breeding Capacity.

While habitat loss results in the immediate decline in birds and other animals, it also results in a permeant loss of productive capacity.[35] The MND does not attempt to estimate the numerical or productive capacities of the site for nesting birds as a result of habitat lost from Project Development. This is likely because the MND improperly concludes that birds do not nest on the site. Contrary to the MND's conclusion, Ms. Smallwood observed at least 11 species of nesting birds on her site visit.[36] Ms. Smallwood's survey was only a reconnaissance survey, and therefore unsuitable for detecting all bird nests.

[29] Id.
[30] Id.
[31] Id.
[32] While the MND does not report a prediction of annual vehicle miles traveled ("VMT"), Dr. Smallwood was able to predict VMT based on his experience analyzing traffic collision impacts at similar warehouse projects.
[33] Id. at 21-22.
[34] Id. at 22.
[35] Id. at 18.
[36] Id. at 18.

Based on field research, Dr. Smallwood estimates that development of the Project would result in the loss of 5.1 nest sites, 7.1 nest attempts, and 20.6 fledgling birds per year at the project site, which would result in an ongoing yearly loss of 23 birds.[37] Most, if not all, of these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act.[38] This loss of nests and birds each year is a potentially significant impact that has not been analyzed. An EIR is required to fully analyze the Project's impact on lost breeding capacity, and to mitigate that impact.

5. There is a Fair Argument that the Project Will Adversely Affect Special Status Species.

Dr. Smallwood proposes numerous mitigations measures that could vastly reduce the above impacts, such as measures to improve wildlife safety along roads, compensatory mitigation bird-window collisions, compensatory mitigation for road mortality, and funding of wildlife rehabilitation facilities. These mitigation measures should be analyzed in an EIR, alongside appropriate mitigation measures based on a valid characterization of the environmental setting and imposed if feasible.

Therefore, the Project will have a substantial adverse effect on special status species, and continuation of the Project without preparing and circulating an EIR will lead to habitat disturbance and modifications that will directly and indirectly affect special status species.

6. The Project's Cumulative Impacts Analysis is Fundamentally Flawed

Recognizing that several projects may together have a considerable impact, CEQA requires an agency to consider the "cumulative impacts" of a project along with other projects in the area. (Pub. Res. Code § 21083(b); 14 Cal. Code Regs. §15355(b).) If a project may have cumulative impacts, the agency must prepare an EIR, since "a project may have a significant effect on the environment if '[t]he possible effects of a project are individually limited but cumulatively considerable.'" (*CBE,* 103 Cal.App.4th at 98, 114; *Kings County Farm Bur.*, 221 Cal.App.3d at 721.) It is vital that an agency assess "'the environmental damage [that] often occurs incrementally from a variety of small sources . . .'" (*Bakersfield Citizens For Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214.)

The cumulative impacts analysis in the MND is fundamentally flawed. The MND concludes that "[t]he proposed project *would not* have impacts that are individually limited, but cumulatively considerable. The environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein."[39] This conclusion is unsupported by substantial

[37] Id.
[38] Id. at 19.
[39] MND, at 89.

evidence. It is premised on the idea that no wildlife occurs on the project site.[40] However, as discussed above, special status wildlife and plants are present on site and there is substantial evidence that the Project will have significant impacts on biological resources. A cumulative impacts analysis that complies with CEQA must be completed.

II. THE MND'S PROPOSED BIOLOGICAL MITIGATION MEASURES ARE INSUFFICIENT TO BRING THE BIOLOGICAL RESOURCES IMPACTS TO A LEVEL BELOW SIGNIFICANCE.

An MND is improper because there is no evidence that the Project's proposed mitigation measures will not avoid or mitigate the potentially significant biological resources impacts "to a point where clearly no significant effect on the environment would occur, and…there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment." PRC §§ 21064.5 and 21080(c)(2).

Dr. Smallwood and Mr. Winchell identified the multiple special status species and habitat on or near the Project site that will be impacted by the Project. However, the formulation of appropriate mitigation cannot occur until an adequate survey effort for wildlife on and around the project site is conducted.[41] The available protocol level detection survey guidelines also need to be implemented for multiple special-status species.[42] The single proposed mitigation measure is insufficient and therefore cannot guarantee that proposed measures will reduce the impacts below significance.

1. The MND does not disclose impacts to Western Joshua Trees.

Western Joshua Trees are a candidate species under the California Endangered Species Act.[43] At least 34 WJT are found on the Project site. However, the MND makes no assessment of the impacts that Project will have on Western Joshua Trees, and the conclusion that any impacts will be less-than-significant with mitigation is unsupported.

Appendix B of the MND is a Protected Plant Preservation Plan. This Plan details a survey conducted to determine the number of WJT on the Project site, and the number of WJT suitable for transplantation. However, neither the MND nor the Preservation Plan disclose whether, and to what extent, the Project will impact WJTs on the Project site. Because the Project may have a significant impact on WJTs, an EIR is required.

2. The MND's Mitigation of Impacts to Western Joshua Trees Violate CEQA.

In general, mitigation measures must be designed to minimize, reduce or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines §

[40] Ex. A, at 22.
[41] Id. at 22.
[42] Id.
[43] https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/FAQ#602113850-is-wjt-still-a-candidate-under-the-california-endangered-species-act

15370.) A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (14 CCR § 15364.) Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. (14 CCR § 15126.4(a)(2).)

Mitigation Measure BIO-1 provides:

> Mitigation for direct impacts to the western Joshua trees within the Project site will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit.[44]

This mitigation measure violates CEQA in numerous ways.

First, there is no evidence that obtaining an incidental take permit and a payment of a fee will actually minimize, reduce, avoid, rectify, or compensate for lost Joshua Trees as required by (CEQA Guidelines § 15370.) Moreover, there is no explanation of whether or how compliance with WJTCA would reduce impacts to a less than significant level under CEQA since there is no disclosure of what the Project's impacts on Joshua Trees will be.

Second, paying a fee does not constitute adequate mitigation unless there is evidence that the fees will fund a specific mitigation plan that will actually be implemented in its entirety. (*Napa Citizens for Honest Gov. v. Bd. Of Supervisors* (2001) 91 CallApp.4th 342 (no evidence that impacts will be mitigated simply by paying a fee); *Anderson First Coal. v. City of Anderson* (2005) 130 Ca.App.4th 1173 (traffic mitigation fee is inadequate because it does not ensure that mitigation measure will actually be implemented); see also Save Our Peninsula Committee v. Monterey County Bd. of Supervisors, supra, 87 Cal.App.4th 99, 140 [commitment to pay fees without any evidence that mitigation will actually occur is inadequate].) No such evidence is provided here.

Third, Even if paying a fee did mitigate the impact – which there is no evidence of - the fee amount will not be determined until some later time after CEQA review is complete, improperly deferring mitigation.

Fourth, the MND also improperly defers mitigation by stating "Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit." Lead agencies may defer formulating

[44] MND, p. 34.

mitigation until after project approval only "when it is impractical or infeasible to include those details during the project's environmental review." (CEQA Guidelines § 15126.4(a)(1)(B); *see also POET, LLC v. State Air Res. Bd.* (2013) 218 Cal.App.4th 681, 736.) In the limited circumstances where deferring mitigation is justified, the EIR must (1) commit itself to the mitigation, (2) adopt specific performance standards the mitigation will achieve, and (3) identify the types of potential actions that can feasibly achieve that performance standard. (Guidelines § 15126.4, subd. (a)(1)(B).) The MND does none of this.

Finally, there is no explanation of why 3 of the 34 trees were deemed suitable for transplantation, yet nothing in the mitigation measure requires any transplantation.

While not included in the mitigation measure, the MND states that "CDFW may require relocation of WJT based on the final WJT census." It is unclear if the MND considers this mitigation. If so, it is improper under CEQA because there is no evidence that relocation will actually occur or that relocation will reduce impacts to less-than-significant, particularly given the Protection Plan's conclusion that only 3 of the 34 trees are suitable for transplantation. Where feasibility is called into question, the agency must demonstrate feasibility. (*Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309 [mitigation calling for a future use permit for sludge disposal was improperly deferred because there was no evidence of feasibility in the face of uncertainty: "the record discloses that the applicant presented no plans for sludge disposal and that no solution was readily available."].)

Also not included in mitigation measure Bio-1, the MND lists three "minimization measures" that are "applicable to the Joshua Tree that is present on the project site." The first minimization measure is;

> The Joshua tree will be retained in place or replanted somewhere on the site where they can remain in perpetuity or will be transplanted to an off-site area approved by the city where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting will be cut-up and discarded as per City requirements.

MND, p. 33.

This measure is vague, uncertain, and the efficacy is unsupported. Again, only 3 of the 34 trees on site are suitable for transplantation according to the Protection Plan. There is no evidence that cutting up and discarding 31 of the 34 protected Joshua Trees will mitigate impacts to these trees. In fact, the mitigation measure here seems to actually cause an impact, and this impact must be analyzed.

Moreover, the literature-based justification for determining transplantation suitability of Western Joshua trees was not provided.[45] The plan states that transplant suitability is "based on industry standards," and provides a list of the suitability criteria without citation or reference, resulting in the exclusion of four of the seven living western Joshua trees occurring on the project

[45] Ex. B, at 3.

site.[46] However, based upon the CDFW's Western Joshua Tree Relocation Guidelines and Protocols, Mr. Winchell concluded that all seven living Joshua trees on the Project site are suitable for transplantation.[47]

Moreover, the MND does not disclose how these vaguely described "minimization measures" will be enforced. Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. 14 CCR § 15126.4(a)(2). *See Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 730 (project proponent's agreement to a mitigation by itself is insufficient; mitigation measure must be an enforceable requirement). Here, there is no discussion of whether and now any of the "minimization measures" will be enforced, violating CEQA.

Relying only on a mitigation measure that violates CEQA and vague measures not included as enforceable mitigation measures, there is no evidence that impacts to Joshua Trees will be reduce below significance. An EIR is needed to analyze and mitigate the Project's potentially significant impact and adopt CEQA-compliant mitigation measures to mitigate impacts on the protected Western Joshua Trees.

3. The City Fails to Implement Mitigation Measures to Protect Wildlife Species Observed on the Project Site.

There is more than a fair argument that an EIR is necessary to adequately identify and formulate mitigation measures for the bird species observed on and near the Project site. The City not only fails to propose any mitigation for potential wildlife impacts—it fails to address these impacts altogether. The MND requires no mitigation for wildlife and provides no justification for this critical gap in the CEQA review process. No wildlife surveys were conducted at the Project site, and the MND fails to explain this omission.

An EIR is essential to develop an effective mitigation strategy. At a minimum, the City must conduct both reconnaissance-level and protocol-level surveys for special-status species. However, none of these surveys were conducted as part of the MND. The only wildlife survey conducted regarding the Project was a brief, less-than-three-hour perimeter survey conducted by Ms. Smallwood, who did not even have access to the interior of the Project site. Yet, despite these limitations, her short survey still identified four special-status species.

The MND fails to accurately characterize the environmental setting, as it includes no survey data to establish a baseline for protected wildlife species in the area. The City then uses this lack of data to justify the complete absence of any wildlife mitigation measures. Given that even a limited perimeter survey detected multiple special-status species, the need for further data is clear. So too is the City's failure to incorporate any measures to address potential wildlife impacts into the MND or the Project itself. For these reasons, preparation of an EIR is not only warranted

[46] Id.
[47] Id.

but necessary to support a legally adequate impact analysis and to formulate appropriate and feasible mitigation measures.

CONCLUSION

For the foregoing reasons, SAFER requests that the City prepare an Environmental Impact Report to analyze and mitigate the Project's significant adverse environmental impacts.

Sincerely,

Mitchell E. Thielemann

Mitchell E. Thielemann
LOZEAU DRURY LLP

EXHIBIT A

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Leilani Henry, Assistant Planner
City of Hesperia Development Department, Planning Division
9700 Seventh Avenue
Hesperia, California 92345

19 March 2025

RE: Bickmore Warehouse

Dear Ms. Henry,

I write to comment on potential impacts to biological resources from the proposed Bickmore Warehouse project, which I understand would add two warehouses totaling 79,778 square-feet of floor space on 5.22 acres at the southwest corner of Mojave Street and E Avenue in Hesperia, California. I comment on the analyses of impacts to biological resources in the Initial Study/Mitigated Negative Declaration (IS/MND).

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

THE WILDLIFE COMMUNITY AS BIOLOGICAL RESOURCE

Most environmental reviews pursuant to the California Environmental Quality Act (CEQA) focus on special-status species because CEQA's Checklist Evaluation of Environmental Impacts specifies that such evaluation includes potential impacts to special-status species. However, an important policy of CEQA is "to prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history." Pub. Res. Code § 21001(c). This policy is not restricted to special-status species, but applies to wildlife populations and plant and animal communities. In fact, the CEQA Guidelines Section 21155.1 defines wildlife habitat as "the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection." The CEQA Checklist Evaluation assigns priority to special-status species to balance

information and cost, but it does not exclude the need to evaluate environmental impacts to other species, which, after all, are members of the very communities within which special-status species inter-depend for survival and reproduction.

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

SITE VISIT

On my behalf, Noriko Smallwood, a wildlife biologist with a Master's Degree from California State University Los Angeles, visited the site of the proposed project for 2.83 hours from 06:14 to 09:04 hours on 6 March 2025. She walked the site's perimeter where accessible, stopping to scan for wildlife with use of binoculars. Noriko recorded all species of vertebrate wildlife she detected, including those whose members flew over the site or were seen nearby, off the site. Animals of uncertain species identity were either omitted or, if possible, recorded to the Genus or higher taxonomic level.

Conditions were sunny with 10-17 MPH south wind and temperatures of 37-42° F. The site is mostly undisturbed with Joshua tree woodland (Photos 1-3).

Noriko saw California gull (Photo 4), loggerhead shrike and American kestrel (Photos 5 and 6), common raven (Photo 7), rock pigeon (Photo 8), house finch (Photos 9 and 10), among the other species listed in Table 1. Noriko detected 14 species of vertebrate wildlife at or adjacent to the project site, including four species with special status (Table 1).

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

Noriko Smallwood

Photos 1, 2, and 3. *Views of the project site, which contains Joshua tree (top), creosote (all), cholla (bottom), among other plant species,* 6 March *2025. Photos by Noriko Smallwood.*

Photo 4. *California gull on the project site,* 6 March *2025. Photo by Noriko Smallwood.*

Photos 5 and 6. *Loggerhead shrike just off of the project site (left), and American kestrel on the project site (right),* 6 March *2025. Photos by Noriko Smallwood.*

Photo 7. *Common raven on the project site,* 6 March *2025. Photo by Noriko Smallwood.*

Photo 8. *Rock pigeons on the project site,* 6 March *2025. Photo by Noriko Smallwood.*

Photos 9 and 10. *House finches on the project site,* 6 March *2025. Photos by Noriko Smallwood.*

Table 1. *Species of wildlife Noriko observed during 2.83 hours of survey on 6 March 2025.*

Common name	***Species name***	**Status**[1]	**Notes**
Rock pigeon	*Columba livia*	Non-native	Flew over, perched just off site
California gull	*Larus californicus*	BCC, WL	Flew over
American kestrel	*Falco sparverius*	BOP	Flew over
Loggerhead shrike	*Lanius ludovicianus*	SSC2	Perched on Joshua tree just off site
Common raven	*Corvus corax*		Foraged, flew over
California horned lark	*Eremophila alpestris actia*	WL	On site and flew over
Tree swallow	*Tachycineta bicolor*		Flock flew over
Mountain bluebird	*Sialia currucoides*		Perched just off site
House sparrow	*Passer domesticus*	Non-native	Just off site
House finch	*Haemorphous mexicanus*		Foraged
Sparrow sp.			Likely Savannah sparrow or white-crowned sparrow
California ground squirrel	*Otospermophilus beecheyi*		Burrows
Domestic dog	*Canis familiaris*	Non-native	3 observed
Kangaroo rat	*Dipodomys sp.*		Many burrows

[1] Listed on Special Animals List as SSC = California Species of Special Concern (see Shuford and Gardali 2008 for numbers indicating priority of concern) or WL = Taxa to Watch List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406); listed by U.S. Fish and Wildlife Service as BCC = Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); or protected as BOP = Birds of Prey (California Fish and Game Code 3503.5).

The species of wildlife Noriko detected at the project site comprised only a sampling of the species that were present during her survey. To demonstrate this, I fit a nonlinear regression model to Noriko's cumulative number of vertebrate species detected with time into her survey to predict the number of species that she would have detected with a longer survey or perhaps with additional biologists available to assist her. The model is a logistic growth model which reaches an asymptote that corresponds with the maximum number of vertebrate wildlife species that could have been detected during the survey. In this case, the model fit to her survey data predict 15 species of vertebrate wildlife were available to be detected during each of her surveys, or only 1 more species than she detected (Figure 1).

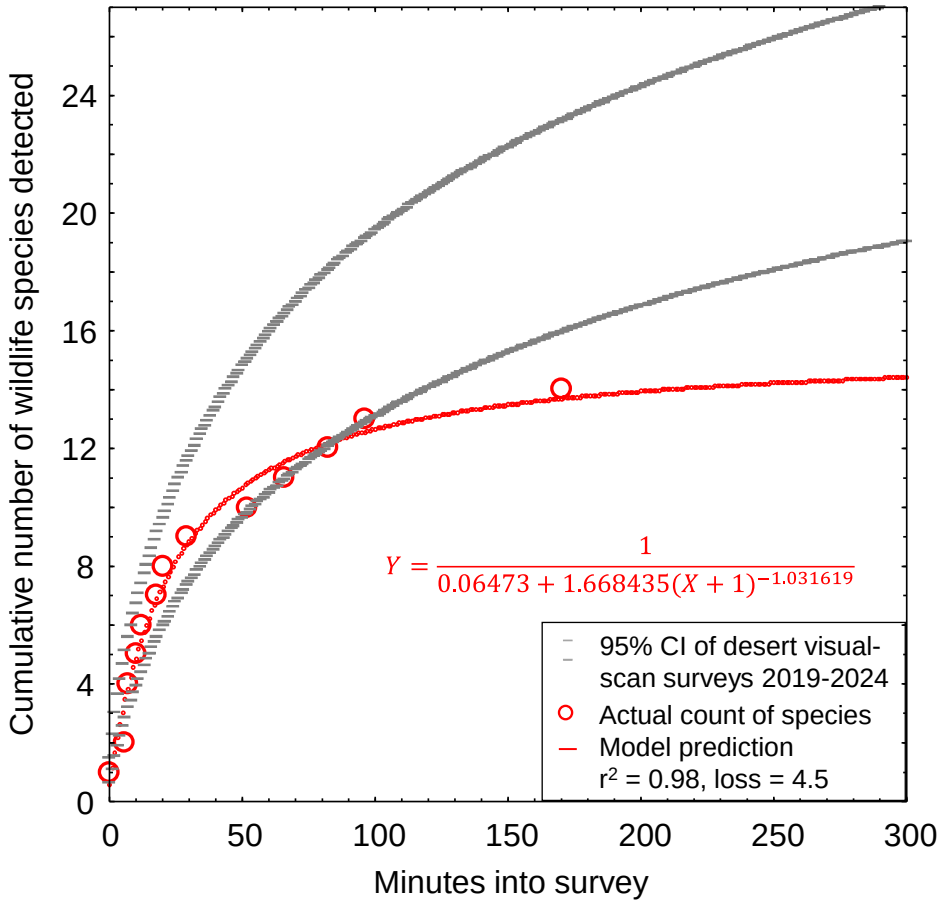

Figure 1. *Actual and predicted relationships between the numbers of vertebrate wildlife species detected and the elapsed survey time based on Noriko's visual-scan survey on 6 March 2025.*

Unknown is the identity of the species Noriko missed, but the pattern in her data indicates average use of the project site compared to 19 surveys at other desert sites she and I have completed in California (Figure 1). Importantly, however, the species Noriko did and did not detect on 6 March composed only a fraction of the species that would occur at the project site over the period of a year or longer. This is because many species are seasonal in their occurrence, and the members of many others would visit the site only periodically while patrolling large home ranges.

At least a year's worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only have Noriko's one survey. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely make use of the site over the longer term. As part of my research, I completed a much larger survey effort across 167 km² of annual grasslands of the Altamont Pass Wind Resource Area, where from 2015 through 2019 I performed 721 1-hour visual-scan surveys, or 721 hours of surveys, at 46 stations. I used binoculars and otherwise the methods were the same as the methods I and other consulting biologists use for surveys at proposed project sites. At each of the 46 survey stations, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex

methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\hat{R} = \frac{1}{1/a+b\times(Hours)^c}$, where $\hat{R}$ represented cumulative species richness detected. The coefficients of determination, r^2, of the models ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations of my research site. I also averaged model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 2). On average I would have detected 12.2 species over my first 2.83 hours of surveys at my research site in the Altamont Pass (2.83 hours to match the 2.83 hours Noriko surveyed at the project site), which composed 21.4% of the predicted total number of species I would detect with a much larger survey effort at the research site. Given the example illustrated in Figure 2, the 14 species Noriko detected after her 2.83 hours of survey at the project site likely represented 21.4% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, Noriko would likely detect $14/0.214 = 65$ species of vertebrate wildlife at the site. Assuming Noriko's ratio of special-status to non-special-status species was to hold through the detections of all 65 predicted species, then continued surveys would eventually detect 19 special-status species of vertebrate wildlife.

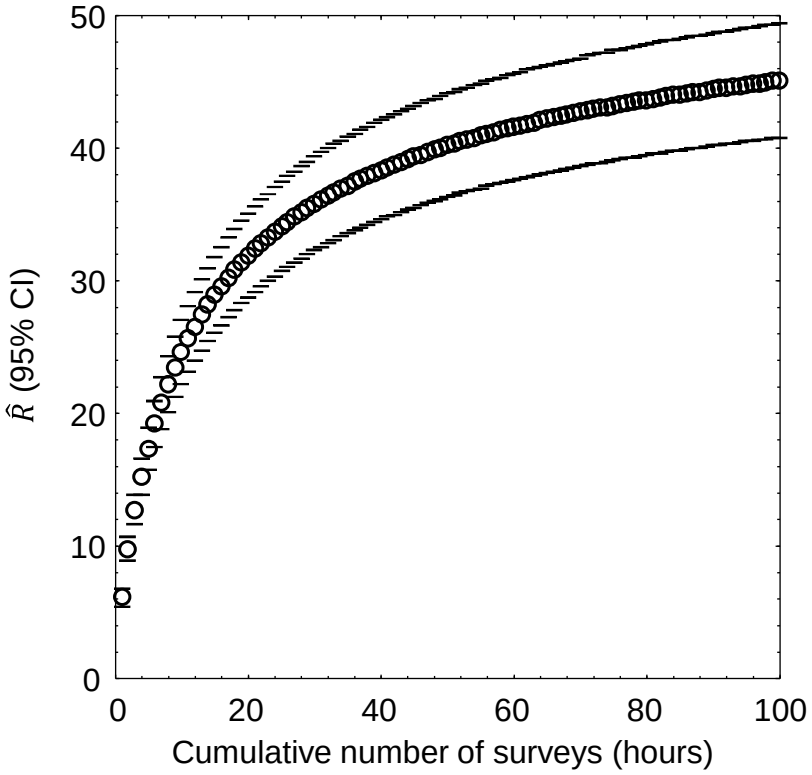

Figure 2. *Mean (95% CI) predicted wildlife species richness, $\hat{R}$, as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019. Note that the location of the study is largely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

Because my prediction of 65 species of vertebrate wildlife, including 19 special-status species of vertebrate wildlife, is derived from daytime visual-scan surveys, and would detect few nocturnal mammals such as bats, the true number of species composing the wildlife community of the site must be larger. Noriko's reconnaissance survey should serve only as a starting point toward characterization of the site's wildlife community, but it certainly cannot alone inform of the inventory of species that use the site. More surveys are needed than her one survey to inventory the project site's wildlife community. Nevertheless, the large number of species I predict at the project site is indicative of a relatively species-rich wildlife community that warrants a serious survey effort.

EXISTING ENVIRONMENTAL SETTING

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

Before I begin my comments on field surveys and desktop review, I need to address a mistaken view of species and habitat. According to the IS/MND (p. 32), "Sensitive biological resources include a variety of plant and animal species that are specialized and endemic to a particular habitat type." Habitat is defined as the portion of the environment that is used by members of a species for survival and reproduction (Hall et al. 1997, Morrison et al. 1998), whereas a habitat type refers to a vegetation complex. A species' habitat is not just a vegetation complex (Hall et al. 1997, Krausman 2016). A habitat is the home of a species, as it provides the cover, forage, templates for breeding, and opportunities for socialization, the combination of which is specific to the species, but which encompasses a portion of the aerosphere, underlying soils, water bodies and the biological community where the species is resident or seasonal at both ends of a migration route and all places in between. In other words, habitat is much more than a vegetation complex assigned to a "habitat type." Habitats of some species are more restricted geographically than of others, often contributing to species being referred to as sensitive because habitat loss to these species comprises a larger proportion of remaining habitat. Also contributing to the sensitivity of a species is the degree to which humans seek to take the species' habitat for economic gain. Thus, the IS/MND's insinuation is misleading that habitat types to which sensitive species are specialized and dependent upon do not exist on the project site. The insinuation pigeon-holes sensitive species into unidentified vegetation complexes that are supposedly not present.

For many species, it is unclear why the species is experiencing numerical decline or spatial contraction and therefore is labeled as sensitive. By far the most often hypothesized reasons are habitat loss and habitat fragmentation, but one specific portion of the habitat might account for the decline. The burrowing owl is a useful example, because it has long been associated with a wide range of open environments including the very environment of the project site, and it has long been described as exploitive of disturbed environments such as areas graded for roads or construction projects. Despite its seemingly robust nature, the burrowing owl is in rapid decline across all of California, recently prompting the California Fish and Game Commission to designate it a candidate for listing under the California Endangered Species Act. Habitat loss and habitat fragmentation is likely causing the decline of the burrowing owl, but a specific part of the burrowing owl's habitat might explain a disproportionate amount of the decline, and that is the loss of an important mutualist species – the ground squirrel (K. S. Smallwood unpublished data; Smallwood and Morrison 2018, 2024).

The IS/MND reports, "According to the United States Fish and Wildlife Service, there are no wetland or migratory bird nesting areas located within the project site." Unreported, however, is the basis of the USFWS 's findings. Did the USFWS perform surveys on the site? If the findings originate from a USFWS report, no such report is cited.

Shortly after the above statement, the IS/MND claims "No offsite … migratory bird nesting areas would be affected by the proposed development since all development will be confined to the project site. *As a result, no impacts would occur*." This finding combined with the previous finding implies that migratory birds do not nest anywhere. The IS/MND's findings cannot possibly be true. The bases of these findings are not reported, because they do not exist.

Furthermore, I am suspicious that the City paid little attention to what it wrote about the environmental setting. As an example, having repeatedly characterized the project site as "showing signs of human disturbances" (IS/MND: 3, 7, 9, 21, 24, 27, 32), which were later described as "severe artificial disturbances associated with offroad vehicle activity, discing, and installation of modern flood control culverts, and modern refuse dumping" (twice stated on p. 37), the IS/MND (p. 33) reports, "The site in its entirety is undisturbed." Of course, the site is not entirely undisturbed, nor are the disturbances that the IS/MND as severe in their consequences to plants and wildlife as the IS/MND implies. The disturbances were insufficiently severe to prevent the occurrences of 34 Joshua trees on the site, nor the wildlife that Noriko Smallwood detected on and around the site.

Environmental Setting informed by Field Surveys

To the CEQA's primary objective to disclose potential environmental impacts of a proposed project, the analysis should be informed of which biological species are known to occur at the proposed project site, which special-status species are likely to occur, as well as the limitations of the survey effort directed to the site. Analysts need this

information to characterize the environmental setting as a basis for opining on, or predicting, potential project impacts to biological resources.

Other than Noriko Smallwood's survey, no surveys for wildlife have been completed at the project site. The City did not send any professional wildlife ecologists to survey the site. The IS/MND provides no reason for this deficiency of the CEQA review, but the failure to complete surveys for wildlife is a major deficiency that prevents disclosure of potential environmental impacts that would result from the project. The project should not move forward without having the appropriate foundation for impacts analyses and the formulation of a mitigation strategy.

Not only has there been no reconnaissance survey for wildlife on the project site, but no protocol-level detection surveys have been conducted for monarch, Crotch's bumble bee, Mohave Desert tortoises, Mohave ground squirrels, Swainson's hawks, burrowing owls or LeConte's thrashers. RCA (2023) surveyed the project site for Joshua trees, but not for any other species of rare plants. Thus, the CDFW (2018) survey guidelines for rare plants have also yet to be implemented. Except for Joshua trees, the findings of the IS/MND lack any connection to field surveys of plants and wildlife.

Environmental Setting informed by Desktop Review

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

The IS/MND does not report on the findings of any desktop review. Findings of the USFWS are reported, but no source document is cited. The IS/MND presents no evidence that a review of wildlife occurrence records was completed. The IS/MND provides no reason for this deficiency of the CEQA review process, but the omission of a desktop review is a major deficiency that prevents disclosure of potential environmental impacts that would result from the project. The project should not move forward without having the appropriate foundation for impacts analyses and the formulation of a mitigation strategy.

In my assessment based on a database review and a site visit, 114 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence potential (Table 2). Of these 114 species, 4 (3.5%) were recorded on or just off the project site, and another 17 (15%) species have been documented within 1.5 miles of the site ('Very close'), another 29 (25%) within 1.5 and 4 miles ('Nearby'), and another 54 (47%) within 4 to 30 miles ('In region'). Almost half (44%) of the species in Table 2 have been reportedly seen within 4 miles of the project site. The site therefore supports multiple special-status species of wildlife and carries the potential for supporting many more special-status species of wildlife based on the proximities of recorded occurrences. The site is far richer in special-status species than the City would have the reader believe.

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

Common name	***Species name***	**Status[1]**	**Database records, Site visit**
Monarch	*Danaus plexippus*	FC	In region
Crotch's bumble bee	*Bombus crotchii*	CCE	Very close
Western pond turtle	*Emys marmorata*	SSC	In region
Mojave desert tortoise	*Gopherus agassizii*	FT, CE	In region
Blainville's horned lizard	*Phrynosoma blainvillii*	SSC	In region
Brant	*Branta bernicla*	SSC2	In region
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL	Nearby
Redhead	*Aythya americana*	SSC2	Nearby
Barrow's goldeneye	*Bucephala islandica*	SSC	In region
Western grebe	*Aechmophorus occidentalis*	BCC	Nearby
Clark's grebe	*Aechmophorus clarkii*	BCC	In region
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, CE	In region
Black swift	*Cypseloides niger*	SSC3, BCC	In region
Vaux's swift	*Chaetura vauxi*	SSC2	Nearby
Costa's hummingbird	*Calypte costae*	BCC	Very close
Calliope hummingbird	*Selasphorus calliope*	BCC	In region
Rufous hummingbird	*Selasphorus rufus*	BCC	Nearby
Allen's hummingbird	*Selasphorus sasin*	BCC	Nearby
American avocet	*Recurvirostra americana*	BCC	Nearby
Mountain plover	*Charadrius montanus*	SSC2, BCC	In range
Snowy plover	*Charadrius nivosus*	BCC	In region
Western snowy plover	*Charadrius nivosus nivosus*	FT, SSC	In range
Long-billed curlew	*Numenius americanus*	WL	In region
Marbled godwit	*Limosa fedoa*	BCC	In region
Pectoral sandpiper	*Calidris melanotos*	BCC	In region
Short-billed dowitcher	*Limnodromus griseus*	BCC	In region
Lesser yellowlegs	*Tringa flavipes*	BCC	In region

Common name	***Species name***	**Status[1]**	**Database records, Site visit**
Willet	*Tringa semipalmata*	BCC	In region
Franklin's gull	*Leucophaeus pipixcan*	BCC	In region
Heermann's gull	*Larus heermanni*	BCC	In region
California gull	*Larus californicus*	BCC, WL	**On site**
California least tern	*Sternula antillarum browni*	FE, CE, CFP	In region
Black tern	*Chlidonias niger*	SSC2, BCC	Nearby
Common loon	*Gavia immer*	SSC	Very close
Double-crested cormorant	*Phalacrocorax auritus*	WL	Very close
American white pelican	*Pelacanus erythrorhynchos*	SSC1	Nearby
Least bittern	*Ixobrychus exilis*	SSC2	In region
White-faced ibis	*Plegadis chihi*	WL	Nearby
Turkey vulture	*Cathartes aura*	BOP	Very close
Osprey	*Pandion haliaetus*	WL, BOP	Very close
White-tailed kite	*Elanus luecurus*	CFP, BOP	In region
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP, WL	In region
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP	Nearby
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP	Very close
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Very close
Bald eagle	*Haliaeetus leucocephalus*	CE, BGEPA, BOP	Nearby
Red-shouldered hawk	*Buteo lineatus*	BOP	Nearby
Swainson's hawk	*Buteo swainsoni*	CT, BOP	Nearby
Red-tailed hawk	*Buteo jamaicensis*	BOP	Very close
Ferruginous hawk	*Buteo regalis*	WL, BOP	Nearby
Zone-tailed hawk	*Buteo albonotatus*	BOP	In region
Harris' hawk	*Parabuteo unicinctus*	WL, BOP	In region
Rough-legged hawk	*Buteo lagopus*	BOP	In region
American barn owl	*Tyto furcata*	BOP	Nearby
Western screech-owl	*Megascops kennicotti*	BOP	In region
Great horned owl	*Bubo virginianus*	BOP	Very close
Burrowing owl	*Athene cunicularia*	BCC, CCE, SSC2, BOP	Very close
Long-eared owl	*Asio otus*	BCC, SSC3, BOP	In region

Common name	***Species name***	**Status[1]**	**Database records, Site visit**
Short-eared owl	*Asia flammeus*	BCC, SSC3, BOP	In region
Lewis's woodpecker	*Melanerpes lewis*	BCC	In region
Nuttall's woodpecker	*Picoides nuttallii*	BCC	Very close
American kestrel	*Falco sparverius*	BOP	**On site**
Merlin	*Falco columbarius*	WL, BOP	Very close
Peregrine falcon	*Falco peregrinus*	BOP	Nearby
Prairie falcon	*Falco mexicanus*	WL, BOP	Nearby
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2	Nearby
Willow flycatcher	*Empidonax trailii*	CE	Nearby
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, CE	In region
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2	Nearby
Least Bell's vireo	*Vireo bellii pusillus*	FE, CE	In region
Gray vireo	*Vireo vicinior*	SSC2	In region
Loggerhead shrike	*Lanius ludovicianus*	SSC2	**Just off site**
Oak titmouse	*Baeolophus inornatus*	BCC	Very close
Verdin	*Auriparus flaviceps*	BCC	Very close
California horned lark	*Eremophila alpestris actia*	WL	**On site**
Bank swallow	*Riparia riparia*	CT	Nearby
Purple martin	*Progne subis*	SSC2	In region
Wrentit	*Chamaea fasciata*	BCC	In region
Black-tailed gnatcatcher	*Polioptila melanura*	WL	In region
California thrasher	*Toxostoma redivivum*	BCC	Nearby
LeConte's thrasher	*Toxostoma lecontei*	SSC1, BCC	In region
Cassin's finch	*Haemorhous cassinii*	BCC	Nearby
Lawrence's goldfinch	*Spinus lawrencei*	BCC	Very close
Black-chinned sparrow	*Spizella atrogularis*	BCC	In region
Gray-headed junco	*Junco hyemalis caniceps*	WL	In region
Bell's sparrow	*Amphispiza b. belli*	WL	In region
Oregon vesper sparrow	*Pooecetes gramineus affinis*	SSC2	In range
Southern California rufous-crowned sparrow	*Aimophila ruficeps canescens*	WL	In region

Common name	*Species name*	Status[1]	Database records, Site visit
Yellow-breasted chat	*Icteria virens*	SSC3	Nearby
Yellow-headed blackbird	*Xanthocephalus xanthocephalus*	SSC3	Nearby
Bullock's oriole	*Icterus bullockii*	BCC	Nearby
Tricolored blackbird	*Agelaius tricolor*	CT, BCC, SSC1	In region
Lucy's warbler	*Leiothlypis luciae*	SSC3	In region
Virginia's warbler	*Leiothlypis virginiae*	WL, BCC	In region
Yellow warbler	*Setophaga petechia*	SSC2	Nearby
Summer tanager	*Piranga rubra*	SSC1	Nearby
California myotis	*Myotis californicus*	WBWG:L	In region
Small-footed myotis	*Myotis ciliolabrum*	WBWG: M	In range
Canyon bat	*Parastrellus hesperus*	WBWG: M	In region
Big brown bat	*Episticus fuscus*	WBWG: L	In region
Silver-haired bat	*Lasionycteris noctivagans*	WBWG: M	In range
Hoary bat	*Lasiurus cinereus*	WBWG: M	In region
Spotted bat	*Euderma maculatum*	SSC, WBWG: H	In range
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC, WBWG: H	In region
Pallid bat	*Antrozous pallidus*	SSC, WBWG: H	In range
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG: L	In region
Western mastiff bat	*Eumops perotis*	SSC, WBWG: H	In range
San Diego black-tailed jackrabbit	*Lepus californicus bennettii*	SSC	In region
Mohave ground squirrel	*Xerospermophilus mohavensis*	CT	In region
Pallid San Diego pocket mouse	*Chaetodipus fallax pallidus*	SSC	In range
Los Angeles pocket mouse	*Perognathus longimembris brevinasus*	SSC	In region
Southern grasshopper mouse	*Onychomys torridus ramona*	SSC	In range
American badger	*Taxidea taxus*	SSC	In region
Mountain lion	*Puma concolor*	CCT	Very close

[1] Listed on Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FT or FE = federal threatened or endangered, FC = federal candidate for listing, CCT or CCE = Candidate California threatened or endangered, CFP = California Fully Protected (California Fish and Game Code 3511), SSC = California Species of Special Concern (see Shuford and Gardali 2008 for numbers indicating priority of concern), CT or CE = California threatened or endangered, SSC = California Species of Special Concern (not threatened with extinction, but rare, very restricted in range, declining throughout range, peripheral portion of species'

range, associated with habitat that is declining in extent, and SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively, per Shuford and Gardali 2008), WL = Taxa to Watch List, and WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); listed by U.S. Fish and Wildlife Service (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf) as BCC = Bird of Conservation Concern; or protected as BOP = Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors).

At least a fair argument can be made for the need to prepare an EIR to accurately characterize the existing environmental setting that is needed to appropriately analyze impacts and formulate mitigation measures.

BIOLOGICAL IMPACTS ASSESSMENT

Accurate characterization of the existing environmental setting is an essential foundation for analysis of potential project impacts, but other than for Joshua trees, the IS/MND provides no foundation for impacts analysis related to plants and wildlife. An impacts analysis should consider whether and how the proposed project would affect members of each potentially occurring special-status species. In the following, I analyze several types of impacts likely to result from the project, none of which is addressed in the IS/MND.

HABITAT LOSS AND HABITAT FRAGMENTATION

The IS/MND does not attempt to estimate the numerical or productive capacities of the site for nesting birds, probably because the IS/MND concludes that birds do not nest on the site. This conclusion, however, is not credible. The site is proven to serve as habitat to at least 14 species of wildlife which Noriko observed on the site, but the number of avian nest sites remains unknown. Because Noriko's survey was only a reconnaissance survey therefore unsuitable for detecting all bird nests on the site, estimating total nest density of birds was not possible. Fortunately, we have performed such surveys at other sites to estimate total nest density.

Franzeb (1978) estimated a total nest density of 0.183 nests/ha in California's southeastern desert environments, and Kozma and Mathews (1997) estimated total nest densities of 0.26 nests/acre in arroyos and 0.109 nests/acre on the uplands in the Chihuahuan Desert of New Mexico. As part of an ongoing study, Noriko Smallwood estimated 3.8 nests/acre on a 3.16-acre site of grassland in Murrieta, 0.62 nests/acre on a 4.83-acre site, and 0.93 nests/acre on grassland of the San Joaquin Wildlife Area. The average of the above is 0.98 nests/acre. This density applied to the 5.22 acres of the project site would predict 5.1 nest sites per year. Assuming 1.39 broods per nest site based on a review of 322 North American bird species, which averaged 1.39 broods per year, then I estimate an average 7.1 nest attempts per year at the project site. Assuming Young's (1948) study site typifies bird productivity of 2.9 fledged birds per nest attempt, then I predict 20.6 fledglings/year at the project site.

The loss of 5.1 nest sites and 7.1 nest attempts and 20.6 fledglings per year would qualify as significant impacts that have not been analyzed in the IS/MND. But the impacts would not end with the immediate loss of nest sites. Assuming an average bird generation time of 5 years, the lost capacity of both breeders and annual fledgling production can be estimated from an equation in Smallwood (2022): {(nests/year × chicks/nest × number of years) + (2 adults/nest × nests/year) × (number of years ÷ years/generation)} ÷ (number of years) = 23 birds per year denied to California.

The loss of 23 birds per year would be a loss of considerable productive capacity that is currently provided by the project site. Most if not all these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which most strongly protect breeding migratory birds. Therefore, at least a fair argument can be made for the need to prepare an EIR to appropriately analyze project impacts to birds in the form of lost productive capacity caused by habitat loss.

INTERFERENCE WITH WILDLIFE MOVEMENT

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would interfere with wildlife movement in the region. Unfortunately, the IS/MND provides no serious analysis of the potential for the project to interfere with wildlife movement in the region. The IS/MND (p. 34) merely states, "The site's utility as a habitat and a migration corridor is constrained by the presence of an adjacent roadways and the development that is present in the neighboring areas. *As a result, no impacts would occur*." However, the IS/MND cites no evidence that adjacent roads or adjacent development constrain habitats or wildlife movement in any way. If there was any veracity to the reasoning in the IS/MND on this issue, then Noriko Smallwood should not have been able to see the wildlife that she did.

The City of Hesperia did not retain any wildlife ecologists to survey the project site or its surroundings, as is standard practice in support of CEQA review. There has been no program of observation to characterize how wildlife use the site for movement in the region, let alone any surveys to determine which species of wildlife occur on or around the site. Given this lack of diligence to the CEQA review process, the City merely speculates that roads preclude habitat and wildlife movement. If the existence of roads truly serve as barriers to wildlife movement, then the issue of roadkill wildlife would not exist, but as I discuss below, one of the largest – if not the largest -- anthropogenic sources of wildlife mortality is collisions of wildlife with automobiles.

At least a fair argument can be made for the need to prepare an EIR to appropriately analyze the project's potential impacts to volant wildlife and how those impacts to movement can be mitigated.

TRAFFIC IMPACTS TO WILDLIFE

The IS/MND neglects to address one of the project's most obvious, substantial impacts to wildlife, and that is wildlife mortality and injuries caused by project-generated traffic. Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic (Photos 1—4), including along roads far from the project footprint but which would nevertheless by traversed by automobiles head to or from the project's building. Vehicle collisions have accounted for the deaths of many thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to

8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

Photo 1. *A white-tailed antelope squirrel runs across the road just in the Coachella Valley, 26 May 2022. Such road crossings are usually successful, but too often prove fatal to the animal.*

Photo 2. *A coyote uses the crosswalk to cross a road on 2 February 2023. Not all drivers stop, nor do all animals use the crosswalk. Too often, animals are injured or killed when they attempt to cross roads.*

Photos 3 and 4. *Raccoon killed on Road 31 just east of Highway 505 in Solano County (left; photo taken on 10 November 2018), and mourning dove killed by vehicle on a California road (right; photo by Noriko Smallwood, 21 June 2020.)*

The nearest study of traffic-caused wildlife mortality was performed along a 2.5-mile stretch of Vasco Road in Contra Costa County, California. Fatality searches in this study found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches (Mendelsohn et al. 2009). This fatality number needs to be adjusted for the proportion of fatalities that were not found due to scavenger removal and searcher error. This adjustment is typically made by placing carcasses for searchers to find (or not find) during their routine periodic fatality searches. This step was not taken at Vasco Road (Mendelsohn et al. 2009), but it was taken as part of another study next to Vasco Road (Brown et al. 2016). Brown et al.'s (2016) adjustment factors for carcass persistence resembled those of Santos et al. (2011). Also applying searcher detection rates from Brown et al. (2016), the adjusted total number of fatalities was estimated at 9,462 animals killed by traffic on the road. This fatality number projected over 1.25 years and 2.5 miles of road translates to 3,028 wild animals per mile per year. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 188,191 animals killed per 100 km of road per year, or 22 times that of Loss et al.'s (2014) upper bound estimate and 53 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project site would similarly result in local impacts on wildlife.

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

Predicting project-generated traffic impacts to wildlife

The IS/MND does not report a prediction of annual VMT that would be generated by the project. However, I have kept track of predicted annual VMT at other proposed warehouse projects, from which I can generate a mean annual VMT per square foot of floor space. Based on 33 other warehouse projects, the mean annual VMT/sf was 21.54. Applying this mean to the 79,778 sf of the proposed warehouse would predict 1,718,418 annual VMT.

During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars

and trucks × 2.5 miles × 365 days/year × 1.25 years = 22,242,187.5 vehicle miles per 9,462 wildlife fatalities, or 2,351 vehicle miles per fatality. This rate divided into the predicted annual VMT would predict 731 vertebrate wildlife fatalities per year due to project-generated traffic.

Based on my analysis, the project-generated traffic would cause substantial, significant impacts to wildlife. The IS/MND does not address this potential impact, let alone propose to mitigate it. Mitigation measures to improve wildlife safety along roads are available and are feasible, and they need exploration for their suitability with the proposed project. Given the predicted level of project-generated traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts.

At least a fair argument can be made for the need to prepare an EIR to appropriately analyze the impact of wildlife collision mortality resulting from project-generated traffic.

CUMULATIVE IMPACTS

The cumulative impacts analysis is fundamentally flawed, as its premise of no wildlife occurring on the project site lacks foundation in evidence. According to the IS/MND (p. 89), "The proposed project *would not* have impacts that are individually limited, but cumulatively considerable. The environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein." This analysis is conclusory. A cumulative impacts analysis needs to be completed.

MITIGATION MEASURES

The IS/MND requires no mitigation for potential project impacts to wildlife. The only mitigation required for biological resources is directed to the 34 Joshua trees determined to occupy the site. Below are my comments on the Joshua tree mitigation followed by recommendations for mitigation that should be considered in an EIR.

Before I comment specifically on mitigation, however, I will repeat myself that the formulation of appropriate mitigation can only follow an adequate survey effort for wildlife on and around the project site. The available protocol-level detection survey guidelines also need to be implemented for multiple special-status species.

BIO Mitigation No. 1. Mitigation for direct impacts to the western Joshua trees within the Project site will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit.

Comment: Attainment of an ITP is not assured, but the BIO Mitigation No. 1 includes no statement of uncertainty about acquiring an ITP. Furthermore, nothing is said of the

relocation guidelines, nor of effectiveness monitoring and reporting. The required mitigation for take of Joshua trees appears incomplete.

RECOMMENDED MEASURES

Road Mortality: Compensatory mitigation is needed for the increased wildlife mortality that would be caused by bird-window collisions and the project-generated road traffic in the region. I suggest that this mitigation can be directed toward funding research to identify fatality patterns and effective impact reduction measures such as reduced speed limits and wildlife under-crossings or overcrossings of particularly dangerous road segments. Compensatory mitigation can also be provided in the form of donations to wildlife rehabilitation facilities (see below).

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

Thank you for your consideration,

Shawn Smallwood, Ph.D.

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Expertise

- Finding solutions to controversial problems related to wildlife interactions with human industry, infrastructure, and activities;
- Wildlife monitoring and field study using GPS, thermal imaging, behavior surveys;
- Using systems analysis and experimental design principles to identify meaningful ecological patterns that inform management decisions.

Education

Ph.D. Ecology, University of California, Davis. September 1990.
M.S. Ecology, University of California, Davis. June 1987.
B.S. Anthropology, University of California, Davis. June 1985.
Corcoran High School, Corcoran, California. June 1981.

Experience

- 762 professional reports, including:
- 90 peer reviewed publications
- 24 in non-reviewed proceedings
- 646 reports, declarations, posters and book reviews
- 8 in mass media outlets
- 92 public presentations of research results

Editing for scientific journals: Guest Editor, *Wildlife Society Bulletin*, 2012-2013, of invited papers representing international views on the impacts of wind energy on wildlife and how to mitigate the impacts. Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007. Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004. Associate Editor, *Biological Conservation*, 9/1994 to 9/1995.

Member, Alameda County Scientific Review Committee (SRC), August 2006 to April 2011. The five-member committee investigated causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and recommended mitigation and monitoring measures. The SRC reviewed the science underlying the Alameda County Avian Protection Program, and advised

the County on how to reduce wildlife fatalities.

Consulting Ecologist, 2004-2007, California Energy Commission (CEC). Provided consulting services as needed to the CEC on renewable energy impacts, monitoring and research, and produced several reports. Also collaborated with Lawrence-Livermore National Lab on research to understand and reduce wind turbine impacts on wildlife.

Consulting Ecologist, 1999-2013, U.S. Navy. Performed endangered species surveys, hazardous waste site monitoring, and habitat restoration for the endangered San Joaquin kangaroo rat, California tiger salamander, California red-legged frog, California clapper rail, western burrowing owl, salt marsh harvest mouse, and other species at Naval Air Station Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; National Radio Transmitter Facility, Dixon; and, Naval Outlying Landing Field Imperial Beach.

Part-time Lecturer, 1998-2005, California State University, Sacramento. Instructed Mammalogy, Behavioral Ecology, and Ornithology Lab, Contemporary Environmental Issues, Natural Resources Conservation.

Senior Ecologist, 1999-2005, BioResource Consultants. Designed and implemented research and monitoring studies related to avian fatalities at wind turbines, avian electrocutions on electric distribution poles across California, and avian fatalities at transmission lines.

Chairman, Conservation Affairs Committee, The Wildlife Society--Western Section, 1999-2001. Prepared position statements and led efforts directed toward conservation issues, including travel to Washington, D.C. to lobby Congress for more wildlife conservation funding.

Systems Ecologist, 1995-2000, Institute for Sustainable Development. Headed ISD's program on integrated resources management. Developed indicators of ecological integrity for large areas, using remotely sensed data, local community involvement and GIS.

Associate, 1997-1998, Department of Agronomy and Range Science, University of California, Davis. Worked with Shu Geng and Mingua Zhang on several studies related to wildlife interactions with agriculture and patterns of fertilizer and pesticide residues in groundwater across a large landscape.

Lead Scientist, 1996-1999, National Endangered Species Network. Informed academic scientists and environmental activists about emerging issues regarding the Endangered Species Act and other environmental laws. Testified at public hearings on endangered species issues.

Ecologist, 1997-1998, Western Foundation of Vertebrate Zoology. Conducted field research to determine the impact of past mercury mining on the status of California red-legged frogs in Santa Clara County, California.

Senior Systems Ecologist, 1994-1995, EIP Associates, Sacramento, California. Provided consulting services in environmental planning, and quantitative assessment of land units for their conservation and restoration opportunities basedon ecological resource requirements of 29 special-status species. Developed ecological indicators for prioritizing areas within Yolo County

to receive mitigation funds for habitat easements and restoration.

Post-Graduate Researcher, 1990-1994, Department of Agronomy and Range Science, *U.C. Davis*. Under Dr. Shu Geng's mentorship, studied landscape and management effects on temporal and spatial patterns of abundance among pocket gophers and species of Falconiformes and Carnivora in the Sacramento Valley. Managed and analyzed a data base of energy use in California agriculture. Assisted with landscape (GIS) study of groundwater contamination across Tulare County, California.

Work experience in graduate school: Co-taught Conservation Biology with Dr. Christine Schonewald, 1991 & 1993, UC Davis Graduate Group in Ecology; Reader for Dr. Richard Coss's course on Psychobiology in 1990, UC Davis Department of Psychology; Research Assistant to Dr. Walter E. Howard, 1988-1990, UC Davis Department of Wildlife and Fisheries Biology, testing durable baits for pocket gopher management in forest clearcuts; Research Assistant to Dr. Terrell P. Salmon, 1987-1988, UC Wildlife Extension, Department of Wildlife and Fisheries Biology, developing empirical models of mammal and bird invasions in North America, and a rating system for priority research and control of exotic species based on economic, environmental and human health hazards in California. Student Assistant to Dr. E. Lee Fitzhugh, 1985-1987, UC Cooperative Extension, Department of Wildlife and Fisheries Biology, developing and implementing statewide mountain lion track count for long-term monitoring.

Fulbright Research Fellow, Indonesia, 1988. Tested use of new sampling methods for numerical monitoring of Sumatran tiger and six other species of endemic felids, and evaluated methods used by other researchers.

Projects

Repowering wind energy projects through careful siting of new wind turbines using map-based collision hazard models to minimize impacts to volant wildlife. Funded by wind companies (principally NextEra Renewable Energy, Inc.), California Energy Commission and East Bay Regional Park District, I have collaborated with a GIS analyst and managed a crew of five field biologists performing golden eagle behavior surveys and nocturnal surveys on bats and owls. The goal is to quantify flight patterns for development of predictive models to more carefully site new wind turbines in repowering projects. Focused behavior surveys began May 2012 and continue. Collision hazard models have been prepared for seven wind projects, three of which were built. Planning for additional repowering projects is underway.

Test avian safety of new mixer-ejector wind turbine (MEWT). Designed and implemented a before-after, control-impact experimental design to test the avian safety of a new, shrouded wind turbine developed by Ogin Inc. (formerly known as FloDesign Wind Turbine Corporation). Supported by a $718,000 grant from the California Energy Commission's Public Interest Energy Research program and a 20% match share contribution from Ogin, I managed a crew of seven field biologists who performed periodic fatality searches and behavior surveys, carcass detection trials, nocturnal behavior surveys using a thermal camera, and spatial analyses with the collaboration of a GIS analyst. Field work began 1 April 2012 and ended 30 March 2015 without Ogin installing its MEWTs, but we still achieved multiple important scientific advances.

Reduce avian mortality due to wind turbines at Altamont Pass. Studied wildlife impacts caused by 5,400 wind turbines at the world's most notorious wind resource area. Studied how impacts are perceived by monitoring and how they are affected by terrain, wind patterns, food resources, range management practices, wind turbine operations, seasonal patterns, population cycles, infrastructure management such as electric distribution, animal behavior and social interactions.

Reduce avian mortality on electric distribution poles. Directed research toward reducing bird electrocutions on electric distribution poles, 2000-2007. Oversaw 5 founds of fatality searches at 10,000 poles from Orange County to Glenn County, California, and produced two large reports.

Cook *et al*. v. Rockwell International *et al*., No. 90-K-181 (D. Colorado). Provided expert testimony on the role of burrowing animals in affecting the fate of buried and surface-deposited radioactive and hazardous chemical wastes at the Rocky Flats Plant, Colorado. Provided expert reports based on four site visits and an extensive document review of burrowing animals. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals. I testified in federal court in November 2005, and my clients were subsequently awarded a $553,000,000 judgment by a jury. After appeals the award was increased to two billion dollars.

Hanford Nuclear Reservation Litigation. Provided expert testimony on the role of burrowing animals in affecting the fate of buried radioactive wastes at the Hanford Nuclear Reservation, Washington. Provided three expert reports based on three site visits and extensive document review. Predicted and verified a certain population density of pocket gophers on buried waste structures, as well as incidence of radionuclide contamination in body tissue. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals.

Expert testimony and declarations on proposed residential and commercial developments, gas-fired power plants, wind, solar and geothermal projects, water transfers and water transfer delivery systems, endangered species recovery plans, Habitat Conservation Plans and Natural Communities Conservation Programs. Testified before multiple government agencies, Tribunals, Boards of Supervisors and City Councils, and participated with press conferences and depositions. Prepared expert witness reports and court declarations, which are summarized under Reports (below).

Protocol-level surveys for special-status species. Used California Department of Fish and Wildlife and US Fish and Wildlife Service protocols to search for California red-legged frog, California tiger salamander, arroyo southwestern toad, blunt-nosed leopard lizard, western pond turtle, giant kangaroo rat, San Joaquin kangaroo rat, San Joaquin kit fox, western burrowing owl, Swainson's hawk, Valley elderberry longhorn beetle and other special-status species.

Conservation of San Joaquin kangaroo rat. Performed research to identify factors responsible for the decline of this endangered species at Lemoore Naval Air Station, 2000-2013, and implemented habitat enhancements designed to reverse the trend and expand the population.

Impact of West Nile Virus on yellow-billed magpies. Funded by Sacramento-Yolo Mosquito and Vector Control District, 2005-2008, compared survey results pre- and post-West Nile Virus epidemic for multiple bird species in the Sacramento Valley, particularly on yellow-billed magpie and American crow due to susceptibility to WNV.

Workshops on HCPs. Assisted Dr. Michael Morrison with organizing and conducting a 2-day workshop on Habitat Conservation Plans, sponsored by Southern California Edison, and another 1-day workshop sponsored by PG&E. These Workshops were attended by academics, attorneys, and consultants with HCP experience. We guest-edited a Proceedings published in Environmental Management.

Mapping of biological resources along Highways 101, 46 and 41. Used GPS and GIS to delineate vegetation complexes and locations of special-status species along 26 miles of highway in San Luis Obispo County, 14 miles of highway and roadway in Monterey County, and in a large area north of Fresno, including within reclaimed gravel mining pits.

GPS mapping and monitoring at restoration sites and at Caltrans mitigation sites. Monitored the success of elderberry shrubs at one location, the success of willows at another location, and the response of wildlife to the succession of vegetation at both sites. Also used GPS to monitor the response of fossorial animals to yellow star-thistle eradication and natural grassland restoration efforts at Bear Valley in Colusa County and at the decommissioned Mather Air Force Base in Sacramento County.

Mercury effects on Red-legged Frog. Assisted Dr. Michael Morrison and US Fish and Wildlife Service in assessing the possible impacts of historical mercury mining on the federally listed California red-legged frog in Santa Clara County. Also measured habitat variables in streams.

Opposition to proposed No Surprises rule. Wrote a white paper and summary letter explaining scientific grounds for opposing the incidental take permit (ITP) rules providing ITP applicants and holders with general assurances they will be free of compliance with the Endangered Species Act once they adhere to the terms of a "properly functioning HCP." Submitted 188 signatures of scientists and environmental professionals concerned about No Surprises rule US Fish and Wildlife Service, National Marine Fisheries Service, all US Senators.

Natomas Basin Habitat Conservation Plan alternative. Designed narrow channel marsh to increase the likelihood of survival and recovery in the wild of giant garter snake, Swainson's hawk and Valley Elderberry Longhorn Beetle. The design included replication and interspersion of treatments for experimental testing of critical habitat elements. I provided a report to Northern Territories, Inc.

Assessments of agricultural production system and environmental technology transfer to China. Twice visited China and interviewed scientists, industrialists, agriculturalists, and the Directors of the Chinese Environmental Protection Agency and the Department of Agriculture to assess the need and possible pathways for environmental clean-up technologies and trade opportunities between the US and China.

Yolo County Habitat Conservation Plan. Conducted landscape ecology study of Yolo County to spatially prioritize allocation of mitigation efforts to improve ecosystem functionality within the County from the perspective of 29 special-status species of wildlife and plants. Used a hierarchically structured indicators approach to apply principles of landscape and ecosystem ecology, conservation biology, and local values in rating land units. Derived GIS maps to help guide the conservation area design, and then developed implementation strategies.

Mountain lion track count. Developed and conducted a carnivore monitoring program throughout California since 1985. Species counted include mountain lion, bobcat, black bear, coyote, red and gray fox, raccoon, striped skunk, badger, and black-tailed deer. Vegetation and land use are also monitored. Track survey transect was established on dusty, dirt roads within randomly selected quadrats.

Sumatran tiger and other felids. Upon award of Fulbright Research Fellowship, I designed and initiated track counts for seven species of wild cats in Sumatra, including Sumatran tiger, fishing cat, and golden cat. Spent four months on Sumatra and Java in 1988, and learned Bahasa Indonesia, the official Indonesian language.

Wildlife in agriculture. Beginning as post-graduate research, I studied pocket gophers and other wildlife in 40 alfalfa fields throughout the Sacramento Valley, and I surveyed for wildlife along a 200 mile road transect since 1989 with a hiatus of 1996-2004. The data are analyzed using GIS and methods from landscape ecology, and the results published and presented orally to farming groups in California and elsewhere. I also conducted the first study of wildlife in cover crops used on vineyards and orchards.

Agricultural energy use and Tulare County groundwater study. Developed and analyzed a data base of energy use in California agriculture, and collaborated on a landscape (GIS) study of groundwater contamination across Tulare County, California.

Pocket gopher damage in forest clear-cuts. Developed gopher sampling methods and tested various poison baits and baiting regimes in the largest-ever field study of pocket gopher management in forest plantations, involving 68 research plots in 55 clear-cuts among 6 National Forests in northern California.

Risk assessment of exotic species in North America. Developed empirical models of mammal and bird species invasions in North America, as well as a rating system for assigning priority research and control to exotic species in California, based on economic, environmental, and human health hazards.

Peer Reviewed Publications

Smallwood, K. S. 2022. Utility-scale solar impacts to volant wildlife. Journal of Wildlife Management: e22216. https://doi.org/10.1002/jwmg.22216

Smallwood, K. S., and N. L. Smallwood. 2021. Breeding Density and Collision Mortality of Loggerhead Shrike (*Lanius ludovicianus*) in the Altamont Pass Wind Resource Area. Diversity 13, 540. https://doi.org/10.3390/d13110540.

Smallwood, K. S. 2020. USA wind energy-caused bat fatalities increase with shorter fatality search intervals. Diversity 12(98); https://doi.org/10.3390/d12030098

Smallwood, K. S., D. A. Bell, and S. Standish. 2020. Dogs detect larger wind energy impacts on bats and birds. Journal of Wildlife Management 84:852-864. DOI: 10.1002/jwmg.21863.

Smallwood, K. S., and D. A. Bell. 2020. Relating bat passage rates to wind turbine fatalities.

Diversity 12(84); doi:10.3390/d12020084.

Smallwood, K. S., and D. A. Bell. 2020. Effects of wind turbine curtailment on bird and bat fatalities. Journal of Wildlife Management 84:684-696. DOI: 10.1002/jwmg.21844

Kitano, M., M. Ino, K. S. Smallwood, and S. Shiraki. 2020. Seasonal difference in carcass persistence rates at wind farms with snow, Hokkaido, Japan. Ornithological Science 19: 63 – 71.

Smallwood, K. S. and M. L. Morrison. 2018. Nest-site selection in a high-density colony of burrowing owls. Journal of Raptor Research 52:454-470.

Smallwood, K. S., D. A. Bell, E. L. Walther, E. Leyvas, S. Standish, J. Mount, B. Karas. 2018. Estimating wind turbine fatalities using integrated detection trials. Journal of Wildlife Management 82:1169-1184.

Smallwood, K. S. 2017. Long search intervals under-estimate bird and bat fatalities caused by wind turbines. Wildlife Society Bulletin 41:224-230.

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Smallwood, K. S., L. Neher, and D. A. Bell. 2017. Turbine siting for raptors: an example from Repowering of the Altamont Pass Wind Resource Area. M. Perrow, Ed., Wildlife and Wind Farms - Conflicts and Solutions, Volume 2. Pelagic Publishing, Exeter, United Kingdom. www.bit.ly/2v3cR9Q

Johnson, D. H., S. R. Loss, K. S. Smallwood, W. P. Erickson. 2016. Avian fatalities at wind energy facilities in North America: A comparison of recent approaches. Human–Wildlife Interactions 10(1):7-18.

Sadar, M. J., D. S.-M. Guzman, A. Mete, J. Foley, N. Stephenson, K. H. Rogers, C. Grosset, K. S. Smallwood, J. Shipman, A. Wells, S. D. White, D. A. Bell, and M. G. Hawkins. 2015. Mange Caused by a novel Micnemidocoptes mite in a Golden Eagle (*Aquila chrysaetos*). Journal of Avian Medicine and Surgery 29(3):231-237.

Smallwood, K. S. 2015. Habitat fragmentation and corridors. Pages 84-101 in M. L. Morrison and H. A. Mathewson, Eds., Wildlife habitat conservation: concepts, challenges, and solutions. John Hopkins University Press, Baltimore, Maryland, USA.

Mete, A., N. Stephenson, K. Rogers, M. G. Hawkins, M. Sadar, D. Guzman, D. A. Bell, J. Shipman, A. Wells, K. S. Smallwood, and J. Foley. 2014. Emergence of Knemidocoptic mange in wild Golden Eagles (Aquila chrysaetos) in California. Emerging Infectious Diseases 20(10):1716-1718.

Smallwood, K. S. 2013. Introduction: Wind-energy development and wildlife conservation. Wildlife Society Bulletin 37: 3-4.

Smallwood, K. S. 2013. Comparing bird and bat fatality-rate estimates among North American wind-energy projects. Wildlife Society Bulletin 37:19-33. + Online Supplemental Material.

Smallwood, K. S., L. Neher, J. Mount, and R. C. E. Culver. 2013. Nesting Burrowing Owl Abundance in the Altamont Pass Wind Resource Area, California. Wildlife Society Bulletin: 37:787-795.

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Bell, D. A., and K. S. Smallwood. 2010. Birds of prey remain at risk. Science 330:913.

Smallwood, K. S., D. A. Bell, S. A. Snyder, and J. E. DiDonato. 2010. Novel scavenger removal trials increase estimates of wind turbine-caused avian fatality rates. Journal of Wildlife Management 74: 1089-1097 + Online Supplemental Material.

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Smallwood, K. S. and B. Karas. 2009. Avian and Bat Fatality Rates at Old-Generation and Repowered Wind Turbines in California. Journal of Wildlife Management 73:1062-1071.

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Smallwood, K. S., C. G. Thelander, M. L. Morrison, and L. M. Rugge. 2007. Burrowing owl mortality in the Altamont Pass Wind Resource Area. Journal of Wildlife Management 71:1513-1524.

Cain, J. W. III, K. S. Smallwood, M. L. Morrison, and H. L. Loffland. 2005. Influence of mammal activity on nesting success of Passerines. J. Wildlife Management 70:522-531.

Smallwood, K.S. 2002. Habitat models based on numerical comparisons. Pages 83-95 *in* Predicting species occurrences: Issues of scale and accuracy, J. M. Scott, P. J. Heglund, M. Morrison, M. Raphael, J. Haufler, and B. Wall, editors. Island Press, Covello, California.

Morrison, M. L., K. S. Smallwood, and L. S. Hall. 2002. Creating habitat through plant relocation: Lessons from Valley elderberry longhorn beetle mitigation. Ecological Restoration 21: 95-100.

Zhang, M., K. S. Smallwood, and E. Anderson. 2002. Relating indicators of ecological health and integrity to assess risks to sustainable agriculture and native biota. Pages 757-768 *in* D.J. Rapport, W.L. Lasley, D.E. Rolston, N.O. Nielsen, C.O. Qualset, and A.B. Damania (eds.), Managing for Healthy Ecosystems, Lewis Publishers, Boca Raton, Florida USA.

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Comments on Environmental Documents (Year; pages)

I was retained or commissioned to comment on environmental planning and review documents, including:

- Shirk & Riggin Industrial Park Application, Visalia (2022; 22);
- Duarte Industrial Application, Visalia (2022; 17);
- Amond World Cold Storage Warehouse IS/MND, Madera (2022; 23);
- Replies on Schulte Logistics Centre EIR, Tracy (2022; 28);
- Alta Cuvee Mixed Use Project Recirculated IS/MND, Ranch Cucamonga (2022; 8);
- Fourth visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2022; 9);
- Replies on 1242 20th Street Wellness Center Project FEIR, Santa Monica (2022; 5);
- 656 South San Vicente Medical Office Project EIR, Los Angeles (2022; 21);
- UCSF New Hospital at Parnassus Heights DEIR. San Francisco (2022; 40);
- DPR-21-021Warehouse IS, Modesto (2022; 19);
- Ormat Brawley Solar Project DEIR, Brawley (2022; 37);
- Site visits to Heber 1 Geothermal Repower Project IS/MND (2022; 31);
- Heritage Industrial Center Design Review, Chula Vista (2022; 13);
- Temporary Outdoor Vehicle Storage DEIR, Port of Hueneme (2022; 29);
- CNU Medical Center and Innovation Park DEIR, Natomas (2022; 35);
- Beverly Boulevard Warehouse IS/MND, Pico Rivera (2021; 28);
- Hagemon Properties IS/MND Amendment, Bakersfield (2022; 23);
- Airport Distribution Center IS/MND, Redding (2021; 22);
- Orchard on Nevada Warehouse Staff Report, Redlands (2021; 24);
- Landings Logistics Center Exemption, Bakersfield (2021; 19);
- Replies on Hearn Veterans Village IS/MND, Santa Rosa (2021; 22);
- North Central Valley BESS Project IS/MND, Stockton (2021; 37);
- 2nd Replies on Heber 1 Geothermal Repower Project IS/MND (2022; 21);
- Stagecoach Solar DEIR, Barstow (2021; 24);
- Updated Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2021; 35);
- Freedom Circle Focus Area and Greystar General Plan Amendment Project EIR, San Jose (2021; 43);
- Operon HKI Warehouse IS/MND, Perris (2021; 26);
- Fairway Business Park Phase III IS/MND, Lake Elsinore (2021; 23);
- South Stockton Commerce Center IS/MND, Stockton (2021; 31);
- Starpoint Warehouse IS/MND, San Bernardino (2021; 24);
- Replies on Heber 1 Geothermal Repower Project IS/MND (2021; 15);
- Heber 1 Geothermal Repower Project IS/MND (2021; 11);

- Alviso Hotel Project IS/MND, San Jose (2021; 43);
- Replies on Easton Research Park West IS/MND, Rancho Cordova (2021; 3);
- Easton Research Park West IS/MND, Rancho Cordova (2021; 31);
- US Cold Storage DEIR, Hesperia (2021; 30);
- 1242 20th Street Wellness Center Project FEIR, Santa Monica (2021; 23);
- Third visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 10);
- Roseland Creek Community Park Project IS/MND, Santa Rosa (2021; 23);
- Vista Mar Declaration of Irreparable Harm, Pacifica (2021; 3);
- LogistiCenter at Fairfield IS/MND (2021; 25);
- Alta Cuvee Mixed Use Project IS/MND, Ranch Cucamonga (2021; 29);
- Caligrows Architectural and Site Plan Review, Patterson (2021; 21);
- 1055 E. Sandhill Avenue Warehouse IS/MND, Carson (2021; 10);
- Chestnut & Tenth Street Commercial Project IS/MND, Gilroy (2021; 27);
- Libitzky Management Warehouse IS/MND, Modesto (2021; 20);
- 3rd Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2021; 10);
- Medical Office Building DEIR, Santa Cruz (2021; 30);
- Scannell Warehouse DEIR, Richmond (2021; 24);
- Diamond Heights Application, San Francisco (2021; 24);
- Costa Azul Mixed-Use EIR Addendum, San Diego (2021; 25);
- Woodland Research Park DEIR (2021; 45);
- 2nd Replies on Diamond Street Industrial IS/MND, San Marcos (2021; 9);
- Replies on Diamond Street Industrial IS/MND, San Marcos (2021; 3);
- Diamond Street Industrial IS/MND, San Marcos (2021; 28);
- DHS 109 Industrial Park IS/MND, Desert Hot Springs (2021; 33);
- Jersey Industrial Complex Rancho Cucamonga (2022; 22);
- 1188 Champions Drive Parking Garage Staff Report, San Jose (2021; 5);
- San Pedro Mountain, Pacifica (2021; 22);
- Pixior Warehouse IS/MND, Hesperia (2021; 29);
- 2nd Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2021; 9);
- Hearn Veterans Village IS/MND, Santa Rosa (2021; 23);
- Second visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 11);
- Replies on Station East Residential/Mixed Use EIR, Union City (2021; 26);
- Schulte Logistics Centre EIR, Tracy (2021; 30);
- 4150 Point Eden Way Industrial Development EIR, Hayward (2021; 13);
- Airport Business Centre IS/MND, Manteca (2021; 27);
- Dual-branded Hotel IS/MND, Santa Clara (2021; 26);
- Legacy Highlands Specific Plan EIR, Beaumont (2021; 47);
- UC Berkeley LRDP and Housing Projects #1 and #2 EIR (2021; 27);
- Santa Maria Airport Business Park EIR, Santa Maria (2021; 27);
- Replies on Coachella Valley Arena EIR Addendum, Thousand Palms (2021; 20);
- Coachella Valley Arena EIR Addendum, Thousand Palms (2021; 35);
- Inland Harbor Warehouse NOD, Ontario (2021; 8);
- Alvarado Specific Plan DEIR, La Mesa (2021; 35);
- Harvill Avenue and Rider Street Terminal Project MND, Riverside (2021; 23);

- Gillespie Field EIR Addendum, El Cajon (2021; 28);
- Heritage Wind Energy Project section 94-c siting process, New York (2021: 99);
- Commercial Street Hotels project Site Plans, Oakland (2021; 19);
- Heber 1 Geothermal Repower Project MND, El Centro (2021; 11);
- Citrus-Slover Warehouse Project MND, Fontana (2021; 20);
- Scott Ranch Project RDEIR (Davidon Homes), Petaluma (2021; 31);
- Replies on StratosFuel Renewable H2 Project MND, Victorville (2021; 5);
- StratosFuel Renewable H2 Project MND, Victorville (2021; 25);
- Replies on PARS Global Storage MND, Murietta (2021; 22);
- Baldwin-Zacharias Master Plans EIR, Patterson (2021; 38);
- 1000 Gibraltar Drive EIR, Milpitas (2021; 20);
- Mango Avenue Industrial Warehouse Project, Fontana, MND (2021; 20);
- Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 25);
- Replies on UCSF Comprehensive Parnassus Heights Plan EIR (2021; 13);
- 14 Charles Hill Circle Design Review (2021; 11);
- SDG Commerce 217 Warehouse IS, American Canyon (2021; 26);
- Mulqueeney Ranch Wind Repowering Project DSEIR (2021; 98);
- Clawiter Road Industrial Project IS/MND, Hayward (2021; 18);
- Garnet Energy Center Stipulations, New York (2020);
- Heritage Wind Energy Project, New York (2020: 71);
- Ameresco Keller Canyon RNG Project IS/MND, Martinez (2020; 11);
- Cambria Hotel Project Staff Report, Dublin (2020; 19);
- Central Pointe Mixed-Use Staff Report, Santa Ana (2020; 20);
- Oak Valley Town Center EIR Addendum, Calimesa (2020; 23);
- Coachillin Specific Plan MND Amendment, Desert Hot Springs (2020; 26);
- Stockton Avenue Hotel and Condominiums Project Tiering to EIR, San Jose (2020; 19);
- Cityline Sub-block 3 South Staff Report, Sunyvale (2020; 22);
- Station East Residential/Mixed Use EIR, Union City (2020; 21);
- Multi-Sport Complex & Southeast Industrial Annexation Suppl. EIR, Elk Grove (2020; 24);
- Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2020; 27);
- 2nd comments on 1296 Lawrence Station Road, Sunnyvale (2020; 4);
- 1296 Lawrence Station Road, Sunnyvale (2020; 16);
- Mesa Wind Project EA, Desert Hot Springs (2020; 31);
- 11th Street Development Project IS/MND, City of Upland (2020; 17);
- Vista Mar Project IS/MND, Pacifica (2020; 17);
- Emerson Creek Wind Project Application, Ohio (2020; 64);
- Replies on Wister Solar Energy Facility EIR, Imperial County (2020; 12);
- Wister Solar Energy Facility EIR, Imperial County (2020; 28);
- Crimson Solar EIS/EIR, Mojave Desert (2020, 35) not submitted;
- Sakioka Farms EIR tiering, Oxnard (2020; 14);
- 3440 Wilshire Project IS/MND, Los Angeles (2020; 19);
- Replies on 2400 Barranca Office Development Project EIR, Irvine (2020; 8);
- 2400 Barranca Office Development Project EIR, Irvine (2020; 25);
- Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 4);

- 2nd comments on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 8);
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- Lots 4-12 Oddstad Way Project IS/MND, Pacifica (2020; 16);
- Declaration on DDG Visalia Warehouse project (2020; 5);
- Terraces of Lafayette EIR Addendum (2020; 24);
- AMG Industrial Annex IS/MND, Los Banos (2020; 15);
- Replies to responses on Casmalia and Linden Warehouse, Rialto (2020; 15);
- Clover Project MND, Petaluma (2020; 27);
- Ruby Street Apartments Project Env. Checklist, Hayward (2020; 20);
- Replies to responses on 3721 Mt. Diablo Boulevard Staff Report (2020; 5);
- 3721 Mt. Diablo Boulevard Staff Report (2020; 9);
- Steeno Warehouse IS/MND, Hesperia (2020; 19);
- UCSF Comprehensive Parnassus Heights Plan EIR (2020; 24);
- North Pointe Business Center MND, Fresno (2020; 14);
- Casmalia and Linden Warehouse IS, Fontana (2020; 15);
- Rubidoux Commerce Center Project IS/MND, Jurupa Valley (2020; 27);
- Haun and Holland Mixed Use Center MND, Menifee (2020; 23);
- First Industrial Logistics Center II, Moreno Valley IS/MND (2020; 23);
- GLP Store Warehouse Project Staff Report (2020; 15);
- Replies on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 29);
- 2nd comments on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 34);
- Beale WAPA Interconnection Project EA & CEQA checklist (2020; 30);
- Levine-Fricke Softball Field Improvement Addendum, UC Berkeley (2020; 16);
- Greenlaw Partners Warehouse and Distribution Center Staff Report, Palmdale (2020; 14);
- Humboldt Wind Energy Project DEIR (2019; 25);
- Sand Hill Supplemental EIR, Altamont Pass (2019; 17);
- 1700 Dell Avenue Office Project, Campbell (2019, 28);
- 1180 Main Street Office Project MND, Redwood City (2019; 19:
- Summit Ridge Wind Farm Request for Amendment 4, Oregon (2019; 46);
- Shafter Warehouse Staff Report (2019; 4);
- Park & Broadway Design Review, San Diego (2019; 19);
- Pinnacle Pacific Heights Design Review, San Diego (2019; 19);
- Pinnacle Park & C Design Review, San Diego (2019; 19);
- Preserve at Torrey Highlands EIR, San Diego (2019; 24);
- Santana West Project EIR Addendum, San Jose (2019; 18);
- The Ranch at Eastvale EIR Addendum, Riverside County (2020; 19);
- Hageman Warehouse IS/MND, Bakersfield (2019; 13);
- Oakley Logistics Center EIR, Antioch (2019; 22);
- 27 South First Street IS, San Jose (2019; 23);
- 2nd replies on Times Mirror Square Project EIR, Los Angeles (2020; 11);
- Replies on Times Mirror Square Project EIR, Los Angeles (2020; 13);
- Times Mirror Square Project EIR, Los Angeles (2019; 18);
- East Monte Vista & Aviator General Plan Amend EIR Addendum, Vacaville (2019; 22);
- Hillcrest LRDP EIR, La Jolla (2019; 36);

- 555 Portola Road CUP, Portola Valley (2019; 11);
- Johnson Drive Economic Development Zone SEIR, Pleasanton (2019; 27);
- 1750 Broadway Project CEQA Exemption, Oakland (2019; 19);
- Mor Furniture Project MND, Murietta Hot Springs (2019; 27);
- Harbor View Project EIR, Redwood City (2019; 26);
- Visalia Logistics Center (2019; 13);
- Cordelia Industrial Buildings MND (2019; 14);
- Scheu Distribution Center IS/ND, Rancho Cucamonga (2019; 13);
- Mills Park Center Staff Report, San Bruno (2019; 22);
- Site visit to Desert Highway Farms IS/MND, Imperial County (2019; 9);
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- ExxonMobil Interim Trucking for Santa Ynez Unit Restart SEIR, Santa Barbara (2019; 9);
- Olympic Holdings Inland Center Warehouse Project MND, Rancho Cucamonga (2019; 14);
- Replies to responses on Lawrence Equipment Industrial Warehouse, Banning (2019; 19);
- PARS Global Storage MND, Murietta (2019; 13);
- Slover Warehouse EIR Addendum, Fontana (2019; 16);
- Seefried Warehouse Project IS/MND, Lathrop (2019; 19)
- World Logistics Center Site Visit, Moreno Valley (2019; 19);
- Merced Landfill Gas-To-Energy Project IS/MND (2019; 12);
- West Village Expansion FEIR, UC Davis (2019; 11);
- Site visit, Doheny Ocean Desalination EIR, Dana Point (2019; 11);
- Replies to responses on Avalon West Valley Expansion EIR, San Jose (2019; 10);
- Avalon West Valley Expansion EIR, San Jose (2019; 22);
- Sunroad – Otay 50 EIR Addendum, San Diego (2019; 26);
- Del Rey Pointe Residential Project IS/MND, Los Angeles (2019; 34);
- 1 AMD Redevelopment EIR, Sunnyvale (2019; 22);
- Lawrence Equipment Industrial Warehouse IS/MND, Banning (2019; 14);
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- PAMA Business Center IS/MND, Moreno Valley (2019; 23);
- Cupertino Village Hotel IS (2019; 24);
- Lake House IS/ND, Lodi (2019; 33);
- Campo Wind Project DEIS, San Diego County (DEIS, (2019; 14);
- Stirling Warehouse MND site visit, Victorville (2019; 7);
- Green Valley II Mixed-Use Project EIR, Fairfield (2019; 36);
- We Be Jammin rezone MND, Fresno (2019; 14);
- Gray Whale Cove Pedestrian Crossing IS/ND, Pacifica (2019; 7);
- Visalia Logistics Center & DDG 697V Staff Report (2019; 9);
- Mather South Community Masterplan Project EIR (2019; 35);
- Del Hombre Apartments EIR, Walnut Creek (2019; 23);
- Otay Ranch Planning Area 12 EIR Addendum, Chula Vista (2019; 21);
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- Site visit to Sunroad – Centrum 6 EIR Addendum, San Diego (2019; 9);
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- North First and Brokaw Corporate Campus Buildings EIR Addendum, San Jose (2018; 30);

- South Lake Solar IS, Fresno County (2018; 18);
- Galloo Island Wind Project Application, New York (not submitted) (2018; 44);
- Doheny Ocean Desalination EIR, Dana Point (2018; 15);
- Stirling Warehouse MND, Victorville (2018; 18);
- LDK Warehouse MND, Vacaville (2018; 30);
- Gateway Crossings FEIR, Santa Clara (2018; 23);
- South Hayward Development IS/MND (2018; 9);
- CBU Specific Plan Amendment, Riverside (2018; 27);
- 2nd replies to responses on Dove Hill Road Assisted Living Project MND (2018; 11);
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- Pyramid Asphalt BLM Finding of No Significance, Imperial County (2018; 22);
- Amáre Apartments IS/MND, Martinez (2018; 15);
- Petaluma Hill Road Cannabis MND, Santa Rosa (2018; 21);
- 2nd comments on Zeiss Innovation Center IS/MND, Dublin (2018: 12);
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- City of Hope Campus Plan EIR, Duarte (2018; 21);
- Palo Verde Center IS/MND, Blythe (2018; 14);
- Logisticenter at Vacaville MND (2018; 24);
- IKEA Retail Center SEIR, Dublin (2018; 17);
- Merge 56 EIR, San Diego (2018; 15);
- Natomas Crossroads Quad B Office Project P18-014 EIR, Sacramento (2018; 12);
- 2900 Harbor Bay Parkway Staff Report, Alameda (2018; 30);
- At Dublin EIR, Dublin (2018; 25);
- Fresno Industrial Rezone Amendment Application No. 3807 IS (2018; 10);
- Nova Business Park IS/MND, Napa (2018; 18);
- Updated Collision Risk Model Priors for Estimating Eagle Fatalities, USFWS (2018; 57);
- 750 Marlborough Avenue Warehouse MND, Riverside (2018; 14);
- Replies to responses on San Bernardino Logistics Center IS (2018; 12);
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- CUP2017-16, Costco IS/MND, Clovis (2018; 11);
- Desert Land Ventures Specific Plan EIR, Desert Hot Springs (2018; 18);
- Ventura Hilton IS/MND (2018; 30);
- North of California Street Master Plan Project IS, Mountain View (2018: 11);
- Tamarind Warehouse MND, Fontana (2018; 16);
- Lathrop Gateway Business Park EIR Addendum (2018; 23);
- Centerpointe Commerce Center IS, Moreno Valley (2019; 18);
- Amazon Warehouse Notice of Exemption, Bakersfield (2018; 13);
- CenterPoint Building 3 project Staff Report, Manteca (2018; 23);
- Cessna & Aviator Warehouse IS/MND, Vacaville (2018; 24);
- Napa Airport Corporate Center EIR, American Canyon (2018, 15);
- 800 Opal Warehouse Initial Study, Mentone, San Bernardino County (2018; 18);
- 2695 W. Winton Ave Industrial Project IS, Hayward (2018; 22);

- Trinity Cannabis Cultivation and Manufacturing Facility DEIR, Calexico (2018; 15);
- Shoe Palace Expansion IS/MND, Morgan Hill (2018; 21);
- Newark Warehouse at Morton Salt Plant Staff Report (2018; 15);
- Northlake Specific Plan FEIR "Peer Review", Los Angeles County (2018; 9);
- Replies to responses on Northlake Specific Plan SEIR, Los Angeles County (2018; 13);
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- Bogle Wind Turbine DEIR, east Yolo County (2017; 48);
- Ferrante Apartments IS/MND, Los Angeles (2017; 14);
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- Data Needed for Assessing Trail Management Impacts on Northern Spotted Owl, Marin County (2017; 5);
- Notes on Proposed Study Options for Trail Impacts on Northern Spotted Owl (2017; 4);
- Pyramid Asphalt IS, Imperial County (Declaration) (2017; 5);
- San Gorgonio Crossings EIR, Riverside County (2017; 22);
- Replies to responses on Jupiter Project IS and MND, Apple Valley (2017; 12);
- Proposed World Logistics Center Mitigation Measures, Moreno Valley (2017, 2019; 12);
- MacArthur Transit Village Project Modified 2016 CEQA Analysis (2017; 12);
- PG&E Company Bay Area Operations and Maintenance HCP (2017; 45);
- Central SoMa Plan DEIR (2017; 14);
- Suggested mitigation for trail impacts on northern spotted owl, Marin County (2016; 5);
- Colony Commerce Center Specific Plan DEIR, Ontario (2016; 16);
- Fairway Trails Improvements MND, Marin County (2016; 13);
- Review of Avian-Solar Science Plan (2016; 28);
- Replies on Pyramid Asphalt IS, Imperial County (2016; 5);
- Pyramid Asphalt IS, Imperial County (2016; 4);
- Agua Mansa Distribution Warehouse Project Initial Study (2016; 14);
- Santa Anita Warehouse MND, Rancho Cucamonga (2016; 12);
- CapRock Distribution Center III DEIR, Rialto (2016: 12);
- Orange Show Logistics Center IS/MND, San Bernardino (2016; 9);
- City of Palmdale Oasis Medical Village Project IS/MND (2016; 7);
- Comments on proposed rule for incidental eagle take, USFWS (2016, 49);
- Replies on Grapevine Specific and Community Plan FEIR, Kern County (2016; 25);
- Grapevine Specific and Community Plan DEIR, Kern County (2016; 15);
- Clinton County Zoning Ordinance for Wind Turbine siting (2016);
- Hallmark at Shenandoah Warehouse Project Initial Study, San Bernardino (2016; 6);
- Tri-City Industrial Complex Initial Study, San Bernardino (2016; 5);
- Hidden Canyon Industrial Park Plot Plan 16-PP-02, Beaumont (2016; 12);
- Kimball Business Park DEIR (2016; 10);
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- Revised Draft Giant Garter Snake Recovery Plan of 2015 (2016, 18);
- Palo Verde Mesa Solar Project EIR, Blythe (2016; 27);
- Reply on Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 14);
- Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 41);
- Reply on Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 38);

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- Second Reply on White Pines Wind Farm, Ontario (2015, 6);
- Reply on White Pines Wind Farm Natural Heritage Assessment, Ontario (2015, 10);
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- Sierra Lakes Commerce Center Project DEIR, Fontana (2015, 9);
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- West Valley Logistics Center Specific Plan DEIR, Fontana (2015, 10);
- Willow Springs Solar Photovoltaic Project DEIR (2015, 28);
- Alameda Creek Bridge Replacement Project DEIR (2015, 10);
- World Logistic Center Specific Plan FEIR, Moreno Valley (2015, 12);
- Elkhorn Valley Wind Power Project Impacts, Oregon (2015; 143);
- Bay Delta Conservation Plan EIR/EIS, Sacramento (2014, 21);
- Addison Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Addison Wind Energy Project DEIR, Mojave (2014, 15);
- Addison and Rising Tree Wind Energy Project FEIR, Mojave (2014, 12);
- Palen Solar Electric Generating System FSA (CEC), Blythe (2014, 20);
- Rebuttal testimony on Palen Solar Energy Generating System (2014, 9);
- Seven Mile Hill and Glenrock/Rolling Hills impacts + Addendum, Wyoming (2014; 105);
- Rising Tree Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Rising Tree Wind Energy Project DEIR, Mojave (2014, 15);
- Soitec Solar Development Project PEIR, Boulevard, San Diego County (2014, 18);
- Oakland Zoo expansion on Alameda whipsnake and California red-legged frog (2014; 3);
- Alta East Wind Energy Project FEIS, Tehachapi Pass (2013, 23);
- Blythe Solar Power Project Staff Assessment, California Energy Commission (2013, 16);
- Clearwater and Yakima Solar Projects DEIR, Kern County (2013, 9);
- West Antelope Solar Energy Project IS/MND, Antelope Valley (2013, 18);
- Cuyama Solar Project DEIR, Carrizo Plain (2014, 19);
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- Kingbird Solar Photovoltaic Project EIR, Kern County (2013, 19);
- Lucerne Valley Solar Project IS/MND, San Bernardino County (2013, 12);
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- Sunlight Partners LANDPRO Solar Project MND (2013; 11);
- Declaration in opposition to BLM fracking (2013; 5);
- Blythe Energy Project (solar) CEC Staff Assessment (2013;16);
- Rosamond Solar Project EIR Addendum, Kern County (2013; 13);
- Pioneer Green Solar Project EIR, Bakersfield (2013; 13);
- Replies on Soccer Center Solar Project MND (2013; 6);
- Soccer Center Solar Project MND, Lancaster (2013; 10);
- Plainview Solar Works MND, Lancaster (2013; 10);
- Alamo Solar Project MND, Mojave Desert (2013; 15);
- Replies on Imperial Valley Solar Company 2 Project (2013; 10);
- Imperial Valley Solar Company 2 Project (2013; 13);

- FRV Orion Solar Project DEIR, Kern County (PP12232) (2013; 9);
- Casa Diablo IV Geothermal Development Project (2013; 6);
- Reply on Casa Diablo IV Geothermal Development Project (2013; 8);
- Alta East Wind Project FEIS, Tehachapi Pass (2013; 23);
- Metropolitan Air Park DEIR, City of San Diego (2013;);
- Davidon Homes Tentative Subdivision Rezoning Project DEIR, Petaluma (2013; 9);
- Oakland Zoo Expansion Impacts on Alameda Whipsnake (2013; 10);
- Campo Verde Solar project FEIR, Imperial Valley (2013; 11pp);
- Neg Dec comments on Davis Sewer Trunk Rehabilitation (2013; 8);
- North Steens Transmission Line FEIS, Oregon (Declaration) (2012; 62);
- Summer Solar and Springtime Solar Projects IS/MND Lancaster (2012; 8);
- J&J Ranch, 24 Adobe Lane Environmental Review, Orinda (2012; 14);
- Replies on Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 8);
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- Desert Harvest Solar Project EIS, near Joshua Tree (2012; 15);
- Solar Gen 2 Array Project DEIR, El Centro (2012; 16);
- Ocotillo Sol Project EIS, Imperial Valley (2012; 4);
- Beacon Photovoltaic Project DEIR, Kern County (2012; 5);
- Butte Water District 2012 Water Transfer Program IS/MND (2012; 11);
- Mount Signal and Calexico Solar Farm Projects DEIR (2011; 16);
- City of Elk Grove Sphere of Influence EIR (2011; 28);
- Sutter Landing Park Solar Photovoltaic Project MND, Sacramento (2011; 9);
- Rabik/Gudath Project, 22611 Coleman Valley Road, Bodega Bay (CPN 10-0002) (2011; 4);
- Ivanpah Solar Electric Generating System (ISEGS) (Declaration) (2011; 9);
- Draft Eagle Conservation Plan Guidance, USFWS (2011; 13);
- Niles Canyon Safety Improvement Project EIR/EA (2011; 16);
- Route 84 Safety Improvement Project (Declaration) (2011; 7);
- Rebuttal on Whistling Ridge Wind Energy Power DEIS, Skamania County, (2010; 6);
- Whistling Ridge Wind Energy Power DEIS, Skamania County, Washington (2010; 41);
- Klickitat County’s Decisions on Windy Flats West Wind Energy Project (2010; 17);
- St. John's Church Project DEIR, Orinda (2010; 14);
- Results Radio Zone File #2009-001 IS/MND, Conaway site, Davis (2010; 20);
- Rio del Oro Specific Plan Project FEIR, Rancho Cordova (2010;12);
- Results Radio Zone File #2009-001, Mace Blvd site, Davis (2009; 10);
- Answers to Questions on 33% RPS Implementation Analysis Preliminary Results Report (2009; 9);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Second Declaration) (2008; 17);
- Draft 1A Summary Report to CAISO (2008; 10);
- Hilton Manor Project Categorical Exemption, County of Placer (2009; 9);
- Protest of CARE to Amendment to the Power Purchase and Sale Agreement for Procurement of Eligible Renewable Energy Resources Between Hatchet Ridge Wind LLC and PG&E (2009; 3);

- Tehachapi Renewable Transmission Project EIR/EIS (2009; 142);
- Delta Shores Project EIR, south Sacramento (2009; 11 + addendum 2);
- Declaration in Support of Care's Petition to Modify D.07-09-040 (2008; 3);
- The Public Utility Commission's Implementation Analysis December 16 Workshop for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 9);
- The Public Utility Commission's Implementation Analysis Draft Work Plan for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 11);
- Draft 1A Summary Report to California Independent System Operator for Planning Reserve Margins (PRM) Study (2008; 7.);
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- Colusa Generating Station, California Energy Commission PSA (2007; 24);
- Rio del Oro Specific Plan Project Recirculated DEIR, Mather (2008: 66);
- Replies on Regional University Specific Plan EIR, Roseville (2008; 20);
- Regional University Specific Plan EIR, Roseville (2008: 33);
- Clark Precast, LLC's "Sugarland" project, ND, Woodland (2008: 15);
- Cape Wind Project DEIS, Nantucket (2008; 157);
- Yuba Highlands Specific Plan EIR, Spenceville, Yuba County (2006; 37);
- Replies to responses on North Table Mountain MND, Butte County (2006; 5);
- North Table Mountain MND, Butte County (2006; 15);
- Windy Point Wind Farm EIS (2006; 14 and Powerpoint slide replies);
- Shiloh I Wind Power Project EIR, Rio Vista (2005; 18);
- Buena Vista Wind Energy Project NOP, Byron (2004; 15);
- Callahan Estates Subdivision ND, Winters (2004; 11);
- Winters Highlands Subdivision IS/ND (2004; 9);
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- Creekside Highlands Project, Tract 7270 ND (2004; 21);
- Petition to California Fish and Game Commission to list Burrowing Owl (2003; 10);
- Altamont Pass Wind Resource Area CUP renewals, Alameda County (2003; 41);
- UC Davis Long Range Development Plan: Neighborhood Master Plan (2003; 23);
- Anderson Marketplace Draft Environmental Impact Report (2003; 18);
- Negative Declaration of the proposed expansion of Temple B'nai Tikyah (2003; 6);
- Antonio Mountain Ranch Specific Plan Public Draft EIR (2002; 23);
- Replies on East Altamont Energy Center evidentiary hearing (2002; 9);
- Revised Draft Environmental Impact Report, The Promenade (2002; 7);
- Recirculated Initial Study for Calpine's proposed Pajaro Valley Energy Center (2002; 3);
- UC Merced -- Declaration (2002; 5);
- Replies on Atwood Ranch Unit III Subdivision FEIR (2003; 22);
- Atwood Ranch Unit III Subdivision EIR (2002; 19);
- California Energy Commission Staff Report on GWF Tracy Peaker Project (2002; 20);
- Silver Bend Apartments IS/MND, Placer County (2002; 13);
- UC Merced Long-range Development Plan DEIR and UC Merced Community Plan DEIR (2001; 26);

- Colusa County Power Plant IS, Maxwell (2001; 6);
- Dog Park at Catlin Park, Folsom, California (2001; 5);
- Calpine and Bechtel Corporations' Biological Resources Implementation and Monitoring Program (BRMIMP) for the Metcalf Energy Center (2000; 10);
- Metcalf Energy Center, California Energy Commission FSA (2000);
- US Fish and Wildlife Service Section 7 consultation with the California Energy Commission regarding Calpine and Bechtel Corporations' Metcalf Energy Center (2000; 4);
- California Energy Commission's Preliminary Staff Assessment of the proposed Metcalf Energy Center (2000: 11);
- Site-specific management plans for the Natomas Basin Conservancy's mitigation lands, prepared by Wildlands, Inc. (2000: 7);
- Affidavit of K. Shawn Smallwood in Spirit of the Sage Council, et al. (Plaintiffs) vs. Bruce Babbitt, Secretary, U.S. Department of the Interior, et al. (Defendants), Injuries caused by the No Surprises policy and final rule which codifies that policy (1999: 9).
- California Board of Forestry's proposed amended Forest Practices Rules (1999);
- Sunset Skyranch Airport Use Permit IS/MND (1999);
- Ballona West Bluffs Project Environmental Impact Report (1999; oral presentation);
- Draft Recovery Plan for Giant Garter Snake (Fed. Reg. 64(176): 49497-49498) (1999; 8);
- Draft Recovery Plan for Arroyo Southwestern Toad (1998);
- Pacific Lumber Co. (Headwaters) HCP & EIR, Fortuna (1998; 28);
- Natomas Basin HCP Permit Amendment, Sacramento (1998);
- San Diego Multi-Species Conservation Program FEIS/FEIR (1997; 10);

Comments on other Environmental Review Documents:

- Proposed Regulation for California Fish and Game Code Section 3503.5 (2015: 12);
- Statement of Overriding Considerations related to extending Altamont Winds, Inc.'s Conditional Use Permit PLN2014-00028 (2015; 8);
- Covell Village PEIR, Davis (2005; 19);
- Bureau of Land Management Wind Energy Programmatic EIS Scoping (2003; 7.);
- NEPA Environmental Analysis for Biosafety Level 4 National Biocontainment Laboratory (NBL) at UC Davis (2003: 7);
- Notice of Preparation of UC Merced Community and Area Plan EIR, on behalf of The Wildlife Society—Western Section (2001: 8.);
- Preliminary Draft Yolo County Habitat Conservation Plan (2001; 2 letters totaling 35.);
- Merced County General Plan Revision, notice of Negative Declaration (2001: 2.);
- Notice of Preparation of Campus Parkway EIR/EIS (2001: 7.);
- Draft Recovery Plan for the bighorn sheep in the Peninsular Range (*Ovis candensis*) (2000);
- Draft Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*), on behalf of The Wildlife Society—Western Section (2000: 10.);
- Sierra Nevada Forest Plan Amendment Draft Environmental Impact Statement, on behalf of The Wildlife Society—Western Section (2000: 7.);
- State Water Project Supplemental Water Purchase Program, Draft Program EIR (1997);
- Davis General Plan Update EIR (2000);
- Turn of the Century EIR (1999: 10);

- Proposed termination of Critical Habitat Designation under the Endangered Species Act (Fed. Reg. 64(113): 31871-31874) (1999);
- NOA Draft Addendum to the Final Handbook for Habitat Conservation Planning and Incidental Take Permitting Process, termed the HCP 5-Point Policy Plan (Fed. Reg. 64(45): 11485 - 11490) (1999; 2 + attachments);
- Covell Center Project EIR and EIR Supplement (1997).

Position Statements I prepared the following position statements for the Western Section of The Wildlife Society, and one for nearly 200 scientists:

- Recommended that the California Department of Fish and Game prioritize the extermination of the introduced southern water snake in northern California. The Wildlife Society--Western Section (2001);
- Recommended that The Wildlife Society—Western Section appoint or recommend members of the independent scientific review panel for the UC Merced environmental review process (2001);
- Opposed the siting of the University of California's 10th campus on a sensitive vernal pool/grassland complex east of Merced. The Wildlife Society--Western Section (2000);
- Opposed the legalization of ferret ownership in California. The Wildlife Society--Western Section (2000);
- Opposed the Proposed "No Surprises," "Safe Harbor," and "Candidate Conservation Agreement" rules, including permit-shield protection provisions (Fed. Reg. Vol. 62, No. 103, pp. 29091-29098 and No. 113, pp. 32189-32194). This statement was signed by 188 scientists and went to the responsible federal agencies, as well as to the U.S. Senate and House of Representatives.

Posters at Professional Meetings

Leyvas, E. and K. S. Smallwood. 2015. Rehabilitating injured animals to offset and rectify wind project impacts. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.

Smallwood, K. S., J. Mount, S. Standish, E. Leyvas, D. Bell, E. Walther, B. Karas. 2015. Integrated detection trials to improve the accuracy of fatality rate estimates at wind projects. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.

Smallwood, K. S. and C. G. Thelander. 2005. Lessons learned from five years of avian mortality research in the Altamont Pass WRA. AWEA conference, Denver, May 2005.

Neher, L., L. Wilder, J. Woo, L. Spiegel, D. Yen-Nakafugi, and K.S. Smallwood. 2005. Bird's eye view on California wind. AWEA conference, Denver, May 2005.

Smallwood, K. S., C. G. Thelander and L. Spiegel. 2003. Toward a predictive model of avian fatalities in the Altamont Pass Wind Resource Area. Windpower 2003 Conference and Convention, Austin, Texas.

Smallwood, K.S. and Eva Butler. 2002. Pocket Gopher Response to Yellow Star-thistle Eradication as part of Grassland Restoration at Decommissioned Mather Air Force Base, Sacramento County,

California. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and Michael L. Morrison. 2002. Fresno kangaroo rat (*Dipodomys nitratoides*) Conservation Research at Resources Management Area 5, Lemoore Naval Air Station. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and E.L. Fitzhugh. 1989. Differentiating mountain lion and dog tracks. Third Mountain Lion Workshop, Prescott, AZ.

Smith, T. R. and K. S. Smallwood. 2000. Effects of study area size, location, season, and allometry on reported *Sorex* shrew densities. Annual Meeting of the Western Section of The Wildlife Society.

Presentations at Professional Meetings and Seminars

Long-Term Population Trend of Burrowing Owls in the Altamont. Golden Gate Audubon, 21 October 2020.

Long-Term Population Trend of Burrowing Owls in the Altamont. East Bay Regional Park District 2020 Stewardship Seminar, Oakland, California, 18 November 2020.

Smallwood, K.S., D.A. Bell, and S, Standish. Dogs detect larger wind energy effects on bats and birds. The Wildlife Society, 28 September 2020.

Smallwood, K.S. and D.A. Bell. Effects of wind turbine curtailment on bird and bat fatalities in the Altamont Pass Wind Resource Area. The Wildlife Society, 28 September 2020.

Smallwood, K.S., D.A. Bell, and S, Standish. Dogs detect larger wind energy effects on bats and birds. The Wildlife Survey, 7 February 2020.

Smallwood, K.S. and D.A. Bell. Effects of wind turbine curtailment on bird and bat fatalities in the Altamont Pass Wind Resource Area. The Wildlife Survey, 7 February 2020.

Dog detections of bat and bird fatalities at wind farms in the Altamont Pass Wind Resource Area. East Bay Regional Park District 2019 Stewardship Seminar, Oakland, California, 13 November 2019.

Repowering the Altamont Pass. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Developing methods to reduce bird mortality in the Altamont Pass Wind Resource Area, 1999-2007. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Conservation and recovery of burrowing owls in Santa Clara Valley. Santa Clara Valley Habitat Agency, Newark, California, 3 February 2017.

Mitigation of Raptor Fatalities in the Altamont Pass Wind Resource Area. Raptor Research Foundation Meeting, Sacramento, California, 6 November 2015.

From burrows to behavior: Research and management for burrowing owls in a diverse landscape. California Burrowing Owl Consortium meeting, 24 October 2015, San Jose, California.

The Challenges of repowering. Keynote presentation at Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 10 March 2015.

Research Highlights Altamont Pass 2011-2015. Scientific Review Committee, Oakland, California, 8 July 2015.

Siting wind turbines to minimize raptor collisions: Altamont Pass Wind Resource Area. US Fish and Wildlife Service Golden Eagle Working Group, Sacramento, California, 8 January 2015.

Evaluation of nest boxes as a burrowing owl conservation strategy. Sacramento Chapter of the Western Section, The Wildlife Society. Sacramento, California, 26 August 2013.

Predicting collision hazard zones to guide repowering of the Altamont Pass. Conference on wind power and environmental impacts. Stockholm, Sweden, 5-7 February 2013.

Impacts of Wind Turbines on Wildlife. California Council for Wildlife Rehabilitators, Yosemite, California, 12 November 2012.

Impacts of Wind Turbines on Birds and Bats. Madrone Audubon Society, Santa Rosa, California, 20 February 2012.

Comparing Wind Turbine Impacts across North America. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Alameda County Scientific Review Committee meeting, 17 February 2011

Comparing Wind Turbine Impacts across North America. Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 3 May 2011.

Update on Wildlife Impacts in the Altamont Pass Wind Resource Area. Raptor Symposium, The Wildlife Society—Western Section, Riverside, California, February 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Raptor Symposium, The Wildlife Society - Western Section, Riverside, California, February 2011.

Wildlife mortality caused by wind turbine collisions. Ecological Society of America, Pittsburgh, Pennsylvania, 6 August 2010.

Map-based repowering and reorganization of a wind farm to minimize burrowing owl fatalities. California burrowing Owl Consortium Meeting, Livermore, California, 6 February 2010.

Environmental barriers to wind power. Getting Real About Renewables: Economic and Environmental Barriers to Biofuels and Wind Energy. A symposium sponsored by the Environmental & Energy Law & Policy Journal, University of Houston Law Center, Houston, 23 February 2007.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Meeting with Japan Ministry of the Environment and Japan Ministry of the Economy, Wild Bird Society of Japan, and other NGOs Tokyo, Japan, 9 November 2006.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Symposium on bird collisions with wind turbines. Wild Bird Society of Japan, Tokyo, Japan, 4 November 2006.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. California Society for Ecological Restoration (SERCAL) 13th Annual Conference, UC Santa Barbara, 27 October 2006.

Fatality associations as the basis for predictive models of fatalities in the Altamont Pass Wind Resource Area. EEI/APLIC/PIER Workshop, 2006 Biologist Task Force and Avian Interaction with Electric Facilities Meeting, Pleasanton, California, 28 April 2006.

Burrowing owl burrows and wind turbine collisions in the Altamont Pass Wind Resource Area. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, February 8, 2006.

Mitigation at wind farms. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Incorporating data from the California Wildlife Habitat Relationships (CWHR) system into an impact assessment tool for birds near wind farms. Shawn Smallwood, Kevin Hunting, Marcus Yee, Linda Spiegel, Monica Parisi. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Toward indicating threats to birds by California's new wind farms. California Energy Commission, Sacramento, May 26, 2005.

Avian collisions in the Altamont Pass. California Energy Commission, Sacramento, May 26, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. EPRI Environmental Sector Council, Monterey, California, February 17, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. The Wildlife Society—Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Associations between avian fatalities and attributes of electric distribution poles in California. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Minimizing avian mortality in the Altamont Pass Wind Resources Area. UC Davis Wind Energy Collaborative Forum, Palm Springs, California, December 14, 2004.

Selecting electric distribution poles for priority retrofitting to reduce raptor mortality. Raptor Research Foundation Meeting, Bakersfield, California, November 10, 2004.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. Annual Meeting of the Society for Ecological Restoration, South Lake Tahoe, California, October 16, 2004.

Lessons learned from five years of avian mortality research at the Altamont Pass Wind Resources Area in California. The Wildlife Society Annual Meeting, Calgary, Canada, September 2004.

The ecology and impacts of power generation at Altamont Pass. Sacramento Petroleum Association, Sacramento, California, August 18, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Consortium meeting, Hayward, California, February 7, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Symposium, Sacramento, November 2, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. National Wind Coordinating Committee, Washington, D.C., November 17, 2003.

Raptor Behavior at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

California mountain lions. Ecological & Environmental Issues Seminar, Department of Biology, California State University, Sacramento, November, 2000.

Intra- and inter-turbine string comparison of fatalities to animal burrow densities at Altamont Pass. National Wind Coordinating Committee, Carmel, California, May, 2000.

Using a Geographic Positioning System (GPS) to map wildlife and habitat. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Suggested standards for science applied to conservation issues. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

The indicators framework applied to ecological restoration in Yolo County, California. Society for Ecological Restoration, September 25, 1999.

Ecological restoration in the context of animal social units and their habitat areas. Society for Ecological Restoration, September 24, 1999.

Relating Indicators of Ecological Health and Integrity to Assess Risks to Sustainable Agriculture and Native Biota. International Conference on Ecosystem Health, August 16, 1999.

A crosswalk from the Endangered Species Act to the HCP Handbook and real HCPs. Southern California Edison, Co. and California Energy Commission, March 4-5, 1999.

Mountain lion track counts in California: Implications for Management. Ecological & Environmental Issues Seminar, Department of Biological Sciences, California State University, Sacramento, November 4, 1998.

"No Surprises" -- Lack of science in the HCP process. California Native Plant Society Annual Conservation Conference, The Presidio, San Francisco, September 7, 1997.

In Your Interest. A half hour weekly show aired on Channel 10 Television, Sacramento. In this episode, I served on a panel of experts discussing problems with the implementation of the Endangered Species Act. Aired August 31, 1997.

Spatial scaling of pocket gopher (*Geomyidae*) density. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Estimating prairie dog and pocket gopher burrow volume. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Ten years of mountain lion track survey. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Study and interpretive design effects on mountain lion density estimates. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Small animal control. Session moderator and speaker at the California Farm Conference, Sacramento, California, Feb. 28, 1995.

Small animal control. Ecological Farming Conference, Asylomar, California, Jan. 28, 1995.

Habitat associations of the Swainson's Hawk in the Sacramento Valley's agricultural landscape. 1994 Raptor Research Foundation Meeting, Flagstaff, Arizona.

Alfalfa as wildlife habitat. Seed Industry Conference, Woodland, California, May 4, 1994.

Habitats and vertebrate pests: impacts and management. Managing Farmland to Bring Back Game Birds and Wildlife to the Central Valley. Yolo County Resource Conservation District, U.C. Davis, February 19, 1994.

Management of gophers and alfalfa as wildlife habitat. Orland Alfalfa Production Meeting and Sacramento Valley Alfalfa Production Meeting, February 1 and 2, 1994.

Patterns of wildlife movement in a farming landscape. Wildlife and Fisheries Biology Seminar

Series: Recent Advances in Wildlife, Fish, and Conservation Biology, U.C. Davis, Dec. 6, 1993.

Alfalfa as wildlife habitat. California Alfalfa Symposium, Fresno, California, Dec. 9, 1993.

Management of pocket gophers in Sacramento Valley alfalfa. California Alfalfa Symposium, Fresno, California, Dec. 8, 1993.

Association analysis of raptors in a farming landscape. Plenary speaker at Raptor Research Foundation Meeting, Charlotte, North Carolina, Nov. 6, 1993.

Landscape strategies for biological control and IPM. Plenary speaker, International Conference on Integrated Resource Management and Sustainable Agriculture, Beijing, China, Sept. 11, 1993.

Landscape Ecology Study of Pocket Gophers in Alfalfa. Alfalfa Field Day, U.C. Davis, July 1993.

Patterns of wildlife movement in a farming landscape. Spatial Data Analysis Colloquium, U.C. Davis, August 6, 1993.

Sound stewardship of wildlife. Veterinary Medicine Seminar: Ethics of Animal Use, U.C. Davis. May 1993.

Landscape ecology study of pocket gophers in alfalfa. Five County Grower's Meeting, Tracy, California. February 1993.

Turbulence and the community organizers: The role of invading species in ordering a turbulent system, and the factors for invasion success. Ecology Graduate Student Association Colloquium, U.C. Davis. May 1990.

Evaluation of exotic vertebrate pests. Fourteenth Vertebrate Pest Conference, Sacramento, California. March 1990.

Analytical methods for predicting success of mammal introductions to North America. The Western Section of the Wildlife Society, Hilo, Hawaii. February 1988.

A state-wide mountain lion track survey. Sacramento County Dept Parks and Recreation. April 1986.

The mountain lion in California. Davis Chapter of the Audubon Society. October 1985.

Ecology Graduate Student Seminars, U.C. Davis, 1985-1990: Social behavior of the mountain lion; Mountain lion control; Political status of the mountain lion in California.

Other forms of Participation at Professional Meetings

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Berlin, Germany, March 2015.

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Stockholm,

Sweden, February 2013.

- Workshop co-presenter at Birds & Wind Energy Specialist Group (BAWESG) Information sharing week, Bird specialist studies for proposed wind energy facilities in South Africa, Endangered Wildlife Trust, Darling, South Africa, 3-7 October 2011.

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 2-5 May 2011.

- Chair of Animal Damage Management Session, The Wildlife Society, Annual Meeting, Reno, Nevada, September 26, 2001.

- Chair of Technical Session: Human communities and ecosystem health: Comparing perspectives and making connection. Managing for Ecosystem Health, International Congress on Ecosystem Health, Sacramento, CA August 15-20, 1999.

- Student Awards Committee, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

- Student Mentor, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Printed Mass Media

Smallwood, K.S., D. Mooney, and M. McGuinness. 2003. We must stop the UCD biolab now. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2002. Spring Lake threatens Davis. Op-Ed to the Davis Enterprise.

Smallwood, K.S. Summer, 2001. Mitigation of habitation. The Flatlander, Davis, California.

Entrikan, R.K. and K.S. Smallwood. 2000. Measure O: Flawed law would lock in new taxes. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2000. Davis delegation lobbies Congress for Wildlife conservation. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 1998. Davis Visions. The Flatlander, Davis, California.

Smallwood, K.S. 1997. Last grab for Yolo's land and water. The Flatlander, Davis, California.

Smallwood, K.S. 1997. The Yolo County HCP. Op-Ed to the Davis Enterprise.

Radio/Television

PBS News Hour,

FOX News, Energy in America: Dead Birds Unintended Consequence of Wind Power

Development, August 2011.

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Mountain lion attacks (with guest Professor Richard Coss). 23 April 2009;

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Wind farm Rio Vista Renewable Power. 4 September 2008;

KQED QUEST Episode #111. Bird collisions with wind turbines. 2007;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. December 27, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. May 3, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. February 8, 2001;

KDVS Speaking in Tongues (host Ron Glick & Shawn Smallwood), California Energy Crisis: 1 hour. Jan. 25, 2001;

KDVS Speaking in Tongues (host Ron Glick), Headwaters Forest HCP: 1 hour. 1998;

Davis Cable Channel (host Gerald Heffernon), Burrowing owls in Davis: half hour. June, 2000;

Davis Cable Channel (hosted by Davis League of Women Voters), Measure O debate: 1 hour. October, 2000;

KXTV 10, In Your Interest, The Endangered Species Act: half hour. 1997.

Committees

- Scientific Review Committee, Alameda County, Altamont Pass Wind Resource Area
- Ph.D. Thesis Committee, Steve Anderson, University of California, Davis
- MS Thesis Committee, Marcus Yee, California State University, Sacramento

Other Professional Activities or Products

Testified in Federal Court in Denver during 2005 over the fate of radio-nuclides in the soil at Rocky Flats Plant after exposure to burrowing animals. My clients won a judgment of $553,000,000. I have also testified in many other cases of litigation under CEQA, NEPA, the Warren-Alquist Act, and other environmental laws. My clients won most of the cases for which I testified.

Testified before Environmental Review Tribunals in Ontario, Canada regarding proposed White Pines, Amherst Island, and Fairview Wind Energy projects.

Testified in Skamania County Hearing in 2009 on the potential impacts of zoning the County for development of wind farms and hazardous waste facilities.

Testified in deposition in 2007 in the case of O'Dell et al. vs. FPL Energy in Houston, Texas.

Testified in Klickitat County Hearing in 2006 on the potential impacts of the Windy Point Wind Farm.

Memberships in Professional Societies

The Wildlife Society
Raptor Research Foundation

Honors and Awards

Fulbright Research Fellowship to Indonesia, 1987
J.G. Boswell Full Academic Scholarship, 1981 college of choice
Certificate of Appreciation, The Wildlife Society—Western Section, 2000, 2001
Northern California Athletic Association Most Valuable Cross Country Runner, 1984
American Legion Award, Corcoran High School, 1981, and John Muir Junior High, 1977
CIF Section Champion, Cross Country in 1978
CIF Section Champion, Track & Field 2 mile run in 1981
National Junior Record, 20 kilometer run, 1982
National Age Group Record, 1500 meter run, 1978

Community Activities

District 64 Little League Umpire, 2003-2007
Dixon Little League Umpire, 2006-07
Davis Little League Chief Umpire and Board member, 2004-2005
Davis Little League Safety Officer, 2004-2005
Davis Little League Certified Umpire, 2002-2004
Davis Little League Scorekeeper, 2002
Davis Visioning Group member
Petitioner for Writ of Mandate under the California Environmental Quality Act against City of Woodland decision to approve the Spring Lake Specific Plan, 2002
Served on campaign committees for City Council candidates

EXHIBIT B

Memorandum

To: Richard Drury, Lozeau Drury LLP

From: Christopher Winchell
Biologist, Rare Plant Ecologist

Date: March 26, 2024

Re: Bickmore Warehouse Site Visit and Response to ISMND

Introduction

This memorandum documents the findings of the Bickmore Warehouse site visit in Hesperia, CA, including suitability determinations of special-status plants, western Joshua tree transplantation, identification of potentially regulated habitats, and incidental wildlife observations. This memorandum also provides an analysis of the Bickmore Warehouse ISMND relating to biological impacts.

Methodology

Prior to the site visit, multiple sources of data were queried to identify recorded special-status plant species within the project and surrounding area, including published literature and public datasets. Special-status plant species include those that have Federal, State, local, or California Rare Plant Rank (CRPR) designations. This information was obtained from the following sources:

- Calflora
- California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database
- California Native Plant Society's Online Inventory of Rare and Endangered Plants of California
- Consortium of California Herbaria (CCH2)
- U.S. Department of Agriculture's Natural Resources Conservation Service Soil Survey Geographic Database

The results of this search determined that at least 10 special-status plant species have potential to occur on the proposed project site. Determinations were based upon soils, vegetation alliances, and the proximity of existing records to the site.

- Booth's evening primrose (*Eremothera boothii* ssp. *boothii*), 2B.3
- Crowned muilla (*Muilla coronata*), CRPR 4.2
- Desert cymopteris (*Cymopteris deserticola*), CRPR 1B.2
- Indian breadroot (*Pediomelum castoreum*), CRPR 1B.2
- Mojave monardella (*Monardella exilis*), CRPR 4.2
- Mojave spineflower (*Chorizanthe spinosa*), CRPR 4.2
- Pygmy poppy (*Canbya candida*), CRPR 4.2
- Sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiarum*), CRPR 2B.2
- Short joint beavertail (*Opuntia basilaris* var. *brachyclada*), CRPR 1B.2
- Torrey's box thorn (*Lycium torreyi*), CRPR 4.2

The site visit was performed on March 14, 2025 by biologist Christopher Winchell to determine the site's suitability for special-status plant and animal species.

Results

The site consists of anthropogenically disturbed Mohave desert scrub, with sandy to gravelly soils and a non-native herbaceous understory with a sparse shrub layer. The site is bordered by development and disturbed to intact Mohave desert scrub. A historic desert wash runs through the southern end of the project site and drains through a culvert under E Avenue; however, the wash appears to no longer have connectivity to the Mojave River due to development.

A total of seven living WJTs were detected within the project site boundary. WJTs were observed distributed throughout the site, with all but one in generally good health.

The site supports suitable conditions for the 10 special-status plant species identified as having potential to occur. However, none were confirmed to be present.

The site's vegetation structure, which can be characterized as open scrubland, was also found to be suitable for burrowing owl (*Athen cunicularia*), a CDFW Species of Special Concern. A potential kit fox den complex and suitably sized rodent burrows were observed along the perimeter of the site. Additionally, California ground squirrel (*Otospermophilus beechyi*), which dig suitable burrowing owl burrows, were observed in the vicinity of the site.

Discussion

The seven living WJTs found on the proposed project site during the March 2025 site visit is consistent with the Rare Plant Preservation Plan completed in 2023 by RCA Associates, Inc. The RCA analysis indicated that three of the seven WJTs are suitable for transplantation. The factors for determining transplantation suitability outlined by the plan include damage, health, height, lean, proximity to other WJT, root exposure, and branching. Three WJTs were excluded from translocation due to height and excessive branching and/or lean. However, these trees were found to be suitable for transplantation during the March 2025 site visit based upon CDFW's Western Joshua Tree Relocation Guidelines and Protocols. The relocation guidelines do not exclude transplantation of trees based on height, branching, or lean, except in cases where trees exceed seven meters due to post transplantation stability concerns. The remaining WJT excluded for transplantation was rejected due to poor health. The CDFW guidelines and protocols also do not exclude WJT due to health, however, they do prioritize transplantation of trees where 60% or more of the branches are alive.

While the site has largely been anthropogenically disturbed, it was found to have potentially suitable conditions for the 10 special-status plant species identified as having potential to occur. Of these, five have a CRPR of 1B and 2B, ranks given to species that are rare, threatened, or endangered in California. Should any of these species occur on the site, implementation of the project would result in population reduction or loss and would require CEQA analysis to determine impact significance. The other five special-status plant species have a California Rare Plant Rank of 4, which is given to species of limited distribution, but are generally not considered to be rare, threatened, or endangered. However, when evaluating impacts to Rank 4 species, local rarity, regional distribution can provide rationale to consider CRPR 4 species occurrences as regionally rare and therefore CEQA analysis may be justified. Based upon existing information, the CRPR 4 species determined to have potential to occur onsite are also regionally uncommon to rare and may also require CEQA analysis should they be present onsite.

Suitable burrowing owl foraging and nesting habitat is present on and adjacent to the site. The open scrub habitat found onsite presents ideal foraging conditions for burrowing owl as it allows for greater

visibility and movement of foraging owls. The site also supports suitable habitat for desert kit fox and California ground squirrel, which dig burrows suitable for burrowing owl use, including those used for breeding. A number of potentially suitable burrows, including possible California ground squirrel and a desert kit fox den observed on the margins of the project site further indicate the site is suitable for burrowing owl use. Given the presence of suitable foraging habitat and potentially suitable burrows for burrowing owl use, protocol surveys may be necessary to determine if the project will result in significant impacts to the species or its habitat.

Conclusion/Comment

While the Bickmore Warehouse ISMND and the Rare Plant Preservation Plan do address western Joshua tree impacts, literature-based justification for determining transplantation suitability of western Joshua trees was not provided. The plan states that transplant suitability is "based on industry standards" and provides a bulleted list of the suitability criteria without citation or reference, resulting in the exclusion of four of the seven living western Joshua trees occurring on the project site. However, based upon CDFW's Western Josua Tree Relocation Guidelines and Protocols, all seven western Joshua trees are suitable for transplantation.

The project site may support suitable habitat for 10 special-status plant species, five of which meet the definition of being rare, threatened, or endangered in California, and five additional species that have a limited distribution but may also meet those criteria. Because suitable special-status plant habitat is present, surveys should be initiated to determine if any of these species occur on the site to evaluate if the project will result in significant impacts to any of these species.

The site and surrounding lands also support suitable burrowing owl foraging, denning, and nesting habitat. To determine presence and to minimize or prevent significant impacts to burrowing owl, protocol surveys should be implemented.

Based upon the findings of the site visit and literature review of the project and surrounding area, construction of the Bickmore Warehouse without CEQA review may result in significant impacts special-status plant species and burrowing owl.

Should you have any questions please contact me at (559) 907-6999 or cjwinchell@gmail.com.

Sincerely,

Christopher Winchell

Christopher J. Winchell

PO Box 421, Prather CA, 93651 • cjwinchell@gmail.com • 559.907.6999

PROFESSIONAL PROFILE

Mr. Winchell has been a professional biologist for over 20 years specializing in vegetation and rare plant surveys throughout California and has over 15 years of experience conducting wildlife surveys. Experienced with CEQA and NEPA document preparation and agency coordination and has led large scale field surveys and monitoring efforts for nearly 10 years.

HIGHLIGHTS

- Special-status plant surveys
- Habitat mapping and assessments
- Nesting bird surveys and monitoring
- Wildlife surveys and monitoring
- Wetland delineations and monitoring
- Management of biological surveys and monitoring activities
- Management Plans
- CEQA/NEPA document preparation
- Client, Contractor, Field Team, and Agency communication

EDUCATION

BS, Biology (Ecology and Evolution), Fresno State University

Wetland Delineation Certification from the Wetland Training Institute

PUBLICATIONS

J. C. Stebbins, C. J. Winchell, and J. V. H. Constable. 2013. *Helianthus winteri* (Asteraceae), a new perennial species from the southern Sierra Nevada foothills, California. Aliso 31:19–24.

MEMBERSHIPS/OTHER EXPERIENCE

PROFESSIONAL EXPERIENCE

Senior Biologist, Imago Biological Consulting *2024–Present*

- Rare plant surveys, taxonomy, assessments, habitat mapping
- Wildlife surveys and habitat assessments for a number of special-status species including Yosemite toad, California red-legged frog, California tiger salamander, foothill /Sierra Nevada yellow-legged frog, western pond turtle, valley elderberry longhorn beetle, and burrowing owl.
- Biological monitoring: lead construction monitor, nesting bird lead, wetland, plant, and wildlife.
- Large scale rare plant survey design and field management.
- Preparation of budgets and proposals.
- Agency coordination

Senior Biologist, Novaterra Biological Consulting
2021–Present

- Rare plant surveys, taxonomy, assessments, habitat mapping
- Wildlife surveys and habitat assessments for a number of special-status species including Yosemite toad, California red-legged frog, California tiger salamander, foothill /Sierra Nevada yellow-legged frog, western pond turtle, valley elderberry longhorn beetle, and burrowing owl.
- Biological monitoring: lead construction monitor, nesting bird lead, wetland, plant, and wildlife.
- Large scale rare plant survey design and field management.
- Preparation of budgets and proposals.
- Agency coordination

Senior Biologist, Colibri Ecological Consulting
2018–2021

- University of California, Berkley, Jepson Herbarium: workshop instructor.
- California Native Plant Society: Sequoia Chapter Rare Plant Chair; class and workshop instructor and coordinator.
- Sierra Foothill Conservancy: native plant instructor, and volunteer for 20 years.
- TWS: Led Carrizo Plain wildflower classes.
- Attended various workshops and rare plant treasure hunts. CRPR status reviewer for 4 regions.
- Maintains a personal herbarium with over 7,000 specimens
- Ongoing educational and biological collaborations with instructors at Fresno State University and Fresno City College.

- Rare plant surveys, taxonomy, assessments, habitat mapping, BA/BE preparation.
- Wetland delineations, LSAA and 401 permit preparation.
- Wildlife surveys and habitat assessments for Sierra Nevada red fox, pacific fisher, Yosemite toad, California red-legged frog, California tiger salamander, foothill / Sierra Nevada yellow-legged frog, western pond turtle, valley elderberry longhorn beetle, burrowing, great grey owl, and spotted owl.
- Biological monitoring: lead construction monitor, wetland, nesting bird, plant, and wildlife.
- Large scale rare plant survey design and field management.
- Agency coordination

Ecologist II, H. T. Harvey & Associates
2008–2018

- Rare plant surveys, taxonomy, vegetation assessments, and habitat mapping.
- Wetland delineations, LSAA and 401 permit preparation.
- Wildlife surveys and habitat assessments for giant kangaroo rat, Tipton kangaroo rat, San Joaquin antelope squirrel, San Joaquin kit fox, Sierra Nevada red fox, fisher, Yosemite toad, California red-legged frog, foothill /mountain yellow-legged frog, western pond turtle, valley elderberry longhorn beetle northern goshawk burrowing, great grey, and spotted owl. Blunt-nosed level II surveyor.
- Biological monitoring; lead construction monitor, wetland, nesting bird, plant, and wildlife.
- Preparation of CEQA and NEPA documents: EIR, BA/BE, IS, ND, MND, and other survey documents.
- Agency coordination
- Preparation of habitat management plans.
- Preparation of proposals and budgets.
- Small to large scale project plant and wildlife survey design and management.

Associate Biologist, John Stebbins Biological Consulting
2002–2014

- Rare and cultural plant surveys.
- Nesting bird surveys.
- Valley elderberry longhorn beetle surveys and monitoring.
- Wetland delineations.

Botanist, Sierra National Forest
2004–2009

- Rare plant surveys.
- Wetland delineations, montane fen mapping.
- Montane meadow evaluations.
- Yosemite toad, fisher, spotted owl, great grey owl, and northern goshawk surveys.
- Noxious weed surveys and eradication.
- Preparation of internal agency survey documents.
- Taxonomy and herbarium maintenance.

Biologist, McCormick Biological
2004–2008

- Blunt-nosed leopard lizard surveys.
- Rare plant surveys and habitat mapping.

Biologist, Barbara Leitner Biological Consulting

2003–2006

- Assisted mohave ground squirrel trapping at Naval Air Weapons Station China Lake.
- Vegetation surveys and noxious weed eradication at Naval Air Weapons Station China Lake.
- Habitat restoration and management.
- Rare plant surveys and habitat mapping

RECENT PROJECT EXAMPLES

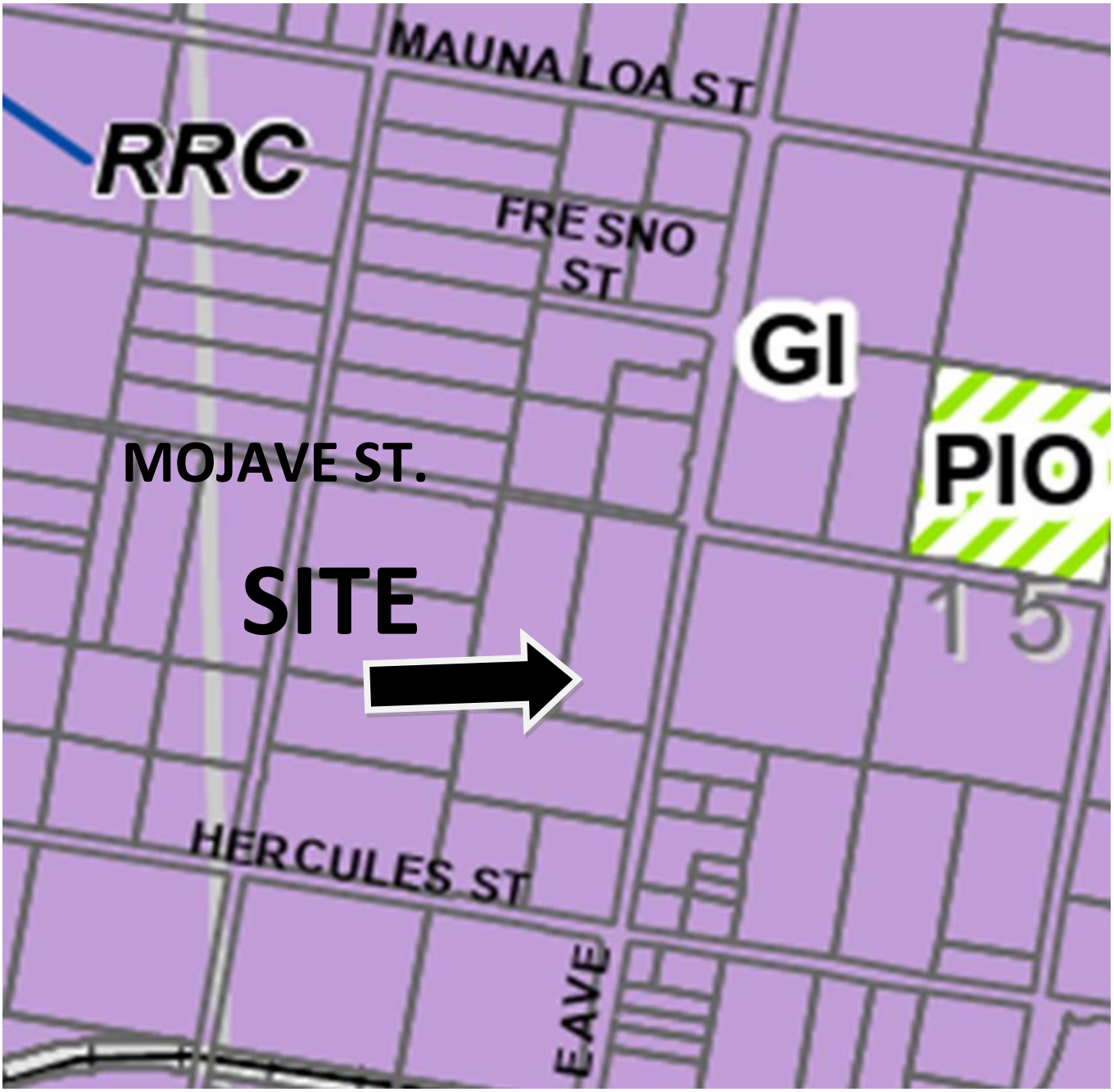
- Lead botanist for rare plant surveys and vegetation mapping, burrowing owl protocol survey field lead for Southern California Edison's Lake Success Transmission and Distribution Project in Tulare County.
- Lead botanist for the Bullhead Solar project in Kern County.
- Designated Botanist and field lead for the Camino Solar Project Bakersfield cactus translocation project in Kern County
- Lead botanist for Southern California Edison's Canal Project in Riverside County.
- Construction lead monitor and Nesting Bird Lead for Southern California Edison's Big Creek System tower raising and reconductoring project, Lake Success Transmission and Distribution Project, and multiple CEMA Transmission Right of Way Projects. Conducted rare plant, wetland, and wildlife surveys and assessments in addition to lead monitor duties.
- Conducted rare plant and wildlife surveys for Southern California Edison's pole replacement program from Fresno to Kern County.
- Conducted rare plant and wildlife surveys, performed wetland delineations, weed assessments; drafted sections of the EIR, weed management plan, and habitat management plan; and monitored construction for the California Valley Solar Ranch

project in San Luis Obispo County. Played integral role, as a lead taxonomist, in identifying rare plants and assessing habitat for these species, implementing best management practices during construction near sensitive resources. Continuing long-term rare plant, vegetation study plots, and wetland monitoring of conservation lands. Designated Biologist for giant kangaroo rat, San Joaquin kit fox, and San Joaquin antelope squirrel.

- Conducted rare plant surveys, performed wetland delineations, drafted sections of the EIR and plant survey reports for the California Flats Solar Project in San Luis Obispo County. Lead taxonomist, designed and implemented intensive and adaptive survey protocols to compensate for drought conditions during the multi-year survey effort.
- Conducted rare plant surveys on conservation lands associated with the Panoche Valley Solar Farm project in Kings and Monterey Counties. Also conducted giant kangaroo precinct surveys for the following the large population expansion of the species throughout the proposed project site during construction. Lead crews, assisted with the development of survey methodology, managed data for this multi-month effort.
- Conducted and managed rare plant and blunt-nosed leopard lizard surveys, and drafted survey reports for the Alamo Spring Solar Project in Kings County. Lead surveyor for both the plant and blunt-nosed leopard lizard surveys; budget and schedule management, survey design and implementation.
- Conducted rare plant surveys, blunt-nosed leopard lizard surveys, wildlife surveys, performed wetland and nest monitoring, and drafted survey reports for a variety of Caltrans road projects in Fresno, Kings, and Kern Counties. Played a key role in survey design, budgeting, field crew management for rare plant and blunt-nosed leopard lizard surveys; conducted kit fox spotlight surveys, and performed multi-year nest and wetland monitoring for the Kings River Expressway project. Caltrans Designated Biologist for Swainson's hawk.
- Lead Construction Monitor for the Quinto Solar Project in Fresno County. Conducted surveys for rare plants. Monitored sensitive species and resources such as San Joaquin kit fox, badger, Swainson's hawk, rare plants, and wetlands; implemented BMP's, and maintained constant client communication.
- Conducted rare plant and weed surveys, drafted survey reports including BA/BE's, and provided weed management consultation for a variety of Ponderosa and Sierra Telephone projects from Fish Camp to Bass Lake.

- Conducted biological surveys and weed assessments in the Sierra Nevada Mountains for Southern California Edison's Deteriorated Pole Program and Pacific Gas and Electric's Operation Maintenance Program in Fresno, Madera, Mariposa, and Tulare Counties for 7 years.
- Conducted biological assessments, rare plant surveys, invasive species mapping, and drafted conservation baseline reports for conservation lands managed by Sierra Foothill Conservancy and Sequoia Riverlands Trust in the Sierra Nevada Mountains and Central Valley.
- Conducted rare plant and weed surveys, drafted survey reports, weed management plans for a variety of solar projects in the Central Valley including Pumpjack Solar, Wildwood Solar, and Westside solar.

ATTACHMENT 2: Land Use Map

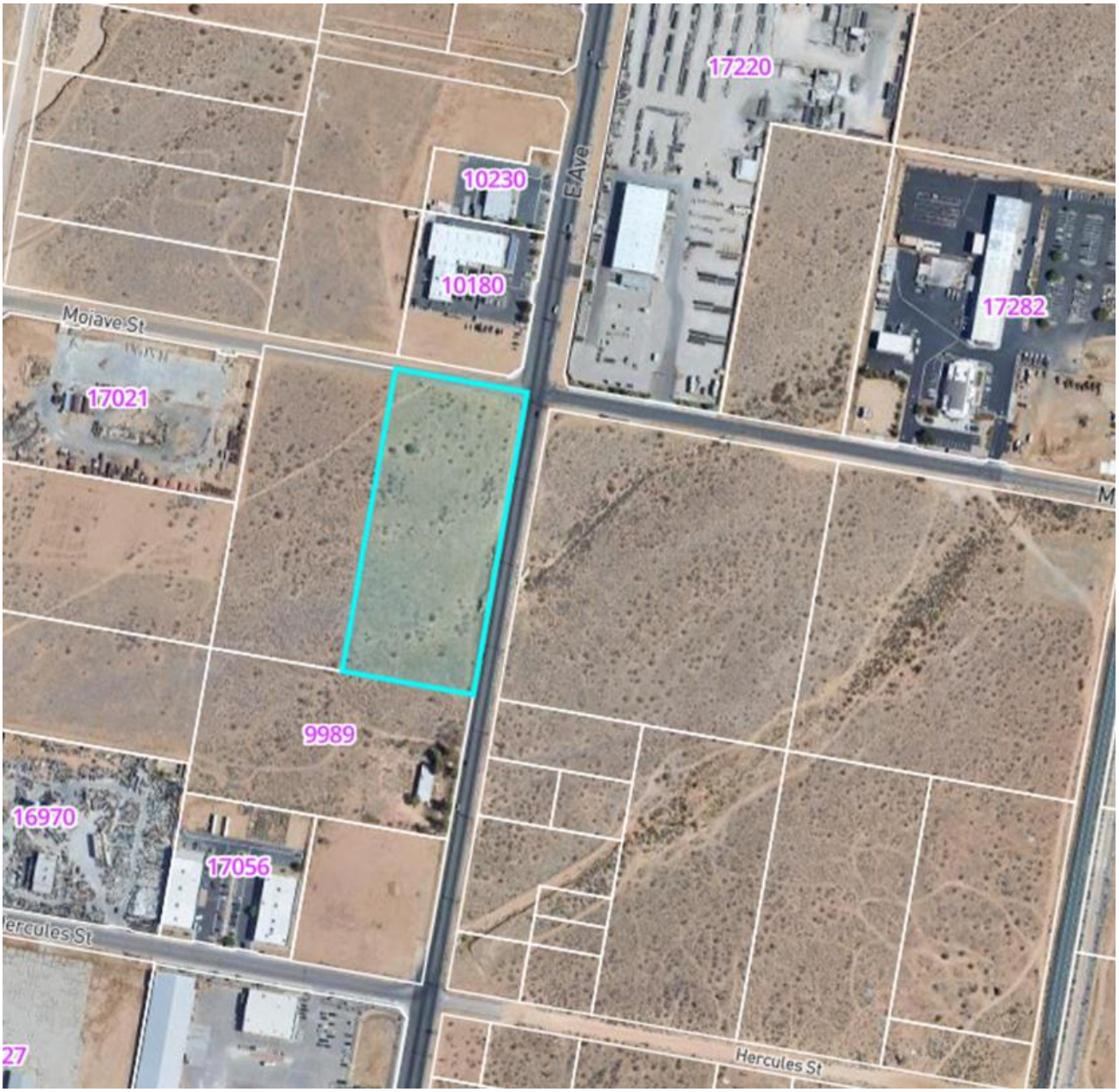


APPLICANT(S): SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY (SAFER)	**FILE NO(S):** APP25-00001
LOCATION: SOUTHWEST CORNER OF MOJAVE STREET AND E AVENUE	**APN:** 0410-051-11

PROPOSAL: AN APPEAL TO THE CITY PLANNING COMMISION FOR THE DEVELOPMENT REVIEW COMMITTEE (“DRC”) APRIL 23RD, 2025 DECISION TO ADOPT ASSOCIATED MITIGATED NEGATIVE DECLARATION (“MND”) AND APPROVE SPR23-00018, (SCH NO.2025021160) TO CONSTRUCT TWO INDUSTRIAL WAREHOUSE BUILDINGS TOTALING 79,778 SQUARE FEET ON 5.2 ACRES WITHIN THE GENERAL INDUSTRIAL (GI) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED AT THE SOUTHWEST CORNER OF MOJAVE AVENUE AND "E" AVENUE (APPLICANT: SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY “SAFER”; APN 0410-051-11).

N

ATTACHMENT 3: Aerial View



APPLICANT(S): SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY (SAFER)	**FILE NO(S):** APP25-00001
LOCATION: SOUTHWEST CORNER OF MOJAVE STREET AND E AVENUE	**APN:** 0410-051-11
PROPOSAL: AN APPEAL TO THE CITY PLANNING COMMISION FOR THE DEVELOPMENT REVIEW COMMITTEE (“DRC”) APRIL 23RD, 2025 DECISION TO ADOPT ASSOCIATED MITIGATED NEGATIVE DECLARATION (“MND”) AND APPROVE SPR23-00018, (SCH NO.2025021160) TO CONSTRUCT TWO INDUSTRIAL WAREHOUSE BUILDINGS TOTALING 79,778 SQUARE FEET ON 5.2 ACRES WITHIN THE GENERAL INDUSTRIAL (GI) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED AT THE SOUTHWEST CORNER OF MOJAVE AVENUE AND "E" AVENUE (APPLICANT: SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY “SAFER”; APN 0410-051-11).	**N** ↑

INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

BICKMORE WAREHOUSE 5.22 ACRE SITE
SWC OF MOJAVE ST AND E AVENUE
APN 0410-05-111
HESPERIA, CALIFORNIA 92344

LEAD AGENCY:

CITY OF HESPERIA
PLANNING DIVISION
9700 SEVENTH AVENUE
HESPERIA, CALIFORNIA 92345

REPORT PREPARED BY:

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING
2211 S. HACIENDA BOULEVARD, SUITE 107
HACIENDA HEIGHTS, CALIFORNIA 91745

JANUARY 2025

HESP 012

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Bickmore Warehouse 5.22 Acre Site

PROJECT APPLICANT: Wei Ding, DW Bickmore, LLC., 15740 Myrtlewood Ave, Chino, California 91708

PROJECT LOCATION: The 5.22 acre project site is located in the north-central portion of the City of Hesperia, California. The project site is undeveloped and does not have a legal address assigned to the property. The proposed project site is located on the southwest corner of Mojave Street and E Avenue. Mojave Street extends along the project site's north side and E avenue extends along the sites east side. The project site's latitude and longitude are 34°26'5.35"N, -117°17'23.71"W. The project site is located within the United States Geological Survey (USGS) 7 ½ Minute, Hesperia, California Quadrangle (1956), Township 4 North, Range 4 West.

CITY AND COUNTY: City of Hesperia, San Bernardino County.

PROJECT: The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Parking areas would be located to the eastern and southern portions of the site. A total of 73 parking spaces would be provided including 63 standard parking spaces, 2 truck parking spaces, 4 EV standard parking spaces, 2 ADA compliant parking spaces and 2 ADA compliant EV parking spaces. Landscaping would total 36,387 square feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. The project would consist of 9 truck dock doors including 3 raised doors and 1 ground level door along the north elevation of Warehouse 1 and 4 raised doors and 1 ground level door along the south elevation of Warehouse 2. Truck maneuvering area would be located opposite the receiving docks and west of the two buildings. Vehicular access to the site would include one entrance for employees and patrons only and 2 entrances for trucks only. The 30 feet wide employee and patron vehicular access would be located east of the site in connection with E avenue. The 30 feet wide truck only entrances are located northwest and southeast corner of the project site. All three entrances are guarded by a security gate fence. For safety and security, screen walls in addition to combo walls consisting of masonry and wrought iron will surround the entire project site. Current conditions on the property include a desert scrub community showing signs of human disturbances. There are 34 Joshua Trees located within the boundaries of the property.

EVALUATION FORMAT: The attached initial study is prepared in accordance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of the attached Initial Study was guided by Section 15063 of the State CEQA Guidelines. The project was evaluated based on its effect on 21 categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist includes a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

No Impact: No impacts are identified or anticipated, and no mitigation measures are required.

Less than Significant Impact: No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less than Significant Impact with Mitigation: Possible significant adverse impacts have been identified or anticipated and mitigation measures are required as a condition of the project's approval to reduce these impacts to a level below significance.

Potentially Significant Impact: Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below will be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist in the attached Initial Study.

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

DETERMINATION: (To be completed by the Lead Agency) On the basis of this initial evaluation, the following finding is made:

☐	The proposed project *COULD NOT* have a significant effect on the environment, and a *NEGATIVE DECLARATION* shall be prepared.
X	Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A *MITIGATED NEGATIVE DECLARATION* shall be prepared.
☐	The proposed project *MAY* have a significant effect on the environment, and an *ENVIRONMENTAL IMPACT REPORT* is required.
☐	The proposed project *MAY* have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An *ENVIRONMENTAL IMPACT REPORT* is required, but it must analyze only the effects that remain to be addressed.
☐	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an *earlier EIR or NEGATIVE DECLARATION* pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that *earlier EIR or NEGATIVE DECLARATION,* including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature _____ Date _____

The project is also described in greater detail in the attached Initial Study.

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1. INTRODUCTION

1.1 OVERVIEW OF THE PROPOSED PROJECT

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Parking areas would be located to the eastern and southern portions of the site. A total of 73 parking spaces would be provided including 63 standard parking spaces, 2 truck parking spaces, 4 EV standard parking spaces, 2 ADA compliant parking spaces and 2 ADA compliant EV parking spaces. Landscaping would total 36,387 square feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. The project would consist of 9 truck dock doors including 3 raised doors and 1 ground level door along the north elevation of Warehouse 1 and 4 raised doors and 1 ground level door along the south elevation of Warehouse 2. Truck maneuvering area would be located opposite the receiving docks and west of the two buildings. Vehicular access to the site would include one entrance for employees and patrons only and 2 entrances for trucks only. The 30 feet wide employee and patron vehicular access would be located east of the site in connection with E avenue. The 30 feet wide truck only entrances are located northwest and southeast corner of the project site. All three entrances are guarded by a security gate fence. For safety and security, screen walls in addition to combo walls consisting of masonry and wrought iron will surround the entire project site. The facility would be open from Monday through Friday.

The project site is vacant and includes a desert scrub community that exhibits signs of human disturbances. The biological resources on the site consist of a desert scrub community typical of the area with creosote bush (*Larrea tridentata*), white-bursage (*Ambrosia dumosa*), kelch grass (*Schismus barbatus*), flatspine bur ragweed (*Ambrosia acanthicarpa*), Joshua tree (*Yucca brevifolia*), rubber rabbitbrush (*Ericameria nauseosa*) and silver cholla (*Cylindropuntia echinocarpa*) observed on the site.[1]

1.2 PURPOSE OF THIS STUDY

The City of Hesperia is the designated *Lead Agency,* and as such, the City will be responsible for the project's environmental review. Section 21067 of California Environmental Quality Act (CEQA) defines a Lead Agency as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect on the environment.[2] As part of the proposed project's environmental review, the City of Hesperia has authorized the preparation of this Initial Study.[3] The primary purpose of CEQA is to ensure that decision-makers and the public understand the environmental implications of a specific action or project. An additional purpose of this Initial Study is to ascertain whether the proposed project will have the potential for significant adverse impacts on the environment once it is implemented. Pursuant to the CEQA Guidelines, additional purposes of this Initial Study include the following:

[1] RCA Associates, Inc. *Protected Plant Preservation Plan, City of Hesperia, APN 0410-051-11*. August 23, 2023.

[2] California, State of. *California Public Resources Code. Division 13, Chapter 2.5. Definitions.* as Amended 2001. §21067.

[3] Ibid. (CEQA Guidelines) §15050.

- To provide the City of Hesperia with information to use as the basis for deciding whether to prepare an environmental impact report (EIR), mitigated negative declaration, or negative declaration for a project;
- To facilitate the project's environmental assessment early in the design and development of the proposed project;
- To eliminate unnecessary EIRs; and,
- To determine the nature and extent of any impacts associated the proposed project.

Although this Initial Study was prepared with consultant support, the analysis, conclusions, and findings made as part of its preparation fully represent the independent judgment and position of the City of Hesperia, in its capacity as the Lead Agency. The City determined, as part of this Initial Study's preparation, that a Mitigated Negative Declaration is the appropriate environmental document for the proposed project's CEQA review. Certain projects or actions may also require oversight approvals or permits from other public agencies. These other agencies are referred to as *Responsible Agencies* and *Trustee Agencies*, pursuant to Sections 15381 and 15386 of the State CEQA Guidelines.[4] This Initial Study and the *Notice of Intent to Adopt (NOIA) a Mitigated Negative Declaration* will be forwarded to responsible agencies, trustee agencies, and the public for review and comment. This Initial Study and Mitigated Negative Declaration will be forwarded to the State of California Office of Planning Research (the State Clearinghouse). A 30-day public review period would be provided to allow these entities and other interested parties to comment on the proposed project and the findings of this Initial Study.[5] Questions and/or comments should be submitted to the following:

Leilani Henry, Assistant Planner
City of Hesperia Development Department, Planning Division
9700 Seventh Avenue
Hesperia, California 92345

1.3 INITIAL STUDY'S ORGANIZATION

The following annotated outline summarizes the contents of this Initial Study:

- *Section 1 Introduction* provides the procedural context surrounding this Initial Study's preparation and insight into its composition.
- *Section 2 Project Description* provides an overview of the existing environment as it relates to the project area and describes the proposed project's physical and operational characteristics.
- *Section 3 Environmental Analysis* includes an analysis of potential impacts associated with the construction and the subsequent operation of the proposed project.
- *Section 4 Conclusions* summarizes the findings of the analysis.
- *Section 5 References* identifies the sources used in the preparation of this Initial Study.

[4] California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.5, Section 21067 and Section 21069.* 2000.

[5] California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.6, Section 2109(b).* 2000.

2. PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The proposed project site is located in the north-central portion of the City of Hesperia. The City of Hesperia is located in southwestern portion of San Bernardino County in the southwestern Mojave Desert physiographic subregion. This physiographic subregion is more commonly referred to as either the "Victor Valley" or the "High Desert" due to its approximate elevation of 2,900 feet above sea level. The Victor Valley is separated from the more populated areas of coastal Southern California by the Cajon Pass which serves to separate the San Bernardino and San Gabriel mountains.

The City of Hesperia is bounded on the north by Victorville and Apple Valley, unincorporated San Bernardino County (Oro Grande); on the east by Apple Valley and unincorporated San Bernardino County (Bell Mountain); the south by the City of Hesperia and unincorporated San Bernardino County (Oak Hills); and on the west by unincorporated San Bernardino County (Baldy Mesa). Regional access to the City of Hesperia is provided by three area highways: the Mojave Freeway (Interstate 15), extending in a southwest to northeast orientation through the center of the City; U.S. Highway 395, traversing the western portion of the City in a northwest to southeast orientation; and Palmdale Road (State Route 18), which traverses the southern portion of the City in an east to west orientation.[6] The location of Hesperia, in a regional context, is shown in Exhibit 2-1. A citywide map is provided in Exhibit 2-2.

The 5.22 acre project site is located in the north-central portion of the City of Hesperia. The project site is undeveloped and does not have a legal address assigned to the property. The proposed project site is located on the southwest corner of Mojave Street and E Avenue. Mojave Street extends along the project site's north side and E Avenue extends along the site's east side. The project site's latitude and longitude are 34°26'5.35"N, -117°17'23.71"W. The project site is located within the United States Geological Survey (USGS) Hesperia, California 7 ½ Minute Quadrangle (1956), Township 4 North, Range 4 West. A local vicinity map is provided in Exhibit 2-3. An aerial photograph of the site and the surrounding area is provided in Exhibit 2-4.

2.2 ENVIRONMENTAL SETTING

The proposed project site is located on a 5.22-acre site that is currently vacant. Current conditions on the property include a desert scrub community showing signs of human disturbances. The biological resources on the site consist of a desert scrub community typical of the area with creosote bush (*Larrea tridentata*), white-bursage (*Ambrosia dumosa*), kelch grass (*Schismus barbatus*), flatspine bur ragweed (*Ambrosia acanthicarpa*), Joshua tree (*Yucca brevifolia*), rubber rabbitbrush (*Ericameria nauseosa*) and silver cholla (*Cylindropuntia echinocarpa*) observed on the site.[7] The project site is located within the Mainstreet / Freeway Corridor Specific Plan (MSFC-SP). The project site's Land use and Zoning Designation is *General Industrial* (GI).[8]

[6] Google Earth. Website accessed October 2, 2023.

[7] RCA Associates, Inc. *Protected Plant Preservation Plan, City of Hesperia, APN 0410-051-11*. August 23, 2023.

[8] City of Hesperia. *General Plan Land Use*. October 5, 2023.

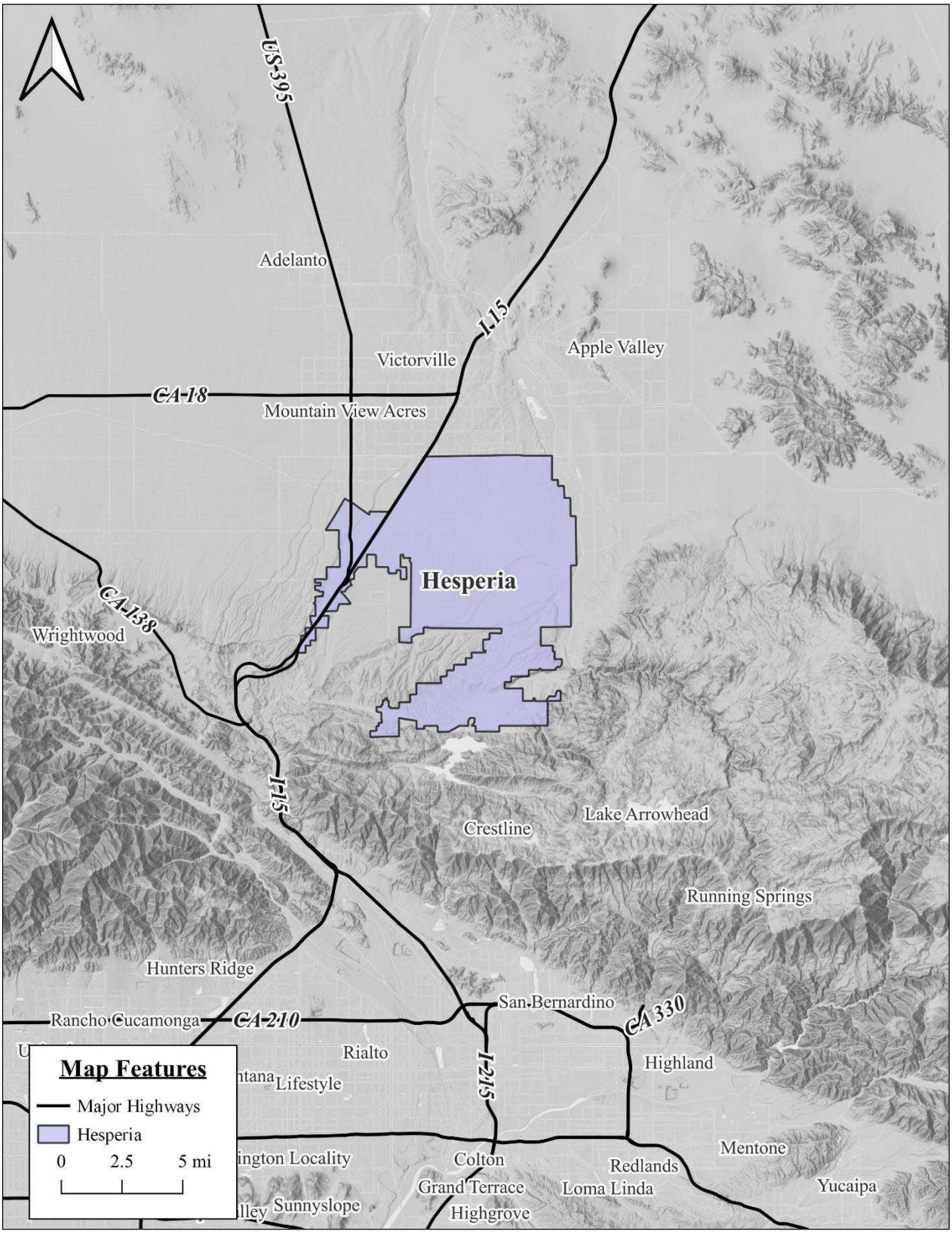

EXHIBIT 2-1 REGIONAL MAP
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

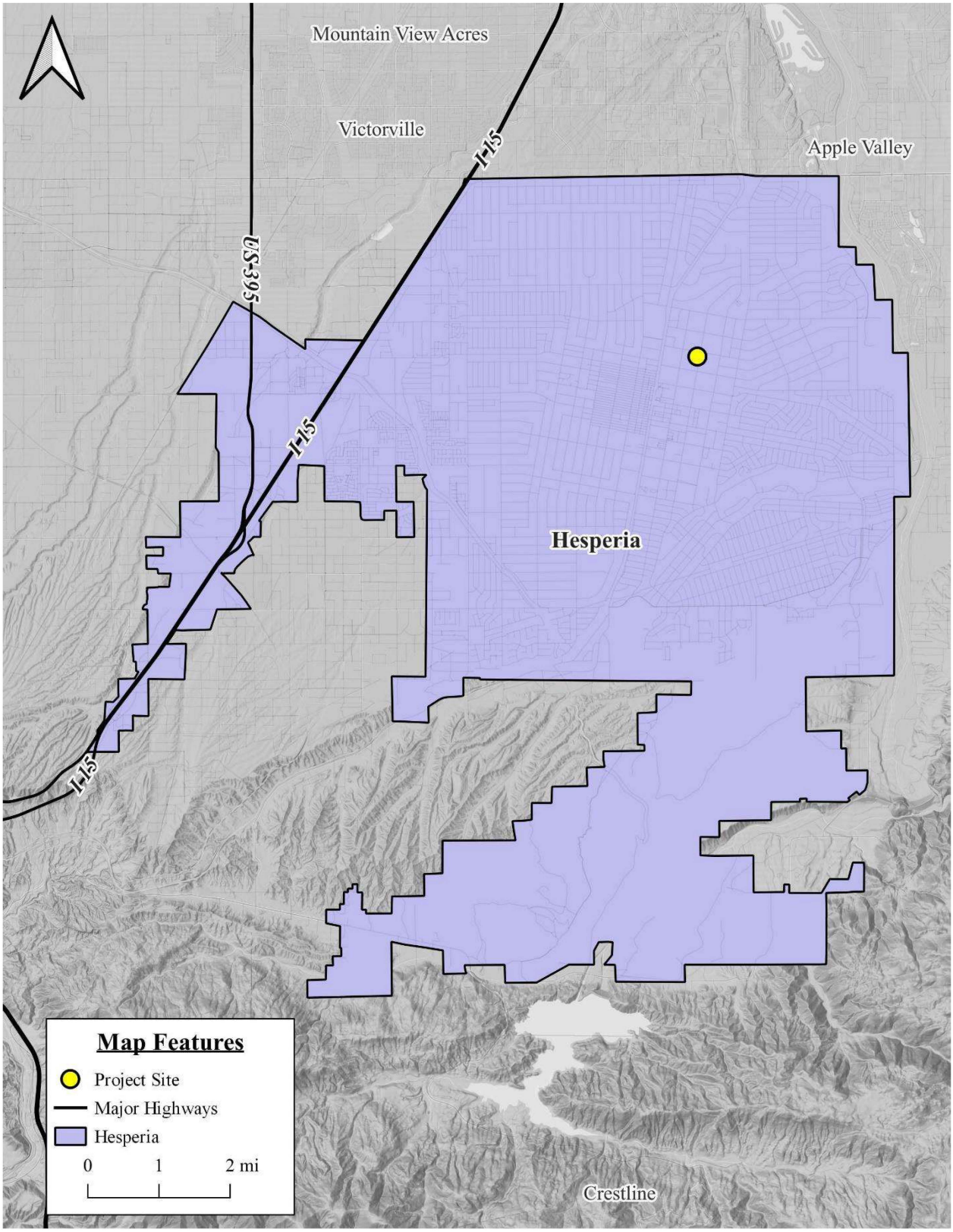

EXHIBIT 2-2 CITYWIDE MAP

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

EXHIBIT 2-3 LOCAL MAP

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

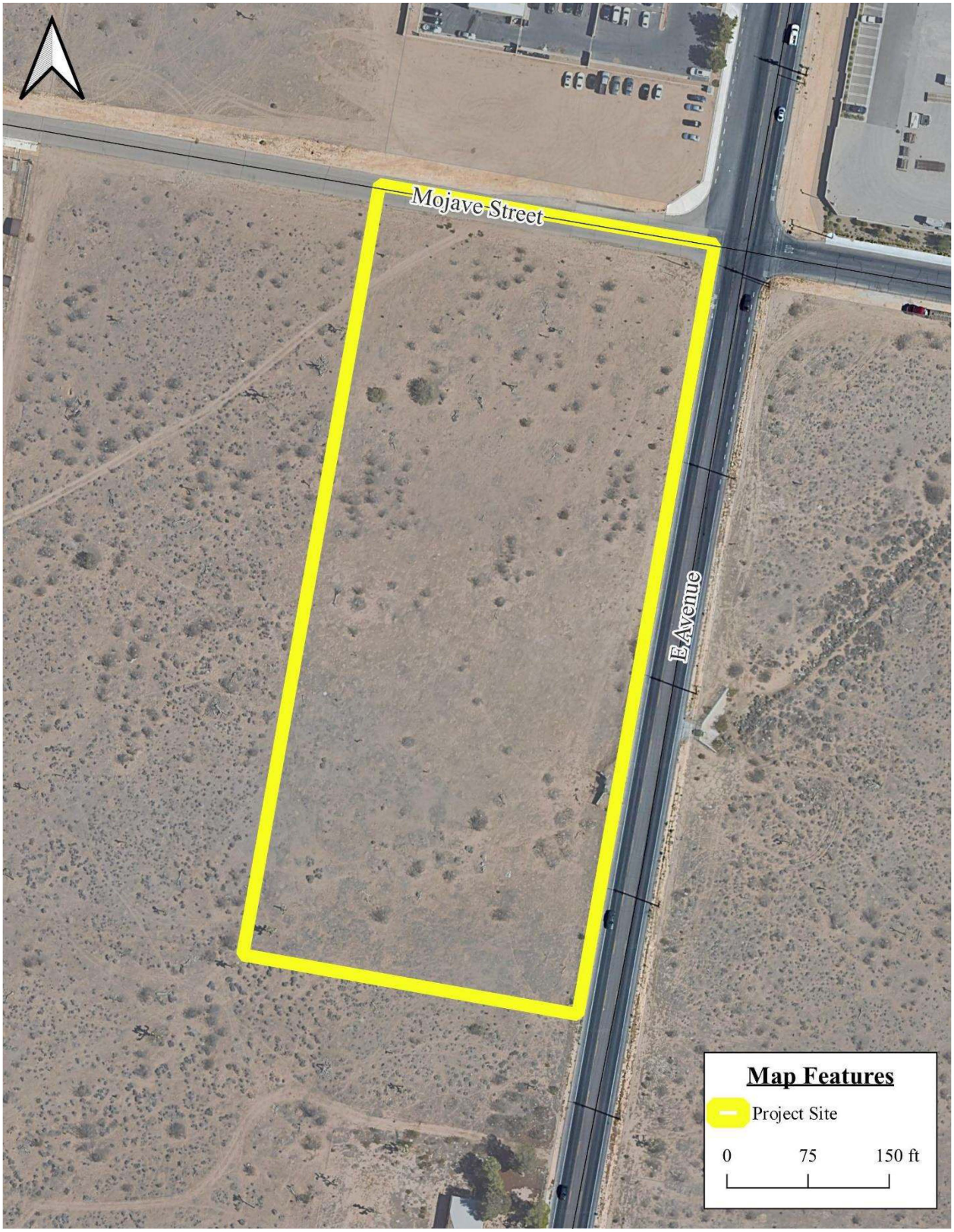

EXHIBIT 2-4 AERIAL MAP

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

Land uses and development located in the vicinity of the proposed project site are outlined below:

- *North of the project site:* Mojave Street extends along the project site's north side. An industrial development, Classic Collision, is located on the north side of the aforementioned street at 10180 E Avenue. The Land Use and Zoning for this area is *General Industrial* (GI).
- *West of the project site:* Abutting the project site to the west, is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI).
- *South of the project site:* Abutting the project site to the south is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI)
- *East of the project site:* "E" Avenue extends along the project site's east side. Further east, on the east side of "E" Avenue, is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI).[9]

An aerial photograph of the project site and the surrounding area is provided in Exhibit 2-4.

2.3 PHYSICAL CHARACTERISTICS OF THE PROPOSED PROJECT

The key physical elements of the proposed project are outlined below.

- *Site Plan*. The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet.
- *Warehouse Building 1*. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. The new building would consist of a single level with a maximum height of approximately 41 feet. A total of 3 raised loading dock doors and 1 ground level door would be provided along the north elevation of Warehouse 1. The main public entrance and office area is located at the southeast corner of the building. The truck maneuvering areas would be located to the west of the buildings.
- *Warehouse Building 2*. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The new building would consist of a single level with a maximum height of approximately 41 feet. A total of 4 raised loading dock doors and 1 ground level door would be provided along the south elevation of Warehouse 2. The main public entrance and office area is located at the northeast corner of the building.
- *Landscaping*. Landscaping would total 36,387 square feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. All of the landscaping would consist of xeriscape (drought tolerant) plant specimens.
- *Access and Circulation*. Vehicular access to the site would include one entrance for employees and patrons and two entrances for trucks only. The 30 feet wide employee and patron vehicular access

[9] City of Hesperia. *General Plan Land Use*. October 5, 2023.

would be located east of the site and would connect with "E" Avenue. The 30 feet wide truck only entrances are located in the northwest and southeast corners of the project site. All three entrances are secured by security gates. For safety and security, screen walls in addition to combo walls consisting of masonry and wrought iron will surround the entire project site.

- *Parking*. Parking areas would be located in the eastern and southern portions of the site. A total of 73 parking spaces would be provided including 63 standard parking spaces, 2 truck parking spaces, 4 EV standard parking spaces, 2 ADA compliant parking spaces and 2 ADA compliant EV parking spaces.
- *Utilities*. The proposed project would connect to existing water and sewer lines located in "E" Avenue.[10]

The proposed site plan is illustrated in Exhibit 2-5. The proposed building elevations are included in Exhibit 2-6.

2.4 OPERATIONAL CHARACTERISTICS OF THE PROPOSED PROJECT

DW Bickmore, LLC intends the project to be a storage facility. The facility would be open from Monday through Friday. The proposed project is anticipated to employ between 10-20 individuals onsite at any given time. The onsite employees' functions are limited to business transactions, site maintenance, and warehousing operations. The hours of operation for the proposed project would be 5 days a week, 8:00 AM to 5:00 PM.

2.5 CONSTRUCTION CHARACTERISTICS

The construction for the current proposed project is assumed to commence in June 2025 and would take approximately twelve months to complete. The key construction phases are outlined in the paragraphs that follow.

- *Grading Phase*. The project site would be graded and readied for the construction. This phase would require one month to complete. The typical heavy equipment used during this construction phase would include graders, bulldozers, offroad trucks, back-hoes, and trenching equipment.

- *Site Preparation Phase*. During this phase, the building footings, utility lines, and other underground infrastructure would be installed. This phase would require one month to complete. The typical heavy equipment used during this construction phase would include bulldozers, offroad trucks, back-hoes, front-end loaders, cranes, and forklifts.

- *Building Construction Phase*. The new buildings would be constructed during this phase. This phase will take approximately nine months to complete. The typical heavy equipment used during this construction phase would include offroad trucks, cranes, and fork-lifts. This task will take approximately seven months to complete.

[10] The Austin Company. S5 Bickmore Hesperia. Site Plan. Sheet A100. May 06, 2024.

- *Paving, Landscaping, and Finishing Phase*. The development site would be paved during this phase. This phase will take approximately one months to complete. The typical heavy equipment used during this construction phase would include trucks, backhoes, rollers, pavers, and trenching equipment.

2.6 DISCRETIONARY ACTIONS

A Discretionary Action is an action taken by a government agency (for this project, the government agency is the City of Hesperia) that calls for an exercise of judgment in deciding whether to approve a project. The following discretionary approvals are required:

- Site Plan Review (SPR) 23-00018; and
- Approval of the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP).

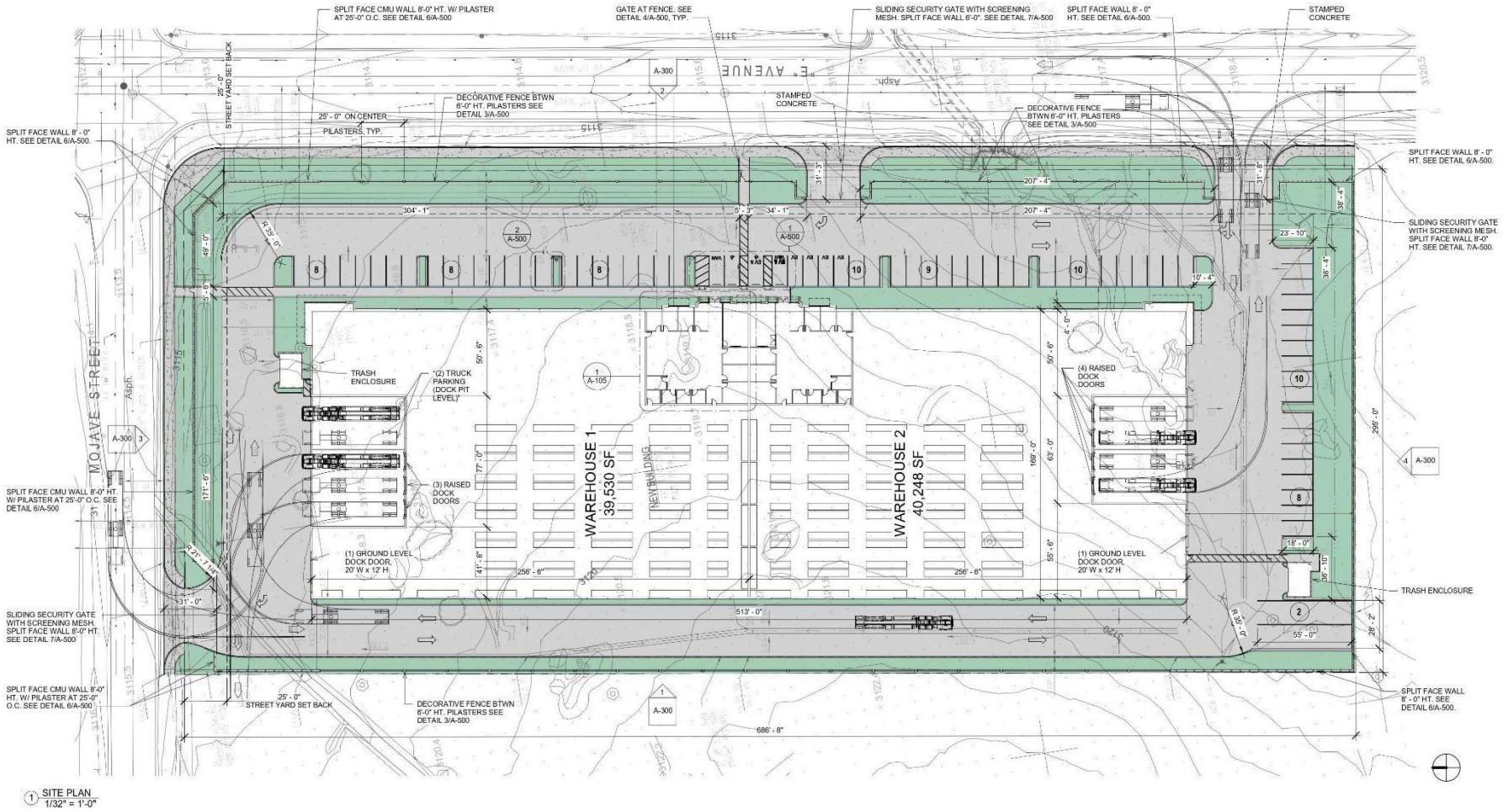

EXHIBIT 2-5 SITE PLAN OF PROJECT SITE

SOURCE: THE AUSTIN COMPANY

EXHIBIT 2-6 PROPOSED BUILDING ELEVATIONS

SOURCE: THE AUSTIN COMPANY

3. ENVIRONMENTAL ANALYSIS

This section of the Initial Study analyzes the potential environmental impacts that may result from the proposed project's implementation. The issue areas evaluated in this Initial Study include the following:

Aesthetics (Section 3.1);
Agricultural & Forestry Resources (Section 3.2);
Air Quality (Section 3.3);
Biological Resources (Section 3.4);
Cultural Resources (Section 3.5);
Energy (Section 3.6);
Geology & Soils (Section 3.7);
Greenhouse Gas Emissions; (Section 3.8);
Hazards & Hazardous Materials (Section 3.9);
Hydrology & Water Quality (Section 3.10);
Land Use & Planning (Section 3.11);
Mineral Resources (Section 3.12);
Noise (Section 3.13);
Population & Housing (Section 3.14).
Public Services (Section 3.15);
Recreation (Section 3.16);
Transportation (Section 3.17);
Tribal Cultural Resources (Section 3.18);
Utilities (Section 3.19);
Wildfire (Section 3.20); and,
Mandatory Findings of Significance (Section 3.21).

3.1 AESTHETICS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project have a substantial adverse effect on a scenic vista?			✕	
B. Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?				✕
C. 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 a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				✕
D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				✕

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on aesthetics if it results in any of the following:

- The proposed project would have an adverse effect on a scenic vista, except as provided in PRC Sec. 21099.
- The proposed project would have an adverse effect on scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- The proposed project would substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality. or,
- The proposed project would, except as provided in Public Resources Code Section 21099, create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The evaluation of aesthetics and aesthetic impacts is generally subjective, and it typically requires the identification of key visual features in the area and their importance. The characterization of aesthetic impacts involves establishing the existing visual characteristics including visual resources and scenic vistas that are unique to the area. Visual resources are determined by identifying existing landforms (e.g., topography and grading), views (e.g., scenic resources such as natural features or urban characteristics), and existing light and glare characteristics (e.g., nighttime illumination). Changes to the existing aesthetic environment associated with the proposed project's implementation are identified and *qualitatively* evaluated based on the proposed modifications to the existing setting and the viewers' sensitivity. The project-related impacts are then compared to the context of the existing setting, using the threshold criteria discussed above.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project have a substantial adverse effect on a scenic vista? ● Less Than Significant Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Current conditions on the property include a desert scrub community showing signs of human disturbances. There are 34 Joshua Trees within the boundaries of the property. The dominant scenic views from the project site includes distant views of the San Bernardino and San Gabriel Mountains, located south, southwest and southeast of the site and the City. In addition, local views are already dominated by neighboring development and the nearby I-15 freeway. The proposed project shall be designed, constructed, and operated in accordance with General Plan Policy LU-8.5 of the Land Use Element, which requires all development within the City to "Adopt design standards that will ensure land use compatibility and enhance the visual environment by providing attractive, aesthetically pleasing development which is sensitive to the unique local characteristics of the Hesperia community." In accordance with City policy, the Applicant shall provide replacement landscaping or vegetation to disturbed areas consistent with the natural surroundings, and in accordance with City Municipal Code Section 16.24.150 (Subject Desert Native Plants) and County Codes 88.01.050 (Tree or Plant Removal Permits) and 88.01.060 (Desert Native Plant Protection). Pursuant to these codes, landscaping shall be selected and incorporated to be drought-tolerant and shall complement existing natural and manmade features, including the dominant landscaping of surrounding areas. Through compliance with the City General Plan and Municipal Code, the proposed project would minimize the contrast between project features and the surrounding Mojave Desert landscape and ensure adverse effects on scenic vistas remain less than significant. No mitigation is required. In addition, views from the mountains will not be obstructed. Once operational, views of the aforementioned mountains will continue to be visible from the public right-of-way. *As a result, the impacts would be less than significant.*

B. *Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? ● No Impact.*

According to the California Department of Transportation, none of the streets located adjacent to the proposed project site are not designated scenic highways and there are no state or county designated scenic highways in the vicinity of the project site.[11] The City of Hesperia General Plan identifies prominent view sheds within the City. These view sheds are comprised primarily of undeveloped desert land, the Mojave River, and distant views of the San Bernardino Mountains.[12] Lastly, the project site is currently vacant and does not contain any buildings listed in the State or National register. *As a result, no impacts would occur.*

[11] California Department of Transportation. *Official Designated Scenic Highways.*

[12] City of Hesperia General Plan Website accessed on October 2, 2023.

C. *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 a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? ● No Impact.*

There are no protected views in the vicinity of the project site and the City does not contain any scenic vistas in the vicinity of the project site. In addition, the City does not have any zoning regulations or other regulations governing scenic quality other that the development standards for which the new development will conform to. *As a result, no impacts would occur.*

D. *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ● No Impact.*

Project-related sources of nighttime light would include parking area exterior lights, security lighting, and vehicular headlights. In addition, the City of Hesperia Municipal Code Section 16.16.415 includes design standards for outdoor lighting that apply to new development in the City (the site is located in the *General Industrial* (GI) zone district). The site's development would involve the installation of outdoor lighting necessary for safety and security as well as to accommodate night-time business operations. All lighting would comply with the development standards contained in the City's Zoning Code. The Municipal Code lighting standards govern the placement and design of outdoor lighting fixtures to ensure adequate lighting for public safety while also minimizing light pollution and glare and precluding nuisance (e.g., blinking/flashing lights, unusually high intensity or needlessly bright lighting). It is important to note that there are no light sensitive land uses located in the vicinity of the project site. *As a result, no impacts are anticipated.*

MITIGATION MEASURES

The analysis of aesthetics indicated that no impact on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.

3.2 AGRICULTURE & FORESTRY RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses?				✖
B. Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract?				✖
C. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				✖
D. Would the project result in the loss of forest land or conversion of forest land to a non-forest use?				✖
E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to a non-forest use?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on agriculture and forestry resources if it results in any of the following:

- The proposed project would 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.
- The proposed project would conflict with existing zoning for agricultural use, or a Williamson Act contract.
- The proposed project would 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)).
- The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.
- The proposed project would involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) was established in 1982 to track changes in agricultural land use and to help preserve areas of Important Farmland. It divides the state's land into eight categories of land use designation based on soil quality and existing agriculture uses to produce maps and statistical data. These maps and data are used to help

preserve productive farmland and to analyze impacts on farmland. Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance are all Important Farmland and are collectively referred to as Important Farmland in this analysis. The highest rated Important Farmland is Prime Farmland. The California Land Conservation Act of 1965, or the Williamson Act, allows a city or county government to preserve agricultural land or open space through contracts with landowners. The County has areas that are currently agriculture preserves under contract with San Bernardino County through the Williamson Act of 1965. Contracts last 10 years and are automatically renewed unless a notice of nonrenewal is issued.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses? ● No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Current conditions on the property include a desert scrub community showing signs of human disturbances. There are 34 Joshua Trees within the boundaries of the property.

According to the California Department of Conservation, the project site nor the surrounding properties do not contain any areas of Farmland of Statewide Importance, and no agricultural uses are located onsite or adjacent to the property. The implementation of the proposed project would not involve the conversion of any prime farmland, unique farmland, or farmland of statewide importance to urban uses. *As a result, no impacts would occur.*[13]

B. *Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract? ● No Impact.*

There are no agricultural uses located within the site that would be affected by the project's implementation. According to the California Department of Conservation Division of Land Resource Protection, the project site is not subject to a Williamson Act Contract.[14] *As a result, no impacts would occur.*

[13] California Department of Conservation, Division of Land Resource Protection, Farmland Mapping, and Monitoring Program. *California Important Farmland Finder*.

[14] California Department of Conservation. *State of California Williamson Act Contract Land*. https://maps.conservation.ca.gov/dlrp/WilliamsonAct/

C. *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? ● No Impact.*

There are no forest lands or timber lands located within or adjacent to the site. An adjacent property located to the north is disturbed and contains structures. Furthermore, the site's existing zoning designation does not contemplate forest land or timber land uses. *As a result, no impacts would occur.*

D. *Would the project result in the loss of forest land or conversion of forest land to a non-forest use? ● No Impact.*

No forest lands are located within the project site. The proposed use will be restricted to the site and would not affect any forest land or farmland. No loss or conversion of forest lands to urban uses would result from the proposed project's implementation. *As a result, no impacts would occur.*

E. *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to a non-forest use? ● No Impact.*

The project would not involve the disruption or damage of the existing environment resulting in a loss of farmland to nonagricultural use or conversion of forest land to non-forest use. The site does not contain any agricultural or forestry vegetation. No farmland conversion impacts would occur with the implementation of the proposed project. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis of agricultural and forestry resources indicated that no impact on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.

3.3 AIR QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project conflict with or obstruct implementation of the applicable air quality plan?				✖
B. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?		✖		
C. Would the project expose sensitive receptors to substantial pollutant concentrations?			✖	
D. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			✖	

The air quality worksheets are included in Appendix A.

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on air quality if it results in any of the following:

- The proposed project would conflict with or obstruct implementation of the applicable air quality plan.
- The proposed project would 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.
- The proposed project would expose sensitive receptors to substantial pollutant concentrations.
- The proposed project would result in other emissions (such as those leading to odors adversely affecting a substantial number of people.

The Mojave Desert Air Quality Management District (MDAQMD) has established quantitative thresholds for short-term (construction) emissions and long-term (operational) emissions for the criteria pollutants listed below. Projects in the Mojave Desert Air Basin (MDAB) generating construction and operational-related emissions that exceed any of the following emissions thresholds are considered to be significant under CEQA.

- *Ozone (O_3)* is a nearly colorless gas that irritates the lungs, and damages materials and vegetation. Ozone is formed by photochemical reaction (when nitrogen dioxide is broken down by sunlight).
- *Carbon Monoxide (CO)* is a colorless, odorless toxic gas that interferes with the transfer of oxygen to the brain and is produced by the incomplete combustion of carbon-containing fuels emitted as vehicle exhaust. The threshold is 548 pounds per day of carbon monoxide (CO).

- *Nitrogen Oxide (NO_x)* is a yellowish-brown gas, which at high levels can cause breathing difficulties. NO_x is formed when nitric oxide (a pollutant from burning processes) combines with oxygen. The daily threshold is 137 pounds per day of nitrogen oxide (NO_x).
- *Sulfur Dioxide* (SO_2) is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. Health effects include acute respiratory symptoms. The daily threshold is 137 pounds per day of sulfur oxides (SO_x).
- *PM_{10} and $PM_{2.5}$* refers to particulate matter less than ten microns and two and one-half microns in diameter, respectively. Particulates of this size cause a greater health risk than larger-sized particles since fine particles can more easily cause irritation. The daily threshold is 82 pounds per day of PM_{10} and 65 pounds per day of $PM_{2.5}$.
- *Reactive Organic Gasses (ROG)* refers to organic chemicals that, with the interaction of sunlight photochemical reactions may lead to the creation of "smog." The daily threshold is 137 pounds per day of ROG.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project conflict with or obstruct implementation of the applicable air quality plan? ● No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Current conditions on the property include a desert scrub community showing signs of human disturbances. There are 34 Joshua Trees within the boundaries of the property.

Air quality impacts may occur during the construction or operation of a project, and may come from stationary sources (e.g., industrial processes, generators), mobile sources (e.g., automobiles, trucks), or area (e.g., residential water heaters) sources. Projects that are consistent with the projections of employment and population forecasts identified in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) prepared by SCAG are considered consistent with the MDAQMP growth projections, since the RTP/SCS forms the basis of the land use and transportation control portions of the MDAQMP. According to the Growth Forecast Appendix prepared by SCAG for the 2020-2045 RTP/SCS, the City of Hesperia is projected to increase to 10,200 jobs in 2040 from 7,200 jobs in 2020.[15] The proposed project will not introduce any new residents and the proposed project is anticipated to employ 10 to 20 individuals onsite at any given time. Therefore, the proposed project is not in conflict with the growth projections established for the City by SCAG. The project's construction emissions would be below the thresholds of significance established by the MDAQMD (the project's daily construction emissions are summarized in Table 3-1). In addition, the proposed project's long-term (operational) airborne emissions will be below levels that the

[15] Southern California Association of Governments. 2020-2045 *Regional Transportation Plan/Sustainable Communities Strategy. Demographics & Growth Forecast.* November 2021.

MDAQMD considers to be a significant impact (refer to Table 3-2). *As a result, no impacts would occur.*

B. *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? ● Less than Significant Impact with Mitigation.*

According to the MDAQMD, any project is significant if it triggers or exceeds the MDAQMD daily emissions threshold identified previously and noted at the bottom of Tables 3-1 and 3-2. In general, a project will have the potential for a significant air quality impact if any of the following are met:

- Generates total emissions (direct and indirect) that exceeds the MDAQMD thresholds (the proposed project emissions are less than the thresholds as indicated in Tables 3-1 and 3-2);
- Results in a violation of any ambient air quality standard when added to the local background (the proposed project will not result, in any violation of these standards);
- Does not conform with the applicable attainment or maintenance plan(s) (the proposed project is in conformance with the City's Zoning and General Plan); and,
- Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1 (the proposed project will not expose sensitive receptors to substantial pollutant concentrations nor is the site located near any sensitive receptors).

The proposed project's construction and operation will not lead to a violation of the above-mentioned criteria. The analysis of daily construction and operational emissions was prepared utilizing the California Emissions Estimator Model (CalEEMod V.2022.1.1.29). As shown in Table 3-1, relevant daily construction emissions will not exceed the MDAQMD significance thresholds.

Table 3-1 Estimated Daily Construction Emissions in lbs./day

Construction Phase	ROG	NOx	CO	SO2	PM10	PM2.5
Maximum Daily Emissions	37.9	14.1	16.1	0.03	3.54	1.96
Daily Thresholds	137	137	548	137	82	65
Significant Impact?	No	No	No	No	No	No

Source: CalEEMod V.2022.1.1.29

While the construction-related emissions will be below thresholds, the following mitigation measures will be required to further reduce potential construction-related emissions.

- The Applicant shall prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project;
- The Applicant shall ensure that signage, compliant with Rule 403 Attachment, is erected at each project site entrance not later than the commencement of construction.
- The Applicant shall ensure the use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils

through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

- All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.
- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related track out onto paved surfaces and clean any project-related track out within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

Long-term emissions refer to those air quality impacts that would occur once the proposed project has been constructed and is operational. These impacts will continue over the operational life of the project. The two main sources of operational emissions include mobile emissions and area emissions related to off-site electrical generation. The analysis of long-term operational impacts summarized in Table 3-2 also used the CalEEMod V.2022.1.1.29 computer model. The analysis summarized in Table 3-2 indicates that the operational (long-term) emissions will be below the MDAQMD daily emissions thresholds.

Table 3-2 Estimated Operational Emissions in lbs./day

Operational Phase	ROG	NOx	CO	SO2	PM10	PM2.5
Total Maximum Daily (lbs./day)	3.09	1.05	9.50	0.02	1.15	0.32
Daily Thresholds	137	137	548	137	82	65
Significant Impact?	No	No	No	No	No	No

Source: CalEEMod V.2022.1.1.29

The analysis presented in Tables 3-1 and 3-2 reflect projected emissions that are typically higher during the summer months and represent a worse-case scenario. As indicated in Tables 3-1 and 3-2, the impacts are considered to be less than significant. In addition, the MDAQMD Rule Book contains numerous regulations governing various activities undertaken within the district. Among these regulations is Rule 403.2 – Fugitive Dust Control for the South Coast Planning Area, which was adopted in 1996 for the purpose of controlling fugitive dust. Adherence to Rule 403.2 regulations is required for all projects undertaken within the district. Future construction truck drivers must also adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel-powered vehicles to less than five minutes.[3] Adherence to the aforementioned standard condition will minimize odor impacts from diesel trucks. Adherence to Rule 403 Regulations and Title 13 - §2485 of the California Code of Regulations will reduce potential impacts. *As a result, the impacts would be less than significant with mitigation.*

C. *Would the project expose sensitive receptors to substantial pollutant concentrations? ● Less than Significant Impact*

The nearest sensitive receptor to the project site include LaVerne Elementary Preparatory Academy located approximately 2,400 feet to the east of the project site. According to the MDAQMD, residences, schools, daycare centers, playgrounds, and medical facilities are considered sensitive receptor land uses. The

following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated: any industrial project within 1,000 feet; a distribution center (40 or more trucks per day) within 1,000 feet; a major transportation project within 1,000 feet; a dry cleaner using perchloroethylene within 500 feet; and a gasoline dispensing facility within 300 feet. The proposed warehouse is not located within 1,000 feet of the sensitive receptor. *As a result, the impacts would be less than significant.*

D. *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? ● Less than Significant Impact.*

The proposed project would be required to adhere to the rules governing nuisance odors. All truck drivers visiting the site must adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel-powered vehicles to less than five minutes. Adherence to the aforementioned standard condition will minimize odor impacts from diesel trucks. Furthermore, adherence to MDAQMD Rule 402 Nuisance Odors will minimize odors generated during daily activities. Adherence to the existing regulations governing "nuisance odors" will reduce potential impacts. *As a result, the impacts would be less than significant.*

MITIGATION MEASURES

The following mitigation measures have been incorporated herein to further reduce the potential air quality impacts to levels that are less than significant.

AIR Mitigation No. 1. The Applicant shall prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project.

AIR Mitigation No. 2. The Applicant shall ensure that signage, compliant with Rule 403 Attachment, is erected at each project site entrance not later than the commencement of construction.

AIR Mitigation No. 3. The Applicant shall ensure the use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

AIR Mitigation No. 4. All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

AIR Mitigation No. 5. All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related track out onto paved surfaces and clean any project-related track out within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

3.4 BIOLOGICAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		✖		
B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✖
C. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✖
D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites?				✖
E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✖		
F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?				✖

The biological report is included in Appendix B.

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on biological resources if it results in any of the following:

- The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.
- The proposed project would 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.
- The proposed project would 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.

- The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- The proposed project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Sensitive biological resources include a variety of plant and animal species that are specialized and endemic to a particular habitat type. Due to loss of habitat, some of these species have been designated by either, or both, the federal and state government resource agencies as threatened or endangered. Species listed as threatened include those whose numbers have dropped to such low levels and/or whose populations are so isolated that the continuation of the species could be jeopardized. Endangered species are those with such limited numbers or subject to such extreme circumstances that they are considered in imminent danger of extinction. Other government agencies and resource organizations also identify sensitive species, those that are naturally rare and that have been locally depleted and put at risk by human activities. While not in imminent danger of jeopardy or extinction, sensitive species are considered vulnerable and can become candidates for future listing as threatened or endangered.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? ● Less than Significant Impact with Mitigation.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. Current conditions on the property include a desert scrub community showing signs of human disturbances. The biological resources on the site consist of a desert scrub community typical of the area with creosote bush (Larrea tridentata), white-bursage (*Ambrosia dumosa*), kelch grass (*Schismus barbatus*), flatspine bur ragweed (*Ambrosia acanthicarpa*), Joshua tree (*Yucca brevifolia*), rubber rabbitbrush (*Ericameria nauseosa*) and silver cholla (*Cylindropuntia echinocarpa*) observed on the site.[16]

Based on the Protected Plant Preservation Plan that was prepared for the site, there are thirty-four (34) Joshua trees located on the property. This conclusion was based on: (1) trees which were 0.6 meters or greater in height and less than 3 meters tall (approximate); (2) in good health; (3), two branches or less; (4) density of trees (i.e., no clonal trees); (5) no exposed roots; (6) and trees that are not leaning over excessively. Prior to the initiation of western Joshua tree removal, relocation, replanting, trimming, or pruning or any activity that may result in take of western Joshua trees (WJT) on site, the Project Proponent should obtain an Incidental Take Permit (ITP) under the Western Joshua Tree Conservation Act (WJTCA) of Fish and Game Code (§§ 1927- 1927.12). California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill". Mitigation for

[16] RCA Associates, Inc. *Protected Plant Preservation Plan, City of Hesperia, APN 0410-051-11*. August 23, 2023.

WJTCA would occur per the stem count per the WJTCA census in lieu fee. The mitigation fee for each tree size class is identified in Fish and Game Code section 1927.3 (d) and (e) and adjusted annually in compliance with Fish and Game Code section 1927.8(b). Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. Additionally, CDFW may require relocation of WJT based on the final WJT census. A Relocation Plan must be approved by CDFW prior to the issuance of a WJTCA ITP. The following minimization measures are applicable to the Joshua Tree that is present on the project site.

1. The Joshua tree will be retained in place or replanted somewhere on the site where they can remain in perpetuity or will be transplanted to an off-site area approved by the city where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting will be cut-up and discarded as per City requirements.
2. Earthen berms will be created around each tree by the biologist prior to excavation and the trees will be watered approximately one week before transplanting. Watering the trees prior to excavation will help make excavation easier, ensure the root ball will hold together, and minimize stress to the tree.
3. The tree will be moved to a pre-selected location which has already been excavated and will be placed and oriented in the same direction as their original direction. The hole will be backfilled with native soil, and the transplanted tree will be immediately watered. A numbered metal tag was placed on the north side of the tree and the tree was also flagged with surveyor's flagging. The biologist will develop a watering regimen to ensure the survival of the transplanted trees. The watering regimen will be based upon the needs of the trees and the local precipitation.

The impacts will be less than significant with the above mitigation measures.

B. *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? ● No Impact.*

According to the United States Fish and Wildlife Service, there are no wetland or migratory bird nesting areas located within the project site. The site in its entirety is undisturbed. In addition, there is no riparian habitat located on-site or in the surrounding areas. No offsite wetland or migratory bird nesting areas would be affected by the proposed development since all development will be confined to the project site. *As a result, no impacts would occur.*

C. *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? ● No Impact.*

No wetland areas or riparian habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were found on National Wetlands Inventory.[17] *As a result, no impacts would occur.*

[17] U.S. Fish & Wildlife Service. *National Wetlands Inventory Mapper*. Accessed October 3, 2023.

D. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites? ● No Impact.*

The site's utility as a habitat and a migration corridor is constrained by the presence of an adjacent roadways and the development that is present in the neighboring areas. *As a result, no impacts would occur.*

E. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ● Less than Significant with Mitigation.*

Current conditions on the property include a desert scrub community showing signs of human disturbances. The biological resources on the site consist of a desert scrub community typical of the area with creosote bush (Larrea tridentata), white-bursage (*Ambrosia dumosa*), kelch grass (*Schismus barbatus*), flatspine bur ragweed (*Ambrosia acanthicarpa*), Joshua tree (*Yucca brevifolia*), rubber rabbitbrush (*Ericameria nauseosa*) and silver cholla (*Cylindropuntia echinocarpa*) observed on the site.[18]

There are thirty-four (34) Joshua trees located on the property and three (3) of the trees are suitable for relocation/transplanting. This conclusion was based on: (1) trees which were 0.6 meters or greater in height and less than 3 meters tall (approximate); (2) in good health; (3), two branches or less; (4) density of trees (i.e., no clonal trees); (5) no exposed roots; (6) and trees that are not leaning over excessively. *The impacts will be less than significant with Bio Mitigation No. 1. mitigation measure.*

F. *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? ● No Impact.*

The proposed project's implementation would not be in conflict with the provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plans. *As a result, no impacts are anticipated.*

MITIGATION MEASURES

There are thirty-four (34) Joshua trees located on the property and three (3) of the trees are suitable for relocation/transplanting. The following mitigation would apply:

BIO Mitigation No. 1. Mitigation for direct impacts to the western Joshua trees within the Project site will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit.

[18] RCA Associates, Inc. *Protected Plant Preservation Plan, City of Hesperia, APN 0410-051-11.* August 23, 2023.

3.5 CULTURAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				✖
B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		✖		
C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?			✖	

The cultural resources report is included in Appendix C.

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on cultural resources if it results in any of the following:

- The proposed project would cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.
- The proposed project would cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.
- The proposed project would disturb any human remains, including those interred outside of formal cemeteries.

Historic structures and sites are defined by local, State, and Federal criteria. A site or structure may be historically significant if it is locally protected through a General Plan or historic preservation ordinance. In addition, a site or structure may be historically significant according to State or Federal criteria even if the locality does not recognize such significance. To be considered eligible for the National Register, a property's significance may be determined if the property is associated with events, activities, or developments that were important in the past, with the lives of people who were important in the past, or represents significant architectural, landscape, or engineering elements. Specific criteria include the following:

- Districts, sites, buildings, structures, and objects that are associated with the lives of significant persons in or past;
- Districts, sites, buildings, structures, and objects that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or,
- Districts, sites, buildings, structures, and objects that have yielded or may be likely to yield, information important in history or prehistory.

Ordinarily, properties that have achieved significance within the past 50 years are not considered eligible for the National Register. However, such properties *will qualify* if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A religious property deriving primary significance from architectural or artistic distinction or historical importance;
- Districts, sites, buildings, structures, and objects that are associated with events that have made a significant contribution to the broad patterns of our history;
- A building or structure removed from its original location that is significant for architectural value, or which is the surviving structure is associated with a historic person or event;
- A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life;
- A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;
- A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;
- A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or,
- A property achieving significance within the past 50 years if it is of exceptional importance.[19]

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? ● No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet.

Mr. Orozco from BCR completed an archaeological records search using SCCIC records of California State University, Fullerton, for the current project. This archival research reviewed the status of all recorded historic and prehistoric cultural resources, and survey and excavation reports completed within the project site boundaries and within a one-mile radius of it. Additional resources reviewed included the National Register of Historic Places (National Register), the California Register, the Built Environmental Resource Directory (BERD), and documents and inventories published by the California Office of Historic Preservation. These include the lists of California Historical Landmarks, California Points of Historical Interest, Listing of National Register Properties, and the Inventory of Historic Structures. An intensive-level cultural resources field survey of the project site was conducted on May 2, 2024. The survey was

[19] U. S. Department of the Interior, National Park Service. National Register of Historic Places. http://nrhp.focus.nps.gov. 2010.

conducted by walking parallel transects spaced approximately 15 meters apart across the project site. Digital photographs were taken at various points within the project site.

Data from the South Central Coastal Information Center (SCCIC) revealed that 16 previous cultural resource studies have taken place, and four cultural resources has been identified within the one-mile research radius of the project site. None of the previous studies have assessed the project site and no cultural resources have been identified within its boundaries. During the field survey, BCR Consulting archaeologists identified no cultural resources (including historic-period or prehistoric archaeological sites, or historic-period architectural resources) of any kind within the project site boundaries. The project has been subject to severe artificial disturbances associated with offroad vehicle activity, discing, and installation of modern flood control culverts, and modern refuse dumping. Vegetation was characteristic of creosote scrubland and Joshua tree woodland habitats, which afforded surface visibility of 60 percent. Surficial sediments observed were chiefly composed of dry, brown sandy loam, with low levels of gravel. None of the previous studies have assessed the project site and no cultural resources have been identified within its boundaries. *As a result, no impacts would occur.*

B. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ● Less than Significant Impact with Mitigation.*

Data from the South Central Coastal Information Center (SCCIC) revealed that 16 previous cultural resource studies have taken place, and four cultural resources has been identified within the one-mile research radius of the project site. None of the previous studies have assessed the project site and no cultural resources have been identified within its boundaries. During the field survey, BCR Consulting archaeologists identified no cultural resources (including historic-period or prehistoric archaeological sites, or historic-period architectural resources) of any kind within the project site boundaries. The project has been subject to severe artificial disturbances associated with offroad vehicle activity, discing, and installation of modern flood control culverts, and modern refuse dumping. Vegetation was characteristic of creosote scrubland and Joshua tree woodland habitats, which afforded surface visibility of 60 percent. Surficial sediments observed were chiefly composed of dry, brown sandy loam, with low levels of gravel. None of the previous studies have assessed the project site and no cultural resources have been identified within its boundaries.

The current study attempted to determine whether significant archaeological deposits were present on the proposed project site. Although none were yielded during the records search and field survey, ground-disturbing activities have the potential to reveal buried deposits not observed on the surface. Prior to the initiation of ground-disturbing activities, field personnel should be alerted to the possibility of buried prehistoric or historic cultural deposits. In the event that field personnel encounter buried cultural materials, work in the immediate vicinity of the find should cease and a qualified archaeologist should be retained to assess the significance of the find. The qualified archaeologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist finds that any cultural resources present meet eligibility requirements for listing on the California Register or the

National Register of Historic Places (National Register), plans for the treatment, evaluation, and mitigation of impacts to the find will need to be developed. Prehistoric or historic cultural materials that may be encountered during ground-disturbing activities include: historic-period artifacts such as glass bottles and fragments, cans, nails, ceramic and pottery fragments, and other metal objects; historic-period structural or building foundations, walkways, cisterns, pipes, privies, and other structural elements; prehistoric flaked-stone artifacts and debitage (waste material), consisting of obsidian, basalt, and or cryptocrystalline silicates; groundstone artifacts, including mortars, pestles, and grinding slabs; dark, greasy soil that may

be associated with charcoal, ash, bone, shell, flaked stone, groundstone, and fire affected rocks; human remains. Since it is possible that previously unrecognized resources could exist at the site, the proposed project would be required to adhere to the following mitigation measures:

- In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted.
- If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment. 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 §7050.5 and that code enforced for the duration of the project.

The aforementioned mitigations will reduce the impacts to levels that are less than significant.

C. *Would the project disturb any human remains, including those interred outside of dedicated cemeteries? ● Less than Significant Impact.*

There are no dedicated cemeteries located in the vicinity of the project site. The proposed project will be restricted to the project site and therefore will not affect any dedicated cemeteries in the vicinity. Notwithstanding, the following mitigation is mandated by the California Code of Regulations (CCR) Section 15064.5(b)(4):

> "A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures."

Additionally, Section 5097.98 of the Public Resources Code states:

> "In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with (b) Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the

discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission."

Adherence to the aforementioned standard condition will ensure potential impacts remain at levels that are less than significant.

MITIGATION MEASURES

Since it is possible that previously unrecognized resources could exist at the site, the proposed project would be required to adhere to the following mitigation measures:

CUL Mitigation No. 1. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within **TCR Mitigation No. 1**, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

CUL Mitigation No. 2. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within **TCR Mitigation No. 1**. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

CUL Mitigation No. 3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

3.6 ENERGY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?		✖		
B. Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?			✖	

The energy and utilities worksheets are provided in Appendix D.

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on energy resources if it results in any of the following:

- The proposed project would result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during the proposed project's construction or operation.
- The proposed project would conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

Energy and natural gas consumption were estimated using default energy intensities by building type in CalEEMod. In addition, it was assumed the new buildings would be constructed pursuant to the 2022 CALGreen standards, which was considered in the CalEEMod inputs.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation? ● Less than Significant Impact with Mitigation.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. As shown in Table 3-3, the proposed project would consume approximately 1,049 kWh of electricity and 12,499 cubic feet of natural gas per day.

Table 3-3 Proposed Project's Energy Consumption

Energy Type	Daily Energy Consumption
Electrical Consumption	1,049 kWh/day
Natural Gas Consumption	12,499 Cu. Ft./day

Source: Blodgett Baylosis Environmental Planning

The project Applicant will be required to work closely with the local electrical utility company to identify existing and future strategies that will be effective in reducing energy consumption. The project Applicant will be required to implement the following mitigation measures as a means to reduce electrical consumption:

- The project must employ, as much as possible, the use of glass or translucent plastic materials on building roof and gables to allow natural daylight in work areas.
- The project must use motion activated lighting in the structural improvements to reduce energy use at night.

Adherence to the above-mentioned mitigations would reduce the impacts to levels that are less than significant.

B. *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? ● Less Than Significant Impact.*

On January 12, 2010, the State Building Standards Commission adopted updates to the California Green Building Standards Code (Code) which became effective on January 1, 2011. The California Code of Regulations (CCR) Title 24, Part 11: California Green Building Standards (Title 24) became effective to aid efforts to reduce GHG emissions associated with energy consumption. Title 24 now requires that new buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials. The proposed project will be required to comply with all pertinent Title 24 requirements along with other Low Impact Development (LID) requirements. *As a result, the potential impacts would be less than significant.*

MITIGATION MEASURES

The analysis determined that the following mitigation measures will be required to reduce potential energy consumption:

ENE Mitigation No. 1. The project must employ, as much as possible, the use of glass or translucent plastic materials on building roof and gables to allow natural daylight in work areas.

Since some operations and security functions may be carried out during non-daylight hours, an additional mitigation measure is suggested to reduce energy consumption during those times.

ENE Mitigation No. 2. The project must use motion activated lighting in the building to reduce energy use at night.

3.7 GEOLOGY & SOILS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project, directly or indirectly, cause potential substantial adverse effects, including the risk of loss, injury, or death involving.			✖	
i). Would the project, directly or indirectly, cause rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; Refer to Division of Mines and Geology Special Publication 42.			✖	
ii). Would the project, directly or indirectly, cause Strong seismic ground shaking?			✖	
iii). Would the project, directly or indirectly, cause seismic-related ground failure, including liquefaction;				✖
iv). Would the project, directly or indirectly, cause landslides?				✖
B. Would the project result in substantial soil erosion or the loss of topsoil?			✖	
C. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✖	
D. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			✖	
E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?				✖
F. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on geology and soils if it results in any of the following:

- The proposed project would, directly or indirectly, cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42); strong seismic ground shaking; seismic-related ground failure, including liquefaction; and, landslides?
- The proposed project would result in substantial soil erosion or the loss of topsoil.

- The proposed project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- The proposed project would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.
- The proposed project would 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.
- The proposed project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The proposed project's potential seismic and soils risk was evaluated in terms of the site's proximity to earthquake faults and unstable soils.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project, directly or indirectly, cause potential substantial adverse effects, including the risk of loss, injury, or death? ● Less than Significant Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. Surface ruptures are visible instances of horizontal or vertical displacement, or a combination of the two. The amount of ground shaking depends on the intensity of the earthquake, the duration of shaking, soil conditions, type of building, and distance from the epicenter or fault. The potential impacts from fault rupture and ground shaking are considered no greater for the project site than for the surrounding areas given the distance between the site and the fault trace. Other potential seismic issues include ground failure and liquefaction. Ground failure is the loss in stability of the ground and includes landslides, liquefaction, and lateral spreading. *As a result, the potential impacts would be less than significant.*

i). *Would the project, directly or indirectly, cause rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; Refer to Division of Mines and Geology Special Publication 42. ● Less than Significant Impact.*

The City of Hesperia is located in a seismically active region. Earthquakes from several active and potentially active faults in the Southern California region could affect the proposed project site. In 1972, the Alquist-Priolo Earthquake Zoning Act was passed in response to the damage sustained in the 1971 San Fernando Earthquake. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. A list of cities and counties subject to the Alquist-Priolo Earthquake Fault Zones is available on the State's Department of

Conservation website. The City of Hesperia is not on the list.[20] The nearest significant active fault zones are Cleghorn fault zone and the North Frontal thrust system, which are approximately 6 miles southeast of the project City.[21] Surface ruptures are visible instances of horizontal or vertical displacement, or a combination of the two. The amount of ground shaking depends on the intensity of the earthquake, the duration of shaking, soil conditions, type of building, and distance from epicenter or fault. The potential impacts from fault rupture and ground shaking are considered no greater for the project site than for the surrounding areas given the distance between the site and the fault trace. Other potential seismic issues include ground failure and liquefaction. Ground failure is the loss in stability of the ground and includes landslides, liquefaction, and lateral spreading. The project site is not located within a liquefaction zone.[22] According to the United States Geological Survey, liquefaction is the process by which water-saturated sediment temporarily loses strength and acts as a fluid. *As a result, the potential impacts would be less than significant.*

ii). *Would the project, directly or indirectly, cause strong seismic ground shaking. ● Less than Significant Impact.*

Surface ruptures are visible instances of horizontal or vertical displacement, or a combination of the two. The amount of ground shaking depends on the intensity of the earthquake, the duration of shaking, soil conditions, type of building, and distance from the epicenter or fault. The potential impacts from fault rupture and ground shaking are considered no greater for the project site than for the surrounding areas given the distance between the site and the fault trace. *As a result, the potential impacts are less than significant.*

iii). *Would the project, directly or indirectly, cause seismic-related ground failure, including liquefaction. ● No Impact.*

According to the United States Geological Survey, liquefaction is the process by which water-saturated sediment temporarily loses strength and acts as a fluid. The risk for liquefaction is no greater on-site than it is for the region. The project site and the City of Hesperia is located outside of a liquefaction zone.[23] *As a result, no impacts would occur.*

iv). *Would the project, directly or indirectly, cause landslides? ● No Impact.*

According to the United States Geological Survey, a landslide is defined as the movement of a mass of rock, debris, or earth down a slope. The project site is level with little to no slopes in the surrounding area. *As a result, no impacts would occur.*

B. *Would the project result in substantial soil erosion or the loss of topsoil? ● Less than Significant Impact.*

The University of California, Davis SoilWeb database was consulted to determine the nature of the soils that

[20] California Department of Conservation. *Table 4, Cities and Counties Affected by Alquist Priolo Earthquake Fault Zones as of January 2010.*

[21] California Department of Conservation. *Fault Activity Map of California.* https://maps.conservation.ca.gov/cgs/fam/

[22] California State Geoportal. *CGS Seismic Hazards Program: Liquefaction Zones.* February 11, 2022.

[23] Ibid.

underlie the project site. According to the University of California, Davis SoilWeb database, the property is underlain by soils of various associations including Bryman, Cajon, Mojave Variant, and Helendale and is classified as Bryman Loamy Fine Sand. Slopes range from 2 to 5 percent.[24] The proposed project's contractors will be required to adhere to specific requirements that govern wind and water erosion during site preparation and construction activities. Following development, a large portion of the project site would be paved over or landscaped. The project's construction will not result in soil erosion with adherence to those development requirements that restrict storm water runoff (and the resulting erosion) and require soil stabilization. In addition, stormwater discharges from construction activities that disturb one or more acres, or smaller sites disturbing less than one acre that are part of a common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program. Prior to initiating construction, contractors must obtain coverage under an NPDES permit, which is administered by the State. In order to obtain an NPDES permit, the project Applicant must prepare a Stormwater Pollution Prevention Plan (SWPPP). The County has identified sample construction Best Management Practices (BMPs) that may be included in the mandatory SWPPP. The use of these construction BMPs identified in the mandatory SWPPP will prevent soil erosion and the discharge of sediment into the local storm drains during the project's construction phase. *As a result, the impacts would be less than significant.*

C. *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? ● Less than Significant Impact.*

The proposed project's construction will not result in soil erosion since the project's contractors must implement the construction BMPs identified in the mandatory SWPPP. The BMPs will minimize soil erosion and the discharge of sediment off-site. Additionally, the project site is not located within an area that could be subject to landslides or liquefaction.[25] The soils that underlie the project site possess a low potential for shrinking and swelling. Soils that exhibit certain shrink swell characteristics become sticky when wet and expand according to the moisture content present at the time. Since the soils have a low shrink-swell potential, lateral spreading resulting from an influx of groundwater is slim. The likelihood of lateral spreading will be further reduced since the project's implementation will not require grading and excavation that would extend to depths required to encounter groundwater. Moreover, the project will not result in the direct extraction of groundwater. *As a result, the potential impacts would be less than significant.*

D. *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? ● Less than Significant Impact.*

According to the University of California, Davis SoilWeb database, the property is underlain by soils of various associations including Bryman, Cajon, Mojave Variant, and Helendale associations.[26] According to the U.S. Department of Agriculture, these soils are acceptable for the development of commercial and

[24] UC Davis. *SoilWeb*. Website accessed October 3, 2023.

[25] California State Geoportal. *CGS Seismic Hazards Program: Liquefaction Zones*. February 11, 2022.

[26] UC Davis. *SoilWeb*. Website accessed October 3, 2023.

industrial buildings.[27] *As a result, the impacts would be less than significant.*

E. *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater? ● No Impact.*

No septic tanks will be used as part of the proposed project's implementation. *As a result, no impacts would occur.*

F. *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ● No Impact*

The surface deposits in the proposed project area are composed entirely of younger Quaternary Alluvium. This younger Quaternary Alluvium is unlikely to contain significant vertebrate fossils, at least in the uppermost layers. The closest fossil vertebrate locality is LACM 7786, between Hesperia and the former George Air Force Base. This locality produced a fossil specimen of meadow vole, *Microtus*. The next closest vertebrate fossil locality from these deposits is LACM 1224, west of Spring Valley Lake, which produced a specimen of fossil camel, *Camelops*. Additionally, on the western side of the Mojave River below the bluffs, an otherwise unrecorded specimen of mammoth was collected in 1961 from older Quaternary Alluvium deposits. No significant new excavation or grading would occur. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis determined that the proposed project will not result in significant impacts related to geological or paleontological resources and no mitigation measures are required.

[27] United States Department of Agriculture. Natural Resources Conservation Service. Website accessed October 3, 2023.

3.8 GREENHOUSE GAS EMISSIONS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✖	
B. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✖	

The air quality and GHG worksheets are provided in Appendix A.

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on greenhouse gas emissions if it results in any of the following:

- The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- The proposed project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). The accumulation of GHG in the atmosphere regulates the earth's temperature. Without these natural GHG, the Earth's surface would be about 61°F cooler. However, emissions from fossil fuel combustion have elevated the concentrations of GHG in the atmosphere to above natural levels. These man-made GHG will have the effect of warming atmospheric temperatures with the attendant impacts of changes in the global climate, increased sea levels, and changes to the worldwide biome. The major GHG that influence global warming are described below.

- *Water Vapor*. Water vapor is the most abundant GHG present in the atmosphere. While water vapor is not considered a pollutant, while it remains in the atmosphere it maintains a climate necessary for life. Changes in the atmospheric concentration of water vapor is directly related to the warming of the atmosphere rather than a direct result of industrialization. As the temperature of the atmosphere rises, more water is evaporated from ground storage (rivers, oceans, reservoirs, soil). Because the air is warmer, the relative humidity can be higher (in essence, the air is able to "hold" more water when it is warmer), leading to more water vapor in the atmosphere. As a GHG, the higher concentration of water vapor is then able to absorb more thermal indirect energy radiated from the Earth, thus further warming the atmosphere. When water vapor increases in the atmosphere, more of it will eventually also condense into clouds, which are more able to reflect incoming solar radiation. This will allow less energy to reach the Earth's surface thereby affecting surface temperatures.
- *Carbon Dioxide (CO_2)*. The natural production and absorption of CO_2 is achieved through the terrestrial biosphere and the ocean. Manmade sources of CO_2 include the burning coal, oil, natural gas, and wood. Since the industrial revolution began in the mid-1700's, these activities have

increased the atmospheric concentrations of CO_2. Prior to the industrial revolution, concentrations were fairly stable at 280 parts per million (ppm). The International Panel on Climate Change (IPCC Fifth Assessment Report, 2014) Emissions of CO_2 from fossil fuel combustion and industrial processes contributed about 78% of the total GHG emissions increase from 1970 to 2010, with a similar percentage contribution for the increase during the period 2000 to 2010.

- *Methane (CH_4).* CH_4 is an extremely effective absorber of radiation, although its atmospheric concentration is less than that of CO_2. Methane's lifetime in the atmosphere is brief (10 to 12 years), compared to some other GHGs (such as CO_2, N_2O, and Chlorofluorocarbons (CFCs). CH_4 has both natural and anthropogenic sources. It is released as part of the biological processes in low oxygen environments, such as in swamplands or in rice production (at the roots of the plants). Over the last 50 years, human activities such as growing rice, raising cattle, using natural gas, and mining coal have added to the atmospheric concentration of methane. Other human-related sources of methane production include fossil-fuel combustion and biomass burning.
- *Nitrous Oxide (N_2O).* Concentrations of N_2O also began to increase at the beginning of the industrial revolution. In 1998, the global concentration of this GHG was documented at 314 parts per billion (ppb). N_2O is produced by microbial processes in soil and water, including those reactions which occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. It is also commonly used as an aerosol spray propellant.
- *Chlorofluorocarbons (CFC).* CFCs are gases formed synthetically by replacing all hydrogen atoms in methane or ethane (C_2H_6) with chlorine and/or fluorine atoms. CFCs are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the Earth's surface). CFCs have no natural source but were first synthesized in 1928. It was used for refrigerants, aerosol propellants, and cleaning solvents. Due to the discovery that they are able to destroy stratospheric ozone, a global effort to halt their production was undertaken and in 1989 the European Community agreed to ban CFCs by 2000 and subsequent treaties banned CFCs worldwide by 2010. This effort was extremely successful, and the levels of the major CFCs are now remaining level or declining. However, their long atmospheric lifetimes mean that some of the CFCs will remain in the atmosphere for over 100 years.
- *Hydrofluorocarbons (HFC).* HFCs are synthetic man-made chemicals that are used as a substitute for CFCs. Out of all the GHGs, they are one of three groups with the highest global warming potential. The HFCs with the largest measured atmospheric abundances are (in order), HFC-23 (CHF_3), HFC-134a (CF_3CH_2F), and HFC-152a (CH_3CHF_2). Prior to 1990, the only significant emissions were HFC-23. HFC-134a use is increasing due to its use as a refrigerant. Concentrations of HFC-23 and HFC-134a in the atmosphere are now about 10 parts per trillion (ppt) each. Concentrations of HFC-152a are about 1 ppt. HFCs are manmade and used for applications such as automobile air conditioners and refrigerants.
- *Perfluorocarbons (PFC).* PFCs have stable molecular structures and do not break down through the chemical processes in the lower atmosphere. High-energy ultraviolet rays about 60 kilometers above Earth's surface are able to destroy the compounds. Because of this, PFCs have very long lifetimes, between 10,000 and 50,000 years. Two common PFCs are tetrafluoromethane (CF_4) and hexafluoroethane (C_2F_6). Concentrations of CF_4 in the atmosphere are over 70 ppt. The two main sources of PFCs are primary aluminum production and semiconductor manufacturing.

- *Sulfur Hexafluoride (SF_6).* SF_6 is an inorganic, odorless, colorless, nontoxic, nonflammable gas. SF_6 has the highest global warming potential of any gas evaluated; 23,900 times that of CO_2. Concentrations in the 1990s where about 4 ppt. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.

The MDAQMD mass emissions threshold was previously 100,000 tons (90,720 metric tons (MT)) CO2E per year. The MDAQMD emission threshold is not recognized as a valid threshold, hence, the South Coast Air Quality Management District (SCAQMD) mass emission threshold would be used. The SCAQMD threshold for commercial land uses is 3,000 MTCO2E per year.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? ● Less than Significant Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet.

The State of California requires CEQA documents to include an evaluation of greenhouse gas (GHG) emissions or gases that trap heat in the atmosphere. GHG emissions are emitted by both natural processes and human activities. Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). Carbon dioxide equivalent, or CO_2E, is a term that is used for describing different greenhouses gases in a common and collective unit. The SCAQMD established the 3,000 MTCO2 threshold for commercial land uses. As indicated in Table 3-4, the operational CO2E is 460 metric tons per year, which is well below the threshold.

Table 3-4 Greenhouse Gas Emissions Inventory

Source	GHG Emissions (Metric tons/year)			
	CO2	CH4	N2O	CO2E
Total Operational Emissions	420	1.29	0.03	460
Total Construction Emissions	144	--	--	145
Significance Threshold				**3,000**

Source: CalEEMod V.2022.1.1.29

Furthermore, as mentioned in Section 3.17 Transportation, the projected vehicle trips to and from the site will not be significant given the proposed use. *As a result, the impacts would be less than significant.*

B. *Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases? ● Less than Significant Impact.*

The San Bernardino County Transit Authority (SBCTA) authorized the preparation of a county-wide Regional Greenhouse Gas Reduction Plan. This plan was adopted in March 2021. The plan contains multiple reduction measures that would be effective in reducing GHG emissions throughout the SBCTA

region. The lack of development in the immediate area may preclude residents from obtaining employment or commercial services within City boundaries, thus compelling residents to travel outside of City boundaries for employment and commercial services. It is important to note that the California Department of Transportation as well as the Counties of Los Angeles and San Bernardino are engaged in an effort to construct a multi-modal transportation corridor consisting of public transit, a new freeway, and bicycle lanes known as the High Desert Corridor (HDC). The aforementioned regional program will reduce potential GHG emissions related to excessive VMTs to levels that are less than significant.

Those Partnership jurisdictions, including Hesperia, choosing to complete and adopt local Climate Action Plans (CAPs) that are consistent with the County's GHG Reduction Plan and with the prior Regional Plan Program EIR and the addendum or supplemental CEQA document prepared by SBCOG will be able to tier their future project-level CEQA analyses of GHG emissions from their CAP. In 2010, the City of Hesperia completed a CAP. The City participated in this regional effort as a study to inform their decision to update or revise their existing CAP. As part of this effort, the City of Hesperia has selected a goal to reduce its community GHG emissions to a level that is 40% below its 2020 level of GHG emissions by 2030. The City will meet and exceed this goal subject to reduction measures that are technologically feasible and cost-effective through a combination of state (~70%) and local (~30%) efforts. The Pavley vehicle standards, the State's low carbon fuel standard, the RPS, and other state measures will reduce GHG emissions in Hesperia's on-road, off-road, and building energy sectors in 2030. An additional reduction of 110,304 $MTCO_2E$ will be achieved primarily through the following local measures, in order of reductions achieved: GHG Performance Standard for Existing Development (PS-1); Water Efficiency Renovations for Existing Buildings (Water-2); and Waste Diversion and Reduction (Waste-2). Hesperia's Plan has the greatest impacts on GHG emissions in the building energy, on-road transportation, and waste sectors. The proposed project will not involve or require any variance from an adopted plan, policy, or regulation governing GHG emissions. As a result, no potential conflict with an applicable greenhouse gas policy plan, policy, or regulation would occur. *As a result, the impacts would be less than significant.*

MITIGATION MEASURES

The analysis of potential impacts related to greenhouse gas emissions indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.9 HAZARDS & HAZARDOUS MATERIALS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✖	
B. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✖	
C. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✖	
D. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✖
E. Would the project 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?				✖
F. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✖
G. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on hazards and hazardous materials if it results in any of the following:

- The proposed project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- The proposed project would 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.
- The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- The proposed project would 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 create a significant hazard to the public or the environment.
- The proposed project would result in a safety hazard or excessive noise for people residing or working in the project area 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.

- The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- The proposed project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Hazardous materials refer generally to hazardous substances that exhibit corrosive, poisonous, flammable, and/or reactive properties and have the potential to harm human health and/or the environment. Hazardous materials are used in a wide variety of products (household cleaners, industrial solvents, paint, pesticides, etc.) and in the manufacturing of products (e.g., electronics, newspapers, plastic products). Hazardous materials can include petroleum, natural gas, synthetic gas, acutely toxic chemicals, and other toxic chemicals that are used in agriculture, commercial, and industrial uses; businesses; hospitals; and households. Accidental releases of hazardous materials can occur from a variety of causes, including highway incidents, warehouse fires, train derailments, shipping accidents, and industrial incidents.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ● Less than Significant Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages.

The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. These products are strictly controlled and regulated and in the event of any spill, cleanup activities would be required to adhere to all pertinent protocols. *As a result, the impacts will be less than significant.*

B. *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ● Less than Significant Impact.*

The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. As a result, the likelihood of encountering contamination or other environmental concerns is remote. *The impacts will be less than significant.*

C. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ● Less than Significant Impact.*

The nearest school is the LaVerne Elementary Preparatory Academy, located approximately 2,300 feet to the east. The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. These products are strictly controlled and regulated and in the event of any spill, cleanup activities would be required to adhere to all pertinent protocols. The Applicant will be required to prepare a safety and hazard mitigation plan that indicates those protocols that must be adhered to in the event of an accident. This plan will be reviewed and approved by the City prior to the issuance of the Occupancy Permit. As indicated in Subsection D, the project site is not listed in either the CalEPA's Cortese List or the Envirostor database. Underground storage tanks (USTs) will be provided. The chemicals that will be transported and stored on-site are regulated by the US EPA and the CalEPA. *The impacts would be less than significant.*

D. *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ● No Impact.*

Government Code Section 65962.5 refers to the Hazardous Waste and Substances Site List, commonly known as the Cortese List. The Cortese List is a planning document used by the State and other local agencies to comply with CEQA requirements that require the provision of information regarding the location of hazardous materials release sites. A search was conducted through the California Department of Toxic Substances Control Envirostor website to identify whether the project site is listed in the database as a Cortese site. The project site is not identified as a Cortese site.[28] *Therefore, no impacts would occur.*

D. *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 a public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? ● No Impact.*

The project site is not located within an airport land use plan and is not located within two miles of a public airport or public use airport.[29] The nearest airport to the site is the Hesperia Airport that is located approximately 3.9 miles to the southwest. The Southern California Logistics Airport is located approximately 11.4 miles to the northwest of the project site.[30] The project will not introduce any structures that will interfere with the approach and take off of airplanes utilizing any regional airports as the maximum height of any of the buildings is expected to be just over 10-feet.[31] *As a result, no impacts would occur.*

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[28] CalEPA. *DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List).* http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm.

[29] Toll-Free Airline. *San Bernardino County Public and Private Airports, California.* http://www.tollfreeairline.com/california/sanbernardino.htm.

[30] Google Maps. Website accessed October 04, 2023.

[31] The Austin Company. S5 Bickmore Hesperia. Site Plan. Sheet A100. May 06, 2024.

E. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ● No Impact.*

At no time will any adjacent street be completely closed to traffic during the proposed project's construction. In addition, all construction staging must occur on-site. *As a result, no impacts would occur.*

F. *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? ● No Impact.*

The project site, along with the entire City is located within a "moderate fire hazard severity zone" and Local Responsibility Area (LRA).[32] The vegetation currently on the project site will be removed and replaced with drought tolerant landscaping. The minimal amount of vegetation on the project site will not expose people or structures to a risk of loss involving wildfires. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis of potential impacts related to Hazards and Hazardous Materials indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

[32] CalFire. *Very High Fire Hazard Severity Zone Map for SW San Bernardino County*. http://frap.fire.ca.gov/webdata/maps/san_bernardino_sw/

3.10 HYDROLOGY & WATER QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			✖	
B. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✖	
C. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			✖	
i). Would the project result in substantial erosion or siltation on- or off-site;			✖	
ii). Would the project substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site.			✖	
iii). Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			✖	
iv). Would the project impede or redirect flood flows?			✖	
E. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on hydrology and water quality if it results in any of the following:

- The proposed project would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.
- The proposed project would substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
- The proposed project would 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; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows.
- The proposed project would risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.

- The proposed project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? ● Less than Significant Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Parking areas would be located to the eastern and southern portions of the site. A total of 73 parking spaces would be provided including 63 standard parking spaces, 2 truck parking spaces, 4 EV standard parking spaces, 2 ADA compliant parking spaces and 2 ADA compliant EV parking spaces. Landscaping would total 36,387 square feet.

In its existing condition, the proposed project site is undeveloped, disturbed land. The project Applicant will be required to adhere to Section 8.30 Surface and Groundwater Protection of the Municipal Code which regulates erosion and sediment control. In addition, stormwater discharges from construction activities that disturb one or more acres, or smaller sites disturbing less than one acre that are part of a common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program. *As a result, the impacts would be less than significant.*

B. *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? ● Less than Significant Impact.*

No new direct construction related impacts to groundwater supplies, or groundwater recharge activities would occur as part of the proposed project's implementation. Water used to control fugitive dust will be transported to the site via truck. No direct ground water extraction would occur. Furthermore, the construction and post-construction BMPs will address contaminants of concern from excess runoff, thereby preventing the contamination of local groundwater. As a result, there would be no direct groundwater withdrawals associated with the proposed project's implementation. *As a result, the impacts would be less than significant.*

C. *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces? ● Less than Significant Impact.*

The proposed project's location will be restricted to the proposed project site and would not alter the course of any stream or river that would lead to on- or off-site siltation or erosion. The site is presently undeveloped though there are no stream channels or natural drainages that occupy the property. The site would be designed so the proposed hardscape surfaces (the building and paved areas) will percolate into the landscaped and other impervious areas. *As a result, the potential impacts would be less than significant.*

i). *Would the project result in a substantial erosion or siltation on- or off-site; ● Less than Significant Impact.*

The project applicant will be required to abide by Hesperia's City Ordinance Chapter 8.30.210 that requires all applicants for projects involving construction activities, regardless of size, to submit an Erosion and Sediment Control Plan ("ESCP") to the City for review and approval as mentioned in subsection A. *With conformance to the ordinance, the impacts would be less than significant.*

ii). *Would the project result substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; ● Less than Significant Impact.*

The project's construction will be restricted to the designated project site and the project will not alter the course of any stream or river that would lead to flooding. Impervious surface will be added to the currently undisturbed project site. *As a result, the impacts would be less than significant.*

iii). *Would the project 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; ● Less than Significant Impact.*

As mentioned previously, impervious surface will be added to the currently largely undisturbed project site. Landscaping would total 36,387 square feet. This landscaping would be located along the "E" Avenue frontages. The proposed project will have Infiltration Trenches along "E" Avenue to retain the necessary DCV, Design Capture Volume, per the WQMP requirements. *As a result, the impacts would be less than significant.*

iv). *Would the project impede or redirect flood flows? ● Less than Significant Impact.*

The proposed project's location will be restricted to the proposed project site and will not alter the course of any stream or river that would lead to on- or off-site siltation or erosion. The site is presently undeveloped though there are no stream channels or natural drainages that occupy the property. Landscaping would total 5,993 square feet and would be located along the Lemon Street and "E" Avenue frontages. The proposed project will have Infiltration Trenches along 'E' Ave. to retain the necessary DCV, Design Capture Volume, per the WQMP requirements. *As a result, the potential impacts would be less than significant.*

D. *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? ● No Impact.*

According to the Federal Emergency Management Agency (FEMA) flood insurance maps obtained for the City of Hesperia, the proposed project site is not located in a Flood Hazard zone.[33] The proposed project site is also not located in an area that is subject to inundation by seiche or tsunami. In addition, the project site is located inland approximately 65 miles from the Pacific Ocean and the project site would not be exposed to the effects of a tsunami.[34] *As a result, no impacts would occur.*

[33] Federal Emergency Management Agency. *Flood Insurance Rate Mapping Program*. 2021.

[34] Google Earth. Website accessed October 04, 2023.

E. *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? ● No Impact.*

The project Applicant will be required to adhere to Section 8.30 Surface and Groundwater Protection of the Municipal Code which regulates erosion and sediment control. This Section of the City of Hesperia Municipal Code is responsible for implementing the NPDES and MS4 stormwater runoff requirements. In addition, the project's operation will not interfere with any groundwater management or recharge plan because there are no active groundwater management recharge activities on-site or in the vicinity. *As a result, no impacts would occur.*

MITIGATION MEASURES

As indicated previously, hydrological characteristics will not substantially change as a result of the proposed project. As a result, no mitigation is required.

3.11 LAND USE & PLANNING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project physically divide an established community?				✖
B. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, acting as Lead Agency, a project may be deemed to have a significant adverse impact on mineral resources if it results in any of the following:

- The proposed project would physically divide an established community.
- The proposed project would 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.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project physically divide an established community? ● No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet.

The proposed project site is located on a 5.22-acre site that is currently vacant. Current conditions on the property include a desert scrub community showing signs of human disturbances. The biological resources on the site consist of a desert scrub community typical of the area with creosote bush (*Larrea tridentata*), white-bursage (*Ambrosia dumosa*), kelch grass (*Schismus barbatus*), flatspine bur ragweed (*Ambrosia acanthicarpa*), Joshua tree (*Yucca brevifolia*), rubber rabbitbrush (*Ericameria nauseosa*) and silver cholla (*Cylindropuntia echinocarpa*) observed on the site.[35] The project site is located within the Mainstreet / Freeway Corridor Specific Plan (MSFC-SP). The project site's Land use and Zoning Designation is *General Industrial* (GI).[36] Land uses and development located in the vicinity of the proposed project site are outlined below:

[35] RCA Associates, Inc. *Protected Plant Preservation Plan, City of Hesperia, APN 0410-051-11*. August 23, 2023.

[36] City of Hesperia. *General Plan Land Use*. October 5, 2023.

- *North of the project site:* Mojave Street extends along the project site's north side. An industrial development, Classic Collision, is located on the north side of the aforementioned street at 10180 E Avenue. The Land Use and Zoning for this area is *General Industrial* (GI).
- *West of the project site:* Abutting the project site to the west, is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI).
- *South of the project site:* Abutting the project site to the south is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI)
- *East of the project site:* "E" Avenue extends along the project site's east side. Further east, on the east side of "E" Avenue, is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI).[37]

The granting of the requested entitlements and subsequent construction of the proposed project will not result in any expansion of the use beyond the current boundaries. As a result, the project will not lead to any division of an existing established neighborhood. *As a result, no impacts would occur.*

B. *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? ● No Impact.*

The project site is located within the Mainstreet / Freeway Corridor Specific Plan (MSFC-SP). The project site's Land use and Zoning Designation is *General Industrial* (GI). According to the Hesperia General Plan, Industrial districts are appropriate for areas having or planned to have adequate sanitation, water, transportation, drainage, utilities, and public services available to meet the needs of this type of development. The industrial designations are not intended for general commercial uses, either of a retail or service nature that will attract non-industrial users, vehicular traffic, or incompatible uses into the industrial area. When possible, industrial areas should be separated from single family residential areas by commercial or multiple family residential designations, natural or manmade barriers such as drainage courses, utility easements, railroad tracks, or major arterials. Adequate land use and design buffers to mitigate impacts of truck traffic, noise, emissions, dust, and other potential land use conflicts must be addressed through the design review process within the Industrial designations.

The *General Industrial (GI)* designation is intended to permit the establishment of manufacturing and related uses within the city in areas which are protected from encroachment by incompatible residential uses. This designation permits the heaviest types of manufacturing and industrial uses with approval of a site plan or conditional use permit. Manufacturing, warehousing, and fabrication uses are all appropriate for this designation. Development within the General Industrial designation should occur at a Floor Area Ratio (FAR) not to exceed 1.0. The proposed project is consistent with the above General Plan guidelines. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis determined that no impacts on land use and planning would result upon the implementation of the proposed project. As a result, no mitigation measures are required.

[37]City of Hesperia. *General Plan Land Use*. October 5, 2023.

3.12 MINERAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✖
B. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, acting as Lead Agency, a project may be deemed to have a significant adverse impact on mineral resources if it results in any of the following:

- The proposed project would physically divide an established community.
- The proposed project would 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.

The Surface Mining and Reclamation Act of 1975 (SMARA) has developed mineral land classification maps and reports to assist in the protection and development of mineral resources. According to the SMARA, the following four mineral land use classifications are identified:

- *Mineral Resource Zone 1 (MRZ-1):* This land use classification refers to areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.
- *Mineral Resource Zone 2 (MRZ-2):* This land use classification refers to areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists.
- *Mineral Resource Zone 3 (MRZ-3):* This land use classification refers to areas where the significance of mineral deposits cannot be evaluated from the available data. Hilly or mountainous areas underlain by sedimentary, metamorphic, or igneous rock types and lowland areas underlain by alluvial wash or fan material are often included in this category. Additional information about the quality of material in these areas could either upgrade the classification to MRZ-2 or downgrade it to MRZ-1.
- *Mineral Resource Zone 4 (MRZ-4):* This land use classification refers to areas where available information is inadequate for assignment to any other mineral resource zone.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ● No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet.

A review of California Division of Oil, Gas, and Geothermal Resources well finder indicates that there are no wells located in the vicinity of the project site.[38] The project site is not located in a Significant Mineral Aggregate Resource Area (SMARA) nor is it located in an area with active mineral extraction activities.[39] As indicated previously, the site is developed and there are no active mineral extraction activities occurring on-site or in the adjacent properties. *As a result, no impacts would occur.*

B. *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ● No Impact.*

As previously mentioned, no mineral, oil, or energy extraction and/or generation activities are located within the project site. Moreover, the proposed project will not interfere with any resource extraction activity. *Therefore, no impacts would occur.*

MITIGATION MEASURES

The analysis of potential impacts related to mineral resources indicated that no significant adverse impacts would result from the approval of the proposed project and its subsequent implementation. As a result, no mitigation measures are required.

[38] California, State of. Department of Conservation. California *Oil, Gas, and Geothermal Resources Well Finder*. *https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-117.41448/34.56284/14*.
[39] California Department of Conservation. *Mineral Land Classification Map for the Hesperia Quadrangle*. Map accessed October 04, 2023.

3.13 NOISE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		✖		
B. Would the project result in generation of excessive ground borne vibration or ground borne noise levels?			✖	
C. For a project located within the vicinity of a private airstrip or- an airport land use plan, or where such a plan has not been adopted, within 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?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on noise if it results in any of the following:

- The proposed project would 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.
- The proposed project would result in the generation of excessive ground borne vibration or ground borne noise levels.
- For a proposed 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?

Noise levels may be described using a number of methods designed to evaluate the "loudness" of a particular noise. The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans. The eardrum may rupture at 140 dB. In general, an increase of between 3.0 dB and 5.0 dB in the ambient noise level is considered to represent the threshold for human sensitivity. Noise level increases of 3.0 dB or less are not generally perceptible to persons with average hearing abilities. The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? ● Less than Significant Impact with Mitigation.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Parking areas would be located to the eastern and southern portions of the site. A total of 73 parking spaces would be provided including 63 standard parking spaces, 2 truck parking spaces, 4 EV standard parking spaces, 2 ADA compliant parking spaces and 2 ADA compliant EV parking spaces. Landscaping would total 36,387 square feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. The project would consist of 9 truck dock doors including 3 raised doors and 1 ground level door along the north elevation of Warehouse 1 and 4 raised doors and 1 ground level door along the south elevation of Warehouse 2. Truck maneuvering area would be located opposite the receiving docks and west of the two buildings. Vehicular access to the site would include one entrance for employees and patrons only and 2 entrances for trucks only. The 30 feet wide employee and patron vehicular access would be located east of the site in connection with E avenue. The 30 feet wide truck only entrances are located northwest and southeast corner of the project site. All three entrances are guarded by a security gate fence. For safety and security, screen walls in addition to combo walls consisting of masonry and wrought iron will surround the entire project site.

The maximum noise level allowed by Hesperia's code of ordinances is 65 dB during any time period. The major source of noise in the City of Hesperia and the project area is vehicular traffic. The level of vehicular traffic noise varies with many factors, including traffic volume, vehicle mix (truck percentage), traffic speed, and distance from the roadway. Other sources of noise include railroad, aircraft, industrial and commercial activity, and construction. The following noise standards are located within the City of Hesperia Municipal Code, Section 16.20.125: A. Noise Measurement. For the *General Industrial (GI)* zone, the 65 dB represents the noise standard for the zone. In addition, as stated within the City of Hesperia Municipal Code Section 16.20.125, no person shall operate or cause to be operated any source of sound at any location or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed:

- The noise standard for the receiving land use (as specified in subsection (B)(1) of this section) for a cumulative period of more than thirty (30) minutes in any hour; or
- The noise standard plus five dB(A) for a cumulative period of more than fifteen (15) minutes in any hour; or
- The noise standard plus ten dB(A) for a cumulative period of more than five minutes in any hour; or
- The noise standard plus fifteen (15) dB(A) for a cumulative period of more than one minute in any hour; or

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

To ensure the project's potential noise impacts are mitigated, the following mitigation measures must be implemented:

- The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise during construction.

Adherence to the aforementioned mitigation measures will reduce the potential noise impacts to levels that are less than significant.

B. *Would the project result in generation of excessive ground-borne vibration or ground-borne noise levels? ● Less than Significant Impact.*

The nearest noise sensitive use is the Laverne Elementary School Preparatory Academy that is located approximately 2,300 feet to the east of the site. The construction of the proposed project will result in the generation of vibration and noise, though the vibrations and noise generated during the project's construction will not adversely impact the nearby sensitive receptors. The background vibration velocity level in residential areas is usually around 50 vibration velocity level (VdB). The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity of 75 VdB is the approximately dividing line between barely perceptible and distinctly perceptible levels for many people. Sources within buildings such as operation of mechanical equipment, movement of people, or the slamming of doors causes most perceptible indoor vibration. Construction activities may result in varying degrees of ground vibration, depending on the types of equipment, the characteristics of the soil, and the age and construction of nearby buildings.

The operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Ground vibrations associated with construction activities using modern construction methods and equipment rarely reach the levels that result in damage to nearby buildings though vibration related to construction activities may be discernible in areas located near the construction site. A possible exception is in older buildings where special care must be taken to avoid damage. The U.S. Department of Transportation (U.S. DOT) has guidelines for vibration levels from construction related to their activities and recommends that the maximum peak-particle-velocity (PPV) levels remain below 0.05 inches per second at the nearest structures. PPV refers to the movement within the ground of molecular particles and not surface movement. Vibration levels above 0.5 inches per second have the potential to cause architectural damage to normal dwellings. The U.S. DOT also states that vibration levels above 0.015 inches per second (in/sec) are sometimes perceptible to people, and the level at which vibration becomes an irritation to people is 0.64 inches per second.

Typical levels from vibration generally do not have the potential for any structural damage. Some construction activities, such as pile driving and blasting, can produce vibration levels that may have the potential to damage some vibration sensitive structures if performed within 50 to 100 feet of the structure. The reason that normal construction vibration does not result in structural damage has to do with several issues, including the frequency vibration and magnitude of construction related vibration. Unlike earthquakes, which produce vibration at very low frequencies and have a high potential for structural damage, most construction vibration is in the mid- to upper- frequency range, and therefore has a lower potential for structural damage.

The project's implementation will not require deep foundations since the underlying fill soils will be removed and the height of the proposed buildings will be limited. The new building would be constructed over a shallow foundation that will extend no more than three to four feet below ground surface (bgs). The use of shallow foundations precludes the use of pile drivers or any auger type equipment. However, other vibration generating equipment may be used on-site during construction. As stated above, the project will require the use of excavators, loaders, bulldozers, and haul trucks.

Once operational, the proposed project would not generate excessive ground-borne noise because the project will not require the use of equipment capable of creating ground-borne noise. The building would be used as an office and warehouse. The project will be required to adhere to all pertinent City noise control regulations. In addition, the cumulative traffic associated with the proposed project will not be great enough to result in a measurable or perceptible increase in traffic noise (it typically requires a doubling of traffic volumes to increase the ambient noise levels to 3.0 dBA or greater). *As a result, the impacts would be less than significant.*

C. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? ● No Impact.*

The project site is not located within an airport land use plan and the nearest airport to the site is the Hesperia Airport that is located approximately 3.9 miles to the southwest. The proposed use is not considered to be a sensitive receptor. As a result, the proposed project will not expose people residing or working in the project area to excessive noise levels related to airport uses. *As a result, no impacts would occur.*

MITIGATION MEASURES

The following mitigation will be required in order to further reduce construction noise:

NOI Mitigation No. 1. The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.

3.14 POPULATION & HOUSING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✖
B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on population and housing if it results in any of the following:

- The proposed project would induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- The proposed project would displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? ● No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. Growth-inducing impacts are generally associated with the provision of urban services to an undeveloped or rural area. Growth-inducing impacts include the following:

- *New development in an area presently undeveloped and economic factors which may influence development*. The site is currently undeveloped though it has been disturbed. The proposed use is consistent with the *General Industrial (GI)* zone.
- *Extension of roadways and other transportation facilities.* Future roadway and infrastructure connections will serve the proposed project site only.
- *Extension of infrastructure and other improvements*. The installation of any new utility lines will not lead to subsequent offsite development since these utility connections will serve the site only.

- *Major off-site public projects (treatment plants, etc.).* The project's increase in demand for utility services can be accommodated without the construction or expansion of landfills, water treatment plants, or wastewater treatment plants.
- *The removal of housing requiring replacement housing elsewhere.* The site does not contain any housing units. As a result, no replacement housing will be required.
- *Additional population growth leading to increased demand for goods and services.* The project will result in an increase in employment. The proposed project is anticipated to employ 10 to 20 individuals onsite at any given time. The onsite employees' functions are limited to business transactions, site maintenance, and equipment operations/maintenance. This number of new employees can be accommodated by the local labor market.
- *Short-term growth-inducing impacts related to the project's construction.* The project will result in temporary employment during the construction phase.

The proposed project will utilize existing roadways and infrastructure. The proposed project will not result in any unplanned growth. *As a result, no impacts would occur.*

B. *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? ● No Impact.*

The project site is vacant and ungraded. The project site is located within the Mainstreet / Freeway Corridor Specific Plan (MSFC-SP). The project site's Land use and Zoning Designation is *General Industrial* (GI).[40] No housing units will be permitted, and none will be displaced as a result of the proposed project's implementation. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis of potential population and housing impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

[40] City of Hesperia. *General Plan Land Use.* October 5, 2023.

3.15 PUBLIC SERVICES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
i). Would the project result in substantial adverse physical impacts associated with Fire protection?			✖	
ii). Would the project result in substantial adverse physical impacts associated with Police protection?			✖	
iii). Would the project result in substantial adverse physical impacts associated with Schools?			✖	
iv). Would the project result in substantial adverse physical impacts associated with Parks?			✖	
v). Would the project result in substantial adverse physical impacts associated with Other public facilities?			✖	

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on public services if it results in any of the following:

- The proposed project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks or other public facilities.

ANALYSIS OF ENVIRONMENTAL IMPACTS

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

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level

with a maximum height of approximately 41 feet. Parking areas would be located to the eastern and southern portions of the site.

i). *Would the project result in substantial adverse physical impacts associated with fire protection? ● Less than Significant Impact.*

The City of Hesperia and the sphere of influence are served by the San Bernardino County Fire Department. Currently there are five fire stations within the City of Hesperia, Stations 301, 302, 303, 304, and 305. In addition, there are two stations outside of the City, which include Stations 22 and 23. The proposed project would only place an incremental demand on fire services since the project will be constructed with strict adherence to all pertinent building and fire codes. In addition, the proposed project would be required to implement all pertinent Fire Code Standards. Furthermore, the project will be reviewed by City and County building and fire officials to ensure adequate fire service and safety. *As a result, the impacts would be less than significant.*

ii). *Would the project result in substantial adverse physical impacts associated with police protection? ● Less than Significant Impact.*

Law enforcement services within the City are provided by the San Bernardino County Sheriff's Department which serves the community from one police station. The San Bernardino County Sheriff's Department provides police protection and crime prevention services for the City of Hesperia and its sphere of influence on a contractual basis. The Hesperia Police Department is located at 15840 Smoke Tree Street Amargosa Road approximately 1.62 miles to the southwest of the project site. This station is adjacent to the City Hall and Library, surrounding the Hesperia Civic Plaza. The primary potential security issues will be related to vandalism and potential burglaries during off-business hours. The project Applicant must install security cameras throughout the project site. *As a result, the impacts would be less than significant.*

iii). *Would the project result in substantial adverse physical impacts associated with schools? ● Less than Significant Impact.*

The Hesperia Unified School District (HUSD) is the largest school district in the high desert, covering nearly 160 square miles, serving approximately 21,000 students (K–12) on 26 separate campuses. The nearest school to the project site is the La Verne Elementary Preparatory Academy approximately 2,300 feet east of the site. Due to the nature of the proposed project (an industrial use), no direct enrollment impacts regarding school services would occur. The proposed project will not directly increase demand for school services. *As a result, the impacts on school-related services would be less than significant.*

iv). *Would the project result in substantial adverse physical impacts associated with parks? ● Less than Significant Impact.*

The Hesperia Recreation and Park District (HRPD) is an independent special district within the County of San Bernardino. HRPD was created in 1957 to meet the recreational needs of the community and encompasses approximately 100 square miles, including the 75 square miles within the City of Hesperia and much of the Sphere of Influence. HRPD constructs and maintains parks, recreation facilities, retention basins, Landscape Maintenance Districts, streetlights, and other recreational services and programs to the

community. The nearest park to the project site is Live Oak Park located 3,500 feet to the southeast of the project site. The proposed project would not result in any local increase in residential development (directly or indirectly) which could potentially impact the local recreational facilities. *As a result, the impacts would be less than significant.*

v). *Would the project result in substantial adverse physical impacts associated with other public facilities? ● Less than Significant Impact.*

The proposed project would not create direct local population growth which could potentially create demand for other governmental services. *As a result, l ess than significant impacts will result from the proposed project's implementation.*

MITIGATION MEASURES

The analysis of public service impacts indicated that no significant adverse impacts are anticipated, and no mitigation is required with the implementation of the proposed project.

3.16 RECREATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✖
B. Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on recreation if it results in any of the following:

- The proposed project would 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.

- The proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? • No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet.

The Hesperia Recreation and Park District (HRPD) is an independent special district within the County of San Bernardino. HRPD was created in 1957 to meet the recreational needs of the community and encompasses approximately 100 square miles, including the 75 square miles within the City of Hesperia and much of the Sphere of Influence. HRPD constructs and maintains parks, recreation facilities, retention basins, Landscape Maintenance Districts, streetlights, and other recreational services and programs to the community. No parks are located adjacent to the site. The nearest park to the project site is Live Oak Park located 3,500 feet to the southeast of the project site. The proposed project would not result in any

improvements that would potentially significantly physically alter any public park facilities and services. *As a result, no impacts would occur.*

B. *Would the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? ● No Impact.*

As previously indicated, the implementation of the proposed project would not affect any existing parks and recreational facilities in the City. No such facilities are located adjacent to the project site. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis of potential impacts related to parks and recreation indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.17 TRANSPORTATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project conflict with a plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			✖	
B. Conflict or be inconsistent with CEQA Guidelines §15064.3 subdivision (b)?			✖	
C. 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)?			✖	
D. Would the project result in inadequate emergency access?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on transportation and circulation if it results in any of the following:

- The proposed project would conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
- The proposed project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).
- The proposed project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- The proposed project would result in inadequate emergency access.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project conflict with a program, plan, or ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? • Less than Significant Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet.

A total of 73 parking spaces would be provided including 65 standard parking spaces, 4 EV standard parking spaces, 2 ADA compliant parking spaces and 2 ADA compliant EV parking spaces. Landscaping would total 36,387 square feet. The project would consist of 10 truck dock doors including 4 raised doors and 1 ground level door along the north elevation of Warehouse 1 and 4 raised doors and 1 ground level door along the

south elevation of Warehouse 2. Truck maneuvering area would be located opposite the receiving docks of the two buildings. Vehicular access to the site would include one entrance for employees and patrons and two entrances for trucks only. The 30 feet wide employee and patron vehicular access would be located east of the site in connection with E Avenue. The 30 feet wide truck only entrances are located northwest and southeast corner of the project site. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. All three entrances are guarded by a security gate fence.

Trip generation estimates for the project were developed using the trip rates contained in the Institute of Transportation Engineers' (ITE) Trip Generation, 11th Edition based on Warehouse Land use category (ITE Code 150). This ITE information was used to estimate existing and future traffic generated and this information is summarized in Table 3-5. As indicated in Table 3-5, the future project is anticipated to generate approximately 265 daily trips, with approximately 27 trips occurring during the AM peak hour, and 27 trips occurring during the PM peak hour.

Table 3-5 Trip Generation

Use	Gross Floor Area (KSF)	Daily	AM Peak Hour of Adjacent Street Traffic			PM Peak Hour of Adjacent Street Traffic		
			In	out	Total	In	Out	Total
Warehouse (ITE Land Use Category 150)	79.778	**Vehicle Trip Generation Rates (Trips per 1,000 Square Feet of Gross Floor Area)**						
		2.36	0.18	0.06	0.24	0.07	0.17	0.24
		Total Vehicle Trip Generation						
		188	14	5	19	6	14	19
	Mode Share	**Total Project Trip Generation by Vehicle Type**						
Passenger Cars (Percent of Total)	74.21%	140	11	4	14	4	10	14
2-Axle Trucks (Percent of Total)	4.55%	9	1	0	1	0	1	1
3-Axle Trucks (Percent of Total)	4.18%	8	1	0	1	0	1	1
4-Axle Trucks (Percent of Total)	17.04%	32	2	1	3	1	2	3
	PCE Factor	**Total Project Trip Generation in Passenger Car Equivalents (PCE)**						
Passenger Cars	1.0	140	11	4	14	4	10	14
2-Axle Trucks	1.5	13	1	0	1	0	1	1
3-Axle Trucks (Percent of Total)	2.0	16	1	0	2	0	1	2
4+Axle Trucks (Percent of Total)	3.0	96	7	2	10	3	7	10
Total		**265**	20	7	**27**	8	19	**27**

Source: Institute of Transportation Engineers. *Trip Generation Manual 11th Edition.*

As indicated in Table 3-5, the future project is anticipated to generate approximately 265 daily PCE trips, with approximately 27 trips occurring during the AM peak hour, and 27 trips occurring during the PM peak hour. *Therefore, the potential impacts are anticipated to be less than significant.*

B. *Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b)? • Less than Significant Impact.*

VMT is defined as a measurement of miles traveled by vehicles in a certain region for a specified time period. VMT measures the use and efficiency of the transportation network within that region and is calculated from individual vehicle trips generated and their associated trip lengths. VMT accounts for two-way (round-trip) travel and is often estimated for a typical weekday for the purpose of measuring transportation impacts. After the signing of Senate Bill 743 (SB 743) in September 2013, the process of analyzing transportation impact under CEQA was significantly revised. SB 743 became a law effective July 1, 2020, and identifies VMT as the most appropriate CEQA transportation metric. The City's TIA Guidelines include VMT screening criteria, guidelines, and thresholds for analyzing transportation impacts under CEQA. The Guidelines state that a project needs to satisfy only one of the criteria below to be exempt from further VMT analysis.

1. The project is located within a Transit Priority Area (TPA).
2. The project is located in a low VMT generating area.
3. Project Type Screening (the project generates fewer than 110 daily vehicle trips or is considered a local-serving land use)

The applicability of each criterion to the project is discussed below.

- *Screening Criteria 1* - Transit Priority Area Screening: According to the City's guidelines, projects located in a TPA may be presumed to have a less than significant impact. This presumption may not be appropriate if the project;

  1. Has a Floor Area Ratio (FAR) of less than 0.75;

  2. Includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking);

  3. Is it inconsistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Planning Organization); or

  4. Replaces affordable residential units with a smaller number of moderate- or high-income residential units.

  A TPA is defined as a half-mile around an existing major transit stop or an existing stop along a high-quality transit corridor. Per Public Resources Code Section 21064.3, a major transit stop refers to a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. Per Public Resources Code Section 21155, a high-quality transit corridor is defined as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. The

proposed project is located approximately 2,800 feet and 2,900 feet from a major transit stop, the Victor Valley Transit Center. In addition, Line 66 extends northerly on E Avenue from the aforementioned station. The proposed project has a floor area ratio of 0.354 which is less than the limit of 0.75 FAR. Although the proposed project does not meet the FAR criteria, the proposed project is consistent with all other applicable City TIA guidelines and City standards. Therefore, the proposed project meets the criteria for Transit Priority Area Screening and can be screened from further VMT analysis.

- *Screening Criteria 2* - Low VMT Area Screening: The City's guidelines include a screening threshold for projects located in a low VMT generating area. Low VMT generating area is defined as traffic analysis zones (TAZs) with a total daily VMT/Service Population (employment plus population) that is less than the current County of San Bernardino VMT/Service Population (noted to be 32.7 in the guidelines). The project's site was evaluated using the SBCTA VMT Screening Tool (SBCTA VMT Screening Tool (arcgis.com)). According to the results of the online tool, the Countywide VMT/Service Population of the project TAZ is higher than the County average. Therefore, the project would not meet Screening Criteria 2 – Low-VMT Area Screening.

- *Screening Criteria 3* –Project Type: According to the City's guidelines, projects which generate fewer than 110 daily vehicle trips, propose local serving retail (retail projects less than 50,000 square feet) or other local serving uses would have a less than significant impact on VMT. As shown in Table 1, the project would generate more than 110 daily trips and would have more than 50,000 square foot in floor area. The proposed project does not meet this screening criterion.

Because the project would meet Screening Criteria 1 – Transit Priority Area Screening, the project's impact on VMT would be considered less than significant and an analysis of VMT would not be required. As a result, the project will not result in a conflict or be inconsistent with Section 15064.3 subdivision (b) of the CEQA Guidelines. *As a result, the potential impacts will be less than significant.*

C. *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ● Less than Significant Impact.*

The project would consist of 10 truck dock doors including 4 raised doors and 1 ground level door along the north elevation of Warehouse 1 and 4 raised doors and 1 ground level door along the south elevation of Warehouse 2. Truck maneuvering area would be located opposite the receiving docks of the two buildings. Vehicular access to the site would include one entrance for employees and patrons and two entrances for trucks only. The 30 feet wide employee and patron vehicular access would be located east of the site in connection with "E" Avenue. The 30 feet wide truck only entrances are located northwest and southeast corner of the project site. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. All three entrances are guarded by a security gate fence. As indicated in Table 3-5, the future project is anticipated to generate approximately 265 daily PCE trips, with approximately 27 trips occurring during the AM peak hour, and 27 trips occurring during the PM peak hour. *As a result, the potential impacts will be less than significant.*

D. *Would the project result in inadequate emergency access? ● Less than Significant Impact.*

The proposed project would not affect emergency access to any adjacent parcels. At no time during construction will the adjacent public street be completely closed to traffic. All construction staging must

occur on-site. *As a result, the impacts would be less than significant.*

MITIGATION MEASURES

The analysis determined that the traffic impacts would be less than significant. As a result, no mitigation was required.

3.18 TRIBAL CULTURAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code 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:		✖		
i) Would the project have listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				✖
ii). Would the project have 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 Resource 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.		✖		

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on tribal cultural resources if it results in any of the following:

- The proposed project would 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).
- The proposed project would 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.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *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:*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. A Tribal Resource is defined in Public Resources Code section 21074 and includes the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "non-unique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms to the criteria of subdivision (a).

Adherence to the standard condition presented in Subsection B under Cultural Resources will minimize potential impacts to levels that are less than significant. The City of Hesperia received a response from the Yuhaaviatam of San Manuel Nation (formerly San Manuel Band of Mission Indians) following the AB52 letters. The proposed project site is located on recognized Yuhaaviatam/Maarenga'yam land. The word Maara'yam, the People of Maara', is used to describe all peoples known today as Serrano. The name Yuhaaviatam, or People of the Pines, refers to the Serrano clan of our progenitor, Santos Manuel. The project area is located within the Serrano ancestral territory, which covers present-day Antelope Valley on the west, southwest Mojave Desert to the north, the Inland Empire north of the city of Riverside to the south, and the city of Twentynine Palms to the east. [41]

The site is also within an area of the City that has been disturbed due to adjacent development and there is a limited likelihood that artifacts would be encountered. The proposed project's construction would involve shallow excavation for the installation of building footings, utility lines, and other underground infrastructure. Ground disturbance would involve grading and earth-clearing activities for the installation of the grass and landscaping and other on-site improvements. In addition, the proposed project area is not located within an area that is typically associated with habitation sites, foraging areas, ceremonial sites, or burials. Nevertheless, mitigation was provided in the previous subsection.

i). *Would the 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).* ● *No Impact*

[41] San Manuel Band of Mission Indians. History. https://sanmanuel-nsn.gov/culture/history . Website Accessed October 04, 2023.

Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. The project site is not listed in the Register. *As a result, no impacts would occur.*

ii). *Would the project have 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 Resource 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? ● Less than Significant Impact with Mitigation.*

A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "non-unique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms to the criteria of subdivision (a). The following mitigation measures are required as a means to reduce potential tribal cultural resources impacts to levels that are less than significant:

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

As a result, the impacts would be less than significant.

MITIGATION MEASURES

The following mitigation measures are required as a means to reduce potential tribal cultural resources impacts to levels that are less than significant:

TRC Mitigation No. 1. The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CUL-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and

Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

TRC Mitigation No. 2. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

3.19 UTILITIES AND SERVICE SYSTEMS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. 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?			✖	
B. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			✖	
C. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✖	
D. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			✖	
E. Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?				✖

The energy and utilities worksheets are provided in Appendix D.

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on utilities if it results in any of the following:

- The proposed project would require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.
- The proposed project would result in a determination by the wastewater treatment provider which serves or may serve the proposed project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- The proposed project would 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.
- The proposed project would negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals.

- The proposed project would comply with Federal, State, and local management and reduction statutes and regulations related to solid waste.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *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? • Less than Significant Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet.

There are no existing water or wastewater treatment plants, electric power plants, telecommunications facilities, natural gas facilities, or stormwater drainage infrastructure located on-site. Therefore, the project's implementation will not require the relocation of any of the aforementioned facilities. The project site is currently undeveloped though the site has existing electrical, sewer and water connections adjacent to the project site. The proposed project's connection can be adequately handled by the existing infrastructure. *As a result, the potential impacts will be less than significant.*

B. *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years? • Less than Significant Impact.*

The Hesperia Water District (HWD) currently maintains 18 storage reservoirs within the distribution system with a total capacity of 49.5 million gallons. The City sits above the Upper Mojave River Basin within the jurisdiction of the Mojave Water Agency, and draws its water from the Alto sub-basin, which has a capacity of 2,086,000 acre-feet. Approximately 960,000 acre-feet of stored groundwater is estimated within the basin with an additional 1,126,000 acre-feet of storage capacity available through recharge efforts, as indicated in Table 3-6. The proposed project is estimated to consume 3,590 gallons of water on a daily basis. There are existing water and sewer lines located on "I" Street. *As a result, the impacts will be less than significant.*

Table 3-6 Projected Water Consumption

Project Element	Consumption Rate	Project Consumption
Warehouse (79,778 sq. ft.)	0.045 gals. /day/sq. ft.	3,590 gals. /day
Total		3,590 gals. /day

Source: Blodgett Baylosis Environmental Planning

C. *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? ● Less than Significant Impact.*

Wastewater services are provided by the Victor Valley Wastewater Reclamation Authority (VVWRA). Currently the City is served by an interceptor system that extends approximately 15 miles from the regional treatment facility (Victorville) south to I Avenue and Hercules in the City of Hesperia. The interceptor system consists of both gravity and force main pipelines, ranging in size from 6-inch to 42-inch diameters. The City's sewer system collects to the VVWRA's 3-mile interceptor that runs along the northeast boundary of the City. Sewer lines range from 3 inches up to 21-inch lines within the City. From Table 3-7, the proposed project is estimated to generate 2,393 gallons of wastewater on a daily basis. The project's implementation will not create a substantial demand on existing infrastructure. *As a result, the impacts are expected to be less than significant.*

Table 3-7 Projected Effluent Generation

Project Element	Generation Rate	Project Generation
Warehouse (79,778 sq. ft.)	0.03 gals./day/sq. ft.	2,393 gals. /day
Total		2,393 gals. /day

Source: Blodgett Baylosis Environmental Planning

D. *Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? ● Less than Significant Impact.*

Approximately 63 percent of the solid waste generated in Hesperia is being recycled, exceeding the 50 percent requirement pursuant to the California Integrated Waste Management Act of 1989 (AB939). Currently, about 150 tons of the solid waste generated by the City per day is sent to the landfill. This remaining solid waste is placed in transfer trucks and disposed of at the Victorville Sanitary Landfill at 18600 Stoddard Wells Road in Victorville, owned and operated by the County of San Bernardino. From Table 3-8, the proposed project is estimated to generate 712 pounds of solid waste on a daily basis. *As a result, the potential impacts will be less than significant.*

Table 3-8 Projected Solid Waste Generation

Project Element	Generation Rate	Project Generation
Warehouse (79,778 sq. ft.)	8.93 lbs./day/1,000 sq. ft.	712 lbs./day
Total		712 lbs./day

Source: Blodgett Baylosis Environmental Planning

E. *Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste? ● No Impact.*

The proposed project, like all other development in Hesperia and San Bernardino County, will be required to adhere to City and County ordinances with respect to waste reduction and recycling. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis of utilities impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

3.20 WILDFIRE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?				✖
B. 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?				✖
C. 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?				✖
D. 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?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on wildfire risk and hazards if it results in any of the following:

- The proposed project would, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, substantially impair an adopted emergency response plan or emergency evacuation plan.
- The proposed project would, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, 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.
- The proposed project would, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- The proposed project would, 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.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan? • No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot)

property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. The project site's General Plan designation is *Industrial*. The property currently has a Zoning land use designation of *Limited Manufacturing (I-1)*. Surface streets that will be improved at construction will serve the project site and adjacent area. The proposed project would not involve the closure or alteration of any existing evacuation routes that would be important in the event of a wildfire. At no time during construction will adjacent streets be completely closed to traffic. All construction staging must occur on-site. *As a result, no impacts would occur.*

B. *Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? ● No Impact.*

The project site is located in the midst of an urbanized zoned area. The proposed project may be exposed to particulate emissions generated by wildland fires in the mountains (the site is located approximately 12 miles northeast and northwest of the San Gabriel and San Bernardino Mountains). However, the potential impacts would not be exclusive to the project site since criteria pollutant emissions from wildland fires may affect the entire City as well as the surrounding cities and unincorporated county areas. *As a result, no impacts would occur.*

C. *Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? ● No Impact.*

The project site is located in an area that is classified as a Moderate fire risk severity within a Local Responsibility Area (LRA) and will not require the installation of specialized infrastructure such as fire roads, fuel breaks, or emergency water sources. *As a result, no impacts would occur.*

D. *Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? ● No Impact.*

While the site is located within a moderate fire risk and local responsibility area, the proposed project site is located within an area classified as urban with relatively flat land. Therefore, the project will not expose future employees to flooding or landslides facilitated by runoff flowing down barren and charred slopes. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis of wildfires impacts indicated that less than significant impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✖
B. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				✖
C. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✖

The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this environmental assessment:

A. The proposed project *would not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts.

B. The proposed project *would not* have impacts that are individually limited, but cumulatively considerable. The environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein.

C. The proposed project *would not* have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts.

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4. CONCLUSIONS

4.1 FINDINGS

The Initial Study determined that the proposed project is not expected to have significant adverse environmental impacts. The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this Initial Study:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.
- The proposed project *will not* have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly.

4.2 MITIGATION MEASURES

The following mitigation measures have been incorporated herein to further reduce the potential air quality impacts to levels that are less than significant.

AIR Mitigation No. 1. The Applicant shall prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project.

AIR Mitigation No. 2. The Applicant shall ensure that signage, compliant with Rule 403 Attachment, is erected at each project site entrance not later than the commencement of construction.

AIR Mitigation No. 3. The Applicant shall ensure the use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

AIR Mitigation No. 4. All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

AIR Mitigation No. 5. All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related track out onto paved surfaces and clean any project-related track out within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

There are thirty-four (34) Joshua trees located on the property and three (3) of the trees are suitable for relocation/transplanting. The following mitigation would apply:

BIO Mitigation No. 1. Mitigation for direct impacts to the western Joshua trees within the Project site will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit.

Since it is possible that previously unrecognized resources could exist at the site, the proposed project would be required to adhere to the following mitigation measures:

CUL Mitigation No. 1. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within **TCR Mitigation No. 1**, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

CUL Mitigation No. 2. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within **TCR Mitigation No. 1**. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

CUL Mitigation No. 3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

The analysis determined that the following mitigation measures will be required to reduce potential energy consumption:

ENE Mitigation No. 1. The project must employ, as much as possible, the use of glass or translucent plastic materials on building roof and gables to allow natural daylight in work areas.

Since some operations and security functions may be carried out during non-daylight hours, an additional mitigation measure is suggested to reduce energy consumption during those times.

ENE Mitigation No. 2. The project must use motion activated lighting in the building to reduce energy use at night.

The following mitigation will be required in order to further reduce construction noise:

NOI Mitigation No. 1. The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.

The following mitigation measures are required as a means to reduce potential tribal cultural resources impacts to levels that are less than significant:

TRC Mitigation No. 1. The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CUL-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

TRC Mitigation No. 2. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

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5. REFERENCES

5.1 PREPARERS

Blodgett Baylosis Environmental Planning
2211 S Hacienda Boulevard, Suite 107
Hacienda Heights, CA 91745
(626) 336-0033

Marc Blodgett, Project Principal
Raymond Wen, Project Planner

5.2 REFERENCES

The references that were consulted have been identified using footnotes.

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NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Bickmore Warehouse 5.22 Acre Site

SUBJECT: Notice of Intent to Adopt a Mitigated Negative Declaration - Environmental Review (California Environmental Quality Act, CEQA)

LEAD AGENCY: City of Hesperia
Development Department, Planning Division
9700 Seventh Avenue
Hesperia, California 92345

APPLICANT: Wei Ding, DW Bickmore, LLC., 15740 Myrtlewood Ave, Chino, California 91708

CITY/COUNTY: City of Hesperia, San Bernardino County

LOCATION: The 5.22 acre project site is located in the north-central portion of the City of Hesperia, California. The project site is undeveloped and does not have a legal address assigned to the property. The proposed project site is located on the southwest corner of Mojave Street and E Avenue. Mojave Street extends along the project site's north side and E avenue extends along the sites east side. The project site's latitude and longitude are 34°43'42"N, -117°29'01"W. The project site is located within the United States Geological Survey (USGS) 7 ½ Minute, Hesperia, California Quadrangle (1956), Township 4 North, Range 4 West.

DESCRIPTION: The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Parking areas would be located to the eastern and southern portions of the site. A total of 73 parking spaces would be provided including 63 standard parking spaces, 2 truck parking spaces, 4 EV standard parking spaces, 2 ADA compliant parking spaces and 2 ADA compliant EV parking spaces. Landscaping would total 36,387 square feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. The project would consist of 9 truck dock doors including 3 raised doors and 1 ground level door along the north elevation of Warehouse 1 and 4 raised doors and 1 ground level door along the south elevation of Warehouse 2. Truck maneuvering area would be located opposite the receiving docks and west of the two buildings. Vehicular access to the site would include one entrance for employees and

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

Rachel Molina, City Manager

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www.cityofhesperia.us

patrons only and 2 entrances for trucks only. The 30 feet wide employee and patron vehicular access would be located east of the site in connection with E avenue. The 30 feet wide truck only entrances are located northwest and southeast corner of the project site. All three entrances are guarded by a security gate fence. For safety and security, screen walls in addition to combo walls consisting of masonry and wrought iron will surround the entire project site. Current conditions on the property include a desert scrub community showing signs of human disturbances. There are 34 Joshua Trees located within the boundaries of the property.

ENVIRONMENTAL INFORMATION: Current conditions on the property include a desert scrub community showing signs of human disturbances. The biological resources on the site consist of a desert scrub community typical of the area with creosote bush (*Larrea tridentata*), white-bursage (*Ambrosia dumosa*), kelch grass (*Schismus barbatus*), flatspine bur ragweed (*Ambrosia acanthicarpa*), Joshua tree (*Yucca brevifolia*), rubber rabbitbrush (*Ericameria nauseosa*) and silver cholla (*Cylindropuntia echinocarpa*) observed on the site. The project site is located within the Mainstreet / Freeway Corridor Specific Plan (MSFC-SP). The project site's Land use and Zoning Designation is *General Industrial* (GI).

Land uses and development located in the vicinity of the proposed project site are outlined below:

- *North of the project site:* Mojave Street extends along the project site's north side. An industrial development, Classic Collision, is located on the north side of the aforementioned street at 10180 E Avenue. The Land Use and Zoning for this area is *General Industrial* (GI).

- *West of the project site:* Abutting the project site to the west, is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI).

- *South of the project site:* Abutting the project site to the south is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI)

- *East of the project site:* "E" Avenue extends along the project site's east side. Further east, on the east side of "E" Avenue, is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI).

FINDINGS: The environmental analysis provided in the attached Initial Study indicates that the proposed project will not result in any significant impacts. For this reason, the City of Hesperia determined that a *Mitigated Negative Declaration* is the appropriate CEQA document for the proposed project. The following findings may be made based on the analysis contained in the attached Initial Study:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or

eliminate important examples of the major periods of California history or prehistory.

- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.

- The proposed project *will not* have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly.

The environmental analysis prepared for the proposed project is provided in the attached Initial Study. The project is also described in greater detail in the attached Initial Study.

REVIEW: The City of Hesperia invites you to comment on the Initial Study/ Mitigated Negative Declaration. The public review period begins February 28, 2025 and ends on March 31, 2025. Written comments must be received at the City of Hesperia Development Department located at 9700 Seventh Avenue, Hesperia, California 92345. Attention: Leilani Henry, Assistant Planner or via email at lhenry@hesperiaca.gov by 5:00 PM on March 31, 2025. Copies of the Initial Study and Mitigated Negative Declaration will be available for public review at the following locations:

City of Hesperia, Planning Department
9700 Seventh Avenue
Hesperia, California 92345

Copies of the IS/MND can also be found online at https://www.cityofhesperia.us/. Please send your comments to the attention of Leilani Henry, Assistant Planner, City of Hesperia, Development Department, 9700 Seventh Avenue, Hesperia, California 92345. Your responses are requested by March 31, 2025.

Name

2/26/25
Date

FIGURE 1. CITYWIDE MAP

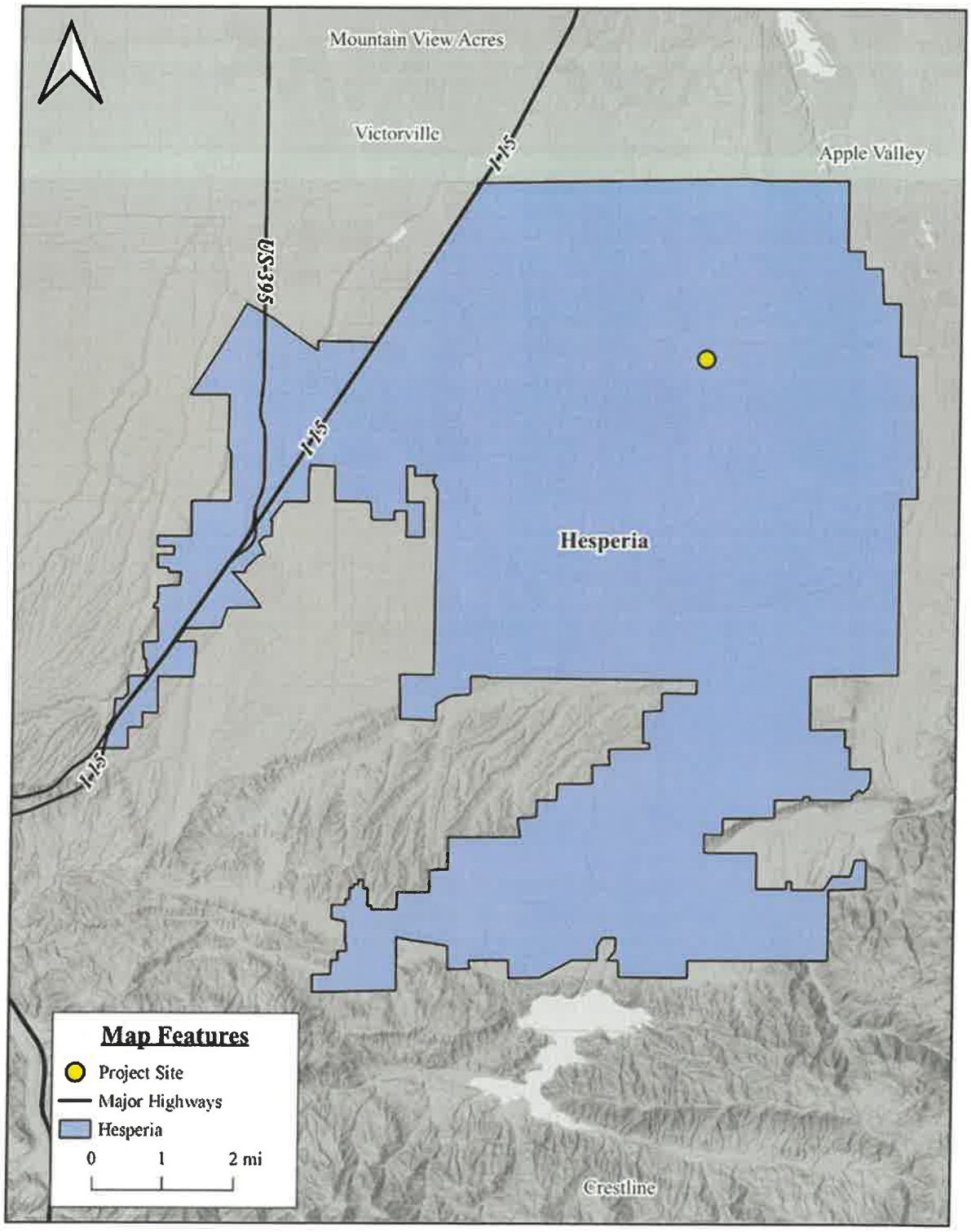
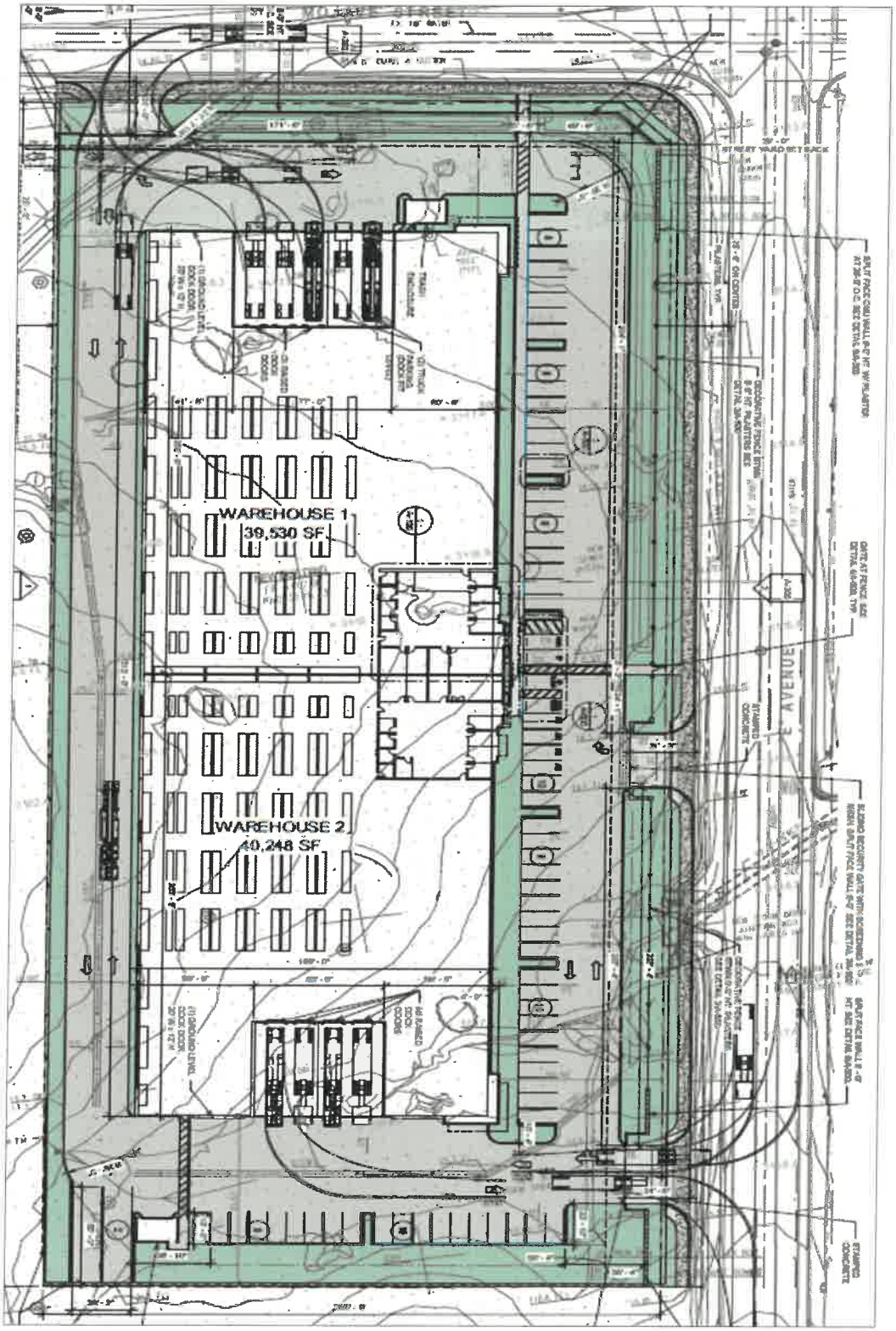


FIGURE 2. PROJECT LOCATION

FIGURE 3. PROJECT SITE PLAN



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

March 18, 2025
Sent via email

Leilani Henry
Assistant Planner
City of Hesperia
9700 Seventh Ave
Hesperia, California 92345
lhenry@hesperiaca.gov

Bickmore Warehouse 5.22 Acre Site (Project)
Mitigated Negative Declaration (MND)
SCH# 2025021160

Dear Leilani Henry:

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

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

CDFW ROLE

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

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: DW Bickmore, LLC.

Objective: The Project proposes the construction and subsequent operation of two new warehouse buildings within a 5.22-acre parcel. The first warehouse will be 39,530 square feet and the second warehouse will be 40,248 square feet. The rest of the parcel will be developed into parking lots for both cars and large trucks and landscaping.

Location: The Project is located in the north-central portion of the City of Hesperia, southwest of the corner of Mojave Street and E Avenue. The Project site's latitude and longitude are 34.434457°N, -117.290067°W.

Timeframe: Not specified

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

COMMENT # 1: Nesting Birds

Issue: The Project may have impacts on nesting birds, including CESA-listed birds, Species of Special Concern, and common birds that are subject to Fish and Game Code sections 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918.

Specific impact: The Project as described could result in direct take associated with vehicle and equipment strike, indirect take associated with Project operations such as attracting predators, displacement, and reduction of habitat and habitat quality associated with road infrastructure.

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Why impact would occur: The MND does not require nesting bird pre-construction surveys to minimize and avoid impacts to nesting birds.

Evidence impact would be significant: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW strongly recommends the adoption of BIO-2 for inclusion in the final MND.

Mitigation Measure: BIO-2 Pre-construction Nesting Bird Surveys (New)

A qualified avian biologist shall conduct pre-construction nesting bird surveys at the appropriate time of day/night, during appropriate weather conditions no more than 3 days prior to the initiation of ground disturbing activities. The survey shall focus on all suitable nesting areas such as but not limited to: trees, shrubs, bare ground, burrows, cavities, and structures. If a nest is suspected, but not confirmed, the qualified avian biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be confirmed based on observations. If a nest is observed, but thought to be inactive, the qualified avian biologist shall monitor the nest for at least 1 hour for passerine birds and 4 hours for raptors. When an active nest is confirmed, the qualified avian biologist shall immediately establish a conservative buffer surrounding the nest based on their best professional judgement and experience. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. The qualified avian biologist shall monitor the next to determine the efficacy of the buffer and shall adjust the buffer accordingly if it is determined that birds are having an adverse reaction. The qualified avian biologist shall monitor the next daily until activities are no longer within 300 feet of the nest, or the fledglings become independent of their nest, or the nest has failed.

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COMMENT # 2: CDFW Streambed Alteration Agreement

Issue: Based on aerial imagery, a culvert is present on the Project site along E Avenue and the Project as described may result in substantial impacts to an unnamed desert wash.

Specific impact: Construction activities may result in the placement of fill material within streambeds, leading to the loss of desert wash habitat for biological resources.

Why impact would occur: Grading activities to construct the Project could potentially place fill within streambeds on the site, obstructing the natural flow of streams.

Evidence impact would be significant: Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW strongly recommends the adoption of the following new measure, BIO-3, for inclusion in the final MND.

Mitigation Measure: BIO-3 CDFW Streambed Alteration Agreement (New)

Prior to construction activities, mapping of stream resources in the Project area shall be conducted to identify streams on site. If Project construction activities occur within a streambed, then the California Department of Fish and Wildlife (CDFW) shall be notified pursuant to Fish and Game Code section 1602. If CDFW determines that the Project may substantially affect fish and wildlife resources, then CDFW shall issue a Streambed Alternation Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.

COMMENT # 3: Burrowing owl (*Athene cunicularia*)

Issue: Burrowing owl is a candidate species under CESA. The Project has the potential to result in permanent and temporary loss and degradation of burrowing owl habitat. The Project may result in take of burrowing owl during construction and the life of the Project. If the Project, including Project construction or any Project related activity

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during the life of this Project, may result in the take of a CESA-listed species, CDFW recommends that the Project proponent seek appropriate authorization (i.e., Incidental Take Pemit [ITP]) prior to Project implementation.

Specific impact: The MND does not include pre-construction surveys for burrowing owl, a CESA candidate species.

Why impact would occur: Construction activities have the potential to take burrowing owls by collapsing burrows and modifying foraging and nesting habitat.

Evidence impact would be significant: The Project, as described, may result in injury, direct mortality, indirect mortality, disruption of breeding behavior, and/or may reduce reproductive capacity of burrowing owl. On October 10, 2024, the Fish and Game Commission designated burrowing owl as a candidate species under CESA. CDFW considers the take of burrowing owl and the loss of the species' habitat as a significant impact, unless mitigated to a level of less than significant, which would occur through a CESA ITP. Further, burrowing owl is protected under Fish and Game Code section 3503.5 and the Migratory Bird Treaty Act.

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW strongly recommends new measure BIO-4 for inclusion in the final MND.

Mitigation Measure: BIO-4 Burrowing Owl (NEW)

Prior to the initiation of construction activities (i.e., grubbing, clearing, staging, digging), focused burrowing owl surveys shall be conducted by a qualified biologist according to the CDFW Staff Report on Burrowing Owl Mitigation[2] (CDFG, 2012 or most recent version) for the Project site and surrounding 500 ft radius. Take avoidance surveys shall be conducted no less than 14 days prior to the start of Project-related activities. Burrowing owls may re-colonize a site after only a few days, thus time lapses between Project activities require subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm the presence of burrowing owls, impacts to burrowing owl shall be fully avoided. If impacts to burrowing owl are unavoidable, the City should apply for a CESA ITP.

Additional Comments and Suggestions

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[2] California Department of Fish and Wildlife. 2012. Staff Report on Burrowing Owl Mitigation.

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Submitting Data on Special Status Species

CDFW strongly recommends the Project proponent submits data to the California Natural Diversity Database at https://wildlife.ca.gov/Data/CNDDB/Submitting-Data, regarding any special status species such as but not limited to: desert tortoise, Bendire's thrasher, burrowing owl, Cooper's hawk, golden eagle, LeConte's thrasher, loggerhead shrike, northern harrier, prairie falcon, Swainson's hawk observed within or adjacent to the Project area.

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Jason Bill, Senior Environmental Scientist (Specialist) at Christopher.Bill@wildlife.ca.gov

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Sincerely,

DocuSigned by:
Alisa Ellsworth
84FBB8273E4C480...

Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
State.clearinghouse@opr.ca.gov

ATTACHMENTS

Attachment A: Mitigation Monitoring and Reporting Plan

REFERENCES

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: Microsoft Word - BUOW Staff Report_final_030712 REV 1.doc (ca.gov)

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Attachment A

Mitigation Monitoring and Reporting Plan

Biological Resources (BIO)		
Mitigation Measure	**Implementation Schedule**	**Responsible Party**
BIO-2 Pre-construction Nesting Bird Surveys A qualified avian biologist shall conduct pre-construction nesting bird surveys at the appropriate time of day/night, during appropriate weather conditions no more than 3 days prior to the initiation of ground disturbing activities. The survey shall focus on all suitable nesting areas such as but not limited to: trees, shrubs, bare ground, burrows, cavities, and structures. If a nest is suspected, but not confirmed, the qualified avian biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be confirmed based on observations. If a nest is observed, but thought to be inactive, the qualified avian biologist shall monitor the nest for at least 1 hour for passerine birds and 4 hours for raptors. When an active nest is confirmed, the qualified avian biologist shall immediately establish a conservative buffer surrounding the nest based on their best professional judgement and experience. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. The qualified avian biologist shall monitor the next to determine the efficacy of the buffer and shall adjust the	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Avian Biologist

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buffer accordingly if it is determined that birds are having an adverse reaction. The qualified avian biologist shall monitor the next daily until activities are no longer within 300 feet of the nest, or the fledglings become independent of their nest, or the nest has failed.		
BIO-3 CDFW Streambed Alteration Agreement Prior to construction activities, mapping of stream resources in the Project area shall be conducted to identify streams on site. If Project construction activities occur within a streambed, then the California Department of Fish and Wildlife (CDFW) shall be notified pursuant to Fish and Game Code section 1602. If CDFW determines that the Project may substantially affect fish and wildlife resources, then CDFW shall issue a Streambed Alternation Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.	Prior to initiation of all ground disturbing activities	Project proponent
BIO-4 Burrowing Owl Prior to the initiation of construction activities (i.e., grubbing, clearing, staging, digging), focused burrowing owl surveys shall be conducted by a qualified biologist according to the CDFW Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version) for the Project site and surrounding 500 ft radius. Take avoidance surveys shall be conducted no less than 14 days prior to the start of Project-related activities. Burrowing owls may re-colonize a site after only a few days, thus time lapses between Project activities require subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm the presence of burrowing owls, impacts to burrowing	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist

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owl shall be fully avoided. If impacts to burrowing owl are unavoidable, the City should apply for a CESA ITP.		

Mojave Water Agency

March 31, 2025

Leilani Henry, Assistant Planner
City of Hesperia, Planning Department
9700 Seventh Ave.
Hesperia, CA. 92345

Regarding: SPR23-00018

Dear Leilani,

This is to confirm that the Mojave Water Agency has no conflict with this project.

Sincerely,
Christy Huiner
Senior Water Resource Analyst
Mojave Water Agency
chuiner@mojavewater.org
760-946-7066

13846 Conference Center Drive
Apple Valley, CA 92307
Phone: (760) 946-7000 | Fax: (760) 240-2642
WWW.MOJAVEWATER.ORG

Mojave Desert Air Quality Management District
Brad Poiriez, *Executive Director*
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • Fax 760.245.2022
www.MDAQMD.ca.gov • @MDAQMD

March 11, 2024

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

Project: Hesperia Bickmore Warehouse

Dear Ms. Henry:

The Mojave Desert Air Quality Management District (District) has reviewed the Project Notice and Initial Study for the proposed Bickmore Warehouse Project in Hesperia. The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as Warehouse 1 and Warehouse 2, within the 5.22-acre property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet.

The District has reviewed the project notice and agrees with the findings of the initial study that this project would not result in an exceedance of MDAQMD significance thresholds. The District recommends that the City of Hesperia require the following dust mitigation measures be required for the construction portion of the development (enforceable by the District AND by the land use agency) should the project be approved:

- Prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project;

- Signage compliant with Rule 403 Attachment B shall be erected at each project site entrance not later than the commencement of construction.

- Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

- All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind

fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project-related trackout within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

- Obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to: Internal Combustion Engines with a manufacture's maximum continuous rating greater than 50 brake horsepower.

Thank you for the opportunity to review this Initial Study. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 1846, or Bertrand Gaschot at extension 4020.

Sincerely,

Chris Anderson
Planning and Air Monitoring Supervisor

CA/bg Hesp Bickmore Warehouse 2025 11 Mar

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Via Email

March 31, 2025

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Re: Comment on the Initial Study (IS) and Mitigated Negative Declaration (MND) for Bickmore Warehouse 5.22 Acre Site Project (SCH 2025021160)

Dear Ms. Henry, Mr. Hearn, and Ms. Sayre

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the Bickmore Warehouse Project, including all actions related or referring to the proposed construction of two new warehouse buildings located on the southwest corner of Mojave Street and East Avenue (APN: 0410-05-111) in the City of Hesperia ("Project").

SAFER is concerned that the IS/MND is improper under the California Environmental Quality Act due to the IS/MND's failure to adequately assess the Project's potentially significant environmental impacts. SAFER requests that an environmental impact report (EIR) be prepared for the Project rather than an MND because there is a fair argument that the Project may have adverse environmental impacts. An EIR will ensure that potentially significant impacts of this Project are fully disclosed, analyzed, and mitigated.

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

Sincerely,

Mitchell E. Thielemann

Mitchell E. Thielemann
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Via Email

April 29, 2025

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City of Hesperia
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Re: Comment on the Initial Study and Mitigated Negative Declaration for Bickmore Warehouse Project (SCH 2025021160)

Dear Ms. Henry, Mr. Hearn, and Ms. Sayre

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Bickmore Warehouse Project, including all actions related or referring to the proposed construction of two new warehouse buildings located on the southwest corner of Mojave Street and East Avenue in the City of Hesperia ("Project").

After careful review of the Initial Study and Mitigated Negative Declaration ("MND") prepared for the Project, SAFER has concluded that the MND does not adequately analyze the Project's impacts and that there is a fair argument that the Project may have adverse environmental impacts. We therefore request that the City of Hesperia ("City") prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq. SAFER's comments are supported by the analysis of several highly qualified experts, which are attached hereto.

PROJECT DESCRIPTION

The Project would involve the construction and subsequent operation of two new warehouse buildings within the currently undeveloped 5.22-acre (202,261 square foot) project site. Warehouse 1 would consist of 39,530 square feet of floor area, including 36,101 square feet of

warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,028 square feet of floor area, including 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would be single level with a maximum height of 41 feet. Parking areas would be located to the eastern and southern portion of the site, including a total of 73 parking spaces.

As discussed below, the Project will have many undisclosed or inadequately mitigated environmental impacts, including significant negative effects on biological resources.

LEGAL STANDARD

As the California Supreme Court has held "[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR." (*Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-320 [citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 88; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504–505].) "Significant environmental effect" is defined very broadly as "a substantial or potentially substantial adverse change in the environment." (Pub. Res. Code § 21068; *see also* 14 CCR § 15382.)

The EIR is the very heart of CEQA. *Bakersfield Citizens for Local Control v. City of Bakersfield (*2004) 124 Cal.App.4th 1184, 1214 (*Bakersfield Citizens*); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927. The EIR is an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return." *Bakersfield Citizens*, 124 Cal.App.4th at 1220. The EIR also functions as a "document of accountability," intended to "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." *Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392. The EIR process "protects not only the environment but also informed self-government." *Pocket Protectors*, 124 Cal.App.4th at 927.

Where an initial study shows that the project may have a significant effect on the environment, a mitigated negative declaration may be appropriate. However, a mitigated negative declaration is proper *only* if the project revisions would avoid or mitigate the potentially significant effects identified in the initial study "to a point where clearly no significant effect on the environment would occur, and…there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment." PRC §§ 21064.5 and 21080(c)(2); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331. In that context, "may" means a reasonable possibility of a significant effect on the environment. PRC §§ 21082.2(a), 21100, 21151(a); *Pocket Protectors*, 124 Cal.App.4th at 927; *League for Protection of Oakland's etc. Historic Res. v. City of Oakland* (1997) 52 Cal.App.4th 896, 904–05.

Under the "fair argument" standard, an EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency's decision. 14 CCR § 15064(f)(1); *Pocket Protectors,* 124

Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602. The "fair argument" standard creates a "low threshold" favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. *Pocket Protectors*, 124 Cal.App.4th at 928. The "fair argument" standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

> This 'fair argument' standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. [Citations]. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency's decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument.
>
> Kostka & Zischke, *Practice Under CEQA*, §6.29, pp. 273–74.

The Courts have explained that "it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency's determination. Review is de novo, with *a preference for resolving doubts in favor of environmental review*." *Pocket Protectors*, 124 Cal.App.4th at 928 (emphasis in original).

DISCUSSION

I. THERE IS SUBSTANTIAL EVIDENCE OF A FAIR ARGUMENT THAT THE PROJECT WILL HAVE POTENTIALLY SIGNIFICANT IMPACTS ON BIOLOGICAL RESOURCES.

An EIR is required because substantial evidence in the record indicates a fair argument that the Project will have significant biological impacts. Specifically, expert wildlife biologist Dr. Shawn Smallwood, Ph.D. has concluded that the Project site has value as a habitat for special status species and that the Project will have significant impacts on biological resources. Dr. Smallwood's comments and CV are attached as Exhibit A.[1] Additionally, Rare Plant Ecologist Christopher Winchell has concluded that the Project will result in significant impacts to special status plant species and burrowing owls. Mr. Winchell's comments and CV are attached as Exhibit B.[2]The City therefore must prepare an EIR for the Project. Dr. Smallwood's comments are supported by a site visit by wildlife biologist Noriko Smallwood ("Ms. Smallwood").[3] Mr.

[1] Ex. A, at 1.
[2] Ex. B, at 1.
[3] Ex. A, at 2.

Winchell's comments are supported by a site visit performed on March 14, 2025 to determine the suitability or presence of special-status plant and animal species.[4]

1. The MND Fails to Adequately Describe the Project's Environmental Setting.

The City inadequately characterized the existing environmental setting by failing to conduct adequate field surveys and desktop review. Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. *Communities for a Better Envt. v. So. Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321. Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency's environmental review under CEQA:

> "…must include a description of the physical environmental conditions in the vicinity of the project, ***as they exist at the time [environmental analysis] is commenced***, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." (Emphasis added.)

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125.) As the court of appeal has explained, "the impacts of the project must be measured against the 'real conditions on the ground,'" and not against hypothetical permitted levels. (*Save Our Peninsula, supra*, 87 Cal.App.4th 99, 121-123.)

The MND takes a mistaken view of species and habitat, stating that "[s]ensitive biological resources include a variety of plant and animal species that are specialized and endemic to a particular habitat type.[5] However, the relationship between habitat and species involves much more than just a vegetation complex assigned to a "habitat type."[6]. The MND is misleading in that it insinuates that sensitive species do not exist on the site merely because certain unidentified vegetation complexes are supposedly not present on the site.[7]

The MND claims that "[a]ccording to the United States Fish and Wildlife Service, there are no wetland or migratory bird nesting areas located within the project site," and that "[n]o offsite . . . migratory bird nesting areas would be affected by the proposed development since all development will be confined to the project site. *As a result, no impacts would occur.*"[8] However, the MND does not report the basis of these findings. No surveys or reports are cited and there is no other evidence to support this claim.[9]

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[4] Ex. B, at 2.
[5] MND, at 32.
[6] Ex. A, page 10.
[7] Id.
[8] MND, page 33.
[9] Ex. A, page 11.

There are also notable inconsistencies between the City's conclusions regarding the environmental setting.[10] For example, the MND repeatedly characterizes the project site as "showing signs of human disturbances"[11] later described as "severe artificial disturbances associated with off-road vehicle activity, discing, and installation of modern flood control culverts, and modern refuse dumping."[12] However, the MND also reports that "**the site in its entirety is undisturbed**."[13] While there do appear to be signs of disturbances, they were not severe enough to prevent the occurrence of 34 Joshua trees on the site, nor the wildlife that Ms. Smallwood and Mr. Winchell detected on and around the site.[14] The City's repeated inconsistences and exaggerations preclude an understanding of the environmental setting and an effective impact analysis of the environmental setting.

The MND's environmental setting characterization is also deficient because no wildlife surveys have been completed at the project site. The City did not send any professional ecologists to survey the site, and the MND provides no reason for this deficiency of the CEQA review process.[15] Similarly, there were no protocol-level detection surveys conducted for monarch butterflies, Crotch's bumble bee, Mohave Desert tortoises, Mohave ground squirrels, Swainson's hawks, burrowing owls, or LeConte's thrashers.[16] While there was a survey conducted for Joshua trees, the CDFW guidelines for rare plants was not implemented. Therefore, Joshua trees aside, the findings of the MND lack connection to field surveys of plants and wildlife and there is no substantial evidence to support the MND's conclusions of less-than-significant impacts.

Dr. Smallwood notes that the MND does not report on the findings of any desktop review.[17] Similarly, USFWS findings are reported, but no source documents are cited. There is no evidence in the MND that a review of wildlife occurrence records was completed.[18] The omission of this review is a major deficiency that prevents disclosure of potential environmental impacts that would result from this project.

Numerous special status species will be adversely affected by the Project. "Special Status Species" is a universal term used in the scientific community for species that are considered sufficiently rare that they require special consideration and/or protection and should be, or have been, listed as rare, threatened or endangered by the Federal and/or State governments. Based on a database review and Ms. Smallwood's' site visit, Dr. Smallwood estimates that 114 special-status species of wildlife are known to occur on or near enough to the site to warrant analysis of occurrence potential.[19] Four (4) special status species were recorded on or just off the project site,

[10] Id.
[11] MND, pages 3, 7, 9, 21, 24, 27, 32.
[12] Id. at 37.
[13] Id. at 33 (emphasis added).
[14] Ex. A, page 11.
[15] Id. at 12.
[16] Id.
[17] Id. at 12.
[18] Id.
[19] Id.

and nearly half of these species have reportedly been seen within 4 miles of the project site.[20] Ms. Smallwood's brief site visit survey identified 4 special status species on the proposed Project site: one species on the U.S. Fish and Wildlife Service Bird of Conservation Concern (BCC) (California gull), two species on the Taxa to Watch List (California gull; California horned lark), one species on Bird of Prey (BOP) listed under California Fish and Game Code 3503.5 (American Kestrel), and one species located on the California Species of Special Concern list (Loggerhead shrike).[21]

Furthermore, Mr. Winchell's survey identified suitable burrowing owl foraging and nesting habitat on the Project site, as well as suitable habitat for desert kit fox and California ground squirrel, which dig burrows suitable for burrowing owl use.[22] Mr. Winchell's site visit determined that the site has potential to support 11 special-status plant species, including crowned muilla and the Western Joshua tree.[23] Therefore, the site supports multiple special-status species of wildlife, and carries the potential to support many more.

Because the MND fails to accurately describe the Project's environmental setting, a fair argument exists that the Project may have a significant impact on wildlife requiring preparation of an EIR..

2. The MND Lacks Evidence to Support a Finding that the Project Will Not Interfere with Wildlife Movement.

The MND provides no serious analysis of the potential for the project to interfere with wildlife movement in the region. The MND merely states that "[t]he site's utility as a habitat and a migration corridor is constrained by the presence of an adjacent roadways and the development that is present in the neighboring areas. *As a result, no impacts would occur*."[24] However, the MND cites no evidence that the adjacent roads and/or development constrain habitats or wildlife movement in any way.[25] If the MND's reasoning carried any weight, Ms. Smallwood should not have been able to see wildlife on the site.[26]

Further, the City did not retain any wildlife ecologists to survey the project site or surroundings. There was no program of observation to characterize wildlife use of the site for movement, nor any surveys to determine which species of wildlife occur on or around the site.[27] The existence of roads does not truly serve as a barrier to wildlife movement, as wildlife collisions with automobiles is one of the largest anthropogenic sources of wildlife mortality.[28]

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[20] Id.
[21] Id. at 7.
[22] Ex. B, at 3.
[23] Id. at 1.
[24] MND, at 34 (emphasis added).
[25] Ex. A, at 19.
[26] Id.
[27] Id.
[28] Id.

A fair argument can be made for the need to prepare an EIR to appropriately analyze the potential impacts to volant wildlife, as well as potential mitigation strategies.

3. There is Substantial Evidence that the Project will have a Significant Impact on Biological Resources as a Result of Traffic Collisions.

As a result of increased traffic resulting from the Project, Dr. Smallwood identified likely impacts to special-status species. Indeed, mortality and injures caused by project-generated traffic is one of the project's most substantial impacts to wildlife.[29] "Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic. . .including along roads far from the project footprint but which would nevertheless by traversed by automobiles head to or from the project's building."[30] Vehicle collisions with special-status species is not a minor issue, but rather results in the death of millions of species each year, and impacts have been found to be significant at the population level.[31]

Based on his calculations, Dr. Smallwood predicts that the Project's annual VMT[32] would cause 731 vertebrate wildlife fatalities per year due to project-generated traffic, including special-status species.[33] Dr. Smallwood concludes the Project's traffic-related injuries and fatalities to wildlife constitutes a significant impact.[34] The MND does not address this potential impact and therefore lacks any evidence that the impact will not be significant. An EIR is necessary to appropriately analyze the impact of wildlife collision mortality resulting from project-generated traffic.

4. There is Substantial Evidence that the Project will have a Significant Impact on Biological Resources as a Result of Habitat Loss and the Resulting Lost Breeding Capacity.

While habitat loss results in the immediate decline in birds and other animals, it also results in a permeant loss of productive capacity.[35] The MND does not attempt to estimate the numerical or productive capacities of the site for nesting birds as a result of habitat lost from Project Development. This is likely because the MND improperly concludes that birds do not nest on the site. Contrary to the MND's conclusion, Ms. Smallwood observed at least 11 species of nesting birds on her site visit.[36] Ms. Smallwood's survey was only a reconnaissance survey, and therefore unsuitable for detecting all bird nests.

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[29] Id.
[30] Id.
[31] Id.
[32] While the MND does not report a prediction of annual vehicle miles traveled ("VMT"), Dr. Smallwood was able to predict VMT based on his experience analyzing traffic collision impacts at similar warehouse projects.
[33] Id. at 21-22.
[34] Id. at 22.
[35] Id. at 18.
[36] Id. at 18.

Based on field research, Dr. Smallwood estimates that development of the Project would result in the loss of 5.1 nest sites, 7.1 nest attempts, and 20.6 fledgling birds per year at the project site, which would result in an ongoing yearly loss of 23 birds.[37] Most, if not all, of these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act.[38] This loss of nests and birds each year is a potentially significant impact that has not been analyzed. An EIR is required to fully analyze the Project's impact on lost breeding capacity, and to mitigate that impact.

5. There is a Fair Argument that the Project Will Adversely Affect Special Status Species.

Dr. Smallwood proposes numerous mitigations measures that could vastly reduce the above impacts, such as measures to improve wildlife safety along roads, compensatory mitigation bird-window collisions, compensatory mitigation for road mortality, and funding of wildlife rehabilitation facilities. These mitigation measures should be analyzed in an EIR, alongside appropriate mitigation measures based on a valid characterization of the environmental setting and imposed if feasible.

Therefore, the Project will have a substantial adverse effect on special status species, and continuation of the Project without preparing and circulating an EIR will lead to habitat disturbance and modifications that will directly and indirectly affect special status species.

6. The Project's Cumulative Impacts Analysis is Fundamentally Flawed

Recognizing that several projects may together have a considerable impact, CEQA requires an agency to consider the "cumulative impacts" of a project along with other projects in the area. (Pub. Res. Code § 21083(b); 14 Cal. Code Regs. §15355(b).) If a project may have cumulative impacts, the agency must prepare an EIR, since "a project may have a significant effect on the environment if '[t]he possible effects of a project are individually limited but cumulatively considerable.'" (*CBE,* 103 Cal.App.4th at 98, 114; *Kings County Farm Bur.*, 221 Cal.App.3d at 721.) It is vital that an agency assess "'the environmental damage [that] often occurs incrementally from a variety of small sources . . .'" (*Bakersfield Citizens For Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214.)

The cumulative impacts analysis in the MND is fundamentally flawed. The MND concludes that "[t]he proposed project *would not* have impacts that are individually limited, but cumulatively considerable. The environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein."[39] This conclusion is unsupported by substantial

[37] Id.
[38] Id. at 19.
[39] MND, at 89.

evidence. It is premised on the idea that no wildlife occurs on the project site.[40] However, as discussed above, special status wildlife and plants are present on site and there is substantial evidence that the Project will have significant impacts on biological resources. A cumulative impacts analysis that complies with CEQA must be completed.

II. THE MND'S PROPOSED BIOLOGICAL MITIGATION MEASURES ARE INSUFFICIENT TO BRING THE BIOLOGICAL RESOURCES IMPACTS TO A LEVEL BELOW SIGNIFICANCE.

An MND is improper because there is no evidence that the Project's proposed mitigation measures will not avoid or mitigate the potentially significant biological resources impacts "to a point where clearly no significant effect on the environment would occur, and…there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment." PRC §§ 21064.5 and 21080(c)(2).

Dr. Smallwood and Mr. Winchell identified the multiple special status species and habitat on or near the Project site that will be impacted by the Project. However, the formulation of appropriate mitigation cannot occur until an adequate survey effort for wildlife on and around the project site is conducted.[41] The available protocol level detection survey guidelines also need to be implemented for multiple special-status species.[42] The single proposed mitigation measure is insufficient and therefore cannot guarantee that proposed measures will reduce the impacts below significance.

1. The MND does not disclose impacts to Western Joshua Trees.

Western Joshua Trees are a candidate species under the California Endangered Species Act.[43] At least 34 WJT are found on the Project site. However, the MND makes no assessment of the impacts that Project will have on Western Joshua Trees, and the conclusion that any impacts will be less-than-significant with mitigation is unsupported.

Appendix B of the MND is a Protected Plant Preservation Plan. This Plan details a survey conducted to determine the number of WJT on the Project site, and the number of WJT suitable for transplantation. However, neither the MND nor the Preservation Plan disclose whether, and to what extent, the Project will impact WJTs on the Project site. Because the Project may have a significant impact on WJTs, an EIR is required.

2. The MND's Mitigation of Impacts to Western Joshua Trees Violate CEQA.

In general, mitigation measures must be designed to minimize, reduce or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines §

[40] Ex. A, at 22.
[41] Id. at 22.
[42] Id.
[43] https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/FAQ#602113850-is-wjt-still-a-candidate-under-the-california-endangered-species-act

15370.) A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (14 CCR § 15364.) Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. (14 CCR § 15126.4(a)(2).)

Mitigation Measure BIO-1 provides:

> Mitigation for direct impacts to the western Joshua trees within the Project site will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit.[44]

This mitigation measure violates CEQA in numerous ways.

First, there is no evidence that obtaining an incidental take permit and a payment of a fee will actually minimize, reduce, avoid, rectify, or compensate for lost Joshua Trees as required by (CEQA Guidelines § 15370.) Moreover, there is no explanation of whether or how compliance with WJTCA would reduce impacts to a less than significant level under CEQA since there is no disclosure of what the Project's impacts on Joshua Trees will be.

Second, paying a fee does not constitute adequate mitigation unless there is evidence that the fees will fund a specific mitigation plan that will actually be implemented in its entirety. (*Napa Citizens for Honest Gov. v. Bd. Of Supervisors* (2001) 91 CallApp.4th 342 (no evidence that impacts will be mitigated simply by paying a fee); *Anderson First Coal. v. City of Anderson* (2005) 130 Ca.App.4th 1173 (traffic mitigation fee is inadequate because it does not ensure that mitigation measure will actually be implemented); see also Save Our Peninsula Committee v. Monterey County Bd. of Supervisors, supra, 87 Cal.App.4th 99, 140 [commitment to pay fees without any evidence that mitigation will actually occur is inadequate].) No such evidence is provided here.

Third, Even if paying a fee did mitigate the impact – which there is no evidence of - the fee amount will not be determined until some later time after CEQA review is complete, improperly deferring mitigation.

Fourth, the MND also improperly defers mitigation by stating "Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit." Lead agencies may defer formulating

[44] MND, p. 34.

mitigation until after project approval only "when it is impractical or infeasible to include those details during the project's environmental review." (CEQA Guidelines § 15126.4(a)(1)(B); *see also POET, LLC v. State Air Res. Bd.* (2013) 218 Cal.App.4th 681, 736.) In the limited circumstances where deferring mitigation is justified, the EIR must (1) commit itself to the mitigation, (2) adopt specific performance standards the mitigation will achieve, and (3) identify the types of potential actions that can feasibly achieve that performance standard. (Guidelines § 15126.4, subd. (a)(1)(B).) The MND does none of this.

Finally, there is no explanation of why 3 of the 34 trees were deemed suitable for transplantation, yet nothing in the mitigation measure requires any transplantation.

While not included in the mitigation measure, the MND states that "CDFW may require relocation of WJT based on the final WJT census." It is unclear if the MND considers this mitigation. If so, it is improper under CEQA because there is no evidence that relocation will actually occur or that relocation will reduce impacts to less-than-significant, particularly given the Protection Plan's conclusion that only 3 of the 34 trees are suitable for transplantation. Where feasibility is called into question, the agency must demonstrate feasibility. (*Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309 [mitigation calling for a future use permit for sludge disposal was improperly deferred because there was no evidence of feasibility in the face of uncertainty: "the record discloses that the applicant presented no plans for sludge disposal and that no solution was readily available."].)

Also not included in mitigation measure Bio-1, the MND lists three "minimization measures" that are "applicable to the Joshua Tree that is present on the project site." The first minimization measure is;

> The Joshua tree will be retained in place or replanted somewhere on the site where they can remain in perpetuity or will be transplanted to an off-site area approved by the city where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting will be cut-up and discarded as per City requirements.

MND, p. 33.

This measure is vague, uncertain, and the efficacy is unsupported. Again, only 3 of the 34 trees on site are suitable for transplantation according to the Protection Plan. There is no evidence that cutting up and discarding 31 of the 34 protected Joshua Trees will mitigate impacts to these trees. In fact, the mitigation measure here seems to actually cause an impact, and this impact must be analyzed.

Moreover, the literature-based justification for determining transplantation suitability of Western Joshua trees was not provided.[45] The plan states that transplant suitability is "based on industry standards," and provides a list of the suitability criteria without citation or reference, resulting in the exclusion of four of the seven living western Joshua trees occurring on the project

[45] Ex. B, at 3.

site.[46] However, based upon the CDFW's Western Joshua Tree Relocation Guidelines and Protocols, Mr. Winchell concluded that all seven living Joshua trees on the Project site are suitable for transplantation.[47]

Moreover, the MND does not disclose how these vaguely described "minimization measures" will be enforced. Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. 14 CCR § 15126.4(a)(2). *See Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 730 (project proponent's agreement to a mitigation by itself is insufficient; mitigation measure must be an enforceable requirement). Here, there is no discussion of whether and now any of the "minimization measures" will be enforced, violating CEQA.

Relying only on a mitigation measure that violates CEQA and vague measures not included as enforceable mitigation measures, there is no evidence that impacts to Joshua Trees will be reduce below significance. An EIR is needed to analyze and mitigate the Project's potentially significant impact and adopt CEQA-compliant mitigation measures to mitigate impacts on the protected Western Joshua Trees.

3. The City Fails to Implement Mitigation Measures to Protect Wildlife Species Observed on the Project Site.

There is more than a fair argument that an EIR is necessary to adequately identify and formulate mitigation measures for the bird species observed on and near the Project site. The City not only fails to propose any mitigation for potential wildlife impacts—it fails to address these impacts altogether. The MND requires no mitigation for wildlife and provides no justification for this critical gap in the CEQA review process. No wildlife surveys were conducted at the Project site, and the MND fails to explain this omission.

An EIR is essential to develop an effective mitigation strategy. At a minimum, the City must conduct both reconnaissance-level and protocol-level surveys for special-status species. However, none of these surveys were conducted as part of the MND. The only wildlife survey conducted regarding the Project was a brief, less-than-three-hour perimeter survey conducted by Ms. Smallwood, who did not even have access to the interior of the Project site. Yet, despite these limitations, her short survey still identified four special-status species.

The MND fails to accurately characterize the environmental setting, as it includes no survey data to establish a baseline for protected wildlife species in the area. The City then uses this lack of data to justify the complete absence of any wildlife mitigation measures. Given that even a limited perimeter survey detected multiple special-status species, the need for further data is clear. So too is the City's failure to incorporate any measures to address potential wildlife impacts into the MND or the Project itself. For these reasons, preparation of an EIR is not only warranted

[46] Id.
[47] Id.

but necessary to support a legally adequate impact analysis and to formulate appropriate and feasible mitigation measures.

CONCLUSION

For the foregoing reasons, SAFER requests that the City prepare an Environmental Impact Report to analyze and mitigate the Project's significant adverse environmental impacts.

Sincerely,

Mitchell E. Thielemann

Mitchell E. Thielemann
LOZEAU DRURY LLP

EXHIBIT A

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Leilani Henry, Assistant Planner
City of Hesperia Development Department, Planning Division
9700 Seventh Avenue
Hesperia, California 92345

19 March 2025

RE: Bickmore Warehouse

Dear Ms. Henry,

I write to comment on potential impacts to biological resources from the proposed Bickmore Warehouse project, which I understand would add two warehouses totaling 79,778 square-feet of floor space on 5.22 acres at the southwest corner of Mojave Street and E Avenue in Hesperia, California. I comment on the analyses of impacts to biological resources in the Initial Study/Mitigated Negative Declaration (IS/MND).

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

THE WILDLIFE COMMUNITY AS BIOLOGICAL RESOURCE

Most environmental reviews pursuant to the California Environmental Quality Act (CEQA) focus on special-status species because CEQA's Checklist Evaluation of Environmental Impacts specifies that such evaluation includes potential impacts to special-status species. However, an important policy of CEQA is "to prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history." Pub. Res. Code § 21001(c). This policy is not restricted to special-status species, but applies to wildlife populations and plant and animal communities. In fact, the CEQA Guidelines Section 21155.1 defines wildlife habitat as "the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection." The CEQA Checklist Evaluation assigns priority to special-status species to balance

information and cost, but it does not exclude the need to evaluate environmental impacts to other species, which, after all, are members of the very communities within which special-status species inter-depend for survival and reproduction.

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

SITE VISIT

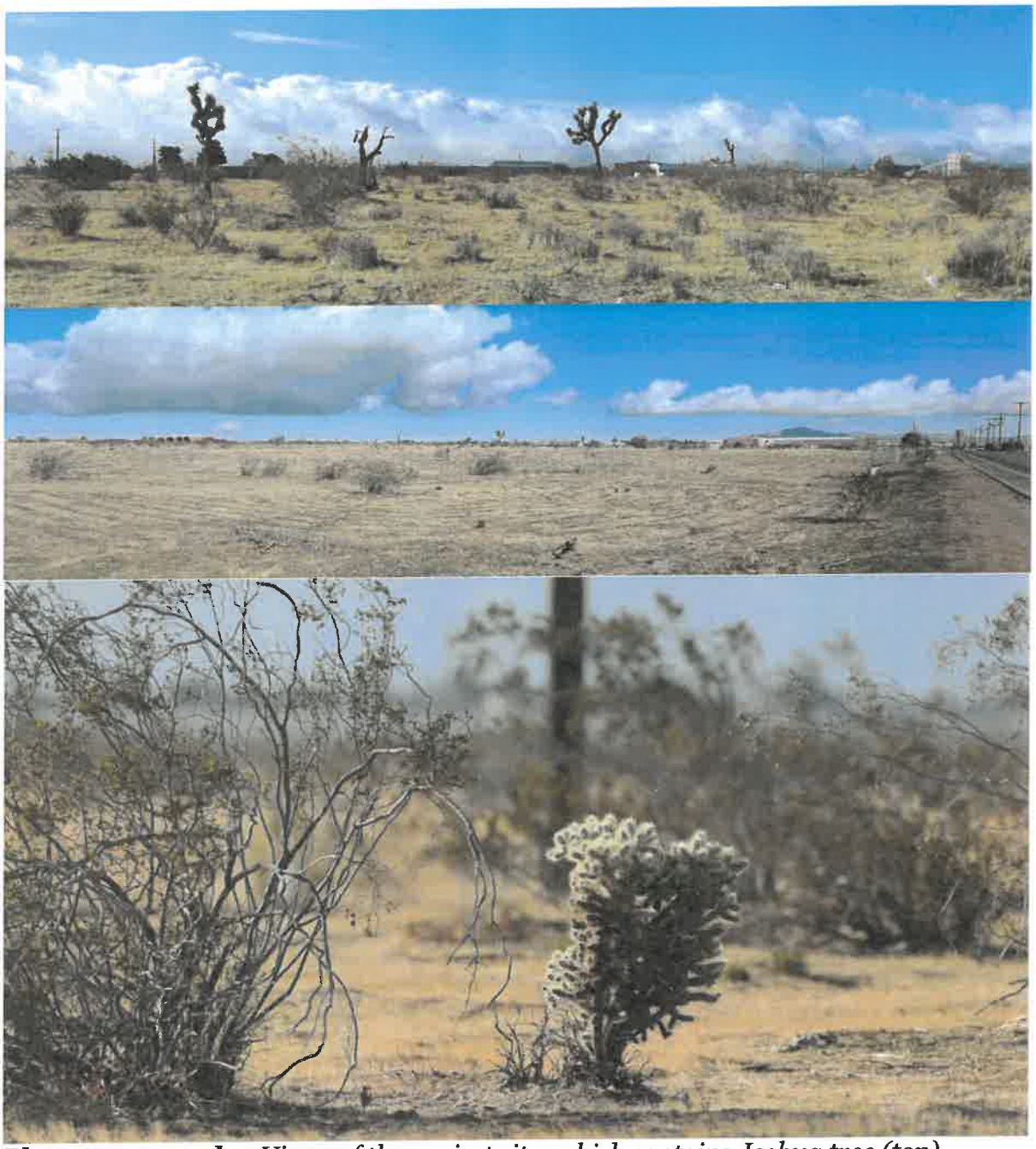
On my behalf, Noriko Smallwood, a wildlife biologist with a Master's Degree from California State University Los Angeles, visited the site of the proposed project for 2.83 hours from 06:14 to 09:04 hours on 6 March 2025. She walked the site's perimeter where accessible, stopping to scan for wildlife with use of binoculars. Noriko recorded all species of vertebrate wildlife she detected, including those whose members flew over the site or were seen nearby, off the site. Animals of uncertain species identity were either omitted or, if possible, recorded to the Genus or higher taxonomic level.

Conditions were sunny with 10-17 MPH south wind and temperatures of 37-42° F. The site is mostly undisturbed with Joshua tree woodland (Photos 1-3).

Noriko saw California gull (Photo 4), loggerhead shrike and American kestrel (Photos 5 and 6), common raven (Photo 7), rock pigeon (Photo 8), house finch (Photos 9 and 10), among the other species listed in Table 1. Noriko detected 14 species of vertebrate wildlife at or adjacent to the project site, including four species with special status (Table 1).

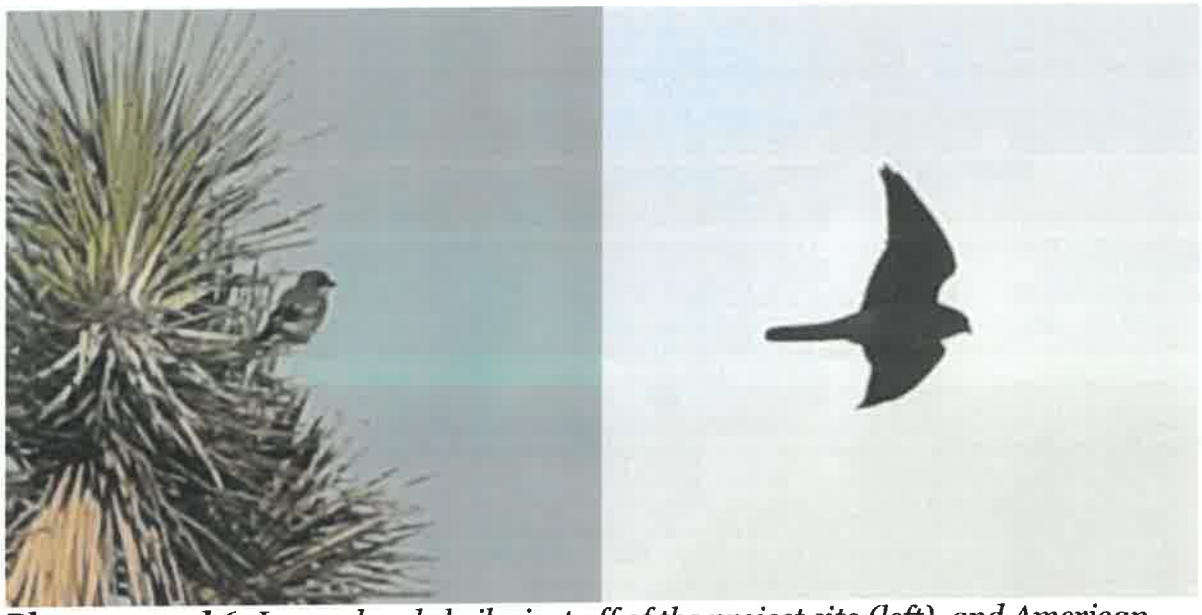
Noriko Smallwood certifies that the foregoing and following survey results are true and accurately reported.

Noriko Smallwood



Photos 1, 2, and 3. *Views of the project site, which contains Joshua tree (top), creosote (all), cholla (bottom), among other plant species,* 6 March *2025. Photos by Noriko Smallwood.*

Photo 4. *California gull on the project site,* 6 March *2025. Photo by Noriko Smallwood.*



Photos 5 and 6. *Loggerhead shrike just off of the project site (left), and American kestrel on the project site (right),* 6 March *2025. Photos by Noriko Smallwood.*

Photo 7. *Common raven on the project site,* 6 March *2025. Photo by Noriko Smallwood.*

Photo 8. *Rock pigeons on the project site,* 6 March *2025. Photo by Noriko Smallwood.*

Photos 9 and 10. *House finches on the project site,* 6 March *2025. Photos by Noriko Smallwood.*

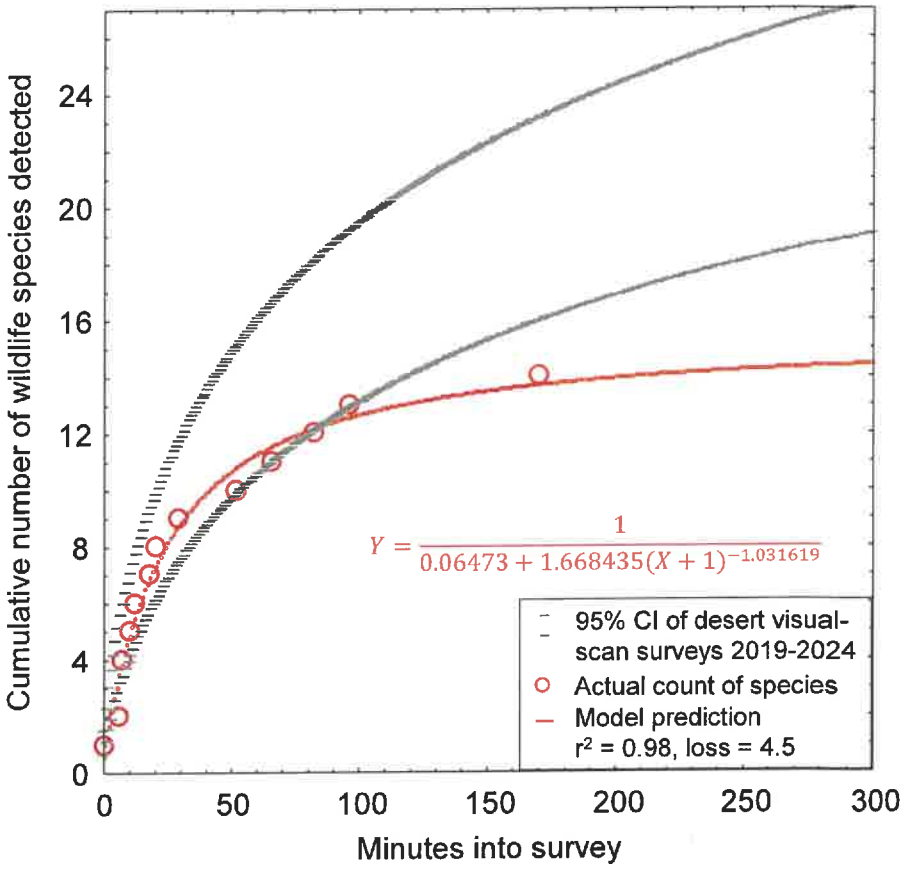
Table 1. *Species of wildlife Noriko observed during 2.83 hours of survey on 6 March 2025.*

Common name	*Species name*	Status[1]	Notes
Rock pigeon	*Columba livia*	Non-native	Flew over, perched just off site
California gull	*Larus californicus*	BCC, WL	Flew over
American kestrel	*Falco sparverius*	BOP	Flew over
Loggerhead shrike	*Lanius ludovicianus*	SSC2	Perched on Joshua tree just off site
Common raven	*Corvus corax*		Foraged, flew over
California horned lark	*Eremophila alpestris actia*	WL	On site and flew over
Tree swallow	*Tachycineta bicolor*		Flock flew over
Mountain bluebird	*Sialia currucoides*		Perched just off site
House sparrow	*Passer domesticus*	Non-native	Just off site
House finch	*Haemorphous mexicanus*		Foraged
Sparrow sp.			Likely Savannah sparrow or white-crowned sparrow
California ground squirrel	*Otospermophilus beecheyi*		Burrows
Domestic dog	*Canis familiaris*	Non-native	3 observed
Kangaroo rat	*Dipodomys sp.*		Many burrows

[1] Listed on Special Animals List as SSC = California Species of Special Concern (see Shuford and Gardali 2008 for numbers indicating priority of concern) or WL = Taxa to Watch List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406); listed by U.S. Fish and Wildlife Service as BCC = Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); or protected as BOP = Birds of Prey (California Fish and Game Code 3503.5).

The species of wildlife Noriko detected at the project site comprised only a sampling of the species that were present during her survey. To demonstrate this, I fit a nonlinear regression model to Noriko's cumulative number of vertebrate species detected with time into her survey to predict the number of species that she would have detected with a longer survey or perhaps with additional biologists available to assist her. The model is a logistic growth model which reaches an asymptote that corresponds with the maximum number of vertebrate wildlife species that could have been detected during the survey. In this case, the model fit to her survey data predict 15 species of vertebrate wildlife were available to be detected during each of her surveys, or only 1 more species than she detected (Figure 1).

Figure 1. *Actual and predicted relationships between the numbers of vertebrate wildlife species detected and the elapsed survey time based on Noriko's visual-scan survey on 6 March 2025.*



Unknown is the identity of the species Noriko missed, but the pattern in her data indicates average use of the project site compared to 19 surveys at other desert sites she and I have completed in California (Figure 1). Importantly, however, the species Noriko did and did not detect on 6 March composed only a fraction of the species that would occur at the project site over the period of a year or longer. This is because many species are seasonal in their occurrence, and the members of many others would visit the site only periodically while patrolling large home ranges.

At least a year's worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only have Noriko's one survey. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely make use of the site over the longer term. As part of my research, I completed a much larger survey effort across 167 km² of annual grasslands of the Altamont Pass Wind Resource Area, where from 2015 through 2019 I performed 721 1-hour visual-scan surveys, or 721 hours of surveys, at 46 stations. I used binoculars and otherwise the methods were the same as the methods I and other consulting biologists use for surveys at proposed project sites. At each of the 46 survey stations, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex

methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\hat{R} = \frac{1}{1/a+b\times(Hours)^c}$, where $\hat{R}$ represented cumulative species richness detected. The coefficients of determination, r^2, of the models ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations of my research site. I also averaged model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 2). On average I would have detected 12.2 species over my first 2.83 hours of surveys at my research site in the Altamont Pass (2.83 hours to match the 2.83 hours Noriko surveyed at the project site), which composed 21.4% of the predicted total number of species I would detect with a much larger survey effort at the research site. Given the example illustrated in Figure 2, the 14 species Noriko detected after her 2.83 hours of survey at the project site likely represented 21.4% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, Noriko would likely detect $^{14}/_{0.214} = 65$ species of vertebrate wildlife at the site. Assuming Noriko's ratio of special-status to non-special-status species was to hold through the detections of all 65 predicted species, then continued surveys would eventually detect 19 special-status species of vertebrate wildlife.

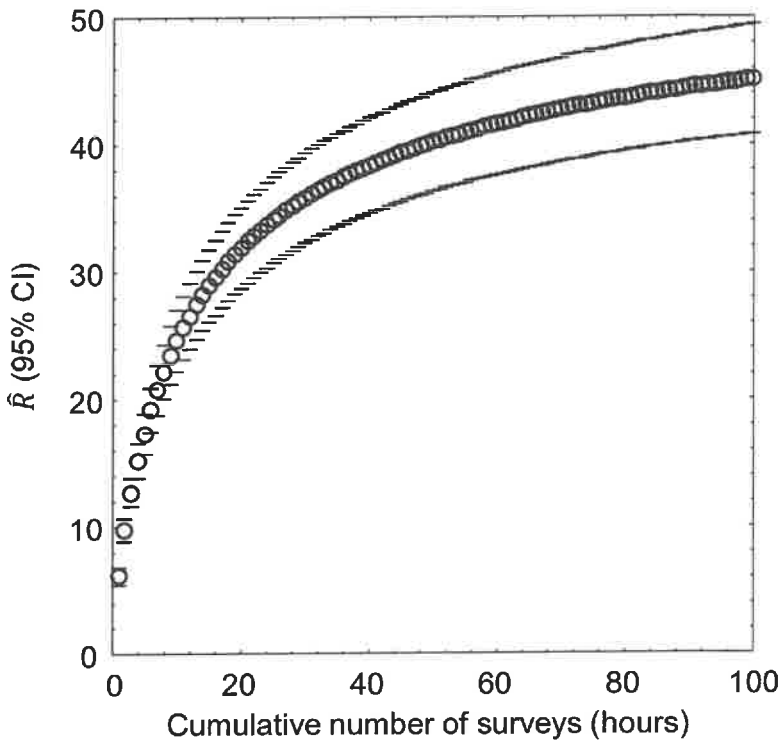


Figure 2. *Mean (95% CI) predicted wildlife species richness, $\hat{R}$, as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019. Note that the location of the study is largely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

Because my prediction of 65 species of vertebrate wildlife, including 19 special-status species of vertebrate wildlife, is derived from daytime visual-scan surveys, and would detect few nocturnal mammals such as bats, the true number of species composing the wildlife community of the site must be larger. Noriko's reconnaissance survey should serve only as a starting point toward characterization of the site's wildlife community, but it certainly cannot alone inform of the inventory of species that use the site. More surveys are needed than her one survey to inventory the project site's wildlife community. Nevertheless, the large number of species I predict at the project site is indicative of a relatively species-rich wildlife community that warrants a serious survey effort.

EXISTING ENVIRONMENTAL SETTING

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

Before I begin my comments on field surveys and desktop review, I need to address a mistaken view of species and habitat. According to the IS/MND (p. 32), "Sensitive biological resources include a variety of plant and animal species that are specialized and endemic to a particular habitat type." Habitat is defined as the portion of the environment that is used by members of a species for survival and reproduction (Hall et al. 1997, Morrison et al. 1998), whereas a habitat type refers to a vegetation complex. A species' habitat is not just a vegetation complex (Hall et al. 1997, Krausman 2016). A habitat is the home of a species, as it provides the cover, forage, templates for breeding, and opportunities for socialization, the combination of which is specific to the species, but which encompasses a portion of the aerosphere, underlying soils, water bodies and the biological community where the species is resident or seasonal at both ends of a migration route and all places in between. In other words, habitat is much more than a vegetation complex assigned to a "habitat type." Habitats of some species are more restricted geographically than of others, often contributing to species being referred to as sensitive because habitat loss to these species comprises a larger proportion of remaining habitat. Also contributing to the sensitivity of a species is the degree to which humans seek to take the species' habitat for economic gain. Thus, the IS/MND's insinuation is misleading that habitat types to which sensitive species are specialized and dependent upon do not exist on the project site. The insinuation pigeon-holes sensitive species into unidentified vegetation complexes that are supposedly not present.

For many species, it is unclear why the species is experiencing numerical decline or spatial contraction and therefore is labeled as sensitive. By far the most often hypothesized reasons are habitat loss and habitat fragmentation, but one specific portion of the habitat might account for the decline. The burrowing owl is a useful example, because it has long been associated with a wide range of open environments including the very environment of the project site, and it has long been described as exploitive of disturbed environments such as areas graded for roads or construction projects. Despite its seemingly robust nature, the burrowing owl is in rapid decline across all of California, recently prompting the California Fish and Game Commission to designate it a candidate for listing under the California Endangered Species Act. Habitat loss and habitat fragmentation is likely causing the decline of the burrowing owl, but a specific part of the burrowing owl's habitat might explain a disproportionate amount of the decline, and that is the loss of an important mutualist species – the ground squirrel (K. S. Smallwood unpublished data; Smallwood and Morrison 2018, 2024).

The IS/MND reports, "According to the United States Fish and Wildlife Service, there are no wetland or migratory bird nesting areas located within the project site." Unreported, however, is the basis of the USFWS 's findings. Did the USFWS perform surveys on the site? If the findings originate from a USFWS report, no such report is cited.

Shortly after the above statement, the IS/MND claims "No offsite ... migratory bird nesting areas would be affected by the proposed development since all development will be confined to the project site. *As a result, no impacts would occur.*" This finding combined with the previous finding implies that migratory birds do not nest anywhere. The IS/MND's findings cannot possibly be true. The bases of these findings are not reported, because they do not exist.

Furthermore, I am suspicious that the City paid little attention to what it wrote about the environmental setting. As an example, having repeatedly characterized the project site as "showing signs of human disturbances" (IS/MND: 3, 7, 9, 21, 24, 27, 32), which were later described as "severe artificial disturbances associated with offroad vehicle activity, discing, and installation of modern flood control culverts, and modern refuse dumping" (twice stated on p. 37), the IS/MND (p. 33) reports, "The site in its entirety is undisturbed." Of course, the site is not entirely undisturbed, nor are the disturbances that the IS/MND as severe in their consequences to plants and wildlife as the IS/MND implies. The disturbances were insufficiently severe to prevent the occurrences of 34 Joshua trees on the site, nor the wildlife that Noriko Smallwood detected on and around the site.

Environmental Setting informed by Field Surveys

To the CEQA's primary objective to disclose potential environmental impacts of a proposed project, the analysis should be informed of which biological species are known to occur at the proposed project site, which special-status species are likely to occur, as well as the limitations of the survey effort directed to the site. Analysts need this

information to characterize the environmental setting as a basis for opining on, or predicting, potential project impacts to biological resources.

Other than Noriko Smallwood's survey, no surveys for wildlife have been completed at the project site. The City did not send any professional wildlife ecologists to survey the site. The IS/MND provides no reason for this deficiency of the CEQA review, but the failure to complete surveys for wildlife is a major deficiency that prevents disclosure of potential environmental impacts that would result from the project. The project should not move forward without having the appropriate foundation for impacts analyses and the formulation of a mitigation strategy.

Not only has there been no reconnaissance survey for wildlife on the project site, but no protocol-level detection surveys have been conducted for monarch, Crotch's bumble bee, Mohave Desert tortoises, Mohave ground squirrels, Swainson's hawks, burrowing owls or LeConte's thrashers. RCA (2023) surveyed the project site for Joshua trees, but not for any other species of rare plants. Thus, the CDFW (2018) survey guidelines for rare plants have also yet to be implemented. Except for Joshua trees, the findings of the IS/MND lack any connection to field surveys of plants and wildlife.

Environmental Setting informed by Desktop Review

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

The IS/MND does not report on the findings of any desktop review. Findings of the USFWS are reported, but no source document is cited. The IS/MND presents no evidence that a review of wildlife occurrence records was completed. The IS/MND provides no reason for this deficiency of the CEQA review process, but the omission of a desktop review is a major deficiency that prevents disclosure of potential environmental impacts that would result from the project. The project should not move forward without having the appropriate foundation for impacts analyses and the formulation of a mitigation strategy.

In my assessment based on a database review and a site visit, 114 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence potential (Table 2). Of these 114 species, 4 (3.5%) were recorded on or just off the project site, and another 17 (15%) species have been documented within 1.5 miles of the site ('Very close'), another 29 (25%) within 1.5 and 4 miles ('Nearby'), and another 54 (47%) within 4 to 30 miles ('In region'). Almost half (44%) of the species in Table 2 have been reportedly seen within 4 miles of the project site. The site therefore supports multiple special-status species of wildlife and carries the potential for supporting many more special-status species of wildlife based on the proximities of recorded occurrences. The site is far richer in special-status species than the City would have the reader believe.

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

Common name	***Species name***	**Status[1]**	**Database records, Site visit**
Monarch	*Danaus plexippus*	FC	In region
Crotch's bumble bee	*Bombus crotchii*	CCE	Very close
Western pond turtle	*Emys marmorata*	SSC	In region
Mojave desert tortoise	*Gopherus agassizii*	FT, CE	In region
Blainville's horned lizard	*Phrynosoma blainvillii*	SSC	In region
Brant	*Branta bernicla*	SSC2	In region
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL	Nearby
Redhead	*Aythya americana*	SSC2	Nearby
Barrow's goldeneye	*Bucephala islandica*	SSC	In region
Western grebe	*Aechmophorus occidentalis*	BCC	Nearby
Clark's grebe	*Aechmophorus clarkii*	BCC	In region
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, CE	In region
Black swift	*Cypseloides niger*	SSC3, BCC	In region
Vaux's swift	*Chaetura vauxi*	SSC2	Nearby
Costa's hummingbird	*Calypte costae*	BCC	Very close
Calliope hummingbird	*Selasphorus calliope*	BCC	In region
Rufous hummingbird	*Selasphorus rufus*	BCC	Nearby
Allen's hummingbird	*Selasphorus sasin*	BCC	Nearby
American avocet	*Recurvirostra americana*	BCC	Nearby
Mountain plover	*Charadrius montanus*	SSC2, BCC	In range
Snowy plover	*Charadrius nivosus*	BCC	In region
Western snowy plover	*Charadrius nivosus nivosus*	FT, SSC	In range
Long-billed curlew	*Numenius americanus*	WL	In region
Marbled godwit	*Limosa fedoa*	BCC	In region
Pectoral sandpiper	*Calidris melanotos*	BCC	In region
Short-billed dowitcher	*Limnodromus griseus*	BCC	In region
Lesser yellowlegs	*Tringa flavipes*	BCC	In region

Common name	*Species name*	Status[1]	Database records, Site visit
Willet	*Tringa semipalmata*	BCC	In region
Franklin's gull	*Leucophaeus pipixcan*	BCC	In region
Heermann's gull	*Larus heermanni*	BCC	In region
California gull	*Larus californicus*	BCC, WL	**On site**
California least tern	*Sternula antillarum browni*	FE, CE, CFP	In region
Black tern	*Chlidonias niger*	SSC2, BCC	Nearby
Common loon	*Gavia immer*	SSC	Very close
Double-crested cormorant	*Phalacrocorax auritus*	WL	Very close
American white pelican	*Pelacanus erythrorhynchos*	SSC1	Nearby
Least bittern	*Ixobrychus exilis*	SSC2	In region
White-faced ibis	*Plegadis chihi*	WL	Nearby
Turkey vulture	*Cathartes aura*	BOP	Very close
Osprey	*Pandion haliaetus*	WL, BOP	Very close
White-tailed kite	*Elanus luecurus*	CFP, BOP	In region
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP, WL	In region
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP	Nearby
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP	Very close
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Very close
Bald eagle	*Haliaeetus leucocephalus*	CE, BGEPA, BOP	Nearby
Red-shouldered hawk	*Buteo lineatus*	BOP	Nearby
Swainson's hawk	*Buteo swainsoni*	CT, BOP	Nearby
Red-tailed hawk	*Buteo jamaicensis*	BOP	Very close
Ferruginous hawk	*Buteo regalis*	WL, BOP	Nearby
Zone-tailed hawk	*Buteo albonotatus*	BOP	In region
Harris' hawk	*Parabuteo unicinctus*	WL, BOP	In region
Rough-legged hawk	*Buteo lagopus*	BOP	In region
American barn owl	*Tyto furcata*	BOP	Nearby
Western screech-owl	*Megascops kennicotti*	BOP	In region
Great horned owl	*Bubo virginianus*	BOP	Very close
Burrowing owl	*Athene cunicularia*	BCC, CCE, SSC2, BOP	Very close
Long-eared owl	*Asio otus*	BCC, SSC3, BOP	In region

Common name	*Species name*	Status[1]	Database records, Site visit
Short-eared owl	*Asia flammeus*	BCC, SSC3, BOP	In region
Lewis's woodpecker	*Melanerpes lewis*	BCC	In region
Nuttall's woodpecker	*Picoides nuttallii*	BCC	Very close
American kestrel	*Falco sparverius*	BOP	**On site**
Merlin	*Falco columbarius*	WL, BOP	Very close
Peregrine falcon	*Falco peregrinus*	BOP	Nearby
Prairie falcon	*Falco mexicanus*	WL, BOP	Nearby
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2	Nearby
Willow flycatcher	*Empidonax trailii*	CE	Nearby
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, CE	In region
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2	Nearby
Least Bell's vireo	*Vireo bellii pusillus*	FE, CE	In region
Gray vireo	*Vireo vicinior*	SSC2	In region
Loggerhead shrike	*Lanius ludovicianus*	SSC2	**Just off site**
Oak titmouse	*Baeolophus inornatus*	BCC	Very close
Verdin	*Auriparus flaviceps*	BCC	Very close
California horned lark	*Eremophila alpestris actia*	WL	**On site**
Bank swallow	*Riparia riparia*	CT	Nearby
Purple martin	*Progne subis*	SSC2	In region
Wrentit	*Chamaea fasciata*	BCC	In region
Black-tailed gnatcatcher	*Polioptila melanura*	WL	In region
California thrasher	*Toxostoma redivivum*	BCC	Nearby
LeConte's thrasher	*Toxostoma lecontei*	SSC1, BCC	In region
Cassin's finch	*Haemorhous cassinii*	BCC	Nearby
Lawrence's goldfinch	*Spinus lawrencei*	BCC	Very close
Black-chinned sparrow	*Spizella atrogularis*	BCC	In region
Gray-headed junco	*Junco hyemalis caniceps*	WL	In region
Bell's sparrow	*Amphispiza b. belli*	WL	In region
Oregon vesper sparrow	*Pooecetes gramineus affinis*	SSC2	In range
Southern California rufous-crowned sparrow	*Aimophila ruficeps canescens*	WL	In region

Common name	*Species name*	Status[1]	Database records, Site visit
Yellow-breasted chat	*Icteria virens*	SSC3	Nearby
Yellow-headed blackbird	*Xanthocephalus xanthocephalus*	SSC3	Nearby
Bullock's oriole	*Icterus bullockii*	BCC	Nearby
Tricolored blackbird	*Agelaius tricolor*	CT, BCC, SSC1	In region
Lucy's warbler	*Leiothlypis luciae*	SSC3	In region
Virginia's warbler	*Leiothlypis virginiae*	WL, BCC	In region
Yellow warbler	*Setophaga petechia*	SSC2	Nearby
Summer tanager	*Piranga rubra*	SSC1	Nearby
California myotis	*Myotis californicus*	WBWG:L	In region
Small-footed myotis	*Myotis ciliolabrum*	WBWG: M	In range
Canyon bat	*Parastrellus hesperus*	WBWG: M	In region
Big brown bat	*Episticus fuscus*	WBWG: L	In region
Silver-haired bat	*Lasionycteris noctivagans*	WBWG: M	In range
Hoary bat	*Lasiurus cinereus*	WBWG: M	In region
Spotted bat	*Euderma maculatum*	SSC, WBWG: H	In range
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC, WBWG: H	In region
Pallid bat	*Antrozous pallidus*	SSC, WBWG: H	In range
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG: L	In region
Western mastiff bat	*Eumops perotis*	SSC, WBWG: H	In range
San Diego black-tailed jackrabbit	*Lepus californicus bennettii*	SSC	In region
Mohave ground squirrel	*Xerospermophilus mohavensis*	CT	In region
Pallid San Diego pocket mouse	*Chaetodipus fallax pallidus*	SSC	In range
Los Angeles pocket mouse	*Perognathus longimembris brevinasus*	SSC	In region
Southern grasshopper mouse	*Onychomys torridus ramona*	SSC	In range
American badger	*Taxidea taxus*	SSC	In region
Mountain lion	*Puma concolor*	CCT	Very close

[1] Listed on Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FT or FE = federal threatened or endangered, FC = federal candidate for listing, CCT or CCE = Candidate California threatened or endangered, CFP = California Fully Protected (California Fish and Game Code 3511), SSC = California Species of Special Concern (see Shuford and Gardali 2008 for numbers indicating priority of concern), CT or CE = California threatened or endangered, SSC = California Species of Special Concern (not threatened with extinction, but rare, very restricted in range, declining throughout range, peripheral portion of species'

range, associated with habitat that is declining in extent, and SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively, per Shuford and Gardali 2008), WL = Taxa to Watch List, and WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); listed by U.S. Fish and Wildlife Service (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf) as BCC = Bird of Conservation Concern; or protected as BOP = Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors).

At least a fair argument can be made for the need to prepare an EIR to accurately characterize the existing environmental setting that is needed to appropriately analyze impacts and formulate mitigation measures.

BIOLOGICAL IMPACTS ASSESSMENT

Accurate characterization of the existing environmental setting is an essential foundation for analysis of potential project impacts, but other than for Joshua trees, the IS/MND provides no foundation for impacts analysis related to plants and wildlife. An impacts analysis should consider whether and how the proposed project would affect members of each potentially occurring special-status species. In the following, I analyze several types of impacts likely to result from the project, none of which is addressed in the IS/MND.

HABITAT LOSS AND HABITAT FRAGMENTATION

The IS/MND does not attempt to estimate the numerical or productive capacities of the site for nesting birds, probably because the IS/MND concludes that birds do not nest on the site. This conclusion, however, is not credible. The site is proven to serve as habitat to at least 14 species of wildlife which Noriko observed on the site, but the number of avian nest sites remains unknown. Because Noriko's survey was only a reconnaissance survey therefore unsuitable for detecting all bird nests on the site, estimating total nest density of birds was not possible. Fortunately, we have performed such surveys at other sites to estimate total nest density.

Franzeb (1978) estimated a total nest density of 0.183 nests/ha in California's southeastern desert environments, and Kozma and Mathews (1997) estimated total nest densities of 0.26 nests/acre in arroyos and 0.109 nests/acre on the uplands in the Chihuahuan Desert of New Mexico. As part of an ongoing study, Noriko Smallwood estimated 3.8 nests/acre on a 3.16-acre site of grassland in Murrieta, 0.62 nests/acre on a 4.83-acre site, and 0.93 nests/acre on grassland of the San Joaquin Wildlife Area. The average of the above is 0.98 nests/acre. This density applied to the 5.22 acres of the project site would predict 5.1 nest sites per year. Assuming 1.39 broods per nest site based on a review of 322 North American bird species, which averaged 1.39 broods per year, then I estimate an average 7.1 nest attempts per year at the project site. Assuming Young's (1948) study site typifies bird productivity of 2.9 fledged birds per nest attempt, then I predict 20.6 fledglings/year at the project site.

The loss of 5.1 nest sites and 7.1 nest attempts and 20.6 fledglings per year would qualify as significant impacts that have not been analyzed in the IS/MND. But the impacts would not end with the immediate loss of nest sites. Assuming an average bird generation time of 5 years, the lost capacity of both breeders and annual fledgling production can be estimated from an equation in Smallwood (2022): {(nests/year × chicks/nest × number of years) + (2 adults/nest × nests/year) × (number of years ÷ years/generation)} ÷ (number of years) = 23 birds per year denied to California.

The loss of 23 birds per year would be a loss of considerable productive capacity that is currently provided by the project site. Most if not all these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which most strongly protect breeding migratory birds. Therefore, at least a fair argument can be made for the need to prepare an EIR to appropriately analyze project impacts to birds in the form of lost productive capacity caused by habitat loss.

INTERFERENCE WITH WILDLIFE MOVEMENT

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would interfere with wildlife movement in the region. Unfortunately, the IS/MND provides no serious analysis of the potential for the project to interfere with wildlife movement in the region. The IS/MND (p. 34) merely states, "The site's utility as a habitat and a migration corridor is constrained by the presence of an adjacent roadways and the development that is present in the neighboring areas. *As a result, no impacts would occur.*" However, the IS/MND cites no evidence that adjacent roads or adjacent development constrain habitats or wildlife movement in any way. If there was any veracity to the reasoning in the IS/MND on this issue, then Noriko Smallwood should not have been able to see the wildlife that she did.

The City of Hesperia did not retain any wildlife ecologists to survey the project site or its surroundings, as is standard practice in support of CEQA review. There has been no program of observation to characterize how wildlife use the site for movement in the region, let alone any surveys to determine which species of wildlife occur on or around the site. Given this lack of diligence to the CEQA review process, the City merely speculates that roads preclude habitat and wildlife movement. If the existence of roads truly serve as barriers to wildlife movement, then the issue of roadkill wildlife would not exist, but as I discuss below, one of the largest – if not the largest -- anthropogenic sources of wildlife mortality is collisions of wildlife with automobiles.

At least a fair argument can be made for the need to prepare an EIR to appropriately analyze the project's potential impacts to volant wildlife and how those impacts to movement can be mitigated.

TRAFFIC IMPACTS TO WILDLIFE

The IS/MND neglects to address one of the project's most obvious, substantial impacts to wildlife, and that is wildlife mortality and injuries caused by project-generated traffic. Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic (Photos 1–4), including along roads far from the project footprint but which would nevertheless by traversed by automobiles head to or from the project's building. Vehicle collisions have accounted for the deaths of many thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to

8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

Photo 1. *A white-tailed antelope squirrel runs across the road just in the Coachella Valley, 26 May 2022. Such road crossings are usually successful, but too often prove fatal to the animal.*

Photo 2. *A coyote uses the crosswalk to cross a road on 2 February 2023. Not all drivers stop, nor do all animals use the crosswalk. Too often, animals are injured or killed when they attempt to cross roads.*

Photos 3 and 4. *Raccoon killed on Road 31 just east of Highway 505 in Solano County (left; photo taken on 10 November 2018), and mourning dove killed by vehicle on a California road (right; photo by Noriko Smallwood, 21 June 2020.)*

The nearest study of traffic-caused wildlife mortality was performed along a 2.5-mile stretch of Vasco Road in Contra Costa County, California. Fatality searches in this study found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches (Mendelsohn et al. 2009). This fatality number needs to be adjusted for the proportion of fatalities that were not found due to scavenger removal and searcher error. This adjustment is typically made by placing carcasses for searchers to find (or not find) during their routine periodic fatality searches. This step was not taken at Vasco Road (Mendelsohn et al. 2009), but it was taken as part of another study next to Vasco Road (Brown et al. 2016). Brown et al.'s (2016) adjustment factors for carcass persistence resembled those of Santos et al. (2011). Also applying searcher detection rates from Brown et al. (2016), the adjusted total number of fatalities was estimated at 9,462 animals killed by traffic on the road. This fatality number projected over 1.25 years and 2.5 miles of road translates to 3,028 wild animals per mile per year. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 188,191 animals killed per 100 km of road per year, or 22 times that of Loss et al.'s (2014) upper bound estimate and 53 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project site would similarly result in local impacts on wildlife.

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

Predicting project-generated traffic impacts to wildlife

The IS/MND does not report a prediction of annual VMT that would be generated by the project. However, I have kept track of predicted annual VMT at other proposed warehouse projects, from which I can generate a mean annual VMT per square foot of floor space. Based on 33 other warehouse projects, the mean annual VMT/sf was 21.54. Applying this mean to the 79,778 sf of the proposed warehouse would predict 1,718,418 annual VMT.

During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars

and trucks × 2.5 miles × 365 days/year × 1.25 years = 22,242,187.5 vehicle miles per 9,462 wildlife fatalities, or 2,351 vehicle miles per fatality. This rate divided into the predicted annual VMT would predict 731 vertebrate wildlife fatalities per year due to project-generated traffic.

Based on my analysis, the project-generated traffic would cause substantial, significant impacts to wildlife. The IS/MND does not address this potential impact, let alone propose to mitigate it. Mitigation measures to improve wildlife safety along roads are available and are feasible, and they need exploration for their suitability with the proposed project. Given the predicted level of project-generated traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts.

At least a fair argument can be made for the need to prepare an EIR to appropriately analyze the impact of wildlife collision mortality resulting from project-generated traffic.

CUMULATIVE IMPACTS

The cumulative impacts analysis is fundamentally flawed, as its premise of no wildlife occurring on the project site lacks foundation in evidence. According to the IS/MND (p. 89), "The proposed project *would not* have impacts that are individually limited, but cumulatively considerable. The environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein." This analysis is conclusory. A cumulative impacts analysis needs to be completed.

MITIGATION MEASURES

The IS/MND requires no mitigation for potential project impacts to wildlife. The only mitigation required for biological resources is directed to the 34 Joshua trees determined to occupy the site. Below are my comments on the Joshua tree mitigation followed by recommendations for mitigation that should be considered in an EIR.

Before I comment specifically on mitigation, however, I will repeat myself that the formulation of appropriate mitigation can only follow an adequate survey effort for wildlife on and around the project site. The available protocol-level detection survey guidelines also need to be implemented for multiple special-status species.

BIO Mitigation No. 1. Mitigation for direct impacts to the western Joshua trees within the Project site will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit.

Comment: Attainment of an ITP is not assured, but the BIO Mitigation No. 1 includes no statement of uncertainty about acquiring an ITP. Furthermore, nothing is said of the

relocation guidelines, nor of effectiveness monitoring and reporting. The required mitigation for take of Joshua trees appears incomplete.

RECOMMENDED MEASURES

Road Mortality: Compensatory mitigation is needed for the increased wildlife mortality that would be caused by bird-window collisions and the project-generated road traffic in the region. I suggest that this mitigation can be directed toward funding research to identify fatality patterns and effective impact reduction measures such as reduced speed limits and wildlife under-crossings or overcrossings of particularly dangerous road segments. Compensatory mitigation can also be provided in the form of donations to wildlife rehabilitation facilities (see below).

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

Thank you for your consideration,

Shawn Smallwood, Ph.D.

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Expertise

- Finding solutions to controversial problems related to wildlife interactions with human industry, infrastructure, and activities;
- Wildlife monitoring and field study using GPS, thermal imaging, behavior surveys;
- Using systems analysis and experimental design principles to identify meaningful ecological patterns that inform management decisions.

Education

Ph.D. Ecology, University of California, Davis. September 1990.
M.S. Ecology, University of California, Davis. June 1987.
B.S. Anthropology, University of California, Davis. June 1985.
Corcoran High School, Corcoran, California. June 1981.

Experience

- 762 professional reports, including:
- 90 peer reviewed publications
- 24 in non-reviewed proceedings
- 646 reports, declarations, posters and book reviews
- 8 in mass media outlets
- 92 public presentations of research results

Editing for scientific journals: Guest Editor, *Wildlife Society Bulletin*, 2012-2013, of invited papers representing international views on the impacts of wind energy on wildlife and how to mitigate the impacts. Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007. Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004. Associate Editor, *Biological Conservation*, 9/1994 to 9/1995.

Member, Alameda County Scientific Review Committee (SRC), August 2006 to April 2011. The five-member committee investigated causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and recommended mitigation and monitoring measures. The SRC reviewed the science underlying the Alameda County Avian Protection Program, and advised

the County on how to reduce wildlife fatalities.

Consulting Ecologist, 2004-2007, California Energy Commission (CEC). Provided consulting services as needed to the CEC on renewable energy impacts, monitoring and research, and produced several reports. Also collaborated with Lawrence-Livermore National Lab on research to understand and reduce wind turbine impacts on wildlife.

Consulting Ecologist, 1999-2013, U.S. Navy. Performed endangered species surveys, hazardous waste site monitoring, and habitat restoration for the endangered San Joaquin kangaroo rat, California tiger salamander, California red-legged frog, California clapper rail, western burrowing owl, salt marsh harvest mouse, and other species at Naval Air Station Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; National Radio Transmitter Facility, Dixon; and, Naval Outlying Landing Field Imperial Beach.

Part-time Lecturer, 1998-2005, California State University, Sacramento. Instructed Mammalogy, Behavioral Ecology, and Ornithology Lab, Contemporary Environmental Issues, Natural Resources Conservation.

Senior Ecologist, 1999-2005, BioResource Consultants. Designed and implemented research and monitoring studies related to avian fatalities at wind turbines, avian electrocutions on electric distribution poles across California, and avian fatalities at transmission lines.

Chairman, Conservation Affairs Committee, The Wildlife Society--Western Section, 1999-2001. Prepared position statements and led efforts directed toward conservation issues, including travel to Washington, D.C. to lobby Congress for more wildlife conservation funding.

Systems Ecologist, 1995-2000, Institute for Sustainable Development. Headed ISD's program on integrated resources management. Developed indicators of ecological integrity for large areas, using remotely sensed data, local community involvement and GIS.

Associate, 1997-1998, Department of Agronomy and Range Science, University of California, Davis. Worked with Shu Geng and Mingua Zhang on several studies related to wildlife interactions with agriculture and patterns of fertilizer and pesticide residues in groundwater across a large landscape.

Lead Scientist, 1996-1999, National Endangered Species Network. Informed academic scientists and environmental activists about emerging issues regarding the Endangered Species Act and other environmental laws. Testified at public hearings on endangered species issues.

Ecologist, 1997-1998, Western Foundation of Vertebrate Zoology. Conducted field research to determine the impact of past mercury mining on the status of California red-legged frogs in Santa Clara County, California.

Senior Systems Ecologist, 1994-1995, EIP Associates, Sacramento, California. Provided consulting services in environmental planning, and quantitative assessment of land units for their conservation and restoration opportunities basedon ecological resource requirements of 29 special-status species. Developed ecological indicators for prioritizing areas within Yolo County

to receive mitigation funds for habitat easements and restoration.

Post-Graduate Researcher, 1990-1994, Department of Agronomy and Range Science, *U.C. Davis*. Under Dr. Shu Geng's mentorship, studied landscape and management effects on temporal and spatial patterns of abundance among pocket gophers and species of Falconiformes and Carnivora in the Sacramento Valley. Managed and analyzed a data base of energy use in California agriculture. Assisted with landscape (GIS) study of groundwater contamination across Tulare County, California.

Work experience in graduate school: Co-taught Conservation Biology with Dr. Christine Schonewald, 1991 & 1993, UC Davis Graduate Group in Ecology; Reader for Dr. Richard Coss's course on Psychobiology in 1990, UC Davis Department of Psychology; Research Assistant to Dr. Walter E. Howard, 1988-1990, UC Davis Department of Wildlife and Fisheries Biology, testing durable baits for pocket gopher management in forest clearcuts; Research Assistant to Dr. Terrell P. Salmon, 1987-1988, UC Wildlife Extension, Department of Wildlife and Fisheries Biology, developing empirical models of mammal and bird invasions in North America, and a rating system for priority research and control of exotic species based on economic, environmental and human health hazards in California. Student Assistant to Dr. E. Lee Fitzhugh, 1985-1987, UC Cooperative Extension, Department of Wildlife and Fisheries Biology, developing and implementing statewide mountain lion track count for long-term monitoring.

Fulbright Research Fellow, Indonesia, 1988. Tested use of new sampling methods for numerical monitoring of Sumatran tiger and six other species of endemic felids, and evaluated methods used by other researchers.

Projects

Repowering wind energy projects through careful siting of new wind turbines using map-based collision hazard models to minimize impacts to volant wildlife. Funded by wind companies (principally NextEra Renewable Energy, Inc.), California Energy Commission and East Bay Regional Park District, I have collaborated with a GIS analyst and managed a crew of five field biologists performing golden eagle behavior surveys and nocturnal surveys on bats and owls. The goal is to quantify flight patterns for development of predictive models to more carefully site new wind turbines in repowering projects. Focused behavior surveys began May 2012 and continue. Collision hazard models have been prepared for seven wind projects, three of which were built. Planning for additional repowering projects is underway.

Test avian safety of new mixer-ejector wind turbine (MEWT). Designed and implemented a before-after, control-impact experimental design to test the avian safety of a new, shrouded wind turbine developed by Ogin Inc. (formerly known as FloDesign Wind Turbine Corporation). Supported by a $718,000 grant from the California Energy Commission's Public Interest Energy Research program and a 20% match share contribution from Ogin, I managed a crew of seven field biologists who performed periodic fatality searches and behavior surveys, carcass detection trials, nocturnal behavior surveys using a thermal camera, and spatial analyses with the collaboration of a GIS analyst. Field work began 1 April 2012 and ended 30 March 2015 without Ogin installing its MEWTs, but we still achieved multiple important scientific advances.

Reduce avian mortality due to wind turbines at Altamont Pass. Studied wildlife impacts caused by 5,400 wind turbines at the world's most notorious wind resource area. Studied how impacts are perceived by monitoring and how they are affected by terrain, wind patterns, food resources, range management practices, wind turbine operations, seasonal patterns, population cycles, infrastructure management such as electric distribution, animal behavior and social interactions.

Reduce avian mortality on electric distribution poles. Directed research toward reducing bird electrocutions on electric distribution poles, 2000-2007. Oversaw 5 founds of fatality searches at 10,000 poles from Orange County to Glenn County, California, and produced two large reports.

Cook *et al.* v. Rockwell International *et al.*, No. 90-K-181 (D. Colorado). Provided expert testimony on the role of burrowing animals in affecting the fate of buried and surface-deposited radioactive and hazardous chemical wastes at the Rocky Flats Plant, Colorado. Provided expert reports based on four site visits and an extensive document review of burrowing animals. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals. I testified in federal court in November 2005, and my clients were subsequently awarded a $553,000,000 judgment by a jury. After appeals the award was increased to two billion dollars.

Hanford Nuclear Reservation Litigation. Provided expert testimony on the role of burrowing animals in affecting the fate of buried radioactive wastes at the Hanford Nuclear Reservation, Washington. Provided three expert reports based on three site visits and extensive document review. Predicted and verified a certain population density of pocket gophers on buried waste structures, as well as incidence of radionuclide contamination in body tissue. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals.

Expert testimony and declarations on proposed residential and commercial developments, gas-fired power plants, wind, solar and geothermal projects, water transfers and water transfer delivery systems, endangered species recovery plans, Habitat Conservation Plans and Natural Communities Conservation Programs. Testified before multiple government agencies, Tribunals, Boards of Supervisors and City Councils, and participated with press conferences and depositions. Prepared expert witness reports and court declarations, which are summarized under Reports (below).

Protocol-level surveys for special-status species. Used California Department of Fish and Wildlife and US Fish and Wildlife Service protocols to search for California red-legged frog, California tiger salamander, arroyo southwestern toad, blunt-nosed leopard lizard, western pond turtle, giant kangaroo rat, San Joaquin kangaroo rat, San Joaquin kit fox, western burrowing owl, Swainson's hawk, Valley elderberry longhorn beetle and other special-status species.

Conservation of San Joaquin kangaroo rat. Performed research to identify factors responsible for the decline of this endangered species at Lemoore Naval Air Station, 2000-2013, and implemented habitat enhancements designed to reverse the trend and expand the population.

Impact of West Nile Virus on yellow-billed magpies. Funded by Sacramento-Yolo Mosquito and Vector Control District, 2005-2008, compared survey results pre- and post-West Nile Virus epidemic for multiple bird species in the Sacramento Valley, particularly on yellow-billed magpie and American crow due to susceptibility to WNV.

Workshops on HCPs. Assisted Dr. Michael Morrison with organizing and conducting a 2-day workshop on Habitat Conservation Plans, sponsored by Southern California Edison, and another 1-day workshop sponsored by PG&E. These Workshops were attended by academics, attorneys, and consultants with HCP experience. We guest-edited a Proceedings published in Environmental Management.

Mapping of biological resources along Highways 101, 46 and 41. Used GPS and GIS to delineate vegetation complexes and locations of special-status species along 26 miles of highway in San Luis Obispo County, 14 miles of highway and roadway in Monterey County, and in a large area north of Fresno, including within reclaimed gravel mining pits.

GPS mapping and monitoring at restoration sites and at Caltrans mitigation sites. Monitored the success of elderberry shrubs at one location, the success of willows at another location, and the response of wildlife to the succession of vegetation at both sites. Also used GPS to monitor the response of fossorial animals to yellow star-thistle eradication and natural grassland restoration efforts at Bear Valley in Colusa County and at the decommissioned Mather Air Force Base in Sacramento County.

Mercury effects on Red-legged Frog. Assisted Dr. Michael Morrison and US Fish and Wildlife Service in assessing the possible impacts of historical mercury mining on the federally listed California red-legged frog in Santa Clara County. Also measured habitat variables in streams.

Opposition to proposed No Surprises rule. Wrote a white paper and summary letter explaining scientific grounds for opposing the incidental take permit (ITP) rules providing ITP applicants and holders with general assurances they will be free of compliance with the Endangered Species Act once they adhere to the terms of a "properly functioning HCP." Submitted 188 signatures of scientists and environmental professionals concerned about No Surprises rule US Fish and Wildlife Service, National Marine Fisheries Service, all US Senators.

Natomas Basin Habitat Conservation Plan alternative. Designed narrow channel marsh to increase the likelihood of survival and recovery in the wild of giant garter snake, Swainson's hawk and Valley Elderberry Longhorn Beetle. The design included replication and interspersion of treatments for experimental testing of critical habitat elements. I provided a report to Northern Territories, Inc.

Assessments of agricultural production system and environmental technology transfer to China. Twice visited China and interviewed scientists, industrialists, agriculturalists, and the Directors of the Chinese Environmental Protection Agency and the Department of Agriculture to assess the need and possible pathways for environmental clean-up technologies and trade opportunities between the US and China.

Yolo County Habitat Conservation Plan. Conducted landscape ecology study of Yolo County to spatially prioritize allocation of mitigation efforts to improve ecosystem functionality within the County from the perspective of 29 special-status species of wildlife and plants. Used a hierarchically structured indicators approach to apply principles of landscape and ecosystem ecology, conservation biology, and local values in rating land units. Derived GIS maps to help guide the conservation area design, and then developed implementation strategies.

Mountain lion track count. Developed and conducted a carnivore monitoring program throughout California since 1985. Species counted include mountain lion, bobcat, black bear, coyote, red and gray fox, raccoon, striped skunk, badger, and black-tailed deer. Vegetation and land use are also monitored. Track survey transect was established on dusty, dirt roads within randomly selected quadrats.

Sumatran tiger and other felids. Upon award of Fulbright Research Fellowship, I designed and initiated track counts for seven species of wild cats in Sumatra, including Sumatran tiger, fishing cat, and golden cat. Spent four months on Sumatra and Java in 1988, and learned Bahasa Indonesia, the official Indonesian language.

Wildlife in agriculture. Beginning as post-graduate research, I studied pocket gophers and other wildlife in 40 alfalfa fields throughout the Sacramento Valley, and I surveyed for wildlife along a 200 mile road transect since 1989 with a hiatus of 1996-2004. The data are analyzed using GIS and methods from landscape ecology, and the results published and presented orally to farming groups in California and elsewhere. I also conducted the first study of wildlife in cover crops used on vineyards and orchards.

Agricultural energy use and Tulare County groundwater study. Developed and analyzed a data base of energy use in California agriculture, and collaborated on a landscape (GIS) study of groundwater contamination across Tulare County, California.

Pocket gopher damage in forest clear-cuts. Developed gopher sampling methods and tested various poison baits and baiting regimes in the largest-ever field study of pocket gopher management in forest plantations, involving 68 research plots in 55 clear-cuts among 6 National Forests in northern California.

Risk assessment of exotic species in North America. Developed empirical models of mammal and bird species invasions in North America, as well as a rating system for assigning priority research and control to exotic species in California, based on economic, environmental, and human health hazards.

Peer Reviewed Publications

Smallwood, K. S. 2022. Utility-scale solar impacts to volant wildlife. Journal of Wildlife Management: e22216. https://doi.org/10.1002/jwmg.22216

Smallwood, K. S., and N. L. Smallwood. 2021. Breeding Density and Collision Mortality of Loggerhead Shrike (*Lanius ludovicianus*) in the Altamont Pass Wind Resource Area. Diversity 13, 540. https://doi.org/10.3390/d13110540.

Smallwood, K. S. 2020. USA wind energy-caused bat fatalities increase with shorter fatality search intervals. Diversity 12(98); https://doi.org/10.3390/d12030098

Smallwood, K. S., D. A. Bell, and S. Standish. 2020. Dogs detect larger wind energy impacts on bats and birds. Journal of Wildlife Management 84:852-864. DOI: 10.1002/jwmg.21863.

Smallwood, K. S., and D. A. Bell. 2020. Relating bat passage rates to wind turbine fatalities.

Diversity 12(84); doi:10.3390/d12020084.

Smallwood, K. S., and D. A. Bell. 2020. Effects of wind turbine curtailment on bird and bat fatalities. Journal of Wildlife Management 84:684-696. DOI: 10.1002/jwmg.21844

Kitano, M., M. Ino, K. S. Smallwood, and S. Shiraki. 2020. Seasonal difference in carcass persistence rates at wind farms with snow, Hokkaido, Japan. Ornithological Science 19: 63 – 71.

Smallwood, K. S. and M. L. Morrison. 2018. Nest-site selection in a high-density colony of burrowing owls. Journal of Raptor Research 52:454-470.

Smallwood, K. S., D. A. Bell, E. L. Walther, E. Leyvas, S. Standish, J. Mount, B. Karas. 2018. Estimating wind turbine fatalities using integrated detection trials. Journal of Wildlife Management 82:1169-1184.

Smallwood, K. S. 2017. Long search intervals under-estimate bird and bat fatalities caused by wind turbines. Wildlife Society Bulletin 41:224-230.

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Smallwood, K. S., L. Neher, and D. A. Bell. 2017. Turbine siting for raptors: an example from Repowering of the Altamont Pass Wind Resource Area. M. Perrow, Ed., Wildlife and Wind Farms - Conflicts and Solutions, Volume 2. Pelagic Publishing, Exeter, United Kingdom. www.bit.ly/2v3cR9Q

Johnson, D. H., S. R. Loss, K. S. Smallwood, W. P. Erickson. 2016. Avian fatalities at wind energy facilities in North America: A comparison of recent approaches. Human–Wildlife Interactions 10(1):7-18.

Sadar, M. J., D. S.-M. Guzman, A. Mete, J. Foley, N. Stephenson, K. H. Rogers, C. Grosset, K. S. Smallwood, J. Shipman, A. Wells, S. D. White, D. A. Bell, and M. G. Hawkins. 2015. Mange Caused by a novel Micnemidocoptes mite in a Golden Eagle (*Aquila chrysaetos*). Journal of Avian Medicine and Surgery 29(3):231-237.

Smallwood, K. S. 2015. Habitat fragmentation and corridors. Pages 84-101 in M. L. Morrison and H. A. Mathewson, Eds., Wildlife habitat conservation: concepts, challenges, and solutions. John Hopkins University Press, Baltimore, Maryland, USA.

Mete, A., N. Stephenson, K. Rogers, M. G. Hawkins, M. Sadar, D. Guzman, D. A. Bell, J. Shipman, A. Wells, K. S. Smallwood, and J. Foley. 2014. Emergence of Knemidocoptic mange in wild Golden Eagles (Aquila chrysaetos) in California. Emerging Infectious Diseases 20(10):1716-1718.

Smallwood, K. S. 2013. Introduction: Wind-energy development and wildlife conservation. Wildlife Society Bulletin 37: 3-4.

Smallwood, K. S. 2013. Comparing bird and bat fatality-rate estimates among North American wind-energy projects. Wildlife Society Bulletin 37:19-33. + Online Supplemental Material.

Smallwood, K. S., L. Neher, J. Mount, and R. C. E. Culver. 2013. Nesting Burrowing Owl Abundance in the Altamont Pass Wind Resource Area, California. Wildlife Society Bulletin: 37:787-795.

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Bell, D. A., and K. S. Smallwood. 2010. Birds of prey remain at risk. Science 330:913.

Smallwood, K. S., D. A. Bell, S. A. Snyder, and J. E. DiDonato. 2010. Novel scavenger removal trials increase estimates of wind turbine-caused avian fatality rates. Journal of Wildlife Management 74: 1089-1097 + Online Supplemental Material.

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Smallwood, K. S. and B. Karas. 2009. Avian and Bat Fatality Rates at Old-Generation and Repowered Wind Turbines in California. Journal of Wildlife Management 73:1062-1071.

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Smallwood, K. S., C. G. Thelander, M. L. Morrison, and L. M. Rugge. 2007. Burrowing owl mortality in the Altamont Pass Wind Resource Area. Journal of Wildlife Management 71:1513-1524.

Cain, J. W. III, K. S. Smallwood, M. L. Morrison, and H. L. Loffland. 2005. Influence of mammal activity on nesting success of Passerines. J. Wildlife Management 70:522-531.

Smallwood, K.S. 2002. Habitat models based on numerical comparisons. Pages 83-95 *in* Predicting species occurrences: Issues of scale and accuracy, J. M. Scott, P. J. Heglund, M. Morrison, M. Raphael, J. Haufler, and B. Wall, editors. Island Press, Covello, California.

Morrison, M. L., K. S. Smallwood, and L. S. Hall. 2002. Creating habitat through plant relocation: Lessons from Valley elderberry longhorn beetle mitigation. Ecological Restoration 21: 95-100.

Zhang, M., K. S. Smallwood, and E. Anderson. 2002. Relating indicators of ecological health and integrity to assess risks to sustainable agriculture and native biota. Pages 757-768 *in* D.J. Rapport, W.L. Lasley, D.E. Rolston, N.O. Nielsen, C.O. Qualset, and A.B. Damania (eds.), Managing for Healthy Ecosystems, Lewis Publishers, Boca Raton, Florida USA.

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Comments on Environmental Documents (Year; pages)

I was retained or commissioned to comment on environmental planning and review documents, including:

- Shirk & Riggin Industrial Park Application, Visalia (2022; 22);
- Duarte Industrial Application, Visalia (2022; 17);
- Amond World Cold Storage Warehouse IS/MND, Madera (2022; 23);
- Replies on Schulte Logistics Centre EIR, Tracy (2022; 28);
- Alta Cuvee Mixed Use Project Recirculated IS/MND, Ranch Cucamonga (2022; 8);
- Fourth visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2022; 9);
- Replies on 1242 20th Street Wellness Center Project FEIR, Santa Monica (2022; 5);
- 656 South San Vicente Medical Office Project EIR, Los Angeles (2022; 21);
- UCSF New Hospital at Parnassus Heights DEIR. San Francisco (2022; 40);
- DPR-21-021Warehouse IS, Modesto (2022; 19);
- Ormat Brawley Solar Project DEIR, Brawley (2022; 37);
- Site visits to Heber 1 Geothermal Repower Project IS/MND (2022; 31);
- Heritage Industrial Center Design Review, Chula Vista (2022; 13);
- Temporary Outdoor Vehicle Storage DEIR, Port of Hueneme (2022; 29);
- CNU Medical Center and Innovation Park DEIR, Natomas (2022; 35);
- Beverly Boulevard Warehouse IS/MND, Pico Rivera (2021; 28);
- Hagemon Properties IS/MND Amendment, Bakersfield (2022; 23);
- Airport Distribution Center IS/MND, Redding (2021; 22);
- Orchard on Nevada Warehouse Staff Report, Redlands (2021; 24);
- Landings Logistics Center Exemption, Bakersfield (2021; 19);
- Replies on Hearn Veterans Village IS/MND, Santa Rosa (2021; 22);
- North Central Valley BESS Project IS/MND, Stockton (2021; 37);
- 2nd Replies on Heber 1 Geothermal Repower Project IS/MND (2022; 21);
- Stagecoach Solar DEIR, Barstow (2021; 24);
- Updated Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2021; 35);
- Freedom Circle Focus Area and Greystar General Plan Amendment Project EIR, San Jose (2021; 43);
- Operon HKI Warehouse IS/MND, Perris (2021; 26);
- Fairway Business Park Phase III IS/MND, Lake Elsinore (2021; 23);
- South Stockton Commerce Center IS/MND, Stockton (2021; 31);
- Starpoint Warehouse IS/MND, San Bernardino (2021; 24);
- Replies on Heber 1 Geothermal Repower Project IS/MND (2021; 15);
- Heber 1 Geothermal Repower Project IS/MND (2021; 11);

- Alviso Hotel Project IS/MND, San Jose (2021; 43);
- Replies on Easton Research Park West IS/MND, Rancho Cordova (2021; 3);
- Easton Research Park West IS/MND, Rancho Cordova (2021; 31);
- US Cold Storage DEIR, Hesperia (2021; 30);
- 1242 20th Street Wellness Center Project FEIR, Santa Monica (2021; 23);
- Third visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 10);
- Roseland Creek Community Park Project IS/MND, Santa Rosa (2021; 23);
- Vista Mar Declaration of Irreparable Harm, Pacifica (2021; 3);
- LogistiCenter at Fairfield IS/MND (2021; 25);
- Alta Cuvee Mixed Use Project IS/MND, Ranch Cucamonga (2021; 29);
- Caligrows Architectural and Site Plan Review, Patterson (2021; 21);
- 1055 E. Sandhill Avenue Warehouse IS/MND, Carson (2021; 10);
- Chestnut & Tenth Street Commercial Project IS/MND, Gilroy (2021; 27);
- Libitzky Management Warehouse IS/MND, Modesto (2021; 20);
- 3rd Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2021; 10);
- Medical Office Building DEIR, Santa Cruz (2021; 30);
- Scannell Warehouse DEIR, Richmond (2021; 24);
- Diamond Heights Application, San Francisco (2021; 24);
- Costa Azul Mixed-Use EIR Addendum, San Diego (2021; 25);
- Woodland Research Park DEIR (2021; 45);
- 2nd Replies on Diamond Street Industrial IS/MND, San Marcos (2021; 9);
- Replies on Diamond Street Industrial IS/MND, San Marcos (2021; 3);
- Diamond Street Industrial IS/MND, San Marcos (2021; 28);
- DHS 109 Industrial Park IS/MND, Desert Hot Springs (2021; 33);
- Jersey Industrial Complex Rancho Cucamonga (2022; 22);
- 1188 Champions Drive Parking Garage Staff Report, San Jose (2021; 5);
- San Pedro Mountain, Pacifica (2021; 22);
- Pixior Warehouse IS/MND, Hesperia (2021; 29);
- 2nd Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2021; 9);
- Hearn Veterans Village IS/MND, Santa Rosa (2021; 23);
- Second visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 11);
- Replies on Station East Residential/Mixed Use EIR, Union City (2021; 26);
- Schulte Logistics Centre EIR, Tracy (2021; 30);
- 4150 Point Eden Way Industrial Development EIR, Hayward (2021; 13);
- Airport Business Centre IS/MND, Manteca (2021; 27);
- Dual-branded Hotel IS/MND, Santa Clara (2021; 26);
- Legacy Highlands Specific Plan EIR, Beaumont (2021; 47);
- UC Berkeley LRDP and Housing Projects #1 and #2 EIR (2021; 27);
- Santa Maria Airport Business Park EIR, Santa Maria (2021; 27);
- Replies on Coachella Valley Arena EIR Addendum, Thousand Palms (2021; 20);
- Coachella Valley Arena EIR Addendum, Thousand Palms (2021; 35);
- Inland Harbor Warehouse NOD, Ontario (2021; 8);
- Alvarado Specific Plan DEIR, La Mesa (2021; 35);
- Harvill Avenue and Rider Street Terminal Project MND, Riverside (2021; 23);

- Gillespie Field EIR Addendum, El Cajon (2021; 28);
- Heritage Wind Energy Project section 94-c siting process, New York (2021: 99);
- Commercial Street Hotels project Site Plans, Oakland (2021; 19);
- Heber 1 Geothermal Repower Project MND, El Centro (2021; 11);
- Citrus-Slover Warehouse Project MND, Fontana (2021; 20);
- Scott Ranch Project RDEIR (Davidon Homes), Petaluma (2021; 31);
- Replies on StratosFuel Renewable H2 Project MND, Victorville (2021; 5);
- StratosFuel Renewable H2 Project MND, Victorville (2021; 25);
- Replies on PARS Global Storage MND, Murietta (2021; 22);
- Baldwin-Zacharias Master Plans EIR, Patterson (2021; 38);
- 1000 Gibraltar Drive EIR, Milpitas (2021; 20);
- Mango Avenue Industrial Warehouse Project, Fontana, MND (2021; 20);
- Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 25);
- Replies on UCSF Comprehensive Parnassus Heights Plan EIR (2021; 13);
- 14 Charles Hill Circle Design Review (2021; 11);
- SDG Commerce 217 Warehouse IS, American Canyon (2021; 26);
- Mulqueeney Ranch Wind Repowering Project DSEIR (2021; 98);
- Clawiter Road Industrial Project IS/MND, Hayward (2021; 18);
- Garnet Energy Center Stipulations, New York (2020);
- Heritage Wind Energy Project, New York (2020: 71);
- Ameresco Keller Canyon RNG Project IS/MND, Martinez (2020; 11);
- Cambria Hotel Project Staff Report, Dublin (2020; 19);
- Central Pointe Mixed-Use Staff Report, Santa Ana (2020; 20);
- Oak Valley Town Center EIR Addendum, Calimesa (2020; 23);
- Coachillin Specific Plan MND Amendment, Desert Hot Springs (2020; 26);
- Stockton Avenue Hotel and Condominiums Project Tiering to EIR, San Jose (2020; 19);
- Cityline Sub-block 3 South Staff Report, Sunyvale (2020; 22);
- Station East Residential/Mixed Use EIR, Union City (2020; 21);
- Multi-Sport Complex & Southeast Industrial Annexation Suppl. EIR, Elk Grove (2020; 24);
- Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2020; 27);
- 2nd comments on 1296 Lawrence Station Road, Sunnyvale (2020; 4);
- 1296 Lawrence Station Road, Sunnyvale (2020; 16);
- Mesa Wind Project EA, Desert Hot Springs (2020; 31);
- 11th Street Development Project IS/MND, City of Upland (2020; 17);
- Vista Mar Project IS/MND, Pacifica (2020; 17);
- Emerson Creek Wind Project Application, Ohio (2020; 64);
- Replies on Wister Solar Energy Facility EIR, Imperial County (2020; 12);
- Wister Solar Energy Facility EIR, Imperial County (2020; 28);
- Crimson Solar EIS/EIR, Mojave Desert (2020, 35) not submitted;
- Sakioka Farms EIR tiering, Oxnard (2020; 14);
- 3440 Wilshire Project IS/MND, Los Angeles (2020; 19);
- Replies on 2400 Barranca Office Development Project EIR, Irvine (2020; 8);
- 2400 Barranca Office Development Project EIR, Irvine (2020; 25);
- Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 4);

- 2nd comments on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 8);
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- Lots 4-12 Oddstad Way Project IS/MND, Pacifica (2020; 16);
- Declaration on DDG Visalia Warehouse project (2020; 5);
- Terraces of Lafayette EIR Addendum (2020; 24);
- AMG Industrial Annex IS/MND, Los Banos (2020; 15);
- Replies to responses on Casmalia and Linden Warehouse, Rialto (2020; 15);
- Clover Project MND, Petaluma (2020; 27);
- Ruby Street Apartments Project Env. Checklist, Hayward (2020; 20);
- Replies to responses on 3721 Mt. Diablo Boulevard Staff Report (2020; 5);
- 3721 Mt. Diablo Boulevard Staff Report (2020; 9);
- Steeno Warehouse IS/MND, Hesperia (2020; 19);
- UCSF Comprehensive Parnassus Heights Plan EIR (2020; 24);
- North Pointe Business Center MND, Fresno (2020; 14);
- Casmalia and Linden Warehouse IS, Fontana (2020; 15);
- Rubidoux Commerce Center Project IS/MND, Jurupa Valley (2020; 27);
- Haun and Holland Mixed Use Center MND, Menifee (2020; 23);
- First Industrial Logistics Center II, Moreno Valley IS/MND (2020; 23);
- GLP Store Warehouse Project Staff Report (2020; 15);
- Replies on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 29);
- 2nd comments on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 34);
- Beale WAPA Interconnection Project EA & CEQA checklist (2020; 30);
- Levine-Fricke Softball Field Improvement Addendum, UC Berkeley (2020; 16);
- Greenlaw Partners Warehouse and Distribution Center Staff Report, Palmdale (2020; 14);
- Humboldt Wind Energy Project DEIR (2019; 25);
- Sand Hill Supplemental EIR, Altamont Pass (2019; 17);
- 1700 Dell Avenue Office Project, Campbell (2019, 28);
- 1180 Main Street Office Project MND, Redwood City (2019; 19:
- Summit Ridge Wind Farm Request for Amendment 4, Oregon (2019; 46);
- Shafter Warehouse Staff Report (2019; 4);
- Park & Broadway Design Review, San Diego (2019; 19);
- Pinnacle Pacific Heights Design Review, San Diego (2019; 19);
- Pinnacle Park & C Design Review, San Diego (2019; 19);
- Preserve at Torrey Highlands EIR, San Diego (2019; 24);
- Santana West Project EIR Addendum, San Jose (2019; 18);
- The Ranch at Eastvale EIR Addendum, Riverside County (2020; 19);
- Hageman Warehouse IS/MND, Bakersfield (2019; 13);
- Oakley Logistics Center EIR, Antioch (2019; 22);
- 27 South First Street IS, San Jose (2019; 23);
- 2nd replies on Times Mirror Square Project EIR, Los Angeles (2020; 11);
- Replies on Times Mirror Square Project EIR, Los Angeles (2020; 13);
- Times Mirror Square Project EIR, Los Angeles (2019; 18);
- East Monte Vista & Aviator General Plan Amend EIR Addendum, Vacaville (2019; 22);
- Hillcrest LRDP EIR, La Jolla (2019; 36);

- 555 Portola Road CUP, Portola Valley (2019; 11);
- Johnson Drive Economic Development Zone SEIR, Pleasanton (2019; 27);
- 1750 Broadway Project CEQA Exemption, Oakland (2019; 19);
- Mor Furniture Project MND, Murietta Hot Springs (2019; 27);
- Harbor View Project EIR, Redwood City (2019; 26);
- Visalia Logistics Center (2019; 13);
- Cordelia Industrial Buildings MND (2019; 14);
- Scheu Distribution Center IS/ND, Rancho Cucamonga (2019; 13);
- Mills Park Center Staff Report, San Bruno (2019; 22);
- Site visit to Desert Highway Farms IS/MND, Imperial County (2019; 9);
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- ExxonMobil Interim Trucking for Santa Ynez Unit Restart SEIR, Santa Barbara (2019; 9);
- Olympic Holdings Inland Center Warehouse Project MND, Rancho Cucamonga (2019; 14);
- Replies to responses on Lawrence Equipment Industrial Warehouse, Banning (2019; 19);
- PARS Global Storage MND, Murietta (2019; 13);
- Slover Warehouse EIR Addendum, Fontana (2019; 16);
- Seefried Warehouse Project IS/MND, Lathrop (2019; 19)
- World Logistics Center Site Visit, Moreno Valley (2019; 19);
- Merced Landfill Gas-To-Energy Project IS/MND (2019; 12);
- West Village Expansion FEIR, UC Davis (2019; 11);
- Site visit, Doheny Ocean Desalination EIR, Dana Point (2019; 11);
- Replies to responses on Avalon West Valley Expansion EIR, San Jose (2019; 10);
- Avalon West Valley Expansion EIR, San Jose (2019; 22);
- Sunroad – Otay 50 EIR Addendum, San Diego (2019; 26);
- Del Rey Pointe Residential Project IS/MND, Los Angeles (2019; 34);
- 1 AMD Redevelopment EIR, Sunnyvale (2019; 22);
- Lawrence Equipment Industrial Warehouse IS/MND, Banning (2019; 14);
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- PAMA Business Center IS/MND, Moreno Valley (2019; 23);
- Cupertino Village Hotel IS (2019; 24);
- Lake House IS/ND, Lodi (2019; 33);
- Campo Wind Project DEIS, San Diego County (DEIS, (2019; 14);
- Stirling Warehouse MND site visit, Victorville (2019; 7);
- Green Valley II Mixed-Use Project EIR, Fairfield (2019; 36);
- We Be Jammin rezone MND, Fresno (2019; 14);
- Gray Whale Cove Pedestrian Crossing IS/ND, Pacifica (2019; 7);
- Visalia Logistics Center & DDG 697V Staff Report (2019; 9);
- Mather South Community Masterplan Project EIR (2019; 35);
- Del Hombre Apartments EIR, Walnut Creek (2019; 23);
- Otay Ranch Planning Area 12 EIR Addendum, Chula Vista (2019; 21);
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- Site visit to Sunroad – Centrum 6 EIR Addendum, San Diego (2019; 9);
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- North First and Brokaw Corporate Campus Buildings EIR Addendum, San Jose (2018; 30);

- South Lake Solar IS, Fresno County (2018; 18);
- Galloo Island Wind Project Application, New York (not submitted) (2018; 44);
- Doheny Ocean Desalination EIR, Dana Point (2018; 15);
- Stirling Warehouse MND, Victorville (2018; 18);
- LDK Warehouse MND, Vacaville (2018; 30);
- Gateway Crossings FEIR, Santa Clara (2018; 23);
- South Hayward Development IS/MND (2018; 9);
- CBU Specific Plan Amendment, Riverside (2018; 27);
- 2nd replies to responses on Dove Hill Road Assisted Living Project MND (2018; 11);
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- Deer Ridge/Shadow Lakes Golf Course EIR, Brentwood (2018; 21);
- Pyramid Asphalt BLM Finding of No Significance, Imperial County (2018; 22);
- Amáre Apartments IS/MND, Martinez (2018; 15);
- Petaluma Hill Road Cannabis MND, Santa Rosa (2018; 21);
- 2nd comments on Zeiss Innovation Center IS/MND, Dublin (2018: 12);
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- City of Hope Campus Plan EIR, Duarte (2018; 21);
- Palo Verde Center IS/MND, Blythe (2018; 14);
- Logisticenter at Vacaville MND (2018; 24);
- IKEA Retail Center SEIR, Dublin (2018; 17);
- Merge 56 EIR, San Diego (2018; 15);
- Natomas Crossroads Quad B Office Project P18-014 EIR, Sacramento (2018; 12);
- 2900 Harbor Bay Parkway Staff Report, Alameda (2018; 30);
- At Dublin EIR, Dublin (2018; 25);
- Fresno Industrial Rezone Amendment Application No. 3807 IS (2018; 10);
- Nova Business Park IS/MND, Napa (2018; 18);
- Updated Collision Risk Model Priors for Estimating Eagle Fatalities, USFWS (2018; 57);
- 750 Marlborough Avenue Warehouse MND, Riverside (2018; 14);
- Replies to responses on San Bernardino Logistics Center IS (2018; 12);
- San Bernardino Logistics Center IS (2018; 19);
- CUP2017-16, Costco IS/MND, Clovis (2018; 11);
- Desert Land Ventures Specific Plan EIR, Desert Hot Springs (2018; 18);
- Ventura Hilton IS/MND (2018; 30);
- North of California Street Master Plan Project IS, Mountain View (2018: 11);
- Tamarind Warehouse MND, Fontana (2018; 16);
- Lathrop Gateway Business Park EIR Addendum (2018; 23);
- Centerpointe Commerce Center IS, Moreno Valley (2019; 18);
- Amazon Warehouse Notice of Exemption, Bakersfield (2018; 13);
- CenterPoint Building 3 project Staff Report, Manteca (2018; 23);
- Cessna & Aviator Warehouse IS/MND, Vacaville (2018; 24);
- Napa Airport Corporate Center EIR, American Canyon (2018, 15);
- 800 Opal Warehouse Initial Study, Mentone, San Bernardino County (2018; 18);
- 2695 W. Winton Ave Industrial Project IS, Hayward (2018; 22);

- Trinity Cannabis Cultivation and Manufacturing Facility DEIR, Calexico (2018; 15);
- Shoe Palace Expansion IS/MND, Morgan Hill (2018; 21);
- Newark Warehouse at Morton Salt Plant Staff Report (2018; 15);
- Northlake Specific Plan FEIR "Peer Review", Los Angeles County (2018; 9);
- Replies to responses on Northlake Specific Plan SEIR, Los Angeles County (2018; 13);
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- Bogle Wind Turbine DEIR, east Yolo County (2017; 48);
- Ferrante Apartments IS/MND, Los Angeles (2017; 14);
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- Data Needed for Assessing Trail Management Impacts on Northern Spotted Owl, Marin County (2017; 5);
- Notes on Proposed Study Options for Trail Impacts on Northern Spotted Owl (2017; 4);
- Pyramid Asphalt IS, Imperial County (Declaration) (2017; 5);
- San Gorgonio Crossings EIR, Riverside County (2017; 22);
- Replies to responses on Jupiter Project IS and MND, Apple Valley (2017; 12);
- Proposed World Logistics Center Mitigation Measures, Moreno Valley (2017, 2019; 12);
- MacArthur Transit Village Project Modified 2016 CEQA Analysis (2017; 12);
- PG&E Company Bay Area Operations and Maintenance HCP (2017; 45);
- Central SoMa Plan DEIR (2017; 14);
- Suggested mitigation for trail impacts on northern spotted owl, Marin County (2016; 5);
- Colony Commerce Center Specific Plan DEIR, Ontario (2016; 16);
- Fairway Trails Improvements MND, Marin County (2016; 13);
- Review of Avian-Solar Science Plan (2016; 28);
- Replies on Pyramid Asphalt IS, Imperial County (2016; 5);
- Pyramid Asphalt IS, Imperial County (2016; 4);
- Agua Mansa Distribution Warehouse Project Initial Study (2016; 14);
- Santa Anita Warehouse MND, Rancho Cucamonga (2016; 12);
- CapRock Distribution Center III DEIR, Rialto (2016: 12);
- Orange Show Logistics Center IS/MND, San Bernardino (2016; 9);
- City of Palmdale Oasis Medical Village Project IS/MND (2016; 7);
- Comments on proposed rule for incidental eagle take, USFWS (2016, 49);
- Replies on Grapevine Specific and Community Plan FEIR, Kern County (2016; 25);
- Grapevine Specific and Community Plan DEIR, Kern County (2016; 15);
- Clinton County Zoning Ordinance for Wind Turbine siting (2016);
- Hallmark at Shenandoah Warehouse Project Initial Study, San Bernardino (2016; 6);
- Tri-City Industrial Complex Initial Study, San Bernardino (2016; 5);
- Hidden Canyon Industrial Park Plot Plan 16-PP-02, Beaumont (2016; 12);
- Kimball Business Park DEIR (2016; 10);
- Jupiter Project IS and MND, Apple Valley, San Bernardino County (2016; 9);
- Revised Draft Giant Garter Snake Recovery Plan of 2015 (2016, 18);
- Palo Verde Mesa Solar Project EIR, Blythe (2016; 27);
- Reply on Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 14);
- Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 41);
- Reply on Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 38);

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- Sierra Lakes Commerce Center Project DEIR, Fontana (2015, 9);
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- West Valley Logistics Center Specific Plan DEIR, Fontana (2015, 10);
- Willow Springs Solar Photovoltaic Project DEIR (2015, 28);
- Alameda Creek Bridge Replacement Project DEIR (2015, 10);
- World Logistic Center Specific Plan FEIR, Moreno Valley (2015, 12);
- Elkhorn Valley Wind Power Project Impacts, Oregon (2015; 143);
- Bay Delta Conservation Plan EIR/EIS, Sacramento (2014, 21);
- Addison Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Addison Wind Energy Project DEIR, Mojave (2014, 15);
- Addison and Rising Tree Wind Energy Project FEIR, Mojave (2014, 12);
- Palen Solar Electric Generating System FSA (CEC), Blythe (2014, 20);
- Rebuttal testimony on Palen Solar Energy Generating System (2014, 9);
- Seven Mile Hill and Glenrock/Rolling Hills impacts + Addendum, Wyoming (2014; 105);
- Rising Tree Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Rising Tree Wind Energy Project DEIR, Mojave (2014, 15);
- Soitec Solar Development Project PEIR, Boulevard, San Diego County (2014, 18);
- Oakland Zoo expansion on Alameda whipsnake and California red-legged frog (2014; 3);
- Alta East Wind Energy Project FEIS, Tehachapi Pass (2013, 23);
- Blythe Solar Power Project Staff Assessment, California Energy Commission (2013, 16);
- Clearwater and Yakima Solar Projects DEIR, Kern County (2013, 9);
- West Antelope Solar Energy Project IS/MND, Antelope Valley (2013, 18);
- Cuyama Solar Project DEIR, Carrizo Plain (2014, 19);
- Desert Renewable Energy Conservation Plan (DRECP) EIR/EIS (2015, 49);
- Kingbird Solar Photovoltaic Project EIR, Kern County (2013, 19);
- Lucerne Valley Solar Project IS/MND, San Bernardino County (2013, 12);
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- Sunlight Partners LANDPRO Solar Project MND (2013; 11);
- Declaration in opposition to BLM fracking (2013; 5);
- Blythe Energy Project (solar) CEC Staff Assessment (2013;16);
- Rosamond Solar Project EIR Addendum, Kern County (2013; 13);
- Pioneer Green Solar Project EIR, Bakersfield (2013; 13);
- Replies on Soccer Center Solar Project MND (2013; 6);
- Soccer Center Solar Project MND, Lancaster (2013; 10);
- Plainview Solar Works MND, Lancaster (2013; 10);
- Alamo Solar Project MND, Mojave Desert (2013; 15);
- Replies on Imperial Valley Solar Company 2 Project (2013; 10);
- Imperial Valley Solar Company 2 Project (2013; 13);

- FRV Orion Solar Project DEIR, Kern County (PP12232) (2013; 9);
- Casa Diablo IV Geothermal Development Project (2013; 6);
- Reply on Casa Diablo IV Geothermal Development Project (2013; 8);
- Alta East Wind Project FEIS, Tehachapi Pass (2013; 23);
- Metropolitan Air Park DEIR, City of San Diego (2013;);
- Davidon Homes Tentative Subdivision Rezoning Project DEIR, Petaluma (2013; 9);
- Oakland Zoo Expansion Impacts on Alameda Whipsnake (2013; 10);
- Campo Verde Solar project FEIR, Imperial Valley (2013; 11pp);
- Neg Dec comments on Davis Sewer Trunk Rehabilitation (2013; 8);
- North Steens Transmission Line FEIS, Oregon (Declaration) (2012; 62);
- Summer Solar and Springtime Solar Projects IS/MND Lancaster (2012; 8);
- J&J Ranch, 24 Adobe Lane Environmental Review, Orinda (2012; 14);
- Replies on Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 8);
- Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 9);
- Desert Harvest Solar Project EIS, near Joshua Tree (2012; 15);
- Solar Gen 2 Array Project DEIR, El Centro (2012; 16);
- Ocotillo Sol Project EIS, Imperial Valley (2012; 4);
- Beacon Photovoltaic Project DEIR, Kern County (2012; 5);
- Butte Water District 2012 Water Transfer Program IS/MND (2012; 11);
- Mount Signal and Calexico Solar Farm Projects DEIR (2011; 16);
- City of Elk Grove Sphere of Influence EIR (2011; 28);
- Sutter Landing Park Solar Photovoltaic Project MND, Sacramento (2011; 9);
- Rabik/Gudath Project, 22611 Coleman Valley Road, Bodega Bay (CPN 10-0002) (2011; 4);
- Ivanpah Solar Electric Generating System (ISEGS) (Declaration) (2011; 9);
- Draft Eagle Conservation Plan Guidance, USFWS (2011; 13);
- Niles Canyon Safety Improvement Project EIR/EA (2011; 16);
- Route 84 Safety Improvement Project (Declaration) (2011; 7);
- Rebuttal on Whistling Ridge Wind Energy Power DEIS, Skamania County, (2010; 6);
- Whistling Ridge Wind Energy Power DEIS, Skamania County, Washington (2010; 41);
- Klickitat County's Decisions on Windy Flats West Wind Energy Project (2010; 17);
- St. John's Church Project DEIR, Orinda (2010; 14);
- Results Radio Zone File #2009-001 IS/MND, Conaway site, Davis (2010; 20);
- Rio del Oro Specific Plan Project FEIR, Rancho Cordova (2010;12);
- Results Radio Zone File #2009-001, Mace Blvd site, Davis (2009; 10);
- Answers to Questions on 33% RPS Implementation Analysis Preliminary Results Report (2009; 9);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Second Declaration) (2008; 17);
- Draft 1A Summary Report to CAISO (2008; 10);
- Hilton Manor Project Categorical Exemption, County of Placer (2009; 9);
- Protest of CARE to Amendment to the Power Purchase and Sale Agreement for Procurement of Eligible Renewable Energy Resources Between Hatchet Ridge Wind LLC and PG&E (2009; 3);

- Tehachapi Renewable Transmission Project EIR/EIS (2009; 142);
- Delta Shores Project EIR, south Sacramento (2009; 11 + addendum 2);
- Declaration in Support of Care's Petition to Modify D.07-09-040 (2008; 3);
- The Public Utility Commission's Implementation Analysis December 16 Workshop for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 9);
- The Public Utility Commission's Implementation Analysis Draft Work Plan for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 11);
- Draft 1A Summary Report to California Independent System Operator for Planning Reserve Margins (PRM) Study (2008; 7.);
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- Colusa Generating Station, California Energy Commission PSA (2007; 24);
- Rio del Oro Specific Plan Project Recirculated DEIR, Mather (2008: 66);
- Replies on Regional University Specific Plan EIR, Roseville (2008; 20);
- Regional University Specific Plan EIR, Roseville (2008: 33);
- Clark Precast, LLC's "Sugarland" project, ND, Woodland (2008: 15);
- Cape Wind Project DEIS, Nantucket (2008; 157);
- Yuba Highlands Specific Plan EIR, Spenceville, Yuba County (2006; 37);
- Replies to responses on North Table Mountain MND, Butte County (2006; 5);
- North Table Mountain MND, Butte County (2006; 15);
- Windy Point Wind Farm EIS (2006; 14 and Powerpoint slide replies);
- Shiloh I Wind Power Project EIR, Rio Vista (2005; 18);
- Buena Vista Wind Energy Project NOP, Byron (2004; 15);
- Callahan Estates Subdivision ND, Winters (2004; 11);
- Winters Highlands Subdivision IS/ND (2004; 9);
- Winters Highlands Subdivision IS/ND (2004; 13);
- Creekside Highlands Project, Tract 7270 ND (2004; 21);
- Petition to California Fish and Game Commission to list Burrowing Owl (2003; 10);
- Altamont Pass Wind Resource Area CUP renewals, Alameda County (2003; 41);
- UC Davis Long Range Development Plan: Neighborhood Master Plan (2003; 23);
- Anderson Marketplace Draft Environmental Impact Report (2003; 18);
- Negative Declaration of the proposed expansion of Temple B'nai Tikyah (2003; 6);
- Antonio Mountain Ranch Specific Plan Public Draft EIR (2002; 23);
- Replies on East Altamont Energy Center evidentiary hearing (2002; 9);
- Revised Draft Environmental Impact Report, The Promenade (2002; 7);
- Recirculated Initial Study for Calpine's proposed Pajaro Valley Energy Center (2002; 3);
- UC Merced -- Declaration (2002; 5);
- Replies on Atwood Ranch Unit III Subdivision FEIR (2003; 22);
- Atwood Ranch Unit III Subdivision EIR (2002; 19);
- California Energy Commission Staff Report on GWF Tracy Peaker Project (2002; 20);
- Silver Bend Apartments IS/MND, Placer County (2002; 13);
- UC Merced Long-range Development Plan DEIR and UC Merced Community Plan DEIR (2001; 26);

- Colusa County Power Plant IS, Maxwell (2001; 6);
- Dog Park at Catlin Park, Folsom, California (2001; 5);
- Calpine and Bechtel Corporations' Biological Resources Implementation and Monitoring Program (BRMIMP) for the Metcalf Energy Center (2000; 10);
- Metcalf Energy Center, California Energy Commission FSA (2000);
- US Fish and Wildlife Service Section 7 consultation with the California Energy Commission regarding Calpine and Bechtel Corporations' Metcalf Energy Center (2000; 4);
- California Energy Commission's Preliminary Staff Assessment of the proposed Metcalf Energy Center (2000: 11);
- Site-specific management plans for the Natomas Basin Conservancy's mitigation lands, prepared by Wildlands, Inc. (2000: 7);
- Affidavit of K. Shawn Smallwood in Spirit of the Sage Council, et al. (Plaintiffs) vs. Bruce Babbitt, Secretary, U.S. Department of the Interior, et al. (Defendants), Injuries caused by the No Surprises policy and final rule which codifies that policy (1999: 9).
- California Board of Forestry's proposed amended Forest Practices Rules (1999);
- Sunset Skyranch Airport Use Permit IS/MND (1999);
- Ballona West Bluffs Project Environmental Impact Report (1999; oral presentation);
- Draft Recovery Plan for Giant Garter Snake (Fed. Reg. 64(176): 49497-49498) (1999; 8);
- Draft Recovery Plan for Arroyo Southwestern Toad (1998);
- Pacific Lumber Co. (Headwaters) HCP & EIR, Fortuna (1998; 28);
- Natomas Basin HCP Permit Amendment, Sacramento (1998);
- San Diego Multi-Species Conservation Program FEIS/FEIR (1997; 10);

Comments on other Environmental Review Documents:

- Proposed Regulation for California Fish and Game Code Section 3503.5 (2015: 12);
- Statement of Overriding Considerations related to extending Altamont Winds, Inc.'s Conditional Use Permit PLN2014-00028 (2015; 8);
- Covell Village PEIR, Davis (2005; 19);
- Bureau of Land Management Wind Energy Programmatic EIS Scoping (2003; 7.);
- NEPA Environmental Analysis for Biosafety Level 4 National Biocontainment Laboratory (NBL) at UC Davis (2003: 7);
- Notice of Preparation of UC Merced Community and Area Plan EIR, on behalf of The Wildlife Society—Western Section (2001: 8.);
- Preliminary Draft Yolo County Habitat Conservation Plan (2001; 2 letters totaling 35.);
- Merced County General Plan Revision, notice of Negative Declaration (2001: 2.);
- Notice of Preparation of Campus Parkway EIR/EIS (2001: 7.);
- Draft Recovery Plan for the bighorn sheep in the Peninsular Range (*Ovis candensis*) (2000);
- Draft Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*), on behalf of The Wildlife Society—Western Section (2000: 10.);
- Sierra Nevada Forest Plan Amendment Draft Environmental Impact Statement, on behalf of The Wildlife Society—Western Section (2000: 7.);
- State Water Project Supplemental Water Purchase Program, Draft Program EIR (1997);
- Davis General Plan Update EIR (2000);
- Turn of the Century EIR (1999: 10);

- Proposed termination of Critical Habitat Designation under the Endangered Species Act (Fed. Reg. 64(113): 31871-31874) (1999);
- NOA Draft Addendum to the Final Handbook for Habitat Conservation Planning and Incidental Take Permitting Process, termed the HCP 5-Point Policy Plan (Fed. Reg. 64(45): 11485 - 11490) (1999; 2 + attachments);
- Covell Center Project EIR and EIR Supplement (1997).

Position Statements I prepared the following position statements for the Western Section of The Wildlife Society, and one for nearly 200 scientists:

- Recommended that the California Department of Fish and Game prioritize the extermination of the introduced southern water snake in northern California. The Wildlife Society--Western Section (2001);
- Recommended that The Wildlife Society—Western Section appoint or recommend members of the independent scientific review panel for the UC Merced environmental review process (2001);
- Opposed the siting of the University of California's 10th campus on a sensitive vernal pool/grassland complex east of Merced. The Wildlife Society--Western Section (2000);
- Opposed the legalization of ferret ownership in California. The Wildlife Society--Western Section (2000);
- Opposed the Proposed "No Surprises," "Safe Harbor," and "Candidate Conservation Agreement" rules, including permit-shield protection provisions (Fed. Reg. Vol. 62, No. 103, pp. 29091-29098 and No. 113, pp. 32189-32194). This statement was signed by 188 scientists and went to the responsible federal agencies, as well as to the U.S. Senate and House of Representatives.

Posters at Professional Meetings

Leyvas, E. and K. S. Smallwood. 2015. Rehabilitating injured animals to offset and rectify wind project impacts. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.

Smallwood, K. S., J. Mount, S. Standish, E. Leyvas, D. Bell, E. Walther, B. Karas. 2015. Integrated detection trials to improve the accuracy of fatality rate estimates at wind projects. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.

Smallwood, K. S. and C. G. Thelander. 2005. Lessons learned from five years of avian mortality research in the Altamont Pass WRA. AWEA conference, Denver, May 2005.

Neher, L., L. Wilder, J. Woo, L. Spiegel, D. Yen-Nakafugi, and K.S. Smallwood. 2005. Bird's eye view on California wind. AWEA conference, Denver, May 2005.

Smallwood, K. S., C. G. Thelander and L. Spiegel. 2003. Toward a predictive model of avian fatalities in the Altamont Pass Wind Resource Area. Windpower 2003 Conference and Convention, Austin, Texas.

Smallwood, K.S. and Eva Butler. 2002. Pocket Gopher Response to Yellow Star-thistle Eradication as part of Grassland Restoration at Decommissioned Mather Air Force Base, Sacramento County,

California. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and Michael L. Morrison. 2002. Fresno kangaroo rat (*Dipodomys nitratoides*) Conservation Research at Resources Management Area 5, Lemoore Naval Air Station. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and E.L. Fitzhugh. 1989. Differentiating mountain lion and dog tracks. Third Mountain Lion Workshop, Prescott, AZ.

Smith, T. R. and K. S. Smallwood. 2000. Effects of study area size, location, season, and allometry on reported *Sorex* shrew densities. Annual Meeting of the Western Section of The Wildlife Society.

Presentations at Professional Meetings and Seminars

Long-Term Population Trend of Burrowing Owls in the Altamont. Golden Gate Audubon, 21 October 2020.

Long-Term Population Trend of Burrowing Owls in the Altamont. East Bay Regional Park District 2020 Stewardship Seminar, Oakland, California, 18 November 2020.

Smallwood, K.S., D.A. Bell, and S, Standish. Dogs detect larger wind energy effects on bats and birds. The Wildlife Society, 28 September 2020.

Smallwood, K.S. and D.A. Bell. Effects of wind turbine curtailment on bird and bat fatalities in the Altamont Pass Wind Resource Area. The Wildlife Society, 28 September 2020.

Smallwood, K.S., D.A. Bell, and S, Standish. Dogs detect larger wind energy effects on bats and birds. The Wildlife Survey, 7 February 2020.

Smallwood, K.S. and D.A. Bell. Effects of wind turbine curtailment on bird and bat fatalities in the Altamont Pass Wind Resource Area. The Wildlife Survey, 7 February 2020.

Dog detections of bat and bird fatalities at wind farms in the Altamont Pass Wind Resource Area. East Bay Regional Park District 2019 Stewardship Seminar, Oakland, California, 13 November 2019.

Repowering the Altamont Pass. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Developing methods to reduce bird mortality in the Altamont Pass Wind Resource Area, 1999-2007. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Conservation and recovery of burrowing owls in Santa Clara Valley. Santa Clara Valley Habitat Agency, Newark, California, 3 February 2017.

Mitigation of Raptor Fatalities in the Altamont Pass Wind Resource Area. Raptor Research Foundation Meeting, Sacramento, California, 6 November 2015.

From burrows to behavior: Research and management for burrowing owls in a diverse landscape. California Burrowing Owl Consortium meeting, 24 October 2015, San Jose, California.

The Challenges of repowering. Keynote presentation at Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 10 March 2015.

Research Highlights Altamont Pass 2011-2015. Scientific Review Committee, Oakland, California, 8 July 2015.

Siting wind turbines to minimize raptor collisions: Altamont Pass Wind Resource Area. US Fish and Wildlife Service Golden Eagle Working Group, Sacramento, California, 8 January 2015.

Evaluation of nest boxes as a burrowing owl conservation strategy. Sacramento Chapter of the Western Section, The Wildlife Society. Sacramento, California, 26 August 2013.

Predicting collision hazard zones to guide repowering of the Altamont Pass. Conference on wind power and environmental impacts. Stockholm, Sweden, 5-7 February 2013.

Impacts of Wind Turbines on Wildlife. California Council for Wildlife Rehabilitators, Yosemite, California, 12 November 2012.

Impacts of Wind Turbines on Birds and Bats. Madrone Audubon Society, Santa Rosa, California, 20 February 2012.

Comparing Wind Turbine Impacts across North America. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Alameda County Scientific Review Committee meeting, 17 February 2011

Comparing Wind Turbine Impacts across North America. Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 3 May 2011.

Update on Wildlife Impacts in the Altamont Pass Wind Resource Area. Raptor Symposium, The Wildlife Society—Western Section, Riverside, California, February 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Raptor Symposium, The Wildlife Society - Western Section, Riverside, California, February 2011.

Wildlife mortality caused by wind turbine collisions. Ecological Society of America, Pittsburgh, Pennsylvania, 6 August 2010.

Map-based repowering and reorganization of a wind farm to minimize burrowing owl fatalities. California burrowing Owl Consortium Meeting, Livermore, California, 6 February 2010.

Environmental barriers to wind power. Getting Real About Renewables: Economic and Environmental Barriers to Biofuels and Wind Energy. A symposium sponsored by the Environmental & Energy Law & Policy Journal, University of Houston Law Center, Houston, 23 February 2007.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Meeting with Japan Ministry of the Environment and Japan Ministry of the Economy, Wild Bird Society of Japan, and other NGOs Tokyo, Japan, 9 November 2006.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Symposium on bird collisions with wind turbines. Wild Bird Society of Japan, Tokyo, Japan, 4 November 2006.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. California Society for Ecological Restoration (SERCAL) 13th Annual Conference, UC Santa Barbara, 27 October 2006.

Fatality associations as the basis for predictive models of fatalities in the Altamont Pass Wind Resource Area. EEI/APLIC/PIER Workshop, 2006 Biologist Task Force and Avian Interaction with Electric Facilities Meeting, Pleasanton, California, 28 April 2006.

Burrowing owl burrows and wind turbine collisions in the Altamont Pass Wind Resource Area. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, February 8, 2006.

Mitigation at wind farms. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Incorporating data from the California Wildlife Habitat Relationships (CWHR) system into an impact assessment tool for birds near wind farms. Shawn Smallwood, Kevin Hunting, Marcus Yee, Linda Spiegel, Monica Parisi. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Toward indicating threats to birds by California's new wind farms. California Energy Commission, Sacramento, May 26, 2005.

Avian collisions in the Altamont Pass. California Energy Commission, Sacramento, May 26, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. EPRI Environmental Sector Council, Monterey, California, February 17, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. The Wildlife Society—Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Associations between avian fatalities and attributes of electric distribution poles in California. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Minimizing avian mortality in the Altamont Pass Wind Resources Area. UC Davis Wind Energy Collaborative Forum, Palm Springs, California, December 14, 2004.

Selecting electric distribution poles for priority retrofitting to reduce raptor mortality. Raptor Research Foundation Meeting, Bakersfield, California, November 10, 2004.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. Annual Meeting of the Society for Ecological Restoration, South Lake Tahoe, California, October 16, 2004.

Lessons learned from five years of avian mortality research at the Altamont Pass Wind Resources Area in California. The Wildlife Society Annual Meeting, Calgary, Canada, September 2004.

The ecology and impacts of power generation at Altamont Pass. Sacramento Petroleum Association, Sacramento, California, August 18, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Consortium meeting, Hayward, California, February 7, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Symposium, Sacramento, November 2, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. National Wind Coordinating Committee, Washington, D.C., November 17, 2003.

Raptor Behavior at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

California mountain lions. Ecological & Environmental Issues Seminar, Department of Biology, California State University, Sacramento, November, 2000.

Intra- and inter-turbine string comparison of fatalities to animal burrow densities at Altamont Pass. National Wind Coordinating Committee, Carmel, California, May, 2000.

Using a Geographic Positioning System (GPS) to map wildlife and habitat. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Suggested standards for science applied to conservation issues. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

The indicators framework applied to ecological restoration in Yolo County, California. Society for Ecological Restoration, September 25, 1999.

Ecological restoration in the context of animal social units and their habitat areas. Society for Ecological Restoration, September 24, 1999.

Relating Indicators of Ecological Health and Integrity to Assess Risks to Sustainable Agriculture and Native Biota. International Conference on Ecosystem Health, August 16, 1999.

A crosswalk from the Endangered Species Act to the HCP Handbook and real HCPs. Southern California Edison, Co. and California Energy Commission, March 4-5, 1999.

Mountain lion track counts in California: Implications for Management. Ecological & Environmental Issues Seminar, Department of Biological Sciences, California State University, Sacramento, November 4, 1998.

"No Surprises" -- Lack of science in the HCP process. California Native Plant Society Annual Conservation Conference, The Presidio, San Francisco, September 7, 1997.

In Your Interest. A half hour weekly show aired on Channel 10 Television, Sacramento. In this episode, I served on a panel of experts discussing problems with the implementation of the Endangered Species Act. Aired August 31, 1997.

Spatial scaling of pocket gopher (*Geomyidae*) density. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Estimating prairie dog and pocket gopher burrow volume. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Ten years of mountain lion track survey. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Study and interpretive design effects on mountain lion density estimates. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Small animal control. Session moderator and speaker at the California Farm Conference, Sacramento, California, Feb. 28, 1995.

Small animal control. Ecological Farming Conference, Asylomar, California, Jan. 28, 1995.

Habitat associations of the Swainson's Hawk in the Sacramento Valley's agricultural landscape. 1994 Raptor Research Foundation Meeting, Flagstaff, Arizona.

Alfalfa as wildlife habitat. Seed Industry Conference, Woodland, California, May 4, 1994.

Habitats and vertebrate pests: impacts and management. Managing Farmland to Bring Back Game Birds and Wildlife to the Central Valley. Yolo County Resource Conservation District, U.C. Davis, February 19, 1994.

Management of gophers and alfalfa as wildlife habitat. Orland Alfalfa Production Meeting and Sacramento Valley Alfalfa Production Meeting, February 1 and 2, 1994.

Patterns of wildlife movement in a farming landscape. Wildlife and Fisheries Biology Seminar

Series: Recent Advances in Wildlife, Fish, and Conservation Biology, U.C. Davis, Dec. 6, 1993.

Alfalfa as wildlife habitat. California Alfalfa Symposium, Fresno, California, Dec. 9, 1993.

Management of pocket gophers in Sacramento Valley alfalfa. California Alfalfa Symposium, Fresno, California, Dec. 8, 1993.

Association analysis of raptors in a farming landscape. Plenary speaker at Raptor Research Foundation Meeting, Charlotte, North Carolina, Nov. 6, 1993.

Landscape strategies for biological control and IPM. Plenary speaker, International Conference on Integrated Resource Management and Sustainable Agriculture, Beijing, China, Sept. 11, 1993.

Landscape Ecology Study of Pocket Gophers in Alfalfa. Alfalfa Field Day, U.C. Davis, July 1993.

Patterns of wildlife movement in a farming landscape. Spatial Data Analysis Colloquium, U.C. Davis, August 6, 1993.

Sound stewardship of wildlife. Veterinary Medicine Seminar: Ethics of Animal Use, U.C. Davis. May 1993.

Landscape ecology study of pocket gophers in alfalfa. Five County Grower's Meeting, Tracy, California. February 1993.

Turbulence and the community organizers: The role of invading species in ordering a turbulent system, and the factors for invasion success. Ecology Graduate Student Association Colloquium, U.C. Davis. May 1990.

Evaluation of exotic vertebrate pests. Fourteenth Vertebrate Pest Conference, Sacramento, California. March 1990.

Analytical methods for predicting success of mammal introductions to North America. The Western Section of the Wildlife Society, Hilo, Hawaii. February 1988.

A state-wide mountain lion track survey. Sacramento County Dept Parks and Recreation. April 1986.

The mountain lion in California. Davis Chapter of the Audubon Society. October 1985.

Ecology Graduate Student Seminars, U.C. Davis, 1985-1990: Social behavior of the mountain lion; Mountain lion control; Political status of the mountain lion in California.

Other forms of Participation at Professional Meetings

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Berlin, Germany, March 2015.

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Stockholm,

Sweden, February 2013.

- Workshop co-presenter at Birds & Wind Energy Specialist Group (BAWESG) Information sharing week, Bird specialist studies for proposed wind energy facilities in South Africa, Endangered Wildlife Trust, Darling, South Africa, 3-7 October 2011.

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 2-5 May 2011.

- Chair of Animal Damage Management Session, The Wildlife Society, Annual Meeting, Reno, Nevada, September 26, 2001.

- Chair of Technical Session: Human communities and ecosystem health: Comparing perspectives and making connection. Managing for Ecosystem Health, International Congress on Ecosystem Health, Sacramento, CA August 15-20, 1999.

- Student Awards Committee, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

- Student Mentor, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Printed Mass Media

Smallwood, K.S., D. Mooney, and M. McGuinness. 2003. We must stop the UCD biolab now. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2002. Spring Lake threatens Davis. Op-Ed to the Davis Enterprise.

Smallwood, K.S. Summer, 2001. Mitigation of habitation. The Flatlander, Davis, California.

Entrikan, R.K. and K.S. Smallwood. 2000. Measure O: Flawed law would lock in new taxes. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2000. Davis delegation lobbies Congress for Wildlife conservation. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 1998. Davis Visions. The Flatlander, Davis, California.

Smallwood, K.S. 1997. Last grab for Yolo's land and water. The Flatlander, Davis, California.

Smallwood, K.S. 1997. The Yolo County HCP. Op-Ed to the Davis Enterprise.

Radio/Television

PBS News Hour,

FOX News, Energy in America: Dead Birds Unintended Consequence of Wind Power

Development, August 2011.

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Mountain lion attacks (with guest Professor Richard Coss). 23 April 2009;

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Wind farm Rio Vista Renewable Power. 4 September 2008;

KQED QUEST Episode #111. Bird collisions with wind turbines. 2007;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. December 27, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. May 3, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. February 8, 2001;

KDVS Speaking in Tongues (host Ron Glick & Shawn Smallwood), California Energy Crisis: 1 hour. Jan. 25, 2001;

KDVS Speaking in Tongues (host Ron Glick), Headwaters Forest HCP: 1 hour. 1998;

Davis Cable Channel (host Gerald Heffernon), Burrowing owls in Davis: half hour. June, 2000;

Davis Cable Channel (hosted by Davis League of Women Voters), Measure O debate: 1 hour. October, 2000;

KXTV 10, In Your Interest, The Endangered Species Act: half hour. 1997.

Committees

- Scientific Review Committee, Alameda County, Altamont Pass Wind Resource Area
- Ph.D. Thesis Committee, Steve Anderson, University of California, Davis
- MS Thesis Committee, Marcus Yee, California State University, Sacramento

Other Professional Activities or Products

Testified in Federal Court in Denver during 2005 over the fate of radio-nuclides in the soil at Rocky Flats Plant after exposure to burrowing animals. My clients won a judgment of $553,000,000. I have also testified in many other cases of litigation under CEQA, NEPA, the Warren-Alquist Act, and other environmental laws. My clients won most of the cases for which I testified.

Testified before Environmental Review Tribunals in Ontario, Canada regarding proposed White Pines, Amherst Island, and Fairview Wind Energy projects.

Testified in Skamania County Hearing in 2009 on the potential impacts of zoning the County for development of wind farms and hazardous waste facilities.

Testified in deposition in 2007 in the case of O'Dell et al. vs. FPL Energy in Houston, Texas.

Testified in Klickitat County Hearing in 2006 on the potential impacts of the Windy Point Wind Farm.

Memberships in Professional Societies

The Wildlife Society
Raptor Research Foundation

Honors and Awards

Fulbright Research Fellowship to Indonesia, 1987
J.G. Boswell Full Academic Scholarship, 1981 college of choice
Certificate of Appreciation, The Wildlife Society—Western Section, 2000, 2001
Northern California Athletic Association Most Valuable Cross Country Runner, 1984
American Legion Award, Corcoran High School, 1981, and John Muir Junior High, 1977
CIF Section Champion, Cross Country in 1978
CIF Section Champion, Track & Field 2 mile run in 1981
National Junior Record, 20 kilometer run, 1982
National Age Group Record, 1500 meter run, 1978

Community Activities

District 64 Little League Umpire, 2003-2007
Dixon Little League Umpire, 2006-07
Davis Little League Chief Umpire and Board member, 2004-2005
Davis Little League Safety Officer, 2004-2005
Davis Little League Certified Umpire, 2002-2004
Davis Little League Scorekeeper, 2002
Davis Visioning Group member
Petitioner for Writ of Mandate under the California Environmental Quality Act against City of Woodland decision to approve the Spring Lake Specific Plan, 2002
Served on campaign committees for City Council candidates

EXHIBIT B

Memorandum

To: Richard Drury, Lozeau Drury LLP

From: Christopher Winchell
Biologist, Rare Plant Ecologist

Date: March 26, 2024

Re: Bickmore Warehouse Site Visit and Response to ISMND

Introduction
This memorandum documents the findings of the Bickmore Warehouse site visit in Hesperia, CA, including suitability determinations of special-status plants, western Joshua tree transplantation, identification of potentially regulated habitats, and incidental wildlife observations. This memorandum also provides an analysis of the Bickmore Warehouse ISMND relating to biological impacts.

Methodology
Prior to the site visit, multiple sources of data were queried to identify recorded special-status plant species within the project and surrounding area, including published literature and public datasets. Special-status plant species include those that have Federal, State, local, or California Rare Plant Rank (CRPR) designations. This information was obtained from the following sources:

- Calflora
- California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database
- California Native Plant Society's Online Inventory of Rare and Endangered Plants of California
- Consortium of California Herbaria (CCH2)
- U.S. Department of Agriculture's Natural Resources Conservation Service Soil Survey Geographic Database

The results of this search determined that at least 10 special-status plant species have potential to occur on the proposed project site. Determinations were based upon soils, vegetation alliances, and the proximity of existing records to the site.

- Booth's evening primrose (*Eremothera boothii* ssp. *boothii*), 2B.3
- Crowned muilla (*Muilla coronata*), CRPR 4.2
- Desert cymopteris (*Cymopteris deserticola*), CRPR 1B.2
- Indian breadroot (*Pediomelum castoreum*), CRPR 1B.2
- Mojave monardella (*Monardella exilis*), CRPR 4.2
- Mojave spineflower (*Chorizanthe spinosa*), CRPR 4.2
- Pygmy poppy (*Canbya candida*), CRPR 4.2
- Sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiarum*), CRPR 2B.2
- Short joint beavertail (*Opuntia basilaris* var. *brachyclada*), CRPR 1B.2
- Torrey's box thorn (*Lycium torreyi*), CRPR 4.2

The site visit was performed on March 14, 2025 by biologist Christopher Winchell to determine the site's suitability for special-status plant and animal species.

Results

The site consists of anthropogenically disturbed Mohave desert scrub, with sandy to gravelly soils and a non-native herbaceous understory with a sparse shrub layer. The site is bordered by development and disturbed to intact Mohave desert scrub. A historic desert wash runs through the southern end of the project site and drains through a culvert under E Avenue; however, the wash appears to no longer have connectivity to the Mojave River due to development.

A total of seven living WJTs were detected within the project site boundary. WJTs were observed distributed throughout the site, with all but one in generally good health.

The site supports suitable conditions for the 10 special-status plant species identified as having potential to occur. However, none were confirmed to be present.

The site's vegetation structure, which can be characterized as open scrubland, was also found to be suitable for burrowing owl (*Athen cunicularia*), a CDFW Species of Special Concern. A potential kit fox den complex and suitably sized rodent burrows were observed along the perimeter of the site. Additionally, California ground squirrel (*Otospermophilus beechyi*), which dig suitable burrowing owl burrows, were observed in the vicinity of the site.

Discussion

The seven living WJTs found on the proposed project site during the March 2025 site visit is consistent with the Rare Plant Preservation Plan completed in 2023 by RCA Associates, Inc. The RCA analysis indicated that three of the seven WJTs are suitable for transplantation. The factors for determining transplantation suitability outlined by the plan include damage, health, height, lean, proximity to other WJT, root exposure, and branching. Three WJTs were excluded from translocation due to height and excessive branching and/or lean. However, these trees were found to be suitable for transplantation during the March 2025 site visit based upon CDFW's Western Joshua Tree Relocation Guidelines and Protocols. The relocation guidelines do not exclude transplantation of trees based on height, branching, or lean, except in cases where trees exceed seven meters due to post transplantation stability concerns. The remaining WJT excluded for transplantation was rejected due to poor health. The CDFW guidelines and protocols also do not exclude WJT due to health, however, they do prioritize transplantation of trees where 60% or more of the branches are alive.

While the site has largely been anthropogenically disturbed, it was found to have potentially suitable conditions for the 10 special-status plant species identified as having potential to occur. Of these, five have a CRPR of 1B and 2B, ranks given to species that are rare, threatened, or endangered in California. Should any of these species occur on the site, implementation of the project would result in population reduction or loss and would require CEQA analysis to determine impact significance. The other five special-status plant species have a California Rare Plant Rank of 4, which is given to species of limited distribution, but are generally not considered to be rare, threatened, or endangered. However, when evaluating impacts to Rank 4 species, local rarity, regional distribution can provide rationale to consider CRPR 4 species occurrences as regionally rare and therefore CEQA analysis may be justified. Based upon existing information, the CRPR 4 species determined to have potential to occur onsite are also regionally uncommon to rare and may also require CEQA analysis should they be present onsite.

Suitable burrowing owl foraging and nesting habitat is present on and adjacent to the site. The open scrub habitat found onsite presents ideal foraging conditions for burrowing owl as it allows for greater

visibility and movement of foraging owls. The site also supports suitable habitat for desert kit fox and California ground squirrel, which dig burrows suitable for burrowing owl use, including those used for breeding. A number of potentially suitable burrows, including possible California ground squirrel and a desert kit fox den observed on the margins of the project site further indicate the site is suitable for burrowing owl use. Given the presence of suitable foraging habitat and potentially suitable burrows for burrowing owl use, protocol surveys may be necessary to determine if the project will result in significant impacts to the species or its habitat.

Conclusion/Comment

While the Bickmore Warehouse ISMND and the Rare Plant Preservation Plan do address western Joshua tree impacts, literature-based justification for determining transplantation suitability of western Joshua trees was not provided. The plan states that transplant suitability is "based on industry standards" and provides a bulleted list of the suitability criteria without citation or reference, resulting in the exclusion of four of the seven living western Joshua trees occurring on the project site. However, based upon CDFW's Western Josua Tree Relocation Guidelines and Protocols, all seven western Joshua trees are suitable for transplantation.

The project site may support suitable habitat for 10 special-status plant species, five of which meet the definition of being rare, threatened, or endangered in California, and five additional species that have a limited distribution but may also meet those criteria. Because suitable special-status plant habitat is present, surveys should be initiated to determine if any of these species occur on the site to evaluate if the project will result in significant impacts to any of these species.

The site and surrounding lands also support suitable burrowing owl foraging, denning, and nesting habitat. To determine presence and to minimize or prevent significant impacts to burrowing owl, protocol surveys should be implemented.

Based upon the findings of the site visit and literature review of the project and surrounding area, construction of the Bickmore Warehouse without CEQA review may result in significant impacts special-status plant species and burrowing owl.

Should you have any questions please contact me at (559) 907-6999 or cjwinchell@gmail.com.

Sincerely,

Christopher Winchell

Christopher J. Winchell

PO Box 421, Prather CA, 93651 · cjwinchell@gmail.com · 559.907.6999

Professional Profile

Mr. Winchell has been a professional biologist for over 20 years specializing in vegetation and rare plant surveys throughout California and has over 15 years of experience conducting wildlife surveys. Experienced with CEQA and NEPA document preparation and agency coordination and has led large scale field surveys and monitoring efforts for nearly 10 years.

Highlights

- Special-status plant surveys
- Habitat mapping and assessments
- Nesting bird surveys and monitoring
- Wildlife surveys and monitoring
- Wetland delineations and monitoring
- Management of biological surveys and monitoring activities
- Management Plans
- CEQA/NEPA document preparation
- Client, Contractor, Field Team, and Agency communication

Education

BS, Biology (Ecology and Evolution), Fresno State University

Wetland Delineation Certification from the Wetland Training Institute

Publications

J. C. Stebbins, C. J. Winchell, and J. V. H. Constable. 2013. *Helianthus winteri* (Asteraceae), a new perennial species from the southern Sierra Nevada foothills, California. Aliso 31:19–24.

Memberships/Other Experience

Professional Experience

Senior Biologist, Imago Biological Consulting *2024–Present*

- Rare plant surveys, taxonomy, assessments, habitat mapping
- Wildlife surveys and habitat assessments for a number of special-status species including Yosemite toad, California red-legged frog, California tiger salamander, foothill /Sierra Nevada yellow-legged frog, western pond turtle, valley elderberry longhorn beetle, and burrowing owl.
- Biological monitoring: lead construction monitor, nesting bird lead, wetland, plant, and wildlife.
- Large scale rare plant survey design and field management.
- Preparation of budgets and proposals.
- Agency coordination

Senior Biologist, Novaterra Biological Consulting
2021–Present

- Rare plant surveys, taxonomy, assessments, habitat mapping
- Wildlife surveys and habitat assessments for a number of special-status species including Yosemite toad, California red-legged frog, California tiger salamander, foothill /Sierra Nevada yellow-legged frog, western pond turtle, valley elderberry longhorn beetle, and burrowing owl.
- Biological monitoring: lead construction monitor, nesting bird lead, wetland, plant, and wildlife.
- Large scale rare plant survey design and field management.
- Preparation of budgets and proposals.
- Agency coordination

Senior Biologist, Colibri Ecological Consulting
2018–2021

- University of California, Berkley, Jepson Herbarium: workshop instructor.
- California Native Plant Society: Sequoia Chapter Rare Plant Chair; class and workshop instructor and coordinator.
- Sierra Foothill Conservancy: native plant instructor, and volunteer for 20 years.
- TWS: Led Carrizo Plain wildflower classes.
- Attended various workshops and rare plant treasure hunts. CRPR status reviewer for 4 regions.
- Maintains a personal herbarium with over 7,000 specimens
- Ongoing educational and biological collaborations with instructors at Fresno State University and Fresno City College.

- Rare plant surveys, taxonomy, assessments, habitat mapping, BA/BE preparation.
- Wetland delineations, LSAA and 401 permit preparation.
- Wildlife surveys and habitat assessments for Sierra Nevada red fox, pacific fisher, Yosemite toad, California red-legged frog, California tiger salamander, foothill / Sierra Nevada yellow-legged frog, western pond turtle, valley elderberry longhorn beetle, burrowing, great grey owl, and spotted owl.
- Biological monitoring: lead construction monitor, wetland, nesting bird, plant, and wildlife.
- Large scale rare plant survey design and field management.
- Agency coordination

Ecologist II, H. T. Harvey & Associates
2008–2018

- Rare plant surveys, taxonomy, vegetation assessments, and habitat mapping.
- Wetland delineations, LSAA and 401 permit preparation.
- Wildlife surveys and habitat assessments for giant kangaroo rat, Tipton kangaroo rat, San Joaquin antelope squirrel, San Joaquin kit fox, Sierra Nevada red fox, fisher, Yosemite toad, California red-legged frog, foothill /mountain yellow-legged frog, western pond turtle, valley elderberry longhorn beetle northern goshawk burrowing, great grey, and spotted owl. Blunt-nosed level II surveyor.
- Biological monitoring; lead construction monitor, wetland, nesting bird, plant, and wildlife.
- Preparation of CEQA and NEPA documents: EIR, BA/BE, IS, ND, MND, and other survey documents.
- Agency coordination
- Preparation of habitat management plans.
- Preparation of proposals and budgets.
- Small to large scale project plant and wildlife survey design and management.

Associate Biologist, John Stebbins Biological Consulting
2002–2014

- Rare and cultural plant surveys.
- Nesting bird surveys.
- Valley elderberry longhorn beetle surveys and monitoring.
- Wetland delineations.

Botanist, Sierra National Forest
2004–2009

- Rare plant surveys.
- Wetland delineations, montane fen mapping.
- Montane meadow evaluations.
- Yosemite toad, fisher, spotted owl, great grey owl, and northern goshawk surveys.
- Noxious weed surveys and eradication.
- Preparation of internal agency survey documents.
- Taxonomy and herbarium maintenance.

Biologist, McCormick Biological
2004–2008

- Blunt-nosed leopard lizard surveys.
- Rare plant surveys and habitat mapping.

Biologist, Barbara Leitner Biological Consulting

2003–2006

- Assisted mohave ground squirrel trapping at Naval Air Weapons Station China Lake.
- Vegetation surveys and noxious weed eradication at Naval Air Weapons Station China Lake.
- Habitat restoration and management.
- Rare plant surveys and habitat mapping

Recent Project Examples

- Lead botanist for rare plant surveys and vegetation mapping, burrowing owl protocol survey field lead for Southern California Edison's Lake Success Transmission and Distribution Project in Tulare County.
- Lead botanist for the Bullhead Solar project in Kern County.
- Designated Botanist and field lead for the Camino Solar Project Bakersfield cactus translocation project in Kern County
- Lead botanist for Southern California Edison's Canal Project in Riverside County.
- Construction lead monitor and Nesting Bird Lead for Southern California Edison's Big Creek System tower raising and reconductoring project, Lake Success Transmission and Distribution Project, and multiple CEMA Transmission Right of Way Projects. Conducted rare plant, wetland, and wildlife surveys and assessments in addition to lead monitor duties.
- Conducted rare plant and wildlife surveys for Southern California Edison's pole replacement program from Fresno to Kern County.
- Conducted rare plant and wildlife surveys, performed wetland delineations, weed assessments; drafted sections of the EIR, weed management plan, and habitat management plan; and monitored construction for the California Valley Solar Ranch

project in San Luis Obispo County. Played integral role, as a lead taxonomist, in identifying rare plants and assessing habitat for these species, implementing best management practices during construction near sensitive resources. Continuing long-term rare plant, vegetation study plots, and wetland monitoring of conservation lands. Designated Biologist for giant kangaroo rat, San Joaquin kit fox, and San Joaquin antelope squirrel.

- Conducted rare plant surveys, performed wetland delineations, drafted sections of the EIR and plant survey reports for the California Flats Solar Project in San Luis Obispo County. Lead taxonomist, designed and implemented intensive and adaptive survey protocols to compensate for drought conditions during the multi-year survey effort.
- Conducted rare plant surveys on conservation lands associated with the Panoche Valley Solar Farm project in Kings and Monterey Counties. Also conducted giant kangaroo precinct surveys for the following the large population expansion of the species throughout the proposed project site during construction. Lead crews, assisted with the development of survey methodology, managed data for this multi-month effort.
- Conducted and managed rare plant and blunt-nosed leopard lizard surveys, and drafted survey reports for the Alamo Spring Solar Project in Kings County. Lead surveyor for both the plant and blunt-nosed leopard lizard surveys; budget and schedule management, survey design and implementation.
- Conducted rare plant surveys, blunt-nosed leopard lizard surveys, wildlife surveys, performed wetland and nest monitoring, and drafted survey reports for a variety of Caltrans road projects in Fresno, Kings, and Kern Counties. Played a key role in survey design, budgeting, field crew management for rare plant and blunt-nosed leopard lizard surveys; conducted kit fox spotlight surveys, and performed multi-year nest and wetland monitoring for the Kings River Expressway project. Caltrans Designated Biologist for Swainson's hawk.
- Lead Construction Monitor for the Quinto Solar Project in Fresno County. Conducted surveys for rare plants. Monitored sensitive species and resources such as San Joaquin kit fox, badger, Swainson's hawk, rare plants, and wetlands; implemented BMP's, and maintained constant client communication.
- Conducted rare plant and weed surveys, drafted survey reports including BA/BE's, and provided weed management consultation for a variety of Ponderosa and Sierra Telephone projects from Fish Camp to Bass Lake.

- Conducted biological surveys and weed assessments in the Sierra Nevada Mountains for Southern California Edison's Deteriorated Pole Program and Pacific Gas and Electric's Operation Maintenance Program in Fresno, Madera, Mariposa, and Tulare Counties for 7 years.
- Conducted biological assessments, rare plant surveys, invasive species mapping, and drafted conservation baseline reports for conservation lands managed by Sierra Foothill Conservancy and Sequoia Riverlands Trust in the Sierra Nevada Mountains and Central Valley.
- Conducted rare plant and weed surveys, drafted survey reports, weed management plans for a variety of solar projects in the Central Valley including Pumpjack Solar, Wildwood Solar, and Westside solar.

ATTACHMENT "A"
List of Conditions for SPR23-00018

Approval Date: April 23, 2025
Effective Date: May 06, 2025
Expiration Date: May 06, 2028

This list of conditions applies to: Consideration of Site Plan Review SPR23-00018 to construct two industrial warehouse buildings totaling 79,778 square feet on 5.2 acres within the General Industrial (GI) zone of the Main Street and Freeway Corridor Specific Plan located at the southwest corner of Mojave Avenue and "E" Avenue in conjunction with the adoption of a mitigated negative declaration pursuant to the provisions of CEQA (Applicant: Wei Ding / DW Bickmore LLC; APN: 0410-051-11)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

ADDITONAL CONDITIONS

COMPLETED	**COMPLIED BY**	
NOT IN COMPLIANCE		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.
COMPLETED	**COMPLIED BY**	
NOT IN COMPLIANCE		

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED	**COMPLIED BY**	
NOT IN COMPLIANCE		CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)
COMPLETED	**COMPLIED BY**	
NOT IN COMPLIANCE		ELECTRIC VEHICLE CHARGING INFRASTRUCTURE. [NEW INDUSTRIAL AND COMMERCIAL ONLY, NOT INCLUDING HOTELS AND MOTELS] The project shall comply with the requirements of California Green Building Standards Code (CALGreen) Section 5.106.5.3 regarding electric vehicle (EV) charging infrastructure for non-residential developments. The developer shall provide the required number of EV-capable parking spaces, including the

necessary raceways, conduits, panel capacity, and other supporting infrastructure to facilitate the future installation of EV charging stations in accordance with state and local requirements. This may include designated Electric Vehicle Charging Spaces (EVCS) that are required to have Electric Vehicle Supply Equipment (EVSE) installed as part of the project. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Dena Alcayaga at (760) 947-1438 or dlalcayaga@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

TITLE REPORT. The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's application for document review and pay all applicable fees. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DRAINAGE STUDY. The Developer shall submit three (3) copies of a Final Drainage Study which analyzes the pre-project and proposed project hydrology, including flows from offsite, flows generated onsite, hydraulic properties of flows entering or exiting the project to and from natural or constructed conveyances, and capacity and function of any runoff management structures such as catch basins, inlets, outlets and detention or retention structures. The study must include all information specified in the City's hydrology study outline

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DRYWELLS. The Project may be permitted to install drywells to ensure the required drawdown time will be achieved.
A. Drywells shall have a City-approved pretreatment component equivalent to a 2-phase system with debris shield

and filter element.

B. Drywells shall be constructed by a contractor qualified in the construction of drywells.

C. Drywells in retention basins shall include a secured grate to prevent unauthorized removal.

D. The excavation for the drywell shall penetrate a minimum of 10 continuous feet into a suitable permeable layer or when a depth of 60 feet has been reached, unless otherwise approved by the City Engineer.

E. Drywells that cease to drain a basin or underground system within 48 hours of the end of a storm event shall be replaced or refurbished by the owner. This requirement shall be written in the CC&Rs for all subdivisions where drywells are installed.

F. Drywell usage shall comply with all prevailing City, State, and Federal requirements, including the Underground Injection Control Regulations for Class V Injection Wells.

G. A Drywell Maintenance Plan shall be submitted to the City for review and approval prior to the approval of a drywell installation at a project site.

H. The Drywell Maintenance Plan shall include the following:

1. Drywell(s) location, depth, type, installing contractor, date of installation, owner, maintenance contractor, and emergency contact.
2. Settling chambers and interceptors to be inspected annually;
3. Removal of sediment and debris when:
   a. Sediment/debris level fills = 25% of the capacity;
   b. Drywell ownership or maintenance responsibility changes;
   c. Material not resulting from stormwater/urban runoff enters the settling chamber or interceptor

I. Submit inspection/maintenance reports to the City (Building and Safety within 10 days of inspection/maintenance.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FINAL WQMP SUBMITTAL. Submit a final WQMP, prepared using the applicable Mojave River Watershed Group Regulated WQMP Template, which includes all required or proposed revisions, addresses any comments provided on the draft WQMP, provides final designs for best management practices (BMPs), and includes calculations for BMP sizing.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

OFFSITE DRAINAGE IMPACT PREVENTION. The Project shall provide safe conveyance for offsite runoff either routed through the project or around the project site. The Project shall ensure that the proposed conveyance of offsite flows will not increase adverse impacts to downstream properties and/or drainage facilities for the 1-hour design storm for the 100-year return frequency rainfall events.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

The Project shall be designed to prevent adverse impacts to downstream properties and/or drainage facilities caused or exacerbated by the project. The project shall demonstrate that runoff from the completed project site will not exceed 90% of the pre-project runoff discharge rates for the 24-hour design storm for the 100-year return frequency rainfall events.

A. Drawdown Time. All drainage facilities which are designed to percolate/infiltrate surface runoff (including basins, drywells, or infiltration-based low impact development features) shall not accumulate standing water for more than 48 hours. All drainage facilities designed to provide detention storage shall recover 100 percent of their design detention volume within 48 hours.

B. Groundwater Protection. The Project shall ensure any retention/infiltration or detention facilities will not adversely impact groundwater.

C. Underground Retention/Detention Systems. The Project shall demonstrate a minimum functional life span of 50 years for materials (e.g., polymer, metal, mineral-based, or other) used in underground retention/detention systems.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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.

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**	DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Mojave Street And "E" Avenue. The right-of-way half width for Mojave Street shall be sixty (30') feet and the right-of-way half width for "E" Avenue shall be fifty (50') 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**	APPROVAL OF IMPROVEMENT PLANS. All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)
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**	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 **COMPLIED BY**
NOT IN COMPLIANCE

"E" AVENUE: Developer shall design to construct half width (to centerline) pavement on "E" Avenue across the project frontage based on City's 100-foot Arterial Roadway Standard. The curb face is to be at 36' 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 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.
M. Relocate existing utilities. The Developer shall coordinate with affected utility companies.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

MOJAVE STREET: Saw-cut (2-foot min.) and match-up asphalt pavement on Mojave Street across the project frontage based on City's 60-foot Local Roadway Standard. The curb face is to be at 20' 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 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. Relocate existing utilities. The Developer shall coordinate with affected utility companies.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developers expense. (E)

A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the existing 16" PVC (Poly Vinyl Chloride) water line in Mojave Street or the 12" PVC water line in "E" Avenue per City Standards.
C. It is the Developers responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to design to construct an 8" PVC sewer main in Mojave Street from the westerly property line of project and connect to existing stub out just west of "E" Avenue per City standards.
D. Complete V.V.W.R.A.s Wastewater Questionnaire for Commercial / Industrial Establishments and submit to the Engineering Department. Complete the Certification Statement for Photographic and X ray Processing Facilities as required.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SEWER IMPR. PLAN. The Developer shall design sewer improvements in accordance with City standards, and as indicated below. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SEWER IMPROVEMENT PLAN: The Developer shall design and construct an 8 minimum PVC SDR 35 sewer main in Mojave Street from the westerly property line of project and connect to existing stub out just west of "E" Avenue. Design shall consist of plan and profile per City standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PERCOLATION TEST. The applicant shall provide percolation test data which are adequate to substantiate the hydrologic performance of all proposed basins, underground retention systems, drywells, or other features requiring percolation of surface water:

A. Projects shall provide site-specific percolation test data to substantiate the performance and effective drawdown time of all proposed surface retention basins.
B. Projects shall provide site-specific, depth-appropriate percolation test data for the proposed subsurface infiltration/retention system; and/or for any proposed drywells.
C. Percolations tests shall be performed in accordance with the procedures in Appendix A of the Riverside County Design Handbook for Low Impact Development Best Management Practices; available online at:

http://www.floodcontrol.co.riverside.ca.us/NPDES/LIDBMP.aspx

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SWPPP IMPLEMENTATION. All of the requirements of the City-approved Storm Water Pollution Prevention Plan shall be implemented prior to the City's issuance of a grading permit,

and shall be maintained until construction is complete and all disturbed areas are fully stabilized. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

Fire Protection. Plans for fire protection requirements shall be submitted to the Building Division as follows: (F)

A. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

NATIVE AMERICAN RESOURCES. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find shall cease and a qualified archaeologist shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, a qualified archaeologist shall be retained to develop a cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan. The Lead Agency and/or applicant shall, in good faith, consult local Indian tribes on the disposition and treatment of any artifacts or other cultural materials encountered during the project. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FISH AND GAME FEE. Within five days from approval of the entitlement, the applicant shall file a Notice of Determination with the San Bernardino County Clerk of the Board and pay the filing fee of $4,101.25 payable to the Clerk of the Board of Supervisors of San Bernardino County. A copy of the stamped NOD from the County shall be provided to the Planning Division when completed. Additionally, an electronic copy of the stamped NOD shall be filed with the Governor's Office of Planning and Research and posted on the CEQAnet Web Portal. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

MASONRY WALLS AND FENCING. The required truck parking areas that are adjacent to the right of way shall be screened by a minimum 8 foot high decorative block wall consistent with the approved site plan on file. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PRE-CONSTRUCTION SURVEY. Prior to the initiation of construction activities (i.e., grubbing, clearing, staging, digging), focused burrowing owl surveys shall be conducted by a qualified biologist according to the CDFW Staff Report on Burrowing Owl Mitigation2 (CDFG, 2012 or most recent version) for the Project site and surrounding 500 ft radius. Take avoidance surveys shall be conducted no less than 14 days prior to the start of Project-related activities. Burrowing owls may re-colonize a site after only a few days, thus time lapses between Project activities require subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in

accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys
confirm the presence of burrowing owls, impacts to burrowing owl shall be fully avoided. If impacts to burrowing owl are unavoidable, the City should apply for a CESA ITP

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PROTECTED PLANTS. Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

NESTING BIRD SURVEY: A qualified avian biologist shall conduct pre-construction nesting bird surveys at the appropriate time of day/night, during appropriate weather conditions no more than 3 days prior to the initiation of ground disturbing activities. The survey shall focus on all suitable nesting areas such as but not limited to: trees, shrubs, bare ground, burrows, cavities, and structures. If a nest is suspected, but not confirmed, the qualified avian biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be confirmed based on observations. If a nest is observed, but thought to be inactive, the qualified avian biologist shall monitor the nest for at least 1 hour for passerine birds and 4 hours for raptors. When an active nest is confirmed, the qualified avian biologist shall immediately establish a conservative buffer surrounding the nest based on their best professional judgement and experience. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. The qualified avian biologist shall monitor the next to determine the efficacy of the buffer and shall adjust the buffer accordingly if it is determined that birds are having an adverse reaction. The qualified avian biologist shall monitor the next daily until activities are no longer within 300 feet of the nest, or the fledglings become independent of their nest, or the nest has failed.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STREAMBED ALTERATION AGREEMENT: Prior to construction activities, mapping of stream resources in the Project area shall be conducted to identify streams on site. If Project construction activities occur within a streambed, then the California Department of Fish and Wildlife (CDFW) shall be notified pursuant to Fish and Game Code section 1602. If CDFW determines that the Project may substantially affect fish and wildlife resources, then CDFW shall issue a Streambed Alternation Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

A. School Fees

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

ACCESSIBLE PARKING SPACES. The project shall comply with California Building Code (CBC) Section 11B-208, ensuring that accessible parking spaces are provided as required for non-residential developments. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

LIGHT POLLUTION REDUCTION. The project shall comply with California Green Building Standards Code (CALGreen) Section 5.106.8 regarding Light Pollution Reduction for non-residential developments. Outdoor lighting systems shall be designed and installed to meet the minimum requirements of the California Energy Code for applicable Lighting Zones (0-4) and shall not exceed the allowable BUG (Backlight, Uplight, and Glare) ratings as specified in CALGreen Table 5.106.8 [N]. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

ROOFTOP EQUIPMENT. All rofftop 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.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CFD ANNEXATION. The applicant shall annex into the site into the Community Facilities District CFD-2022-1

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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. A combination solid three foot high split face masonry wall or other approved decorative wall with a three foot high wrought iron fence shall be provided along the property lines where headlight glare from vehicles on site would negatively affect adjacent residentially designated

properties. An approved six foot high wall with decorative cap may be substituted for the combination wall/fence provided its height is in accordance with the Development Code. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STAMPED CONCRETE. Stamped color concrete shall be installed at the driveway entrances in a color and design consistent with the architectural theme of the structures on-site, prior to the issuance of a building permit. The stamped color concrete shall be noted on the approved construction plans accordingly.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

TRASH ENCLOSURE. All trash enclosures shall be in conformance with Municipal Code Section 16.16.360 and City approved construction details. The enclosure shall be enclosed on three sides by a minimum six-foot tall decorative masonry wall with split face block on the viewable side and a decorative cap. The masonry wall shall be earth tone in color; solid grey block is not allowed. The enclosure shall have non-transparent metal gates and a solid roof-cover that is architecturally compatible with the primary building onsite and that serves to protect the refuse area from inclement weather, as well as prevents unauthorized entry into the enclosure.

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

A. Development Impact Fees (B)
B. Park Fees (Not applicable to commercial and industrial developments (B)
C. Utility Fees (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

AS BUILT PLANS. The Developer shall provide as built plans. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

EXECUTED AND RECORDED WQMP MAINTENANCE AGREEMENT. The WQMP Maintenance Agreement: Covenant and Agreement Regarding Water Quality Management Plan and Stormwater Best Management Practices Transfer, Access, and Maintenance, must be (1) prepared using the WQMP Maintenance Agreement Template

provided as Attachment A to the City of Hesperia WQMP Templates, and (2) the complete WQMP Maintenance Agreement, with the Property Owners notarized signature(s) and suitable for recordation by the City, must be received before the City will authorize the final inspection or issue a Certificate of Occupancy.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WQMP PERMIT. The Property Owner shall apply for a City WQMP Permit with the Building and Safety Department and pay the applicable permit fees. The WQMP Permit shall be renewed annually. To comply with the WQMP Permit, the Property Owner shall certify on an annual basis that all of the post-construction best management practices (BMPs) described in the approved project WQMP have been inspected and maintained as specified and required by the BMP Inspection and Maintenance Form and Operation and Maintenance Plan. The Property Owner shall provide proof of the WQMP Permit before the City will issue a Certificate of Occupancy.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

LANDSCAPE AND IRRIGATION. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

Others

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(1). To the furthest extent allowed by law, Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third Party Action (as hereinafter defined). The term “Third Party Action” collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project to which these conditions of approval apply (collectively “Approvals”); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant’s obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or

damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(2). Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim unless the City approves the settlement in writing. Additionally, the City shall not be prohibited from independently defending any claim, and whether or not the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Unless the City independently chooses to defend any Third Party Action on its behalf, Applicant shall control the conduct of the defense of any claim or action provided that: (1) the City shall have the right, prior to filing, to review and approve any and all pleadings or related documents filed with the court in connection with such defense and Applicant shall reimburse the City for review time for each draft brief or pleading to be filed on behalf of the City; and (2) the City shall review and reasonably approve any proposed settlement. The Applicant acknowledges that the City is not obligated to approve a proposed settlement requiring the City to pay or incur any monetary amount, take a future legislative action, render a future quasi judicial decision, or otherwise take a future discretionary government action. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(3). The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third Party Actions. The City shall provide Applicant with an invoice detailing all reasonable costs incurred. Applicant shall tender to the City payment in full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant further acknowledges and agrees that failure to timely tender payment in full to the City shall be considered a breach and non compliance with the conditions of approval for the project. Applicant shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant as noted herein . (P)

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT THE APPROPRIATE DIVISION LISTED BELOW:

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

ATTACHMENT 8

RESOLUTION NO. PC-2025-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, DENYING APPEAL APP25-00001, UPHOLDING THE DEVELOPMENT REVIEW COMMITTEE'S APPROVAL OF SITE PLAN REVIEW (SPR23-00018) IN CONJUNCTION WITH THE ADOPTION OF ASSOCIATED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) (SCH NO. 2025021160) LOCATED ON THE SOUTHWEST CORNER OF MOJAVE STREET AND E AVENUE (APP25-00001)

WHEREAS, the Supporters Alliance for Environmental Responsibility (SAFER) has filed an application requesting approval of Appeal No. APP25-00001, seeking to overturn the Development Review Committee's (DRC) decision to adopt the associated Initial Study/Mitigated Negative Declaration (IS/MND) and approve Site Plan Review No. SPR23-00018 (SCH No. 2025021160), as described herein (hereinafter referred to as the "Application"); and

WHEREAS, the proposed project involves the construction of two industrial warehouse buildings totaling approximately 79,778 square feet on a 5.2-acre site located at the southwest corner of Mojave Avenue and "E" Avenue (Assessor's Parcel Number 0410-051-11); and

WHEREAS, the project site is within the General Industrial (GI) zone of the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, the property is surrounded on all sides by parcels also zoned General Industrial (GI); and

WHEREAS, the subject site is vacant. An automotive and body repair facility exists to the north. To the south is an abandoned non-conforming residence which has remained vacant for over 10 years. The properties to the east and west are vacant; and

WHEREAS, the project includes the adoption of an Initial Study/Mitigated Negative Declaration (IS/MND), prepared in accordance with the California Environmental Quality Act (CEQA) and circulated for public review under State Clearinghouse No. 202502116; and

WHEREAS, on April 23, 2025, the Development Review Committee (DRC) approved Site Plan Review No. SPR23-00018. As a part of the approval, the DRC made an environmental determination pursuant to the CEQA and adopted the associated IS/MND (SCH No.2025021160), having made an environmental determination pursuant to CEQA; and

WHEREAS, on April 30, 2025, Lozeau Drury submitted on behalf of the Supporters Alliance for Environmental Responsibility (SAFER) an application to appeal the decision of the DRC. The appellant generally asserts that the Mitigated Negative Declaration does not adequately analyze the project's impacts and requests the preparation of an Environmental Impact Report to analyze potential significant impacts on Biological Resources; and

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

WHEREAS, a Notice of Intent to adopt the IS/MND was distributed on February 26, 2025, and the IS/MND was released for a 30-day public review period from February 28, 2025, to March 31, 2025 (SCH No. 2025021160). The environmental document was circulated to local, state, and federal agencies, as well as surrounding property owners; and

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

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

WHEREAS, on August 14, 2025, the Planning Commission of the City of Hesperia conducted duly noticed public hearings pertaining to the proposed Application, and concluded said hearing on that date; and

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA 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 the Planning Commission during the above-referenced August 14, 2025, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

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

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

Section 3. Based on the findings and conclusions set forth in this Resolution, the Planning Commission of the City of Hesperia hereby denies Appeal No. APP25-00001 and upholds the Development Review Committee's decision to adopt the IS/MND (SCH No. 2025021160) and approve Site Plan Review No. SPR23-00018.

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

ADOPTED AND APPROVED on this 14th day of August 2025.

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Roger Abreo, Chair, Planning Commission

ATTEST:

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Maricruz Montes, Secretary, Planning Commission