

**CITY OF HESPERIA INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM**

PROJECT DESCRIPTION

1. **Project Title:** Site Plan Review SPR15-00012 and Variance VAR16-00001 (ND-2016-10)
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345
3. **Contact Person:** Stan Liudahl, AICP, Senior Planner
Phone number: (760) 947-1231
4. **Project Location:** On the south side of Olive Street between Third Avenue and Hesperia Road (APNs: 0413-162-09, 10, 35 & 36).
5. **Project Sponsor:** Olivetree Apartments, LP
Address: 1667 E. Lincoln Avenue
Orange, CA 92865
6. **General Plan & zoning:** Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan).

The project consists of Site Plan Review SPR15-00012 and Variance VAR16-00001, to construct a 186-unit multi-family development replacing two single-family residences on 22.8 gross acres within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The variance will allow a 15-foot street side yard setback and a minimum 10-foot distance between buildings instead of the 25-foot street side yard setback and 15-foot building separation as required by the Medium Density Residential Zone of the Specific Plan.

The proposed 186-unit apartment project will offer 124 two-bedroom and 62 three-bedroom units. The two-bedroom units and the three-bedroom units are 1,106 and 1,275 square feet in area, respectively. Each unit includes an attached two-car garage and a fenced private yard. The apartment complex contains a 2,865 square foot recreation building, a 1,500 square foot fitness building, two pools, a 440 square foot restroom/cabana building, one playground with permanent playground equipment, two passive outdoor recreational areas, and a 440 square foot maintenance building. This developer constructed a 154-unit apartment complex on 16.9 gross acres located on the southwest corner of Sultana Street and C Avenue, which is similar to this proposed 186-unit apartment complex.

7. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.) The project site contains two single-family residences, which will be demolished. Single and multiple family residences exist to the north and a high school to the west. A mobilehome park exists to the south and east as shown on Attachment "A."
8. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.) Review and approval of the project is required from the City.

Attachment “A”

CUP15-00012 & VAR16-00001

initial study



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:


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

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

DETERMINATION: (Completed by the Lead Agency)

On the basis of this initial evaluation:

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	"De minimis"
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required.	



Signature

Stan Liudahl, AICP, Senior Planner, Hesperia Planning Division

03/06/2017

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is provided for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting information sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista (1)?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (1 & 2)?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings (1, 2, and 3)?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (4)?			X	

Comments.

The site contains two single-family residences, which will be demolished prior to development of this project. Single and multiple family residences exist to the north and a high school to the west. Mobile home parks exist to the south and east (1). Consequently, the project is within an area that has been partially developed. Therefore, development of the site is considered infill and will not degrade an existing scenic resource nor would it reduce the site's visual quality or that of the neighborhood.

The City contains many scenic views of the Mojave Desert, the Mojave River, the San Bernardino and San Gabriel mountains, as well as of the Summit Valley area. The GPUEIR addressed the scenic vistas and focuses on preservation of natural open space to protect sensitive environments and specific amenities like washes, bluffs, Joshua tree forests and juniper woodlands (3). The City does not contain any registered historic buildings. In addition, the site is not adjacent to a state scenic highway (2). State Highways 138 and 173 are eligible for being designated scenic highways within the southern portion of the City. Since the project site is not in proximity to this area, the project will not have a significant negative impact upon a scenic highway.

The proposed development is within the core area designated for multiple-family residential development. Construction of the single-story, 186-unit duplex apartment complex (5) would only cause a minor change in the visual character of the area. Inasmuch as the project is within the maximum density allowed by the General Plan, the project's environmental impact would not exceed that identified under the General Plan Update Environmental Impact Report (GPUEIR). Therefore, the aesthetic impact of this project is not significant.

This 22.8 gross acre property is within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The density of the proposed 186-unit apartment complex is 8.2 dwelling units per gross acre, consistent with the existing zoning, which allows between 8 and 15 dwelling units per gross acre (6). The proposed residential development is also consistent with the 60 percent lot coverage limitation. The transportation impact of the uses proposed under this site plan review is analyzed within Section XVI (TRANSPORTATION / TRAFFIC).

The development is subject to the maximum building height and lot coverage, as well as the architectural standards of the Specific Plan (6). Besides limiting the building height and density, these regulations specify minimum architectural standards as implemented through the site plan review process. This project is consistent with all standards except the minimum 15-foot building separation and the 25-foot street side yard setback requirements. Therefore, the applicant filed Variance VAR16-00001, which will allow the proposed building separation and setback deviation.

The Development Code requires that any light created by the development not exceed 0.5 foot-candle illumination at the site boundary abutting a street or any property within a residential zone **(4)**. In addition, all exterior lighting within this development shall be hooded and directed downward to reduce the impact upon the nighttime sky in accordance with the General Plan Update **(5)**, which identifies the impact of development in accordance with the General Plan as less than significant. Based upon these regulations, the use will not adversely affect day or nighttime views in the area. Therefore, approval of the proposed project will not have a significant negative impact upon aesthetics.

II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and State Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use (6, 7 & 8)				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (8, 9 & 10)?				X
c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) (10 & 11)?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use (10 & 11)?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use (9, 10 & 11)?				X

Comments.

As part of evaluation of this land use entitlement, the potential impact upon prime farmland, unique farmland, or farmland of statewide importance has been evaluated **(9 & 10)**. Staff has reviewed the General Plan as well as those properties subject to the Williamson Act and the United States Soil Conservation Service Soil Survey of San Bernardino County, which identifies soils which are suitable for prime farmland, unique farmland, or farmland of statewide importance.

The soil at this location is identified as Cajon sand, zero to two percent slopes **(11)**. This soil is mainly used for homestead development, grazing, and wildlife habitat. The soil is limited by slightly to high soil blowing hazard, excessively drained and sloped, high water intake rate, low available water capacity, and low fertility. Further, the proximity of commercial and residential uses does not make this site viable for agriculture. The U.S. Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County California Mojave River Area states that "Urban and built-up land and water areas cannot be considered prime farmland..." The City contains few sites currently in agricultural use and only two properties within a Williamson Act contract. This action will not change the zoning of any

properties designated as prime or unique farmland and will not negate any Williamson Act contract as the site is currently within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (9). The site was also evaluated for past agricultural uses. There is no record of past agricultural activities on the site. Therefore, this project will not have an impact upon agricultural resources.

The City and its Sphere Of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes (12). The southernmost portions of the City and SOI contain a narrow distribution of land within the shrub and conifer woodland bioregions. These bioregions do not contain sufficient forest land for viable timber production and are ranked as low priority landscapes (13). The project site is located in the central portion of the City within an existing residential area (1, 7 & 9). During the nineteenth century, juniper wood from Hesperia was harvested for use in fueling bakery kilns. Use of juniper wood was discontinued when oil replaced wood in the early twentieth century (14). Local timber production has not occurred since that time. Therefore, this project will not have an impact upon forest land or timberland.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan (15, 16 & 17)?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (15, 16 & 17)?			X	
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors) (15, 16 & 17)?			X	
d) Expose sensitive receptors to substandard pollutant concentrations (1, 7, 15, 16 & 17)?			X	
e) Create objectionable odors affecting a substantial number of people (1, 7, 15 & 16)?				X

Comments.

The General Plan Update and its Environmental Impact Report (EIR) addresses the impact of build-out in accordance with the Land Use Plan, with emphasis upon the impact upon sensitive receptors (15 & 16). Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality. The proposed apartments will potentially contain a number of sensitive receptors. The apartments will not cause a significant increase in emissions and are within an existing residential area not near a point source emitting a significant amount of poor air quality.

The Mojave Desert Air Quality Management District (MDAQMD) has published a number of studies that demonstrate that the Mojave Desert Air Basin (MDAB) can be brought into attainment for particulate matter and ozone, if the South Coast Air Basin (SCAB) achieves attainment under its adopted Air Quality Management Plan. The High Desert and most of the remainder of the desert has been in compliance with the federal particulate standards for the past 15 years (15). The ability of MDAQMD to comply with ozone ambient air quality standards will depend upon the ability of SCAQMD to bring the ozone concentrations and precursor emissions into compliance with ambient air quality standards (15 & 16).

All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD (17). Programs have been established in the Air Quality Attainment Plan which address emissions caused by area sources. Both short-term (construction) emissions and the long-term (operational) emissions associated with the development were considered. Short-term airborne emissions will occur during the construction phase related to demolition, site preparation, land clearance, grading, excavation, and building construction; which will result in fugitive dust emissions. Also, equipment emissions, associated with the use of construction equipment during site preparation and construction activities, will generate emissions. Construction activities generally do not have the potential to generate a substantial amount of odors. The primary source of odors associated with construction activities are generated from the combustion petroleum products by equipment. However, such odors are part of the ambient odor environment of urban areas. In addition, the contractor will be required to obtain all pertinent operating permits from the Mojave Desert Air Quality Management District (MDAQMD) for any equipment requiring AQMD permits.

The General Plan Update identifies large areas where future residential, commercial, industrial, and institutional development will occur. The General Plan Update Environmental Impact Report (GPUEIR) analyzed the impact to air quality upon build-out of the General Plan. Based upon this analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with air quality impacts (18). As part of the GPUEIR, the impact of residential development to the maximum allowable density permitted by the Land Use Plan was analyzed. The projected number of vehicle trips and turning movements associated with this project is analyzed within Section XV. Transportation/Traffic. Based upon these factors, the impact of a 114-unit apartment complex on 5.6 gross acres does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment Plan (17).

IV. BIOLOGICAL RESOURCES. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (19)?			X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1 & 19)?					X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (1 & 19)?					X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (1 & 19)?			X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (19 & 20)?			X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (21)?					X

Comments.

The site is not expected to support the Mohave ground squirrel, given the very low population levels of the species in the region and proximity to existing development. Further, the project site is outside the area considered suitable habitat for the species **(22)**. The desert tortoise is also not expected to inhabit the site, given its proximity to existing residences **(1)**. The site is also outside the range of the arroyo toad, which has been documented to inhabit a portion of the Rancho Las Flores Specific Plan and adjacent areas **(23)**.

Since the site contains native plant species, a biological survey was conducted by Circle Mountain Biological Consultants, Inc. to determine the presence of the desert tortoise, Mohave ground squirrel, burrowing owl, loggerhead shrike, and sharp-skinned hawk **(19)**. The biological report states that none of these nor any other threatened or endangered species inhabit the site. Since the burrowing owl is not sensitive to development and may occupy the site at any time, a mitigation measure requiring another biological survey to determine their presence shall be submitted no more than 30 days prior commencement of grading activities. The mitigation measure is listed on page 23.

A protected plant plan was also prepared as part of the detailed on-site biological baseline assessment inventory **(19)**. The site contains nine Joshua Trees, of which seven are healthy and transplantable. The protected plant plan will ensure that these seven Joshua Trees, which are protected under the City's Native Plant Protection Ordinance, will be relocated or protected in place. The grading plan for the project shall stipulate that all transplantable protected plants identified within the report will be relocated or protected in place. The mitigation measure is listed on page 23.

The project site is not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities. The Southern Sycamore Alder Woodland and Mojave Riparian Forest vegetation communities exist within the Rancho Las Flores Specific Plan and vicinity **(24)**. Consequently, approval of the proposed development will not have an impact upon biological resources, subject to the enclosed mitigation measures.

V. CULTURAL RESOURCES. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 (25) ?			X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (25) ?			X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (26) ?				X	
d) Disturb any human remains, including those interred outside of formal cemeteries (27) ?				X	

Comments.

Based upon a site visit and review of the aerial photos **(1)**, there is no evidence that historic resources exist within the project site. In addition, the site is not on the list of previously recorded cultural resources **(25)**. This list, which was compiled as part of the 2010 General Plan Update; was created from the inventory of the National Register of Historic Properties, the California Historic Landmarks list, the California Points of Historic Interest list, and the California State Resources Inventory for San

Bernardino County. The Cultural Resources Sensitivity Map indicates that the site has a high sensitivity potential for containing cultural resources **(26)**. Since this project is not exempt from the California Environmental Quality Act (CEQA), the City sent a letter dated November 18, 2016 giving all interested tribes the opportunity to consult pursuant to Section 21080.3.1 of the California Public Resources Code (AB 52). The City will also notify the tribes in writing of the Planning Commission and City Council meeting dates. As of the date of preparation of this document, staff has not received a consultation request.

The site was investigated by Applied Earthworks, Inc. on July 27, 2015. After a thorough field investigation Applied Earthworks did not find evidence of archaeological or paleontological resources as evidenced by the Phase I Cultural Resource Assessment prepared in September of 2015. However, there is a possibility that resources may exist below the surface. Therefore, a mitigation measure is listed on page 23, which will be imposed should any cultural resources be unearthed during construction.

In the event that human remains are discovered during grading activities, grading shall cease until the County Coroner has made the necessary findings in accordance with the California Environmental Quality Act (CEQA) **(27)**. Should the Coroner determine that the remains are Native American, the Native American Heritage Commission (NAHC) shall be contacted and the remains shall be handled in accordance with Public Resources Code Section 5097.98. Consequently, this project is not expected to have an impact upon cultural resources.

VI. GEOLOGY AND SOILS. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (28, 29 & 30) .					X
ii) Strong seismic ground shaking (31 & 32)?				X	
iii) Seismic-related ground failure, including liquefaction (11 & 31)?					X
iv) Landslides (31)?					X
b) Result in substantial soil erosion or the loss of topsoil (11)?					X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse (11 & 31)?					X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (11)?					X
e) 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 (11)?					X

Comments.

The project site contains generally flat topography with slopes of approximately two percent. No large hills or mountains are located within the project site. According to Exhibit SF-1 of the General Plan Safety Element, no active faults are known or suspected to occur near or within the project site and the site is not within an Alquist-Priolo Special Studies Zone or Earthquake Fault Zone (28). The City and Sphere of Influence (SOI) is near several major faults, including the San Andreas, North Frontal, Cleghorn, Cucamonga, Helendale, and San Jacinto faults (28 & 32). The nearest fault to the site is the North Frontal fault, located approximately five miles to the east of the City. The Alquist-Priolo Earthquake Fault Zoning Act prohibits structures designed for human occupancy within 500 feet of a major active fault and 200 to 300 feet from minor active faults (28). The project site is not located in an Alquist-Priolo Earthquake Fault Zone or within 500 feet of a fault (28 & 29).

The soil at this location is identified as Cajon sand, zero to two percent slopes (11). This soil is mainly used for homestead development, grazing, and wildlife habitat. The soil is limited by a slightly to high soil blowing hazard, excessively drained, high water intake rate, low available water capacity, and low fertility. During construction, soil erosion will be limited through compliance with an approved erosion control plan in accordance with National Pollution Discharge Elimination System (NPDES) and Storm Water Prevention Plan (SWPP) regulations. Although disturbance of the soil will result in significant soil loss due to wind erosion, the site will be fully developed with a building, paved parking, and landscaping (7). These improvements will ensure that soil disturbance will not result in significant soil erosion.

As a function of obtaining a building final, the proposed development will be built in compliance with the Hesperia Municipal Code and the Building Code (33), which ensures that the buildings will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soil study is required, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be performed in accordance with all development codes to assure that all structures will not be negatively affected by the soil. Consequently, the impact upon geology and soils associated with the proposed project is considered less than significant.

VII. GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (34)?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases (34)?			X	

Comments.

Assembly Bill 32 requires the California Air Resources Board (CARB) to develop regulations and market mechanisms that will ultimately reduce California's greenhouse gas emissions to 1990 levels by 2020. In addition, Senate Bill 97 requires that all local agencies analyze the impact of greenhouse gases under CEQA and task the Office of Planning and Research (OPR) to develop CEQA guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions..."

On April 13, 2009, OPR submitted to the Secretary for Natural Resources its proposed amendments to the state CEQA Guidelines for greenhouse gas emissions, as required by Senate Bill 97 (Chapter 185, 2007). The Natural Resources Agency forwarded the adopted amendments and the entire rulemaking file to the Office of Administrative Law (OAL) on December 31, 2009. On February 16, 2010, OAL

approved the Amendments, which became effective on March 18, 2010. This initial study has incorporated these March 18, 2010 Amendments.

Lead agencies may use the environmental documentation of a previously adopted Plan to determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements of the Plan or mitigation program under specified circumstances. As part of the General Plan Update, the City adopted a Climate Action Plan (CAP)(34). The CAP provides policies along with implementation and monitoring which will enable the City of Hesperia to reduce greenhouse emissions 28 percent below business as usual by 2020, consistent with AB 32.

The Medium Density Residential (MDR) Zone allows a maximum density of 15 dwelling units per gross acre. The proposed apartment complex provides a density of 8.2 dwelling units per gross acre. The proposed project will not increase the greenhouse gas (GHG) emissions beyond that analyzed within the General Plan Update Environmental Impact Report (GPUEIR). Consequently, the proposed development will not cause an increase in greenhouse gas emissions beyond that which was addressed by the GPUEIR. The buildings will be equipped with energy efficient mechanical systems for heating and cooling. That, in combination with use of dual pane glass and insulation meeting current Building Code regulations (33) will cause a reduction in GHG emissions from use of less efficient systems, resulting in additional community emission reduction credits. Consequently, the impact upon GHG emissions associated with the proposed project is less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (7 & 35)?				X
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (7 & 35)?				X
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (1 & 7)?				X
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment (1)?				X
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area (9 & 36)?				X
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area (36)?				X
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (37)?				X
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (1 & 38)?				X

Comments.

The project is comprised of residential uses which do not include the routine transport and storage of hazardous wastes. The project site is not listed in any of the following hazardous sites database systems, so it is unlikely that hazardous materials exist on-site:

- National Priorities List www.epa.gov/superfund/sites/query/basic.htm. List of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. There are no known National Priorities List sites in the City of Hesperia.
- Site Mitigation and Brownfields Reuse Program Database www.dtsc.ca.gov/database/Calsites/Index.cfm. This database (also known as CalSites) identifies sites that have known contamination or sites that may have reason for further investigation. There are no known Site Mitigation and Brownfields Reuse Program sites in the City of Hesperia.
- Resource Conservation and Recovery Information System www.epa.gov/enviro/html/rcris/rcris_query_java.html. Resource Conservation and Recovery Information System is a national program management and inventory system of hazardous waste handlers. There are 53 Resource Conservation and Recovery Act facilities in the City of Hesperia, however, the project site is not a listed site.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS) (<http://cfpub.epa.gov/supercpad/cursites/srchsites.cfm>). This database contains information on hazardous waste sites, potentially hazardous waste sites, and remedial activities across the nation. There is one Superfund site in the City of Hesperia, however, the project site is not located within or adjacent to the Superfund site.
- Solid Waste Information System (SWIS) (<http://www.ciwmb.ca.gov/SWIS/Search.asp>). The SWIS database contains information on solid waste facilities, operations, and disposal sites throughout the State of California. There are three solid waste facilities in the City of Hesperia, however the project site is not listed.
- Leaking Underground Fuel Tanks (LUFT)/ Spills, Leaks, Investigations and Cleanups (SLIC) (<http://geotracker.waterboards.ca.gov/search/>). This site tracks regulatory data about underground fuel tanks, fuel pipelines, and public drinking water supplies. There are fourteen LUFT sites in the City of Hesperia, six of which are closed cases. The project site is not listed as a LUFT site and there are no SLIC sites in the City of Hesperia.
- There are no known Formerly Used Defense Sites within the limits of the City of Hesperia. Formerly Used Defense Sites <http://hq.environmental.usace.army.mil/programs/fuds/fudsinv/fudsinv.html>.

The proposed project will not conflict with air traffic nor emergency evacuation plans. The site is over two miles from the Hesperia Airport to the south and is therefore not within a restricted use zone associated with air operations (38). Consequently, implementation of the project will not cause safety hazards to air operations. The site is also not along an emergency evacuation route or near a potential emergency shelter (37) and will not interfere with emergency evacuation plans.

The project's potential for exposing people and property to fire and other hazards was also examined. The site is located within an urbanized area and is not in an area susceptible to wildland fires. The areas primarily in proximity to the San Bernardino National Forest are most susceptible to wildland fires (39). All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. Consequently, approval of the project will not have any impact upon or be affected by hazards and hazardous materials.

IX. HYDROLOGY AND WATER QUALITY. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements (40 & 41)?					X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted) (42 & 43)?				X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site (38)?				X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site (7 & 38)?				X	
e) 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 (44)?				X	
f) Otherwise substantially degrade water quality (44)?				X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map (7, 45 & 46)?					X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (7, 38 & 46)?					X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (7, 45 & 46)?					X
j) Inundation by seiche, tsunami, or mudflow (7, 28)?					X

Comments.

Development of the site will disturb more than one-acre of land area. Consequently, the project will be required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to land disturbance (47). Issuance of a Storm Water Pollution Prevention Plan (SWPPP) will also be required, which specifies the Best Management Practices (BMPs) that will be implemented to prevent construction pollutants from contacting storm water. Obtaining the NPDES and implementing the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). These are mandatory and NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts to water quality during project construction.

The development may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff (48). Therefore, the project shall retain the drainage created on-site beyond that which has occurred historically within an approved drainage system in accordance with City of Hesperia Resolution 89-16. The site is within Flood Zone X, based upon the latest Flood Insurance

Rate Maps (46). The proposed development is not allowed to concentrate or redirect stormwater flow. The eastern site boundary is close to a regional drainage flow identified as H-02 within the Hesperia Master Plan of Drainage (45), which drains approximately 3.9 square miles (7). During a 100-year storm event, 1,460 cubic feet of water per second would occur. This drainage is east of Hesperia Road, within the Burlington Northern and Santa Fe Railroad right-of-way. The retention facilities required by the City for the development will ensure that no additional storm water runoff impacts the area and that any contaminants will be filtered from stormwater runoff prior to any release. The release will be no greater than the amount of runoff which currently leaves the site prior to development.

The City is downstream of three dams. These are the Mojave Forks, Cedar Springs, and Lake Arrowhead Dams. In the event of a catastrophic failure of one or more of the dams, the project site would not be inundated by floodwater (38). The areas most affected by a dam failure are located in the low lying areas of southern Rancho Las Flores, most of the Antelope Valley Wash, and properties near the Mojave River.

The City of Hesperia is located just north of the Cajon Pass at an elevation of over 2,500 feet above sea level, which is over 60 miles from the Pacific Ocean. As such, the City is not under threat of a tsunami, otherwise known as a seismic sea wave. Similarly, the potential for a seiche to occur is remote, given the limited number of large water bodies within the City and its sphere. A seiche would potentially occur only in proximity to Silverwood Lake, Hesperia Lake and at recharge basins (48). The subject property exhibits a two to five percent slope and the water table is significantly more than 50 feet from the surface. Therefore, the mechanisms necessary to create a mudflow; a steep hillside with groundwater near the surface, does not exist at this location.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin (42).

Senate Bill SB 610 requires approval of a Water Supply Assessment (WSA) if any individual development exceeds 500 dwelling units, a proposed shopping center or business establishment employing more than 1,000 persons, or a commercial center employing more than 1,000 persons or encompassing more than 500,000 square feet of building area, a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space, a proposed hotel or motel, or both, having more than 500 rooms. This site plan review will allow construction of 186 apartments. This level of development does not meet the threshold requiring a WSA.

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere Of Influence (SOI). The UWMP indicates that the City is currently using less than half of its available water supply and that supply is projected to exceed demand beyond the year 2030 (42). The HWD has maintained a water surplus through purchase of water transfers, allocations carried over from previous years, and recharge efforts. Therefore, the impact upon hydrology and water quality associated with this project is considered less than significant.

X. LAND USE AND PLANNING. Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community (1)?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (10 & 34)?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan (24)?				X

Comments.

The site is currently occupied by two single-family residences and is adjacent to existing single-family and multi-family residences to the north, a mobilehome park to the south and east, and a high school to the west (1). The site is currently zoned Medium Density Residential (MDR), which allows the proposed development (9). Approval of a variance is only required to allow for a reduced street side yard setback and a reduced building separation from that required by the Specific Plan.

The project site is not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest community, exist within the Rancho Las Flores Specific Plan and vicinity (24). The project site is located approximately five miles northwest of this specific plan within the developed portion of the City. Therefore, the proposed project will have a less than significant impact upon land use and planning.

XI. MINERAL RESOURCES. Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (49)?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan (49)?				X

Comments.

According to data in the Conservation Element of the City's General Plan, no naturally occurring important mineral resources occur within the project site (49). Known mineral resources within the City and sphere include sand and gravel, which are prevalent within wash areas and active stream channels. Sand and gravel is common within the Victor Valley. The mineral resources within the property are not unique locally or regionally and need not be preserved. Consequently, the proposed project would not have an impact upon mineral resources.

XII. NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (1, 7 & 50) ?		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (50) ?		X		
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (7 & 9) ?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (50 & 51) ?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels (1 & 9) ?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels (1 & 9) ?				X

Comments.

Approval of the proposed project will result in both construction noise and operational noise, mostly associated with trucks and vehicular traffic to and from the site, but also including noise from both residential and nonresidential uses. According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles and aircraft **(50)**. Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Noises associated with this type of project will be mostly from traffic caused by arriving and departing vehicles, especially semi-trucks (employees, customers, and deliveries) and the Burlington Northern and Santa Fe railroad.

Construction noise levels associated with any future construction activities will be slightly higher than the existing ambient noise levels in the vicinity of the project site. Noise generated by construction equipment, including trucks, graders, backhoes, well drilling equipment, bull-dozers, concrete mixers and portable generators can reach high levels and is typically one of the sources for the highest potential noise impact of a project. However, the construction noise would subside once construction is completed. The proposed project must adhere to the requirements of the City of Hesperia Noise Ordinance **(51)**. The Noise Ordinance contains an exemption from the noise level regulations during grading and construction activities occurring between 7:00 A.M. and 7:00 P.M., Monday through Saturday, except federal holidays.

The project site will be subjected to higher levels of noise, due to its proximity to the Burlington Northern and Santa Fe railroad. The proposed apartments are subject to an interior noise standard of 45 dB (A) **(51)**. The project is expected to receive over 65 dB (A) from the railroad. The General Plan indicates that residential properties within 1,850 feet of the railroad will be exposed to noise in excess of 65 dB (A) **(52)**. Since the exterior noise level will exceed 65 dB (A), implementation of noise-reducing building methods will be necessary. Compliance with standard building methods will result in the buildings meeting the 45 dB (A) interior noise standard **(51)**. The potential impact of the project upon the nearest sensitive uses to the site is not significant **(1)**. An acoustical study shall be submitted, addressing the noise impact from the Burlington Northern & Santa Fe Railroad and traffic on the

perimeter streets upon the project. The construction techniques of the acoustical study shall be implemented to ensure that interior noise levels within the buildings do not exceed 45 dB (A).

The impact of the residential uses upon the area will be minor. The General Plan Update Environmental Impact Report (GPUEIR) accounts for the usual traffic in this area caused by residential activities. Although the project will increase noise levels in the area, due to increased vehicular traffic, the noise impact of the railroad will surpass any noise increase due to this project. An acoustical study shall be submitted, addressing the noise impact from the Burlington Northern & Santa Fe Railroad and traffic on the perimeter streets upon the project. The construction techniques of the acoustical study shall be implemented to ensure that interior noise levels within the buildings do not exceed 45 dB (A). The mitigation measure is listed on page 23, which will insure that the future residents of this project will not be subjected to excessive noise.

The project site is approximately 2 ½ miles north of the Hesperia Airport. At this distance, the project is not impacted by any safety zones associated with this private airport (9). The project site is even farther from the Southern California Logistics Airport (SCLA) and the Apple Valley Airport and will not be affected by any safety zones for these airports.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the noise impact upon build-out of the General Plan to the maximum allowable development intensity permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with noise impacts (18). The transportation impact of the uses proposed under this Planned Development is analyzed within Section XVI (TRANSPORTATION / TRAFFIC). Inasmuch as this project does not exceed the traffic impact analyzed as part of the GPUEIR, this project will not exceed the amount of noise expected at City build-out and will not exceed the noise level impact analyzed by the General Plan Update Environmental Impact Report (GPUEIR). Consequently, the noise impact of this project is not significant.

XIII. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial 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) (7)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere (1)?			X	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere (1)?			X	

Comments.

The proposed project entails development of a 186-unit apartment complex (7). The subject property is within the MDR District of the Specific Plan (9), which allows up to 342 dwelling units. Since the proposed project is not denser than allowed by the Specific Plan, this project does not exceed the traffic impact analyzed as part of the GPUEIR. Consequently, the proposed project will not create a significant increase in the demand for housing. The transportation impact of the uses proposed under this project is analyzed within Section XVI (TRANSPORTATION / TRAFFIC). This project does not exceed the traffic impact analyzed as part of the GPUEIR. As a result, the project's impact upon population growth will not exceed the impact analyzed by the GPUEIR. Further, the project will only displace two single-family residences, which does not necessitate the construction of new or replacement housing elsewhere.

The site is currently served by water, sewer, and other utility systems (54). Therefore, development of the project would not cause a significant negative impact upon existing public facilities. Completion of the project would also have a less than significant impact upon population and housing, based upon the proposed density of apartments being within that analyzed by the GPUEIR.

XIV. PUBLIC SERVICES.		Potentially Significant Impact	Less Than Significant 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 could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services (53):				X	
Fire protection? (53)				X	
Police protection? (53)				X	
Schools? (53)					X
Parks? (53)					X
Other public facilities? (53)				X	

Comments.

Senate Bill SB 610 requires approval of a Water Supply Assessment (WSA) if any individual development exceeds 500 dwelling units, a proposed shopping center or business establishment employing more than 1,000 persons, or a commercial center employing more than 1,000 persons or encompassing more than 500,000 square feet of building area, a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space, a proposed hotel or motel, or both, having more than 500 rooms. This 186-unit apartment complex does not meet the threshold requiring a WSA. Water will be supplied by the Hesperia Water District (HWD).

Although the proposed project will create an increase in demand for public services (53), that increase is consistent with that which is anticipated as part of the General Plan Update Environmental Impact Report (GPUEIR). The site is approximately 650 feet north of the subject property within Hesperia Road and is also served by existing 8-inch and 12-inch water lines (54). Full street improvements comprised of curb, gutter, and sidewalk will be constructed along the project's frontage as part of its construction. Development Impact Fees (DIFs) will also be assessed at the time that building permits are issued for construction of the site (55). These fees are designed to ensure that appropriate levels of capital resources will be available to serve any future development. Therefore, the impact of the proposed project upon public services is less than significant.

XV. RECREATION.	Potentially Significant Impact	Less Than Significant 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 (7) ?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (7) ?				X

Comments.

Construction of this project will result in a slight increase in population growth beyond that which is planned for in the City's Land Use Element and the Specific Plan. The development agreement will allow for two additional dwelling units beyond that analyzed by the GPUEIR. Therefore, its impact upon existing recreational facilities will be minimal. In addition, the project includes a host of recreational amenities; including two pools and two spas, a clubhouse, a fitness center, a tot lot, and picnic areas with barbeques **(7)**. Consequently, the development will provide recreational venues for all ages. Further, the developer will be responsible for paying park fees **(55)**, which ensure that any additional impact to existing recreational facilities will be lessened. Therefore, the proposed site plan review will have minimal impact upon existing recreational facilities.

XVI. TRANSPORTATION / TRAFFIC. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (56) ?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways (57, 58 & 59) ?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks (36) ?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (58 thru 62) ?				X
e) Result in inadequate emergency access (7) ?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities (58 thru 62) ?				X

Comments.

The proposed project fronts upon Third Avenue and Hesperia Road, which are to be constructed as a 100-foot wide Arterial roadways and Olive Street, which is to be a 60-foot wide modified Suburban Collector roadway **(56 & 62)**. As part of development of this project, Third Avenue, Hesperia Road and Olive Street will be constructed to City standards, including curb, gutter, and sidewalk across the project frontage and pavement tapers beyond the frontage, improving safety. Access to and within the site has been evaluated by both the City and the San Bernardino County Fire Department. Access to the project shall be from both Third Avenue and Olive Street **(7)**. The driveways from Third Avenue and Olive Street shall be for ingress and egress while the driveway accessing Hesperia Road will be for emergency vehicles only.

The City's General Plan includes a non-motorized transportation network **(63)**. The site fronts upon Third Avenue, which is part of the Bikeway System Plan. A Class II bike path will ultimately be constructed within Third Avenue from Mesa Street to Lime Street. This will provide a viable alternative to the use of automobiles.

The project site is located approximately 2 ½ miles from the Hesperia Airport and is not within an airport safety zone **(9)**. Consequently, the project will not cause a change in air traffic patterns nor an increase in traffic levels or location. The project site will also not impact the air traffic patterns for the Southern California Logistics Airport nor the Apple Valley Airport.

This 186-unit apartment project is located on 22.8 gross acres within the MDR District of the Specific Plan, which allows up to 15 dwelling units per gross acre. The GPEIR analyzed development of up to 342 apartment units on this site, based upon 15 units per gross acre. Therefore, 156 fewer dwelling units will be created from that which was analyzed by the GPUEIR.

Based on the Institute of Traffic Engineers' Trip Generation Manual **(57)**, apartments generate approximately 6.72 daily vehicle trips per dwelling unit. Consequently, the proposed 186 units would generate about 1,250 daily vehicle trips. The GPUEIR analyzed the impact of 342 dwelling units on this property, which would create 2,298 daily vehicle trips. Therefore, 1,048 fewer daily vehicle trips than that accounted for by the GPUEIR would occur.

The City's Circulation Plan is consistent with the Congestion Management Program (CMP) for San Bernardino County **(61)**. The CMP requires a minimum Level of Service (LOS) standard of "E." When a jurisdiction requires mitigation to a higher LOS, then the jurisdiction's standard takes precedence. The Circulation Element requires a minimum LOS of D for street segments instead of LOS E. The Element also strives to maintain a LOS of C or better on roadways which exhibit an LOS better than D. The LOS of Third Avenue, Hesperia Road and Olive Street will not be significantly negatively affected by the number of vehicle trips to be created by this use inasmuch as the proposed 186-unit apartment complex is under the maximum 15 dwelling units per gross acre allowed by the General Plan. As a result, the project's impact upon traffic will not exceed the impact analyzed by the GPUEIR.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (64) ?					X

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (54) ?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (45) ?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (42 & 43) ?			X	
e) 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 (42) ?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (65 & 66) ?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste (67) ?			X	

Comments.

The proposed development will increase the amount of wastewater due to increased impervious surface area, but this additional amount was considered as part of the GPUEIR. The development will be to install an 8-inch minimum PVC water main in Olive Street from Third Avenue to Hesperia Road **(54)**. Construction of this water main will provide water capacity sufficient to serve this project.

As part of construction of the project, the City requires installation of an on-site retention facility which will retain any additional storm water created by the impervious surfaces developed as part of the project. Based upon a 100-year storm event, development of this project will not increase the amount of drainage impacting downstream properties beyond that which would occur prior to its development. Additionally, the retention facility will contain a filtration system, preventing contamination of the environment. Incorporation of this required on-site retention facility will ensure that the use will not have a negative impact upon water quality.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, in a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin **(43)**.

Senate Bill SB 610 requires approval of a Water Supply Assessment (WSA) if any individual development exceeds 500 dwelling units, a proposed shopping center or business establishment employing more than 1,000 persons, or a commercial center employing more than 1,000 persons or encompassing more than 500,000 square feet of building area, a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space, a proposed hotel or motel, or both, having more than 500 rooms. The proposed development will allow construction of 186 apartments do not meet the threshold requiring a WSA. Water will be supplied by the Hesperia Water District (HWD).

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere Of Influence (SOI). The UWMP evidences that the City is currently using less than half of its available water supply and that supply is projected to exceed demand beyond the year 2030 (68). The HWD has maintained a surplus water supply through purchase of water transfers, allocations carried over from previous years, and recharge efforts.

The City is in compliance with the California Integrated Waste Management Act of 1989, which requires that 50 percent of the solid waste within the City be recycled (67). Currently, approximately 63 percent of the solid waste within the City is being recycled (65). About 168 tons of solid waste is disposed at the landfill and 243 tons are recycled of the total solid waste produced by the City per day. The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 600 tons per day in order to accommodate future development. Therefore, the proposed project will not cause a significant negative impact upon utilities and service systems.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Comments.

Based upon the analysis in this initial study, a Negative Declaration may be adopted. Development of this project will have a minor effect upon the environment. These impacts are only significant to the degree that mitigation measures are necessary.

XIV. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case a discussion identifies the following:

The Certified General Plan Environmental Impact Report.

a) **Earlier analyses used.** Earlier analyses are identified and stated where they are available for review.

- b) **Impacts adequately addressed.** Effects from the above checklist that were identified to be within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards are noted with a statement whether such effects were addressed by mitigation measures based on the earlier analysis.
- a) **Mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project are described.

The following mitigation measures are recommended as a function of this project.

1. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
2. Three copies of a protected plant plan shall be submitted to the Building and Safety 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. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.
3. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy.
4. An acoustical study shall be submitted, addressing the noise impact from the Burlington Northern & Santa Fe Railroad and traffic on the perimeter streets upon the project. The construction techniques of the acoustical study shall be implemented to ensure that interior noise levels within the buildings do not exceed 45 dB (A).

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

- (1) Aerial photos of the City of Hesperia taken February, 2016.
- (2) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-7.
- (3) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-8.
- (4) Section 16.20.085 (O) of the Hesperia Municipal Code.
- (5) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-9.
- (6) Section E of Chapter 7 and Section G of Chapter 9 of the Main Street and Freeway Corridor Specific Plan, 100 thru 106 and pages 199 thru 204
- (7) Site Plan Review SPR15-00012 and Variance VAR16-00001 applications and related materials.
- (8) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-1
- (9) Official Maps showing the General Plan Land Use and zoning of the City of Hesperia and its sphere of influence.

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- (10) Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2.
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- (11) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 31, Pages 27.
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- (12) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
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- (13) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
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- (14) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34.
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- (15) Air Quality Section of the 2010 City of Hesperia General Plan Update, pages CN-47 thru CN-50.
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- (16) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
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- (17) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
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- (18) Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR).
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- (19) Biological report prepared by Circle Mountain Biological Consultants, Inc. in August 2015 and the addendum dated November 6, 2015.
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- (20) Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
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- (21) Section 3.4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.4-30.
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- (22) Exhibit CN-5 of the 2010 City of Hesperia General Plan Conservation Element, page CN-27.
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- (23) Exhibit OS-2 of the 2010 City of Hesperia General Plan Update, page OS-9.
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- (24) Exhibit CN-3 of the 2010 City of Hesperia General Plan Conservation Element, page CN-17.
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- (25) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages C-1 thru C-34.
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- (26) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibit 5e.
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- (27) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
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- (28) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1, page SF-9.
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- (29) Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, Figure 1-2, page 1-5.
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- (30) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
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- (31) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
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- (32) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-23 thru 1-36.
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- (33) 2010 California Building Code.
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- (34) 2010 City of Hesperia General Plan Update Climate Action Plan.
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- (35) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
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- (36) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-60 and LU-61.
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- (37) Potential Emergency Shelters and Evacuation Routes shown within the 2010 Hesperia General Plan Safety Element, Exhibit SF-4.
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- (38) Map showing very high fire hazard areas, flood zones, and significant hazardous materials sites of the 2010 City of Hesperia General Plan Update Safety Element, Exhibit SF-2.
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- (39) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
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- (40) Section 3.8.2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
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- (41) Section 3.8.5 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-20 thru 3.8-22.
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- (42) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
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- (43) Mojave Water Agency letter dated March 27, 1996.
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- (44) Section 4.3.8 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 4-9.
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- (45) 1996 Hesperia Master Plan of Drainage Volume III, identifying future drainage improvements for the area.
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- (46) FEMA flood map, City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
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- (47) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
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- (48) Flooding Hazards Section of the 2010 City of Hesperia General Plan Update Safety Element, pages SF-16 thru SF-18.
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- (49) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
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- (50) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
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- (51) Section 16.20.125 of the Hesperia Municipal Code, pages 464 thru 467.
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- (52) Table 3.11-9 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.11-37 and 3.11-47.
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- (53) Section 4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-13 thru 4-18.
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- (54) Current Hesperia water and sewer line atlas, pages J14 and K14.
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- (55) 1991 City of Hesperia Ordinance 180 entitled "An Ordinance of the City Council of the City of Hesperia, California, Establishing a Development Impact Fee for all New Residential, Commercial, and Industrial Structures" and Resolution No. 2007-110 on November 20, 2007.
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- (56) Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, page CI-9.
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- (57) Institute of Transportation Engineers Trip Generation Manual, Sixth Edition, Volume 2, Page 306.
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- (58) Exhibit CI-22 showing the Urban Design Framework within the 2010 City of Hesperia General Plan Update Circulation Element, page CI-55.
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- (59) Table 4-3 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 35-36.
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- (60) Section 2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 2-19.
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- (61) Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 4 thru 6.
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- (62) Exhibit CI-1 showing the General Plan Traffic Circulation Plan within the 2010 City of Hesperia General Plan Update Circulation Element.
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- (63) Exhibit CI-23 showing the Non-Motorized Transportation Plan General Plan within the 2010 City of Hesperia General Plan Update Circulation Element, Page CI-57.
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- (64) Section 3.8 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-8 thru 3.8-14.
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- (65) Quarterly data of the San Bernardino County Disposal Reporting System for the 3rd quarter 2014.
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- (66) 2009 California Department of Resources, Recycling and Recovery Annual AB939 Report.
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- (67) California Integrated Waste Management Act (AB 939).
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- (68) City of Hesperia Urban Water Management Plan.
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