

CITY OF HESPERIA PLANNING DIVISION
9700 Seventh Avenue, Hesperia, California 92345
(760) 947-1224 FAX (760) 947-1221

PROPOSED NEGATIVE DECLARATION ND-2019-06
Preparation Date: February 5, 2020; revised May 11, 2020

Name or Title of Project: Site Plan Review SPR19-00015

Location: At the southeast corner of Highway 395 and Popular Street and encompasses all or portions of APNs 3064-591-01 & 03

Entity or Person Undertaking Project: Steeno Design Studio, 11774 Hesperia Road #B1, Hesperia, CA 92345

Background: An Initial Study/Mitigated Negative Declaration was previously prepared for the project and was circulated for a 30-day public review period from February 10, 2020 through March 11, 2020. After the public review period ended, the applicant modified the project to include a 19,600 square foot storage building on a portion of the site that was previously proposed as undeveloped. The applicant also submitted a revised hydrology study to account for the new building. Therefore, as a result of the changes to the project, as well as comments received during the public review, the City has chosen to revise portions of the IS/MND and re-circulate a revised IS/MND in order to offer the public an opportunity to fully review the proposed changes.

Differences between the previously circulated IS/MND and the revised version include the following changes:

- Revised the project description to include a 19,600 square foot storage building that was not previously analyzed;
- Revised the project description to include a variance as a part of the project because the modified project will exceed the maximum floor area ratio;
- Included a revised site plan exhibit (Attachment 2);
- Expanded and modified the discussion of biological resources and added new mitigation measures;
- Expanded and modified the discussion of hydrology/water quality resources;
- The hydrology study was updated and it is now included as an attachment to the IS/MND.

Description of project:

The proposed project consists of the construction of a 123,132 square foot manufacturing/industrial building, a 19,600 square foot storage building, and an 8,865 square foot office building along with paved parking areas, drive aisles, landscaping, and curb, gutter and sidewalk improvements.

The project site is located on approximately 9.5 gross acres and is zoned Commercial Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan (MSFCSP). The proposed project will be constructed in three phases; the 123,132 square foot industrial building will be constructed first, followed by the 8,865 square foot office administration building, and then the 19,600 square foot storage building. Access to the site is proposed from two separate drive approaches on Popular Street (see Figure 1)

In addition, the project proposes a variance to exceed the maximum floor area ratio (FAR) that is allowed in the MSFCSP. The CIBP zone allows a maximum F.A.R of 0.35 (based on gross acres) and the project proposes a 0.37 F.A.R.

Statement of Findings: The Planning Commission has reviewed the Initial Study for this proposed project and has found that there are no significant adverse environmental impacts to either the man-made or physical environmental setting with inclusion of the following mitigation measures and does hereby direct staff to file a Notice of Determination, pursuant to the California Environmental Quality Act (CEQA).

Mitigation Measures:

1. Prior to the issuance of a grading permit, a pre-construction burrowing owl clearance survey must be conducted in accordance with the *Staff Report on Burrowing Owl Mitigation, State of California Natural Resource Agency, Department of Fish and Game, May 7, 2012* by a qualified biologist within 30 days prior to the beginning of project construction to determine if the project site contains suitable burrowing owl habitat and to avoid any potential impacts to the species. The surveys shall include 100 percent coverage of the project site. If the survey reveals that no burrowing owls are present, no additional actions related to this measure are required. If occupied burrows are found within the development footprint during the pre-construction clearance surveys, **Mitigation Measure 2** shall apply.
2. If occupied burrows are found within the development footprint during the pre-construction clearance survey, site-specific buffer zones shall be established by the qualified biologist through consultation with the California Department of Fish and Wildlife (CDFW). The buffer zones may vary depending on burrow location and burrowing owl sensitivity to human activity, and no construction activity shall occur within a buffer zone(s) until appropriate minimization and avoidance measures are determined through consultation with the CDFW.
3. If project activities are planned during the bird nesting season (February 1 to August 31), a nesting bird survey shall be conducted within three days (72 hours) prior to any ground-disturbing activities, including, but not limited to clearing, grubbing, and/or rough grading, to ensure birds protected under the Migratory Bird Treaty Act (MBTA) are not disturbed by on-site activities. Any such survey(s) shall be conducted by a qualified biologist. If no active nests are found, no additional actions related to this measure are required. If active nests are found, the nest locations shall be mapped by the biologist. The nesting bird species shall be documented and, to the degree feasible, the nesting stage (e.g., incubation of eggs, feeding of young, near fledging) determined. Based on the species present and surrounding habitat, a no-disturbance buffer shall be established around each active nest. The buffer shall be identified by a qualified biologist and confirmed by the City. No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the City and construction supervisor that activities may resume.
4. Prior to the issuance of a grading permit, a pre-construction survey for Mohave Ground Squirrel following the Mohave Ground Squirrel Survey Guidelines, or most recent version, shall be performed by a qualified biologist. The pre-construction survey shall cover the project site and a 50-foot buffer zone. Should Mohave ground squirrel presence be confirmed during the survey, the project applicant shall obtain an incidental take permit for Mohave ground squirrel prior to the start of construction.
5. No more than 30 days prior to the issuance of a grading permit, a qualified biologist shall conduct pre-construction surveys for desert tortoise as described in the most recent United States Fish and Wildlife Service Desert Tortoise (Mojave Population) Field Manual. The pre-construction survey shall cover the project site and a 50-foot buffer zone. Should desert tortoise presence be confirmed during the survey, the Project applicant shall obtain an incidental take permit for Desert Tortoise prior to the start of construction.
6. 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.

7. In the event that Native American 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, San Manuel Band of Mission Indians will be contacted by the Lead Agency if any such find occurs and be provided, by the Lead Agency, the information collected by the archaeologist, and be permitted/invited to perform a site visit prior to treatment and disposition, so as to provide Tribal input.
8. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, an SOI-qualified archaeologist shall be retained to develop an cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan, the drafts of which shall be provided to San Manuel Band of Mission Indians for review and comment.
 - a. All in-field investigations, assessments, and/or data recovery enacted pursuant to the finalized Treatment Plan shall be monitored by a San Manuel Band of Mission Indians Tribal Participant(s).
 - b. The Lead Agency and/or applicant shall, in good faith, consult with San Manuel Band of Mission Indians on the disposition and treatment of any artifacts or other cultural materials encountered during the project.
9. Formal acceptance of the traffic study is required by Caltrans and the City Engineer prior to City approval of the project. The applicant shall be required to implement all recommendations/improvements outlined in the project specific traffic study to the satisfaction of the City Engineer and/or Caltrans.

A copy of the Initial Study and other applicable documents used to support the proposed Mitigated Negative Declaration is available for review at the City of Hesperia Planning Department.

Public Review Period: May 12, 2020 through June 11, 2020.

Tentative Planning Commission Meeting: June 11, 2020.

Attest:

RYAN LEONARD, AICP, SENIOR PLANNER

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

PROJECT DESCRIPTION

1. **Project Title:** Site Plan Review SPR19-00015
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Ryan Leonard, AICP, Senior Planner
Phone number: (760) 947-1651.
4. **Project Location:** On the southeast corner of Highway 395 and Popular Street (APNs: 3064-591-01 & 03).
5. **Project Sponsor:** Steeno Design Studio
Address: 11774 Hesperia Road, #B1, Hesperia CA, 92345
6. **General Plan & Zoning:** The site is within the Commercial Industrial Business Park (CIBP) Zone of the Main Street and Freeway Corridor Specific Plan.

7. Introduction:

An Initial Study/Mitigated Negative Declaration was previously prepared for the proposed project and was circulated for a 30-day public review period from February 10, 2020 through March 11, 2020. Copies of the document were distributed to the State Clearinghouse. Regional agencies, local agencies, and interested organizations and individuals were also notified that the IS/MND was available for review. Comment letters on the IS/MND were received from two State agencies (Department of Water Resources and Department of Fish and Wildlife) as well as from the San Manuel Band of Mission Indians.

After the public review period ended, the applicant modified the project to include a 19,600 square foot storage building on a portion of the site that was previously proposed as undeveloped. The applicant also submitted a revised hydrology study to account for the new building. Therefore, as a result of the changes to the project, as well as comments received during the public review, the City has chosen to revise portions of the IS/MND and re-circulate this revised version in order to offer the public an opportunity to fully review the proposed changes.

Differences between the previously circulated IS/MND and the revised version include the following changes:

- Revised the project description to include a 19,600 square foot storage building that was not previously analyzed;
- Revised the project description to include a variance as a part of the project because the modified project will exceed the maximum floor area ratio;
- Included a revised site plan exhibit (Attachment 2);
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8. Description of project:

The proposed project consists of the construction of a 123,132 square foot

manufacturing/industrial building, a 19,600 square foot storage building, and an 8,865 square foot office building along with paved parking areas, drive aisles, landscaping, and curb, gutter and sidewalk improvements.

The project site is located on approximately 9.5 gross acres and is zoned Commercial Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan (MSFCSP). The proposed project will be constructed in three phases; the 123,132 square foot industrial building will be constructed first, followed by the 8,865 square foot office administration building, and then the 19,600 square foot storage building. Access to the site is proposed from two separate drive approaches on Popular Street (see Figure 1)

In addition, the project proposes a variance to exceed the maximum floor area ratio (FAR) that is allowed in the MSFCSP. The CIBP zone allows a maximum F.A.R of 0.35 (based on gross acres) and the project proposes a 0.37 F.A.R.

9. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.) The subject property is vacant. The properties to the south and east of the site are built with industrial uses. The properties to the north, on the opposite side of Popular Street are vacant. Highway 395 is to the west of the site. The surrounding properties are also within the CIBP Zone of the Main Street and Freeway Corridor Specific Plan.
10. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.) The City is expected to use this IS/MND in consideration of the proposed project and associated actions. These actions may include, but are not limited to, the following:

- Site Plan Review pursuant to Article II of the Hesperia Municipal Code.
- Variance pursuant to Article VI of the Hesperia Municipal Code.
- Construction permits, grading permits, and building permits.

The following approvals from other regulatory agencies may also be required:

- State Water Resources Control Board (SWRCB): Notice of Intent to comply with the General Construction Activity National Pollutant Discharge Elimination System (NPDES) Permit.
- CALTRANS: Encroachment permit
- Utility Providers: Connection permits.

Attachment A- Project Location



Attachment B- Site Plan



A-0 Site FINAL
3-13-20.pdf

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.	
X	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.	

"De minimis"

Signature
Ryan Leonard, AICP, Senior Planner, Hesperia Planning Division

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 & 2) ?			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, 3 & 4) ?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (5) ?			X	

Comments.

The subject property is vacant. The properties to the south and east of the site are built with industrial uses. The properties to the north, on the opposite side of Popular Street are vacant and the properties to the west, on the opposite side of Highway 395 are vacant. **(1 & 2)**. The Ore Grande wash is located to the east of the site, but does not traverse thru the site.

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)**. As previously mentioned, the Ore Grande wash is located to the east of the site, but does not traverse thru the site. However given the existing land uses nearby and the site's proximity to Popular Street and U. S. Highway 395, its development will not substantially degrade the existing visual character or quality of the site and its surroundings. Further, a state scenic highway does not traverse the City **(2)**. State Highways 138 and 173 are eligible for being designated scenic highways within the southern portion of the City. The project site is not in proximity to this area. In addition, the City does not contain any registered historic buildings.

In addition, the development meets the development standards of the Specific Plan **(5)**, which limit building height and provide for minimum yard, maximum floor area ratio and architectural standards. Although industrial development will produce additional light and glare, any light or glare produced would be subject to Title 16 regulations which requires that all exterior lighting fixtures to be hooded and directed downward to minimize light and glare impacts on neighboring properties **(1 & 5)**. Consequently, development of the site will not substantially degrade the existing visual character or quality of the site and its surroundings. As such, development of the project would have a less than significant 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 (2 & 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) ?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use (1, 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 (1, 9 & 10) ?				X

Comments.

The project site is not presently, nor does it have the appearance of previous agricultural uses. The soil at this location is classified by the U.S. Soil Conservation Service as *Hesperia loamy fine sand, two to five percent slopes*. These soils are limited by high soil blowing hazard, high water intake rate, low available water capacity, and low fertility **(12)**. Further, the proximity of commercial and industrial 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 project site does not contain any known agricultural activities or any known unique agricultural soils. Based on the lack of designated agricultural soils on the project site, it is concluded that the project will not result in significant adverse impacts to agriculture or significant agricultural soils. The project is located within an urbanized area which, according to the SCS, is not considered prime farmland. Further, the site is not within the area designated by the State of California as "unique farmland." The City contains few sites currently in agricultural use and only two properties within a Williamson Act contract. The proposed project 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 Commercial Industrial Business Park (CIBP) Zone of the Main Street and Freeway Corridor Specific Plan **(10)**. 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 **(13)**. 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 **(14)**. The project site is located in the northwest portion of the City within the U.S. Highway 395/I-15 corridor **(1)**. 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 **(11)**. 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 (2, 15 & 16)?			X	
e) Create objectionable odors affecting a substantial number of people (1, 2, 15 & 16)?				X

Comments.

The General Plan Update and its Environmental Impact Report (EIR) address 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 closest sensitive receptors are the occupants of the rural, large lot single-family residences located approximately 4,000 feet to the west of the site **(1)**.

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 since these pollutants are entering the High Desert region through the Cajon Pass **(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 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 **(7)**. As part of the GPUEIR, the impact of industrial development to the maximum allowable intensity permitted by the Land Use Plan was analyzed. The impact of the proposed project does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment Plan. The projected number of vehicles trips and turning movements associated with this project is analyzed within Section XV. Transportation/Traffic. Although the proposed development will increase traffic in the area it will not result in the creation of an unacceptable level of service (LOS). Therefore approval of this project will not result in a significant impact upon air quality.

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 (10 & 21) ?		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, 10 & 23) ?			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, 10 & 23) ?				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&10) ?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (10 & 19) ?			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 (10, 21 & 23) ?			X	
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Comments.

A Biological Resources Assessment was performed for the Site by RCA Associates, Inc. on September 17, 2019. The Biological Resources Assessment was conducted to determine the presence of the desert tortoise, Mohave ground squirrel, burrowing owl, yellow warbler, short-joint beavertail, coast horned lizard, coopers hawk, palid bat, long-eared owl, white pygmy-poppy, booth's evening-primrose, Mojave tui chub, LeConte's thrasher, grey vireo, and other threatened/endangered species **(20)**. The biological report states that none of these nor any other threatened or endangered species inhabit the site.

As a part of the Biological Assessment, a habitat assessment for Burrowing Owl was performed to determine if the site supports suitable habitat for the species. No owls or owl signs were seen on the property during the survey and no suitable burrows were observed. Although the burrowing owl was determined to be absent from the site, the burrowing owl is a mobile species and may subsequently occupy the site. Therefore, a pre-construction burrowing owl survey is required accordance with mitigation measure 1 and 2.

According to the Biological Resources Assessment the site supports suitable habitat for the Coopers hawk and palid bad although none were observed during the field surveys. Therefore, a pre-construction survey for nesting/migratory birds will be required in accordance with **Mitigation Measure 3**.

The project site is located within the known distribution of the Mohave Ground Squirrels, and the nearest document observation is about 3-miles to the north of the site. However, there are no recent observations of the Mojave ground squirrel and none were observed during the field survey. Nevertheless, a mitigation measure requiring a Mojave ground squirrel survey prior to project construction is required (mitigation measure 4).

The site is located within documented desert tortoise habitat, with the nearest documented sighting approximately 4 miles southwest of the property. While no tortoises were observed on the property during the field survey, a mitigation measure requiring a Desert tortoise survey prior to project construction is required (mitigation measure 5).

A protected plant plan was prepared as part of the biological report. According to the protected plant plan, no jurisdictional areas or riparian vegetation exist on the site or in the adjacent habitats. In addition, the California Desert Native Plant Act was passed in 1981 to protect non-listed California desert native plants from unlawful harvesting on both public and privately-owned lands. According to the protected plant plan, the project site does not contain any of the types of native desert plants which are protected under the City of Hesperia Desert Native Plant Protection Ordinance, which includes all Joshua Trees. It should be noted that the site has been previously graded, a minimal vegetation exists on the site.

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 communities, exist

within the Tapestry Specific Plan and vicinity **(21)**. The project site is located approximately six miles to the northwest within a developed portion of the City. Consequently, approval of the proposed project will not have an impact upon biological resources, subject to the recommended 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 (24 & 26) ?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (24 & 26) ?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (24) ?				X
d) Disturb any human remains, including those interred outside of formal cemeteries (27) ?				X

Comments.

A Historical/Archaeological Resources Survey Report was prepared for the project by CRM Tech on October 2, 2019 **(28)**. The purpose of the study is to identify any cultural resources within or adjacent to the project area and assist the City in determining whether such resources meet the official definition of “historical resources” or as provided in the California Public Resources Code, in particular CEQA. After a thorough field investigation, no buildings, structures, objects, sites, features, or artifacts or prehistoric or historic origin were found. The records search indicates that the entire project area lies within the previously established boundaries of Site 36-010288, a historic-period site known as the former John E. Dufton Homestead (circa 1890s-1910s) which recorded in 2000-2015 and determined not to be eligible for the California Register of Historical Resources.

Furthermore, the historical background searched revealed that no features associated with the 160-acre homestead were present at the project location during the historic period., and the entire project area was leveled and graded between 2006 and 2009. During the field survey, no features or artifacts associated with Site 36-010288 were found. The Archaeological Survey Report found that “no historical resources exist within or adjacent to the project area.” Even though the Archeological Survey Report did not recommend any mitigation measures, there is a possibility that resources may exist below the surface. Therefore, a mitigation measure is listed on page 26, which will be imposed should any cultural resources be unearthed during construction.

Since this project is not exempt from the California Environmental Quality Act (CEQA), and the proposed project requires that Native American tribes be contacted as per AB52, the City will send a letter 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. 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 (29, 30 & 31) .				X
ii) Strong seismic ground shaking (32 & 33) ?			X	
iii) Seismic-related ground failure, including liquefaction (12 & 32) ?				X
iv) Landslides (32) ?				X
b) Result in substantial soil erosion or the loss of topsoil (12) ?			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 (12 & 32) ?				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 (12) ?				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 (12) ?				X

Comments.

The project site contains generally flat topography with slopes of two to five percent. No large hills or mountains are located within the project site. The state geologist has identified (zoned) several faults in California for which additional geologic studies are required. According to Exhibit SF-1 of the General Plan Safety Element, no active faults are known or suspected to occur adjacent to or within the project site or within its vicinity and the site is not within an Alquist-Priolo Special Studies Zone or Earthquake Fault Zone **(29)**. 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 **(29 & 30)**. 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 **(34)**. The project site is not located in an Alquist-Priolo Earthquake Fault Zone or within 500 feet of a fault **(29 & 30)**. Further, the soil at this site does not have the potential for landslides, lateral spreading, subsidence, liquefaction, or collapse **(12)**.

The soil at this location is identified as Hesperia loamy fine sand, two to five percent slopes **(12)**. This soil is limited by high soil blowing hazard, high water intake rate, and moderate to high available water capacity. The site's shallow slope and moderately rapid permeability negates the potential for soil instability.

Because the project disturbs more than one acre of land area, the project is required to file a Notice of

Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to the start of land disturbance activities. Issuance of these permits requires preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting stormwater. 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.

As a function of obtaining a building final, the proposed development will be built in compliance with the Hesperia Municipal Code **(6)** and the Building Code **(77)**, which ensures that the structures 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 development 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 (35) ?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases (35, 36 & 37) ?			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 **(37)**. 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)**(35)**. 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 **(36)**.

Development of the proposed project will not increase greenhouse gas (GHG) emissions beyond that analyzed within the GPUEIR. The additional job creation from this development will also reduce the number of residents commuting to other communities for work, reducing vehicle miles traveled and resulting in additional GHG reductions. All 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 **(77)** will cause a reduction in GHG emissions from use of less efficient systems, resulting in additional community emission reduction credits. The building size is below the allowable floor area ratio.

Although the proposed use will result in an additional number of vehicle trips, it will not exceed the maximum allowable Floor Area Ratio allowed by the Neighborhood Commercial (NC) District of the Specific Plan. The GPUEIR analyzed the impact to air quality upon build-out of the General Plan at this intensity. Based upon this analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with air quality impacts **(7)**. As part of the General Plan Update Environmental Impact Report (GPUEIR), the impact of commercial development to the maximum allowable density permitted by the Land Use Plan was analyzed. The intensity of the proposed project is 0.37 and the CIBP Zone allows a maximum FAR of 0.35. The applicant is proposing a Variance in order to allow for a 2% increase in the maximum floor area ratio and to allow an additional 8,821 square feet of gross floor area. The additional 8,821 square feet of floor area was incorporated into the proposed storage building which would not generate any additional trips. In addition, this project does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment Plan **(17)**. Therefore, the proposed development does not exceed the level of development anticipated by the GPUEIR. 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 (2 & 38) ?			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 (2 & 38) ?			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 (2) ?				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 (2) ?				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 (39) ?				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 (39) ?				X

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (40) ?				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 (41) ?				X

Comments.

During operation the project will include the routine transport and storage of a few hazardous wastes, comprising mainly materials used in metal fabrication and painting custom coils and sheets of aluminum steel. All flammables will be transported on trucks with placards identifying the type of hazardous materials being shipped and the drivers are required to carry “detailed material data sheets,” allowing emergency responders the ability to quickly assess the hazard in the event of an incident **(38)**. These regulations have reduced the potential for release of hazardous substances to a significant level.

Prior to storing paint materials or any other hazardous materials, a Hazardous Materials Business Plan (HMBP) shall be approved **(38)**, which shall be subject to review and approval by the San Bernardino County Fire Department. These materials shall be stored and transported/disposed of in accordance with the HMBP and shall be included as a condition of approval by the County Fire Department for the project. Although these issues pose a potential health risk, compliance with the HMBP will reduce the possibility of an accidental release to an acceptable level.

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 site is 1.12 miles from the nearest school (Mission Crest Elementary School) at 13065 Muscatel Avenue **(1)**. Any use which includes hazardous waste as part of its operations is prohibited within 500 feet of a school **(18)**. Consequently, HMBP compliance will provide sufficient safeguards to prevent health effects. The project will not pose a significant health threat to any existing or proposed schools.

The proposed project will not conflict with air traffic nor emergency evacuation plans. The site is approximately 7 miles north of the Hesperia Airport, and is not within a restricted use zone associated with air operations **(39)**. Consequently, implementation of the project will not cause safety hazards to air operations. The site is also not along a designated emergency evacuation route or near a potential emergency shelter **(40)** 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 southernmost and westernmost portions of the City are at risk, due primarily to proximity to the San Bernardino National Forest **(41 & 42)**. All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. Consequently, approval of the proposed 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 (43 & 44) ?					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) (45 & 46) ?				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 (47) ?				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 (5 & 47) ?				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 (48) ?				X	
f) Otherwise substantially degrade water quality (48) ?				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 (2, 41, 49 & 50) ?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (2, 41 & 50) ?				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 (2, 10 & 50) ?				X
j) Inundation by seiche, tsunami, or mudflow (41) ?				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 **(52)**. Issuance of a Storm Water Pollution Prevention Plan (SWPPP) will also be required, which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting storm water **(52)**. 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.

A Hydrology Study/Preliminary Drainage Report was prepared for the project by DRC Engineering, Inc. on April 3, 2020. As indicated in the Hydrology Study, the site is currently comprised of 7.89 acres of undeveloped land. The site is mostly barren with graded pads and has minimal vegetation. Presently the site drains in the northwest direction towards the corner of Highway 395 and Popular Street. The following table summarizes the existing conditions for the 10-year and 100-year flow rates.

Table 1- Existing Storm Water Summary Table

Area	10-year flowrate	100-year flowrate
A ¹	0.72 CFS	1.38 CFS
B ²	2.70 CFS	5.18 CFS
C ³	6.37 CFS	12.27 CFS

¹ 0.5 acres located in the northwest portion of the site where the 19,600 sq. ft. storage building is located.

² 2.1 acres located in the northern portion of the site where the 8,865 sq. ft. administration/office building and parking are located.

³ 5.2 acres located in the southern portion of the site where the 123,132 sq. ft. industrial building is located

Development of the site will result in approximately 308,405 square feet of impervious area. The site runoff from paved areas will sheet flow towards the curb and gutter system where it will be intercepted by catch basins and discharged further into the 96" perforated pipe underground infiltration chambers through the storm drain system. The underground system will be located at the north and south side of the office administration building. The underground infiltration system will allow adequate infiltration into the surrounding soil and attenuate the peak flows to the pre-developed condition. In the event of a larger system the excess flow from the infiltration system will be discharged onto Popular Street from a bubbler system located at the northeast corner of the site. Below is the hydrology summary table of the entire site in the post development condition after being routed through the proposed detention systems.

Table 2- Proposed Storm Water Summary Table-Post Detention

Area	10-year flowrate	100-year flowrate
A ¹	0.56 CFS	1.17 CFS

B ²	2.70 CFS	4.37 CFS
C ³	6.30 CFS	8.79 CFS

The proposed underground detention/infiltration system will be sized to reduce the proposed 100-year storm flow rate to below the existing 100-year peak flowrate. Proposed flows will be discharged through the curb face along Poplar Street at or below existing flow rates for the site. Due to this, the site will not pose any downstream flood dangers to any downstream drainage facilities or properties **(47)**.

The site is not within a Flood Zone, based upon the latest Flood Insurance Rate Maps **(50)**. 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 **(51)**. 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 **(53)**. Similarly, the potential for a seiche to occur is remote, given the limited number of large water bodies within the City and its sphere. The subject property exhibits a between a two and five percent slope. In addition, the water table is significantly more than 50 feet from the surface. The area north of Summit Valley contains steep slopes which have the potential to become unstable during storm events **(54)**. 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 **(55)**.

The Hesperia Water District (HWD) is the water purveyor for the City. The UWMP indicates that the City is currently using available water supply, which is projected to match demand beyond the year 2030 **(46)**. 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 the proposed 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) ?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan (23) ?				X

Comments.

The site is currently vacant and within an existing area with industrial related land uses and is consistent with the proposed Commercial Industrial Business Park (CIBO) zoning **(1)**. This project is in conformity with the existing zoning as well as the adjacent area and will therefore not physically divide an established community.

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 Tapestry Specific Plan and vicinity **(23)**. The project site is located approximately 5 miles northwest of this specific plan within the developed portion of the City. Therefore, the proposed project would 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 (55) ?				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 (55) ?				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 **(55)**. 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 project contain does not contain a wash and/or unique mineral resources. 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, 2 & 56) ?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (56 & 57) ?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (55 & 59) ?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (59) ?			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 (10 & 60) ?				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 (10 & 60) ?				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. According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles and aircraft **(57)**. 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, vehicle service, and deliveries).

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-dozer, 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 **(58)**. 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 Popular Street and U.S. Highway 395. However, industrial uses are not sensitive to noise and may be subjected to up to 70 dB (A) all day and night **(58 & 59)**. The project site currently receives 54 dB (A) from Popular Street. A noise level of 62 dB (A) is expected upon build-out in accordance with the General Plan, based upon a 50-foot distance from Popular Road **(59)**. Since industrial activities are not sensitive to excessive noise and vibration and U.S. Highway 395 is exempt from noise and vibration standards, the impact of noise and vibration upon the proposed use is not significant.

Certain activities particularly sensitive to noise include sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration, which will not be impacted. Hospitals and convalescent homes, churches, libraries, and childcare facilities are also considered noise-sensitive uses as are residential and school uses. The nearest sensitive uses to the site are the occupants of the rural, large lot single-family residences located approximately 4,000 feet to the west of the site **(1)**. At this distance,

the proposed project will not pose any increase in the noise level in proximity to the residences.

Operation of the proposed project will create additional noise associated with operations as well as due to customer traffic. The General Plan Update Environmental Impact Report (GPUEIR) accounts for the usual traffic in this area caused by commercial activities. Popular Street is a Secondary Arterial roadway, which is designed to facilitate large volumes of traffic **(55)**. Although the use will generate an increase in vehicular traffic, the impact of noise from U.S. Highway 395 and Popular Street will have a greater impact than the proposed use. Therefore, noise mitigation is unnecessary.

The project site is approximately five miles north of the Hesperia Airport. At this distance, the project is not impacted by any safety zones associated with this private airport **(60)**. 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 density 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 **(7)**. Inasmuch as this project is consistent with the adjacent land uses and Commercial Industrial Business Park (CIBP) District, the difference in noise impact 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) (1 & 2) ?			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 is consistent with the General Plan Land Use designation **(10)**. Establishment of the proposed manufacturing facilities will not create a direct increase in the demand for housing. Since the manufacturing business could employ approximately 60-75 persons, its indirect impact upon population growth is very small. As per the Transportation/Traffic Section, this project does not exceed the level of traffic which was analyzed as part of the General Plan Update Environmental Impact Report (GPUEIR) **(62)**. Further, the site is in close proximity to water and other utility systems **(62)**. As a result, development of the project would not require significant extension of major improvements. The site is vacant and is zoned to allow for development of industrial uses **(1 & 10)**. Therefore, the project will not displace any existing housing, necessitating the construction of replacement housing elsewhere. Consequently, the proposed project will not have a significant impact upon population and housing.

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 (63) :			X	
Fire protection? (63)			X	
Police protection? (63)			X	
Schools? (63)			X	
Parks? (63)			X	
Other public facilities? (63)			X	

Comments.

The proposed project will create an increase in demand for public services however, that increase is not significantly greater than that analyzed by the GPUEIR. The development will be connected to an existing 12-inch water line in Popular Street within the City's water system **(62)**. The proposed project will also be connected to an existing 8" sewer line in Popular Street. Full street improvements comprised of curb, gutter, and sidewalk will be constructed along the project frontage as part of development of the project **(2)**. Additionally, development impact fees will be assessed at the time that building permits are issued for construction of the site **(66)**. These fees are designed to ensure that appropriate levels of capital resources will be available to serve future development. Therefore, the impact of the site plan review and Specific Plan Amendment 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 (2) ?				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 (2) ?				X

Comments.

As evaluated previously, approval of the site plan review will induce population growth indirectly, as the facility will employ about 60-75 persons, most of whom reside within the High Desert. A modest demand for new employees will result from its development and the proposed use will not include any

recreational facilities **(7)**. Therefore, the proposed site plan review will have a small indirect impact upon recreation.

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 (65 & 77) ?		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 (66 & 67 & 77) ?			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 (39 & 77) ?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (1, 2 66 & 77) ?				X
e) Result in inadequate emergency access (2) ?				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 (68) ?				X

Comments.

The proposed project has frontage along Popular Street and U.S. Highway 395. Popular Street is designated as 80-foot wide Secondary Arterial. As part of development of this project, Popular Street will be constructed to City standards, including curb, gutter, and sidewalk across the project **(76)**. These improvements will not conflict with the Traffic Circulation Plan, nor will they be inconsistent with an ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The City's General Plan includes a non-motorized transportation network **(69)**. Neither Popular Street nor U.S. Highway 395 is part of the Bikeway System Plan. The site is not adjacent to a bus route either. Therefore, a bus stop is not warranted at this location. Access to and within the site has been evaluated by both the City and the San Bernardino County Fire Department. Access to the site is planned from two full driveways on Popular Street.

The City's Circulation Plan is consistent with the Congestion Management Program (CMP) for San Bernardino County **(67)**. 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 following implementation policies from the General Plan Circulation Element establish the LOS standard in the City.

Implementation Policy CI-2.1: Strive to achieve and maintain a LOS D or better on all roadways and intersections: LOS E during peak hours shall be considered

acceptable through freeway interchanges and major corridors (Bear Valley Road, Main Street/Phelan Road, Highway 395).

Therefore, any roadway segments and intersections operating at a LOS of E to F is considered deficient unless located on freeway interchanges and major corridors. Roadway segments and intersections located within freeway interchanges and major corridors operating at Level LOS of F are considered deficient.

In addition, Caltrans endeavors to maintain a target LOS at the transition between LOS “C” and LOS “D” on State highway facilities, however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than the appropriate target LOS, the existing MOE should be maintained.

The applicant provided a Traffic Impact Analysis by David Evans and Associates dated December 5, 2019 **(78)**. The TIA analyzes existing traffic conditions and project related impacts for the anticipated opening year 2020. The proposed project is expected to 742 primary daily trips, 107 primary trips during the AM peak and 97 primary trips during the PM peak hours.

Under existing conditions, all of the study intersections are currently operating at an acceptable level of service, with the exception of Highway 395 and Popular Street, which is currently operating at an LOS E during the AM peak hour and LOS F during the PM peak hour. The TIA recommends installing a left turn storage lane on the south leg of Highway 395. Implementation of the proposed project specific improvement would result in a LOS D during the AM and PM peak hour.

The TIA concludes that the proposed project will have minimal impacts that are specifically caused by the addition of traffic. However, the project will contribute to the cumulative increase in traffic, along with future ambient growth and other development in the area. The TIA recommends certain regional improvements in the area, which are to be completed by others as development occurs.

Due to the projects location, and Caltrans jurisdiction over Highway 395, Caltrans has been asked to review and approve the Traffic Study prior to the City’s approval of the project. If required by Caltrans, or the City Engineer, project specific improvements and/or regional improvements may be required to reduce project related impacts (see mitigation measures on page 29).

The GPUEIR acknowledged that at build-out of the General Plan, traffic throughout the City would substantially increase. In the long term, the City will have to construct capital improvements consistent with the Circulation Element, including widening arterials and collectors to ultimate capacity, redesigning intersections to operate more efficient, and synchronize signals along major roadways. New developments in the City will continue to construct street improvements necessary to make their projects work, as well as pay traffic impact fees. Traffic impact fees will be collected as development occurs, which will help fund the Capital Improvement Program.

The GPUEIR recommends annual adoption of a Capital Improvement Program (CIP) and establishment of Development Impact Fees (DIF). Accordingly, the City adopts a CIP every year and has an established Traffic Impact Mitigation Fee Program as part of the Development Impact Fee to fund the construction of traffic improvements to maintain adequate levels of service. The Development Impact Fees are imposed on new development and collected as part of the building permit process. Any future developer will be required to pay all applicable City Development Impact Fees and fees will be used to fund the City’s CIP.

The project is located approximately five miles from the Hesperia Airport and 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.

The GPEIR analyzed development of this site to the maximum allowable commercial FAR and the maximum allowable residential density. The development of the proposed project is consistent with the planned land uses and intensity analyzed in the GPEIR. Therefore, the impact of the proposed project upon transportation/ traffic will not exceed that which was analyzed by the GPEIR. Consequently, the impact of this project upon transportation/traffic is not significant with incorporation of mitigation.

XVII. TRIBAL CULTURAL RESOURCES.	Potentially Significant Impact	Less Than Significant 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:				X
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code 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.				X

Comments.

The questions related to impacts to tribal cultural resources required as part of Assembly Bill 52 approved by the Office of Administrative Law on September 27, 2016 were included in this checklist. All California Native American tribes that requested to be informed pursuant to Public Resources Code 21080.3.1(a) were notified prior to release of this environmental document. As of the date of preparation of this document, staff has not received a consultation request. An Archaeological Survey Report was prepared for the project by CRM Tech on October 2, 2019 **(28)**. After a thorough field investigation, no evidence of tribal cultural resources, historic resources, or prehistoric resources were observed during the field investigation **(28)**. Consequently, approval of the project will not have an impact upon cultural resources.

XVIII. 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 (70) ?				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 (71) ?				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 (47 & 66) ?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (45 & 46) ?				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 (72) ?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (73 & 75) ?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste (75) ?				X

Comments.

The proposed project will increase the amount of wastewater. However, the additional amount is consistent with the amount that was considered as part of the GPUEIR. The development will be connected to the existing 12-inch water line in Popular Street within the City's water system **(62)**. The proposed project will also be connected to an existing 8" sewer line in Popular Street. Therefore, water and sewage capacity will be sufficient for the use. 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 **(76)**. A drainage system will be installed on the northwest side of the property to prevent impacting downstream properties. Consequently, 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.

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 **(56)**.

The Hesperia Water District (HWD) is the water purveyor for the City. The UWMP evidences that the City is currently using its available water supply and that supply is projected to match demand beyond the year 2030 **(72)**. 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 **(75)**. Currently, approximately 75 percent of the solid waste within the City is being recycled **(73 & 74)**. The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 1,500 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 Mitigated 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.	
c) 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. Prior to the issuance of a grading permit, a pre-construction burrowing owl clearance survey must be conducted in accordance with the *Staff Report on Burrowing Owl Mitigation, State of California Natural Resource Agency, Department of Fish and Game, May 7, 2012* by a qualified biologist within 30 days prior to the beginning of project construction to determine if the project site contains suitable burrowing owl habitat and to avoid any potential impacts to the species. The surveys shall include 100 percent coverage of the project site. If the survey reveals that no burrowing owls are present, no additional actions related to this measure are required. If occupied burrows are found within the development footprint during the pre-construction clearance surveys, **Mitigation Measure 2** shall apply.
2. If occupied burrows are found within the development footprint during the pre-construction clearance survey, site-specific buffer zones shall be established by the qualified biologist through consultation with the California Department of Fish and Wildlife (CDFW). The buffer zones may vary depending on burrow location and burrowing owl sensitivity to human activity, and no construction activity shall occur within a buffer zone(s) until appropriate minimization and avoidance measures are determined through consultation with the CDFW.
3. If project activities are planned during the bird nesting season (February 1 to August 31), a nesting bird survey shall be conducted within three days (72 hours) prior to any ground-disturbing activities, including, but not limited to clearing, grubbing, and/or rough grading, to ensure birds protected under the Migratory Bird Treaty Act (MBTA) are not disturbed by on-site activities. Any such survey(s) shall be conducted by a qualified biologist. If no active nests are found, no additional actions related to this measure are required. If active nests are found, the nest locations shall be mapped by the biologist. The nesting bird species shall be documented and, to the degree feasible, the nesting stage (e.g., incubation of eggs, feeding of young, near fledging) determined. Based on the species present and surrounding habitat, a no-disturbance buffer shall be established around each active nest. The buffer shall be identified by a qualified biologist and confirmed by the City. No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the City and construction supervisor that activities may resume.
4. Prior to the issuance of a grading permit, a pre-construction survey for Mohave Ground Squirrel following the Mohave Ground Squirrel Survey Guidelines, or most recent version, shall be performed by a qualified biologist. The pre-construction survey shall cover the project site and a 50-foot buffer zone. Should Mohave ground squirrel presence be confirmed during the survey, the project applicant shall obtain an incidental take permit for Mohave ground squirrel prior to the start of construction.
5. No more than 30 days prior to the issuance of a grading permit, a qualified biologist shall conduct pre-construction surveys for desert tortoise as described in the most recent United States Fish and Wildlife Service Desert Tortoise (Mojave Population) Field Manual. The pre-construction survey shall cover the project site and a 50-foot buffer zone. Should desert tortoise presence be confirmed during the survey, the Project applicant shall obtain an incidental take permit for Desert Tortoise prior to the start of construction.
6. 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.

7. In the event that Native American 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, San Manuel Band of Mission Indians will be contacted by the Lead Agency if any such find occurs and be provided, by the Lead Agency, the information collected by the archaeologist, and be permitted/invited to perform a site visit prior to treatment and disposition, so as to provide Tribal input.
8. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, an SOI-qualified archaeologist shall be retained to develop an cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan, the drafts of which shall be provided to San Manuel Band of Mission Indians for review and comment.
 - a. All in-field investigations, assessments, and/or data recovery enacted pursuant to the finalized Treatment Plan shall be monitored by a San Manuel Band of Mission Indians Tribal Participant(s).
 - b. The Lead Agency and/or applicant shall, in good faith, consult with San Manuel Band of Mission Indians on the disposition and treatment of any artifacts or other cultural materials encountered during the project.
9. Formal acceptance of the traffic study is required by Caltrans and the City Engineer prior to City approval of the project. The applicant shall be required to implement all recommendations/improvements outlined in the project specific traffic study to the satisfaction of the City Engineer and/or Caltrans.

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

- (1) Aerial photos of the City of Hesperia taken in Spring 2019 and on-site field investigations conducted in January 2020.
- (2) SPR19-00015 applications and related materials.
- (3) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-7.
- (4) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-8.
- (5) Section H of Chapter 9 of the Main Street and Freeway Corridor Specific Plan, pages 204 thru 209.
- (6) Section 16.16.350 - Development standards of the Hesperia Municipal Code.
- (7) Resolution No. 2010-057, making the environmental findings pursuant to the California Environmental Quality Act, adopting a statement of overriding considerations, certifying the final environmental impact report, and adopting a mitigation monitoring and reporting plan adopting the 2010 Hesperia General Plan Update (GPA10-10185).
- (8) Residential Designations within the Hesperia General Plan Land Use Element, Pages LU-29 thru LU-40.

- **(9)** Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2.
- **(10)** Official Maps showing the General Plan Land Use and zoning of the City of Hesperia and its sphere of influence.
- **(11)** Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34.
- **(12)** United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 31 and Page 44.
- **(13)** 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
- **(14)** 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
- **(15)** Air Quality Section of the 2010 City of Hesperia General Plan Update, pages CN-47 thru CN-50.
- **(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.
- **(17)** Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
- **(18)** California Health and Safety Code Section 25232 (b) (1) (A-E).
- **(19)** Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
- **(20)** General Biological Resources Assessment for the site prepared by RCA Associates, Inc, September 17, 2019
- **(21)** Section 3.0 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-5.
- **(22)** Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, Exhibit CN-7.
- **(23)** Section 3.0 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-3.
- **(24)** Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, C-1 thru C-34.
- **(25)** Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibit 5h.
- **(26)** Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report.
- **(27)** Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
- **(28)** Historical Archaeological Resources Survey Report for the site prepared by CRM Tech, October 2, 2019.
- **(29)** Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1.
- **(30)** Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-4 thru 1-79.
- **(31)** Section 1.3 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-12 thru 1-13.
- **(32)** Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.

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- (33) 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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- (34) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
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- (35) Section 1 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 1.
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- (36) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
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- (37) Table 5 of Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, pages 20 and 21.
-
- (38) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
-
- (39) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-60 and LU-61.
-
- (40) Potential Emergency Shelters and Evacuation Routes shown within the 2010 Hesperia General Plan Safety Element, Exhibit SF-4.
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- (41) 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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- (42) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
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- (43) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
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- (44) 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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- (45) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
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- (46) Mojave Water Agency letter dated March 27, 1996.
-
- (47) Preliminary Drainage Report for the site prepared by DRC Engineering on April 3, 2020
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- (48) Section 4.3.8 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-8 thru 4-9.
-
- (49) 1992 Hesperia Master Plan of Drainage Volume III, identifying future drainage improvements for the area.
-
- (50) FEMA flood map, City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
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- (51) Section 3.8.2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-1 thru 3.8-7.
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- (52) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
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- (53) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
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- (54) Table 3.6-2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.6-24.
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- (55) 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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- (56) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10 and CN-20.
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- (57) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
-
- (58) Section 16.20.125 of the Hesperia Municipal Code, pages 467 thru 468.
-
- (59) Section 3.11 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.11-25 thru 3.11-51.
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- (60) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, Exhibit LU-3.
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- (61) Table 3.11-9 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.11-36.
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- (62) Current Hesperia water and sewer line maps.
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- (63) 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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- (64) 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, updated November 16, 2014.
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- (65) Table 4-4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, page 70.
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- (66) Section 2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 2-19.
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- (67) 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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- (68) Sections 6.3 and 6.4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 74 thru 76.
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- (69) Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, figure 6-1.
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- (70) 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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- (71) 2013 California Plumbing Code.
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- (72) Hesperia Water District’s Urban Water Management Plan (UWMP).
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- (73) Quarterly data of the San Bernardino County Disposal Reporting System for the 3rd quarter 2014.
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- (74) 2014 California Department of Resources, Recycling and Recovery Annual AB939 Report.
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- (75) California Integrated Waste Management Act (AB 939).
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- (76) Conditions of Approval for SPR19-00015
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- (77) 2016 California Building Code.
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- (78) Focused Traffic Study prepared for the project by David Evans and Associates dated December 5 2019
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