

**INITIAL STUDY AND MITIGATED NEGATIVE
DECLARATION SPR22-00012 AND TT22-00004
(TENTATIVE TRACT 20581)
SULTANA STREET & G AVENUE, HESPERIA, CA**

Lead Agency:

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May 2023

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Section 1.0 Introduction

1.1 Purpose of this Initial Study

City of Hesperia is the designated *Lead Agency* and as such, will be responsible for the Project's environmental review. Section 21067 of California Environmental Quality Act (CEQA) defines a Lead Agency as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect on the environment¹. The primary purpose of CEQA is to ensure that decision-makers and the public understand the environmental implications of a specific action or project. An additional purpose of this Initial Study is to ascertain whether the proposed project will have the potential for significant adverse impacts on the environment once it is implemented. Pursuant to the CEQA Guidelines, additional purposes of this Initial Study include the following:

- To provide the City of Hesperia with information to use as the basis for deciding whether to prepare an environmental impact report (EIR), mitigated negative declaration, or negative declaration for a project;
- To facilitate the project's environmental assessment early in the design and development of the proposed project;
- To eliminate unnecessary EIRs; and,
- To determine the nature and extent of any impacts associated the proposed project.

Although this Initial Study was prepared with consultant support, the analysis, conclusions, and findings made as part of its preparation fully represent the independent judgment and position of the City of Hesperia, in its capacity as the Lead Agency. The City of Hesperia has determined, as part of this Initial Study's preparation, that this Mitigated Negative Declaration is the appropriate environmental document on the basis that no significant or potentially significant impacts on the environment with the incorporation of mitigation measures identified in Table 4.2.1 - *Mitigation Monitoring and Reporting Program* for the: proposed project's CEQA review. Certain projects or actions may also require oversight approvals or permits from other public agencies. These other agencies are referred to as *Responsible Agencies* and *Trustee Agencies*, pursuant to Sections 15381 and 15386 of the State CEQA Guidelines². This Initial Study and the *Notice of Intent to Adopt a Mitigated Negative Declaration* will be forwarded to responsible agencies, trustee agencies, and the public for review and comment. A 30-day public review period will be provided to allow these entities and other interested parties to comment on the proposed project and the findings of this Initial Study³.

Questions and/or comments should be submitted to the following contact person:

Edgar Gonzalez, Associate Planner
City of Hesperia Planning Department
9700 Seventh Avenue
Hesperia, CA 92345
egonzalez@cityofhesperia.us

¹ California, State of. California Public Resources Code. Division 13, Chapter 2.5. *Definitions*. as Amended 2001. §21067.

² California, State of. Public Resources Code Division 13. *The California Environmental Quality Act*. Chapter 2.5, Section 21067, and Section 21069. 2000.

³ California, State of. Public Resources Code Division 13. *The California Environmental Quality Act*. Chapter 2.6, Section 2109 (b), 2000.

1.2 Initial Study's Organization

The following annotated outline summarizes the contents of this Initial Study:

- *Section 1 - Introduction:* provides the procedural context surrounding this Initial Study's preparation and insight into its composition.
- *Section 2 - Project Description:* provides an overview of the existing environment as it relates to the project area and describes the proposed project's physical and operational characteristics.
- *Section 3 - Environmental Analysis:* includes an analysis of potential impacts associated with the construction and the subsequent operation of the proposed project.
- *Section 4 - Conclusions:* summarizes the findings of the analysis. This section also includes the Mitigation Monitoring and Reporting Program (MMRP).
- *Section 5 - References:* identifies the sources used in the preparation of this Initial Study.
- *Section 6 - Appendices:* identifies exhibits and technical studies used in the preparation of this Initial Study.

1.3 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 the 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 is 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 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) "Potentially Significant Impact" is noted if there is substantial evidence that an effect is 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 Than Significant Impact". The lead agency describes the mitigation measures, and briefly explains 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 referenced 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 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) The lead agency incorporates 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

1.4 Environmental Resources Requiring Mitigation

The environmental factors checked below require mitigation to reduce impacts to a less than significant level.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input checked="" 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 | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

1.5 Determination

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 shall be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the incorporated mitigation measures and revisions of the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION shall 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 significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets if the effect is "potentially significant impact" or "potentially significant unless mitigated". An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that the proposed project WILL NOT have a significant effect on the environment, because no new potentially significant effects have been identified beyond those previously analyzed adequately in an earlier EIR, pursuant to applicable standards, and no additional mitigation measures beyond those imposed as part of that previous EIR are necessary to be imposed upon the proposed project to reduce mitigable impacts to an insignificant level. Therefore, no additional environmental documentation is necessary.



May 24, 2023

Signature: prepared by Ginger E. Coleman, MPA

Date



May 24, 2023

Signature: prepared by RJ Coleman, AICP, CA, CWB, PE, QSD/P

Date



June 5, 2023

Signature: Edgar Gonzalez, Associate Planner

Date

**INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM**

Section 2.0 Project Description

2.1 Project Overview

Project title: Site Plan Review SPR22-00012 & TT22-00004 (Tentative Tract 20581)

Lead agency name and address: City of Hesperia Planning Division, 9700 Seventh Avenue, Hesperia, CA 92345

Contact person and phone number: Edgar Gonzalez, Associate Planner, (760) 947-1330

Project sponsor's name & address: Park View Trail, LLC, 15550 Main Street, Suite C-11, Hesperia, CA 92345

General plan designation & Zoning: Main Street and Freeway Corridor Specific Plan - Medium Density Residential

Overlays: None

2.2 Project Location

The project area is located at the southwest corner of Sultana Street and G Avenue. Assessor's Parcel Number APN 0410-221-08, Hesperia, California.

2.3 Project Description

This Initial Study has been prepared in order to analyze the proposed impacts of Site Plan Review SPR22-00012 and Tentative Tract TT22-00004 (Tentative Tract 20581) to create a 74-unit townhome development, each with an attached two-car garage, on 10.92± gross acres in four (4) Phases. The subdivision contains four (4) lettered lots as follows:

- Lot A – approximately 13,432 square foot of streets, two street entries, common landscape areas, emergency access and utilities, at perimeter of project.
- Lot B – approximately 9,873 square foot Stormwater Retention Basin, with parking area, at the northeast corner of the project.
- Lot C – approximately 3,451 square foot landscaping and trash enclosures, near northwest corner.
- Lot D – approximately 12,164 square foot clubhouse and recreation area.
- Lot E – approximately 13,432 square foot perimeter and interior site landscaping areas.

The development will construct half-width exterior street improvements including curb, gutter, and sidewalks along the project boundary; and full-width interior street improvements including curb, gutter, and sidewalks.

The development consists of 21 parking spaces, including 4 handicapped spaces. The project will be developed in four (4) phases as follows:

- Phase 1 – 24 residential lots, Lettered Lots A, B, C, D, and portions of Lot E, and 21 parking spaces and 4 handicapped spaces.
- Phase 2 – 12 residential lots.
- Phase 3 – 18 residential lots, and portions of Lot E
- Phase 4 – 20 residential lots, and portions of Lot E.

Street Improvements and Access

“F” Avenue will be dedicated as a new street on the west boundary of the site and will be widened to full half-width improvements with Phase 1 improvements. Sultana Street and “G” Avenue will be widened to full half-width improvements with Phase 1 improvements. The development will have one drive approach on Sultana Street and another on “F” Avenue, along with an Emergency Access on “F” Avenue. The project includes a recreation area and clubhouse in the center of the development, being in Phase 1.

Water and Sewer Improvements

All required perimeter Water and Sewer improvements (within City of Hesperia Right of ways) will be installed with Phase 1 development in “F” and “G” Avenues and Sultana Street. All required interior Water and Sewer improvements (not within City of Hesperia Right of ways) will be installed with each Phase of development, as required.

Storm Drainage Improvements

All required perimeter Storm Drainage Improvements (within City of Hesperia Right of ways) will be installed with Phase 1 development in “F” and “G” Avenues and Sultana Street and specifically the outlet from Lot B (being the Stormwater Retention Basin). All required interior Storm Drainage Improvements (not within City of Hesperia Right of ways) will be installed with Phase 1 of development, the dominant improvement being Lot “B”, along with Recreation Facilities and other minor stormwater retention design features on individual lots for stormwater retention purposes.

See Exhibit 6.1.11 for the Draft Tentative Tract Map and Exhibit 6.1.12 for the Draft Site Plan.

2.4 Construction and Operational Characteristics

Construction Schedule

Houses will be constructed based on market demand. Construction is assumed to begin in late 2023 and last approximately 24 months for all 4 phases. Construction phases consist of site preparation, grading, building construction, paving and architectural coatings. The project is anticipated to be operational by late 2023.

Operational Characteristics

The project is a residential townhome community. Operations include residents and visitors traveling to and from the site, leisure and maintenance activities on individual lots and the common recreational and drainage facilities.

2.5 Environmental Setting and Surrounding Land Uses

The site is currently vacant with no improvements. Access to the site is from Sultana Street and G Avenue, which are two-lane paved roadways with no curbs, gutters, or sidewalks on the north and east boundary of the site.

The Site is relatively flat with 1% to 2.5% slopes. The site contains highly disturbed desert scrub habitat with few native plants and dominated with non-native grasses. Onsite and adjacent land uses, General Plan land use designations and zoning classifications are shown on Table 2.5.1, *Land Uses, General Plan Land Use Designations and Zoning Classifications*.

Table 2.5.1: Land Uses, General Plan Land Use Designations and Zoning Classifications

Location	Current Land Use	General Plan Land Use / Zoning Classification
Site	Vacant undeveloped land	Main Street and Freeway Corridor Specific Plan (MSFCSP) – Medium Density Residential
North	Single Family Residence, Southern California Edison substation facility	MSFCSP – Medium Density Residential
South	Vacant undeveloped land	MSFCSP – Medium Density Residential
East	Sultana High School	MSFCSP – Public/Institutional Overly
West	Vacant undeveloped land	MSFCSP – Medium Density Residential

2.6 Discretionary Actions

Issuance of grading and building permits and completion of structures to current building code is required by the City prior to establishment of any development on-site. The project is subject to fees, review and approval by the Mojave Desert Air Quality Management District, Hesperia Water District, Hesperia Unified School District, Southern California Edison, and Southwest Gas.

Section 3.0 Environmental Analysis

3.1 Aesthetics

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
1.	AESTHETICS - Except as provided in Public Resources Code Section 21099, would the project				
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AESTHETICS IMPACT ANALYSIS

- a. **Less Than Significant Impact.** The Project is located in the Main Street and Freeway Corridor Specific Plan area and includes flat rolling hills, flats, and large natural drainage courses and washes. Visible views include the San Bernardino and San Gabriel mountains located south of the City. The site has no drainage courses or washes, is 3,000 feet northwest from the nearest USGS “Blueline Stream”, being the Antelope Valley Wash (i.e., Hesperia Golf Course), and 3 miles westerly of the Mojave River, and 7 miles northerly of the San Bernardino mountains.⁴

Scenic vistas maybe blocked or screened by structures during and after construction. However, The Hesperia Development Code § 16.20.450 residential structures are restricted to a maximum of 35 feet in height and a maximum lot coverage of not more than 60%, along with required building setback lines.⁵ Thus, new townhomes would not block views from public viewing vantage points.

- b. **No Impact.** The California Department of Transportation, Scenic Highway Program, designates scenic highways in the state. The Project is not located within a scenic highway.⁶

4 Hesperia General Plan, Open Space Element, Figures OS-4, *South/East Wash Location Map*, and Figure OS-5, *North/East Wash Location Map*.

5 Main Street and Freeway Corridor Specific Plan, p. 102.

6 California Department of Transportation, State Scenic Highway Program, <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>, accessed October 14, 2022.

- c. **Less Than Significant Impact.** The City is an urbanized area according to Public Resources Code § 21071. Therefore, the Project must comply with the City's laws and regulations on scenic quality. These include the Main Street and Freeway Corridor Specific Plan and City of Hesperia Development Code.
- d. **Less Than Significant Impact.** The Project site is located in an urbanizing desert environment will produce additional light and glare from security and decorative lighting, and building treatments such as window glass. Impact will be reduced by conformance with the Main Street and Freeway Corridor Specific Plan Section II. Private Development, Chapter 8. Residential Standards and Guidelines, section B. Site Design Standards and Guidelines for Single Family Residential Development, subsection 5.(e) which requires that outdoor lighting be positioned so no light goes onto neighboring properties.⁷ Further, the property will be entirely surrounded by a split-face block wall for security and aesthetics which will decrease lighting to surrounding areas.

⁷ MSFCSP, p.124.

3.2 Agricultural and Forestry Resources

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
AGRICULTURE AND FORESTRY RESOURCES – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined in Public Resources Code section 4526) or timberland zoned Timberland Production, as defined by Government Code §51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AGRICULTURE & FORESTRY RESOURCES IMPACT ANALYSIS

- a. **No Impact.** The California Department of Conservation Farmland Mapping & Monitoring Program (FMMP) is a non-regulatory program producing Important Farmland maps and statistical data. The FMMP groups land in one of five categories (Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land), with the land being rated according to soil quality and irrigation status. The site and surrounding area are designated as Urban and Built-Up Land.⁸
- b. **No Impact.** The Project is within the Main Street and Freeway Corridor Specific Plan in an area designated for Medium Density Residential, and, therefore, will not impact

⁸ California Department of Conservation Farmland Mapping & Monitoring Program, California Important Farmland Finder mapping system. <https://maps.conservation.ca.gov/DLRP/CIFF/>, accessed October 14, 2022.

agricultural uses. Further, a search of properties in San Bernardino County found that the Project site does not have a Williamson Act contract.⁹

- c. **No Impact.** The Project site is located in an urbanizing desert environment, within an incorporated city.

Public Resources Code § 12220(g) defines forest land as: “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.” Due to elevation, inadequacy of rainfall, and other factors, the Project site will not conflict with forest land.

Public Resources Code § 4526 defines timberland as “land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.” Due to elevation, inadequacy of rainfall, and other factors, the Project site will not conflict with timberland.

Government Code § 51104(g) defines timberland zoned Timberland Production or TPZ to mean: “an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).” The Project site is not zoned, or in an area zoned, for timberland production.

- d. **No Impact.** As noted in Section 3.2 c., above, the Project site is neither forest land or timberland, and is not in an area designated as such.
- e. **No Impact.** As noted in Section 3.2 a. and b., above, the Project site is not farmland, and is not in an area designated as such.

⁹ San Bernardino County Assessor-Recorder-Clerk, Williamson Act Contracts, <https://secureservercdn.net/192.169.223.107/787.15f.myftpupload.com/wp-content/uploads/2021/07/NPP874-WilliamsonActParcels.pdf>, accessed October 14, 2022.

3.3 Air Quality

	<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
3.	AIR QUALITY – Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Result in other emissions (such as those leading to odors or dust) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AIR QUALITY IMPACT ANALYSIS

The project site is located in the Mojave Desert area of the Mojave Desert Air Basin (MDAB) of San Bernardino County, under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD). The Mojave Desert is made up of a series of mountain ranges and valleys, separating it from the coastal and central regions of the State. Passes through the mountain ranges channel air masses into the region from prevailing winds from the west and southwest. The MDAB is classified as a dry-hot desert (BWh), with portions classified as dry-very hot desert (BWbh), due to at least three months a year with maximum average temperatures of 100.4° F.¹⁰

Air Pollutants

Air pollutants regulated by the MDAQMD applicable to the project are:

- Carbon monoxide (CO)
- Nitrogen Dioxide (NO_x)
- Particulate Matter (PM_{2.5} and PM₁₀)
- Sulfur Dioxide (SO₂)
- Ozone (O₃)
- Volatile Organic Compounds (VOCs)
- Lead (Pb)¹¹

¹⁰ Mojave Desert Air Quality Management District, *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*, February 2020, p. 6.

<https://www.mdaqmd.ca.gov/home/showpublisheddocument/8510/637406182097070000>

¹¹ MDAQMD website <https://www.mdaqmd.ca.gov/air-quality/air-quality-health>, accessed October 15, 2022.

Table 3.3.1 - Air Pollution Standards, Sources, and Health Affects¹²

Air Pollution	State Standards	National Standards (Primary)	Sources	Health Effect
Ozone (O ₃)	0.09 ppm, 1-hr. avg. 0.07 ppm, 8-hr. avg.	0.08 ppm, 8-hr. avg.	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	Aggravation of respiratory and cardiovascular diseases, irritation of eyes, impairment of cardiopulmonary function, plant leaf injury
Respirable Particulate Matter (PM ₁₀)	50 µg/m ³ , 24-hr. avg. 20 µg/m ³ , AAM	150 µg/m ³ , 24-hr. avg.	Stationary combustion of solid fuels, construction activities, industrial processes, industrial chemical reactions	Reduced lung function, aggravation of the effects of gaseous pollutants, aggravation of respiratory and cardio-respiratory diseases, increased coughing and chest discomfort, soiling, reduced visibility
Particulate Matter less than 2.5 Microns in Diameter (PM _{2.5})	None yet specified	35 µg/m ³ , 24-hr. avg	Combustion from mobile and stationary sources, atmospheric chemical reactions	Health problems, including asthma, bronchitis, acute and chronic respiratory symptoms such as shortness of breath and painful breathing, and premature deaths.
Carbon Monoxide (CO)	9.0 ppm, 8-hr. avg. 20 ppm, 1-hr. avg.	9 ppm, 8-hr. avg. 35 ppm, 1-hr. avg.	Incomplete combustion of fuels and other carbon-containing substances such as motor vehicle exhaust, natural events, such as decomposition of organic matter	Reduced tolerance for exercise, impairment of mental function, impairment of fetal development, death at high levels of exposure, aggravation of some heart diseases (angina).
Nitrogen Dioxide (NO ₂)	.25 ppm, 1-hr. avg.	00.053 ppm, AAM	Motor vehicle exhaust, high-temperature stationary combustion, atmospheric reactions	Aggravation of respiratory illness, reduced visibility, reduced plant growth, formation of acid rain.
Sulfur Dioxide (SO ₂)	0.25 ppm 1-hr. avg. 0.04 ppm, 24-hr avg.	0.03 ppm, AAM 0.14 ppm, 24-hr. avg.	Combustion of sulfur-containing fossil fuels, smelting of sulfur-bearing metal ores, industrial processes	Aggravation of respiratory diseases (asthma, emphysema), reduced lung function, irritation of eyes, reduced visibility, plant injury, deterioration of metals, textiles, leather, finishes, coating, etc.
Lead (Pb)	1.5 µg/m ³ , 30-day avg.	1.5 µg/m ³ , calendar Quarter	Contaminated soil	Increased body burden, impairment of blood formation and nerve conduction.
Visibility-Reducing Particles	Extinction coefficient 0.23/km, visibility 10 miles or more due to particles when relative humidity is less than 70%.	No Federal Standards		Visibility impairment on days when relative humidity is less than 70 percent.

Note: ppm = parts per million by volume

µg/m³ = micrograms per cubic meter

AAM = annual arithmetic mean

Source: California Air Resources Board, <http://www.arb.ca.gov/aqs/aqs.htm>.

The United States Environmental Protection Agency and California Air Resources Board determine whether or not an air basin is in attainment with standards for pollutants. The following table identifies the status of pollutants in the MDAB.¹³

Table 3.3.2 - Mojave Desert AQMD Attainment Status

Pollutant	Averaging Time	California Standards		Federal Standards	
		Concentration	Attainment Status	Concentration	Attainment Status
Ozone (O ₃)	1 Hour	0.09 ppm (180 µg/m ³)	Non-attainment	--	Non-attainment*
	8 Hour	0.070 ppm (137 µg/m ³)		0.070 ppm (137 µg/m ³)	
Respirable Particulate Matter (PM ₁₀)	24 Hour	50 µg/ m ³	Non-attainment	150 µg/ m ³	Non-Attainment***
	Annual Arithmetic Mean	20 µg/ m ³		--	
Fine Particulate Matter (PM _{2.5})	24 Hour	No State Standard	Non-attainment	35 µg/ m ³	Unclassified / Attainment
	Annual Arithmetic Mean	12 µg/ m ³		12 µg/ m ³	
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/ m ³)	Attainment	9.0 ppm (10 mg/ m ³)	Unclassified / Attainment
	1 Hour	20 ppm (23 mg/ m ³)		35 ppm (40 mg/ m ³)	
Nitrogen Dioxide (NO ₂)	Annual Arithmetic Mean	0.030 ppb (57 µg /m ³)	Attainment	0.053 ppb (100 µg /m ³)	Unclassified / Attainment
	1 Hour	0.18 ppm (330 µg /m ³)		100 ppm (196 µg /m ³)	
Sulfur Dioxide (SO ₂)	Annual Arithmetic Mean	--	Attainment	0.030 ppm (80 µg /m ³)	Unclassified / Attainment
	24 Hour	0.04 ppm (105 µg /m ³)		0.14 ppm (365 µg /m ³)	
	3 Hour	--		0.5 ppm (1300 µg /m ³)	
	1 Hour	0.25 ppm (655 µg /m ³)		75 ppb (196 µg /m ³)	
Lead (Pb)	30 Day Average	1.5 µg /m ³	Attainment	--	Unclassified / Attainment
	Calendar Quarter	--		1.5 µg /m ³	
	Rolling 3-Month Average	--		0.15 µg /m ³	
Visibility-Reducing Particles	8 Hour	Extinction Coefficient of 0.24 per kilometer - visibility of ten miles or more due to particles when relative humidity is less than 70 percent	Unclassified	No Federal Standards	
Sulfates	24 Hour	25 µg /m ³	Attainment		
Hydrogen Sulfide		0.03 ppm (42 µg /m ³)	Non-attainment**		
Vinyl Chloride	24 Hour	0.01 ppm (26 µg /m ³)	Unclassified		

*Southwest corner of desert portion of San Bernardino County only

**Searles Valley (northwest corner of San Bernardino County) only

***San Bernardino County portion only

¹³ Mojave Desert Air Quality Management District website, accessed October 16, 2022.

<https://www.mdaqmd.ca.gov/home/showpublisheddocument/1267/636337468837000000>

- a. **No Impact.** The MDAQMD has adopted numerous attainment plans as required under the Federal Clean Air Act.¹⁴ The Project will comply with the MDAQMD's Rules and Regulations thus, the Project will comply with the attainment plans. Further, the Project will be developed under the existing land use of Specific Plan – Medium Density Residential, however it is noted the overall gross density of 74 units on 10.92 acres is a density of 6.78 units per gross acre and being less than the 15 units per acre used for prior environmental analysis. Therefore, this project will have a smaller air quality impact. This is the land use which was utilized by the MDAQMD for growth forecasts. A project that is developed in compliance with existing land use is in compliance with attainment Plan.¹⁵ Therefore, the Project will have no impact on attainment plans.
- b. **Less Than Significant Impact w/Mitigation Incorporated.** Regionally significant thresholds are below in Table 3.3.3, *Significant Emissions Thresholds*.

Table 3.3.3 - Significant Emissions Thresholds¹⁶

Criteria Pollutant	Annual Threshold (short tons)	Daily Threshold (pounds)
Greenhouse Gases (CO ₂ e)	100,000	458,000
Carbon Monoxide (CO)	100	548
Oxides of Nitrogen (NO _x)	25	137
Volatile Organic Compounds (VOC)	25	137
Oxides of Sulfur (SO _x)	25	137
Particulate Matter (PM ₁₀)	15	82
Particulate Matter (PM _{2.5})	12	65
Hydrogen Sulfide (H ₂ S)	10	54
Lead (Pb)	0.6	3

The Project is a 74-unit Townhome development on Specific Plan – Medium Density Residential designated property. The Main Street and Freeway Corridor Specific Plan Program Environmental Impact Report (PEIR) analyzed the impacts of each land use district assuming the maximum development potential. The Medium Density Residential zone allows for eight (8) to fifteen (15) units per acre. The Project as designed has a maximum of 6.78 units per acre, which is near minimum density by the zoning.

CALEEMOD DISCUSSION AND ANALYSIS

Direct Impacts & Indirect Impacts

The Project will comply with the MDAQMD's Rules and Regulations thus, the Project will comply with the attainment plans. Further, the Project will be developed under the

14 MDAQMD, California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, February 2020, Table 2 – *MDAQMD Attainment Plans*, p. 9.

<https://www.mdaqmd.ca.gov/home/showpublisheddocument/8510/637406182097070000> and <https://www.mdaqmd.ca.gov/rules/overview>.

15 MDAQMD, California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, February 2020, p. 9. <https://www.mdaqmd.ca.gov/home/showpublisheddocument/8510/637406182097070000>

16 MDAQMD, California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, February 2020, p. 9. <https://www.mdaqmd.ca.gov/home/showpublisheddocument/8510/637406182097070000>

existing land use of Specific Plan – Medium Density Residential. The Medium Density Residential zone allows for eight (8) to fifteen (15) units per acre.

The Main Street and Freeway Corridor Specific Plan Program Environmental Impact Report (PEIR) analyzed the impacts of each land use district assuming the maximum development potential of 15 units per acre. Also, this maximum land use density was utilized by the MDAQMD for growth forecasts.

It is noted, the project's overall gross density of 74 units on 10.92 acres is a density of 6.78 units per gross acre and being less than half of the 15 units per acre used for prior environmental analysis and growth forecasts.

Therefore, this project will have a smaller (being less than one-half) air quality impact than completed prior analyses. The proposed project is developed in compliance with existing land use is in compliance with attainment Plan.¹⁷ Therefore, the Project will have no impact on attainment plans and a CALEEMOD analysis is not needed.

Short-term & Long-term Emissions:

Both short-term (construction) emissions and the long-term (operational) emissions associated with the potential 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 emission. Also, equipment emissions, associated with the use of construction equipment during site preparation and construction activities, will generate emissions. These impacts will be addressed through a condition of approval that requires the developer to implement dust control measures consistent with the Mojave Desert Planning Area Rule Book Section 403.2, which would also address requirements of the Air Quality Management Plan's PM₁₀ Program. 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 such permits. Finally, the project will not disturb 100 or more acres and is not required to submit a dust control plan pursuant to MDAQMD's Rule Book Section 403.2 C3 (41).

Long-term emissions refer to those air quality impacts that occur after construction has been completed and these impacts will continue over the operation life of the development. The long-term air quality impacts associated with this project are mainly associated with mobile emissions created by motor vehicles. All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD (6). Programs have been established in the Air Quality Attainment Plan which addresses emission caused by area sources. The proposed 74-lot townhome development is consistent with the existing Specific Plan and General Plan Land Use designation. As part of the General Plan Environmental Impact Report and Main Street & Freeway Corridor Specific Plan, the impact of development to the maximum allowable density permitted by the Land Use Plan was analyzed. Inasmuch as this project does not exceed the allowable density of the Specific Plan and General Plan, no additional impact on air resources beyond that previously analyzed would occur. Further, the impact of 74

¹⁷ MDAQMD, *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*, February 2020, p. 9. <https://www.mdaqmd.ca.gov/home/showpublisheddocument/8510/637406182097070000>

additional units does not meet any threshold which required air quality analysis or mitigation under the Air Quality Attainment Plan.

The Project will not interfere with the ability of the region to comply with federal and state ambient air quality standards. Projects that are consistent with local General Plans are considered consistent with the air quality related regional plans including the current CARB, the PM-10, and other applicable regional plans. The proposed Project is a permitted use in the existing zone and shall comply with the corresponding development standards. Development is consistent with the growth Projections in the City of Hesperia General Plan and is to be consistent with CARB. As a result, the proposed project's air quality impacts are considered to be less than significant.

The land use plan within the General Plan identifies large areas where future residential, commercial, and industrial development will occur. The Hesperia General Plan's Final Environmental Impact Report (EIR) analyzed the impacts of air quality. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative impacts (35). Inasmuch as this project is within the density limitations of the adopted land use plan, no additional impact beyond that identified within the General Plan EIR would occur.

The project is not projected to violate any air quality standard or result in a considerable net increase to an existing or projected air quality violation. This project will not increase industrial acreage or exceed industrial build out projections outlined in the General Plan land use designation. Therefore, since the project meets the requirements of the existing General Plan and industrial zoning designation, approval of this proposal is not anticipated to violate any air quality standard or result in a cumulatively considerable net increase in an existing or projected air quality violation. Although not anticipated to violate any air quality standard or contribute substantially to an existing or projected air quality violation, the following mitigation has been added to ensure fugitive dust best management practices are followed during grading and construction activities.

Mitigation Measures:

AIR 1. Implement dust control measures consistent with the City of Hesperia and Mojave Desert Air Quality Control District requirements.

AIR 2. Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

AIR 3. All perimeter fencing during construction shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project specific biological mitigation prohibiting wind fencing.

AIR 4. All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular use or wind erosion. Take actions to prevent project-related track-out onto paved surfaces and clean any project-related track-out within 24 hours. All other earthen surfaces within the project shall be stabilized by natural, irrigated vegetation, chemical, compaction, or other means sufficient to prohibit visible fugitive dust from wind erosion.

AIR 5. The contractor shall be required to obtain all pertinent operating permits from the Mojave Desert Air Quality Management District for any equipment requiring such permits.

c. **Less Than Significant Impact.** The MDAQMD defines sensitive receptors as:

Residences, schools, daycare centers, playgrounds and medical facilities are considered sensitive receptor land uses. The following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated using significance threshold criteria number 4 (refer to the significance threshold discussion):

- Any industrial project within 1000-feet;
- A distribution center (40 or more trucks per day) within 1000-feet;
- A major transportation project (50,000 or more vehicles per day) within 1000-feet;
- A dry cleaner using perchloroethylene within 500-feet;
- A gasoline dispensing facility within 300 feet.¹⁸

Sensitive receptors located within one-quarter mile of the project include:

- Sultana High School – directly east of site
- Hesperia Christian School – 0.25 miles northwest of site
- Lime Street Park – 0.25 miles southwest of site.
- Multi-family dwelling units – directly northeast of site.

Further, the MDAQMD has significant threshold criteria for various types of land use. The MDAQMD's definition of sensitive receptors references criteria 4, which states:

Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1.¹⁹

The Project is a residential development, which is not a use identified by the MDAQMD as a potentially significant generator of pollutants. Therefore, the Project is presumed to have a less than significant impact.

18 MDAQMD, California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, February 2020, p. 8. <https://www.mdaqmd.ca.gov/home/showpublisheddocument/8510/637406182097070000>

19 MDAQMD, California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, February 2020, p. 9. <https://www.mdaqmd.ca.gov/home/showpublisheddocument/8510/637406182097070000>

- d. **No Impact.** Construction of the Project may lead to short-term impacts from odors of construction equipment emissions and dust, and application of architectural coatings of buildings and asphalt installation during road construction. These would be limited to during the time of construction.

3.4 Biological Resources

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
4.	BIOLOGICAL RESOURCES - Would the project:				
a)	Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)? (1 & 7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Has 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 CDFW or USFWS? (1 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Has a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

BIOLOGICAL RESOURCES IMPACT ANALYSIS

The project has a completed **BIOLOGICAL RESOURCE STUDY AND PROTECTED PLANT PRESERVATION PLAN** for this 74-unit townhome development on a site predominantly devoid of native desert vegetation (historical agricultural use and wildland fires), with few scattered plants remaining.

Three more recent (additional) animal species have been requested to be added by California Department of Fish and Wildlife to its list for surveys and mitigation. These species being American Badger (*Taxidea taxus*), Desert kit fox (*Vulpes macrotis*), and North American Beaver (*Castor canadensis*), along with others are below.

Sensitive Vegetation Communities

The PEIR identifies two sensitive vegetation communities – Joshua tree woodland and Joshua tree-California juniper woodland. These communities are identified by the California Department of Fish and Wildlife (CDFW) identifies them as sensitive due to their decline within the region and their ability to support sensitive species.²⁰

Special-Status Plant Species

The PEIR identifies the following plant species as sensitive, due to their limited distribution, restricted habitat requirements or susceptibility to disturbance. They are either listed or candidates for listing the USFWS or CDFW, and those considered sensitive by the California Native Plant Society (CPNS)²¹

Table 3.4.1 - Special Status Plant Species

Species Name	Federal Status*	State Status**	CNPS List***	Observed
Short-joint beavertail <i>Opuntia basilaris</i> var. <i>brachyclada</i>	None	None	1B.2	No
Sagebrush loeflingia <i>Loeflingia squarrosa</i> var. <i>artemisiarum</i>	None	None	2.2	No
Booth's evening primrose <i>Camissonia boothii</i> ssp. <i>boothii</i>	None	None	2.3	No

* Federal E Federally listed, endangered
 T Federally listed, threatened
 SC Species of Concern. Being considered for listing, awaiting more data

** State E State listed, endangered
 T State listed, threatened
 CSC California Species of Concern

*** CNPS 1A Plants presumed extinct in California
 1B Plants Rare, threatened or endangered in California elsewhere
 2 Plants rare, threatened, or endangered in CA, but more common elsewhere
 3 Plants about which we need more information- a review list
 4 Plants of limited distribution- a watch list

Western Joshua trees (*Yucca brevifolia*)

On October 15, 2019, the Center for Biological Diversity (CBD) petitioned the California Fish and Game Commission (CFGC) to protect the western Joshua trees (*Yucca brevifolia*) under the California Endangered Species Act (CESA) because the trees are potentially threatened by climate change, fires, and habitat destruction from urban sprawl and other development in the

²⁰ MSFCSP, PEIR, p. 55.

²¹ MSFCSP, PEIR, p. 46.

western Mojave Desert. The California Department of Fish and Wildlife staff completed a Petition Evaluation and has submitted a request to list the Joshua tree as a protected plant due to potential threats of climate change, fires, and habitat destruction under the California Endangered Species Act (CESA) to CFGC. On April 13, 2020, the California Fish and Wildlife Commission (CFWC) reviewed the completed Petition Evaluation, and determined the Petition provides sufficient scientific information to indicate that the petitioned action may be warranted for the western Joshua Tree.

On September 22, 2020, the California Fish and Game Commission accepted the petition, granting legal protection to the iconic trees for at least a year. The CDFW continued to gather evidence between then and the CFWC's scheduled October 12-13, 2022, meeting. At that time other local agencies were giving their input to this CESA review process. Additionally, it is noted the Staff Report to the Fish & Game Commission (FGC) – "Status Review of the Western Joshua Tree" (March 2022) was released publicly in April 2022 and "did not" recommend listing. At the October 12-13, 2022, meeting, the CFWC continued the item to its February 8-9, 2023, meeting to allow continued input from "Only Tribal Governments." During the times from petition acceptance by the CFWC and final action, the Joshua tree is granted legal protection from "take," and in order to develop a site with Joshua trees and project proponent must obtain a CDFW "take permit," if applicable.

California Status: The CDWC's review process of the petition for listing the Joshua tree as protected has been halted with the filing of the "Western Joshua Tree Preservation Act" on February 7, 2023, by Governor Newsom. This Budget Bill Amendment has various dates for processing and a "Final Action" date of June 30, 2025, by the California Fish and Wildlife Commission and then ongoing annual reviews for Joshua Tree status and fee structure.

Federal Status: This process was just determined on March 9, 2023, to not declare the Joshua Tree a Federal Endangered Species under the Endangered Species Act.

The Main Street and Freeway Corridor Specific Plan Program Environmental Impact Report was adopted in November 2008. However, the PEIR only mentions Joshua trees in the context of plant communities, and in discussions of Hesperia's Plant Protection Ordinance (Chapter 16.24 of the Development Code) centers around the removal of Joshua trees and either transplanting them or stockpiling them for transplantation at a later date.²²

Regardless of the political outcome of Fish and Wildlife Commission or legislative process for the Western Joshua Tree Preservation Act, this site has no Joshua Trees, therefore is no pact.

Joshua Tree Conclusion: The Site and immediately adjacent sites have no Joshua Tree's or other Protected Trees and Plants, and this issue and concern is not relevant for this project.

Sensitive Wildlife Species

In addition to the protections afforded sensitive wildlife species by the federal Endangered Species Act and the California Endangered Species Act, federal protection is also provided under the Bald Eagle Protection Act, the Migratory Bird Treaty Act (MBTA), and Convention for the Protection of Migratory Birds and Animals. The USFWS and CDFW have established classifications for sensitive species, which are included in the PEIR and below in Table 3.4.2, *Special Status Wildlife Species with the Potential to Occur within the MSFCSP*.

²² MSFCSP PEIR, p. 62.

Table 3.4.2 - Special Status Wildlife Species with the Potential to Occur within the MSFCSP²³

Species	Federal Status	State Status	Potential to Occur	Observed
Avian				
Northern harrier <i>Circus cyaneus</i>	None	CSC	Low - lack of suitable nesting habitat	No
Cooper's hawk <i>Accipiter cooperi</i>	Non	CSC	Low - lack of suitable nesting habitat	No
Golden Eagle <i>Aquila chrysaetos</i>	None	CSC	Low - lack of suitable nesting habitat	No
Prairie falcon <i>Falco mexicanus</i>	None	CSC	Low - lack of suitable nesting habitat	No
Burrowing owl <i>Athene cunicularia</i>	None	CSC	Moderate	No
Grey vireo <i>Vireo vicinior</i>	None	CSC	Low – occurs at higher elevations	No
Le Conte's thrasher <i>Toxostoma lecontei</i>	None	CSC	Low – distribution of species is centered further east in the Mojave Desert	No
Loggerhead shrike <i>Lanius</i>	None	CSC	Low – suitable habitat quality in project area is lower than in surrounding vicinity	No
Mammalian				
Palid San Diego pocket mouse <i>Chaetodipus fallax pallidus</i>	None	CSC	Low – suitable habitat quality in project area is lower than in surrounding vicinity	No
Mohave ground squirrel <i>Spermophilus mohavensis</i>	None	ST	Moderate – project area is within the known range of the species	No

Notes:

Federal

FE – Federally endangered

FT – Federally threatened

FSC – Federal species of concern

State

SE – State endangered

ST – State threatened

CDFW

CSC – California species of concern

CFP – California fully protected

The MSFCSP PEIR indicates the Project site is located in an area Rated 2A for biological constraints.²⁴ This rating indicates that the habitat has a high level of disturbance and requires Burrowing owl habitat assessment and nesting bird assessment.

In addition to the species listed above, the Desert Tortoise is also listed by both the USFWS and CDFW as threatened but was not included in the MSFCSP PEIR. According to the CDFW Biogeographic Information and Observation System (BIOS) the Project is within the Desert Tortoise Range.²⁵ No tortoises or active/potentially active were encountered during the field survey and no other signs (e.g., shells, bones, scutes, limbs, burrows, pellets, scats, eggshell fragments, tracks, courtship rings, drinking sites.) have been found during site visits for this or previous surveys, which would indicate habitat or utilization of the Site. Mitigation has been included to ensure that should desert tortoise be encountered on the site during project activities, those activities will cease, and the Project Wildlife Biologist contacted for guidance.

²³ MSFCSP PEIR, p. 59.

²⁴ MSFCSP PEIR, Figure 5, p. 64.

²⁵ California Department of Fish and Wildlife, Biogeographic Information and Observation System, accessed October 18, 2022. <https://apps.wildlife.ca.gov/bios/?dslist=905.2387&al=905>

NOTE: Due to the unspecified timeframe of actual development of the Site, typically additional site surveys for various species will be required, just prior to construction activities. If any of these species are encountered on the Site during project activities, those activities will cease, and the Project Certified Arborist and Certified Wildlife Biologist shall be contacted for guidance.

Additional Species

American badgers (*Taxidea taxus*) and Desert kit fox (*Vulpes macrotis*) are included in the biological review of the Project site due to comments from CDFW on projects in 2017 and 2019 in the High Desert. They are protected species under the California Code of Regulations, Title 14. Natural Resources, Division 1. Fish and Game Commission – Department of Fish and Game, Subdivision 2. Game, Furbearers, Nongame, and Depredators, Chapter 5. Furbearing Mammals, which gives protection as furbearing mammals.

American Badger (*Taxidea taxus*)

Federal Status – None; State Status – Species of Special Concern

Distribution – Uncommon, permanent resident found throughout most of the State, except in the northern North Coast area. According to CDFW they are widely distributed in the state but may be uncommon or absent from areas where they historically occurred.

Habitat – Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils.

No American badgers, dens, or other evidence of Badgers were found on site or within the zone of influence. In order to ensure there are no impacts to Badgers, mitigation has been included.

Desert kit fox (*Vulpes macrotis*)

Federal Status – None; State Status – Protected

Distribution – open desert, creosote bush flats and sand dunes. Majority of sightings in areas with less than twenty percent (<20%) vegetation cover. According to the CDFW California Wildlife Habitat Relationships (CWHR) the Project site is within the Desert kit fox range.²⁶ However, the Project site and surrounding area vegetation is very degraded and not likely to support Desert kit fox.

Habitat – feed on rodents, rabbits, birds, reptiles, and insects. Use several dens throughout their home range, each with several entrances. Select birthing den in September and October, pups born in February or March, pups grown and leave to establish their own dens by October.

Title 14 of the California Code of Regulations, Section 460, identifies Desert kit fox as a protected fur-bearing mammal. No Desert kit fox or their dens were located on or within 100 meters of the project site. In order to ensure there are no impacts to Desert kit fox, mitigation has been included.

Nesting Birds

The Migratory Bird Treaty Act of 1918, as amended, protects migratory non-game native bird species. The California Fish and Game Code sections 3503, 3503.5 and 3513 protect all nesting birds, birds-of-prey, migratory non-game birds, their nests, and eggs. Mitigation has been required to ensure that no nesting birds are inhabiting the site.

²⁶ CDFW, California Wildlife Habitat Relationships, accessed October 18, 2022.
<https://apps.wildlife.ca.gov/bios6/?dslist=2599,911&al=2599>

- a. **Less Than Significant Impact w/Mitigation Incorporated.** As discussed above, the site has had numerous field surveys since 2006 and no sensitive or protected species have been located on site or in the vicinity. The site presently contains scattered native plant species and nonnative grasses, and impacts from historical vehicle and pedestrian use. No sensitive habitats (e.g., wetlands, critical habitats for sensitive species, etc.) have been documented and none were observed during the subject field investigations.

The Site does have some appropriate habitat for various Nesting Birds; therefore, the project site should be surveyed immediately prior to any construction or grading activities on-site to determine the presence or non-presence of any sensitive species as well as implement specific measures for the Burrowing owl, American Badger and Desert kit fox is found prior to or during construction. Therefore, the following mitigation measures have been included in order to ensure any impacts are less than significant.

Mitigation Measures:

BIO 1. A preconstruction survey shall be conducted by the Project Certified Wildlife Biologist or a qualified biologist for the presence of American badger and Desert kit fox dens within 14 days prior to commencement of construction activities. The survey shall be conducted in areas of suitable habitat for American badger and Desert kit fox, which includes desert scrub and Joshua tree habitats. If potential dens are observed and avoidance is feasible, the following buffer distances shall be established prior to construction activities:

- o Desert kit fox or American badger potential den: 50 feet
- o Desert kit fox or American badger active den: 100 feet
- o Desert kit fox or American badger natal den: 500 feet

If avoidance of the potential dens is not feasible, the following measures are recommended to avoid potential adverse effects to the American badger and Desert kit fox:

- o If a qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel and collapse them to prevent American badgers or Desert kit foxes from re-using them during construction.
- o If the qualified biologist determines that potential dens may be active, an onsite passive relocation program shall be implemented. This program shall consist of excluding American badgers or Desert kit foxes from occupied burrows by installation of one-way doors at burrow entrances and monitoring of the burrow for seven days to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that American badgers and Desert kit foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel and collapsed to prevent re-use during construction.
- o During fencing and grading activities daily monitoring reports shall be prepared by the monitoring biologists. The biologist shall prepare

a summary monitoring report documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report shall also provide information on the overall activities conducted related to biological resources, including the Environmental Awareness

Training and Education Program, clearance/pre-activity surveys, monitoring activities, and any observed special -status species, including injuries and fatalities. These monitoring reports shall be submitted to CITY OF HESPERIA and relevant resource agencies as applicable on a monthly basis along with copies of all survey reports.

BIO 2. A Certified Wildlife Biologist shall conduct a preconstruction survey of the impact areas to confirm presence/absence of burrowing owl individuals no more than 30 days prior to construction. The survey methodology will be consistent with the methods outlined in the CDFW Staff Report on Burrowing Owl Mitigation (2012). If no active breeding or wintering owls are identified, no further mitigation is required.

If Burrowing owls are detected onsite, the following mitigation measures shall be implemented in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012):

- o A Certified Wildlife Biologist shall be onsite during initial ground - disturbing activities in potential burrowing owl habitat.
- o No ground-disturbing activities shall be permitted within a buffer no less than 200 meters (656 feet) from an active burrow, depending on the level of disturbance, unless otherwise authorized by CDFW. Occupied burrows will not be disturbed during the nesting season (February 1 to August 31), unless a qualified biologist verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.
- o During the nonbreeding (winter) season (September 1 to January 31), ground- disturbing work can proceed near active burrows as long as the work occurs no closer than 50 meters (165 feet) from the burrow, depending on the level of disturbance, and the site is not directly affected by the project activity. A smaller buffer may be established in consultation with CDFW. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be excluded from winter burrows according to recommendations made in the Staff Report on Burrowing Owl Mitigation (2012).
- o Burrowing owls shall not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed based on the recommendations made in the Staff Report on Burrowing Owl Mitigation (2012). The plan shall include, at a minimum:
- o Confirmation by site surveillance that the burrow(s) is empty of Burrowing owls and other species

- o Type of scope to be used and appropriate timing of scoping
- o Occupancy factors to look for and what shall guide determination of vacancy and excavation timing
- o Methods for burrow excavation
- o Removal of other potential owl burrow surrogates or refugia onsite
- o Methods for photographic documentation of the excavation and closure of the burrow,
- o Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take
- o Methods for assuring the impacted site shall continually be made inhospitable to Burrowing owls and fossorial mammals
- o Compensatory mitigation for lost breeding and/or wintering habitat shall be implemented onsite or off-site through implementation of a Mitigation Land Management Plan based on the Staff Report on Burrowing Owl Mitigation (CDFW 2012) guidance. The plan shall include the following components, at a minimum:
- o Temporarily disturbed habitat on the project site shall be restored, if feasible, to pre-project conditions, including de-compacting soil and revegetation;
- o Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis which includes conservation of similar vegetation communities comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals;
- o Mitigation land acreage shall not exceed the size of the project site;
- o Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a CDFW approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits.
- o Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.
- o Mitigation lands shall be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support Burrowing owls present.

BIO 3. If project activities must occur during the avian nesting season (February to September), a survey for active nests must be conducted by a qualified biologist, one to two weeks prior to the activities. If active nests are identified and present onsite, clearing and construction within 50-250 feet of the nest, depending on the species involved (50 feet for common urban-adapted native birds and up to 250 feet for raptors), shall be postponed until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest site shall be established in the field by a qualified biologist with flagging and stakes or construction fencing. Construction personnel shall

be instructed regarding the ecological sensitivity of the fenced area. If construction must occur within this buffer, it shall be conducted at the discretion of a qualified biological monitor to assure that indirect impacts to nesting birds are avoided.

BIO 4. If sensitive wildlife species such as the Desert Tortoise or the Mohave Ground Squirrel, Desert kit fox, or nesting birds are detected on the project site during future surveys or assessments or construction, all work on-site shall stop immediately, and mitigation measures shall be required to reduce impact to a level of less than significant. Any proposed mitigation measures shall be determined by a Certified Wildlife Biologist and be approved by the City of Hesperia and the California Department of Fish and Wildlife as applicable in accordance with typical current best practices.

Additionally, because the biological survey is valid for one year for the above-mentioned species, except for the Burrowing owls and Nesting Birds, the following mitigation measure has been included.

Mitigation Measure:

BIO 5. Should grading or construction commence after February 1st, 2024, a new biological survey shall be filed with the City of Hesperia as a Biological Clearance Letter to determine the presence or absence of endangered species on the site. Said survey shall be filed with City of Hesperia or designee prior to issuance of a grading permit. The survey shall be valid for a period of one year or as specifically delineated above.

- b. **No Impact.** The project site is not located within 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 Wildlife or U.S. Fish and Wildlife Service.
- c. **No Impact.** The project site does not include any state or federally protected wetlands as protected under CEQA, Section 1600 of the California Fish and Game Code, or as defined by Section 404 of the Clean Water Act.
- d. **Less Than Significant Impact.** The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites since the site does not include disturbances to any sensitive areas. Additionally, the only identified wildlife corridors of potential special concern is the Antelope Valley Wash, which lies approximately 0.5-miles southeast of the Project site but is developed with almost continuous single-family homes and a golf course.
- e. **No Impact.** There were no native or other protected plants located on the site. Therefore, there is no conflict with any local policies or ordinances protecting biological resources, such as the current Candidate Endangered Species Status of the Joshua Tree or other local City of Hesperia tree preservation policy or ordinance.
- f. **No Impact.** The plan will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or approved local, regional,

or state habitat conservation plan since there is no adopted Habitat Conservation Plan or Natural Community Conservation Plan in the project area or local region.

3.5 Cultural Resources

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
5. CULTURAL RESOURCES - Would the project					
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CULTURAL RESOURCES IMPACT ANALYSIS

The project site is within the Main Street and Freeway Corridor Specific Plan and was evaluated in the Program Environmental Impact Report prepared for the plan. The PEIR indicates that the site is in a portion of the Specific Plan considered to be culturally sensitive.²⁷ According to previous review of this Site by Altec Land Planning, “a record search report was conducted by the Archaeological Information Center – San Bernardino County Museum dated October 5, 2006. The record search indicates that there is a low to moderate potential for the presence of historical resources. The report states that no further archaeological or historical research is necessary. In addition, the site is not within an area with existing religious or sacred uses. Consequently, the impact upon cultural resources associated with the proposed development is considered to be less than significant.”²⁸ However, mitigation measures are included in the event cultural resources be found during grading.

- a. **No Impact.** The site is not historical, and there are no historical structures located on or in proximity to the site. Therefore, the project will have no impact.
- b. **Less Than Significant Impact with Mitigation Incorporated.** It is reasonable that no archaeological resources are located on the site based on the records search conducted for the previous project. Regardless, Mitigation Measures are recommended in the event evidence of cultural resources are discovered.

Mitigation Measures:

CUL 1. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after

²⁷ MSFCSP PEIR, Figure 6, p. 105.

²⁸ Negative Declaration ND-200706 and City of Hesperia Initial Study Environmental Checklist Form for Site Plan Review SPR-2006-54 & TT-17690, prepared May 16, 2007.

the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

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

- c. **Less Than Significant Impact with Mitigation Incorporated.** California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. California Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains can occur until the County Coroner has examined the remains (Section 7050.5b). If the coroner determines or has reason to believe that the remains are those of a Native American, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours (Section 7050.5c). The NAHC will notify the Most Likely Descendant (MLD), and with the permission of the landowner, the Most Likely Descendant may inspect the site of discovery. The inspection must be completed within 24 hours of notification of the Most Likely Descendant by the NAHC. The Most Likely Descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains, and items associated with Native Americans. The following mitigation measure is recommended:

Mitigation Measures:

CUL 3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

3.6 Energy

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
6. ENERGY - Would the project:					
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENERGY IMPACT ANALYSIS

- a. **Less than Significant Impact.** Construction and operation energy consumption involve the use of electricity and natural gas resources. Electricity is provided by Southern California Edison through a variety of sources, including traditional power generation (Natural Gas, Hydroelectric) and renewable resources (solar and wind). Natural gas is provided by Southwest Gas from extraction and renewable natural gas sources. Construction equipment utilizes vehicle fuel to operate. However, both the equipment and the fuel are regulated by federal and state agencies, which the Project does not control, and their use will have a short-term impact during earthmoving activities. Power tools used during construction are another short-term impact which is not considered.

The Project is anticipated to use lower amounts of natural gas and electricity than the current typical residence of similar size because of the ever-increasing energy efficiencies. The Project is 74 townhomes which will be designed according to the latest adopted Green Building Code, Building Code, Title 24, and California Energy Code requirements. Further, the townhomes are required to achieve current energy efficiencies using on-site renewable energy (rooftop solar panel installation).

Due to federal and state laws regulating energy generation, renewable energy sources, design, and construction elements the Project impacts would be less than significant.

- b. **Less than Significant Impact.** The Project will be designed according to the latest adopted Green Building Code, Building Code, Title 24, and California Energy Code requirements. Further, the townhomes are required to achieve current energy efficiencies using on-site renewable energy (rooftop solar panel installation). Therefore, it will not conflict with state or local plans for renewable energy or energy efficiency, and there will be no impact.

3.7 Geology and Soils

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
7. GEOLOGY AND SOILS - Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking? (11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides? (13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 181-B of the California Building Code (2013) creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resources or site unique geological features?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

GEOLOGY AND SOILS IMPACT ANALYSIS

The project area is located in seismically active Southern California, a region that has experienced numerous earthquakes in the past. The Alquist-Priolo Special Studies Zones Act specifies that an area termed an Earthquake Fault Zone is to be delineated if surrounding faults that are deemed sufficiently active or well defined after a review of seismic records and geological studies. Neither the community nor the project area is located within any Alquist-Priolo Special Studies Zones.

The topography of the City of Hesperia varies from gently sloping to rolling hills and occasionally dissected by ephemeral and intermittent natural drainage courses. The major environmental factors controlling stability of the steeper hillsides include precipitation, topography, geology, soils, vegetation, and manmade modifications to the natural topography. The subject site is gently sloping, decreasing in elevation from 3,222 feet above mean sea level at the southwest corner of the site to 3,205 feet above mean sea level at the northeast corner of the site, having a 1.7% slope to the northeast. The site has been historically disturbed by OHV, vehicular and pedestrian traffic.

Hesperia is near numerous seismically active earthquake faults according to the City of Hesperia General Plan as listed below in Table 3.7.1, *Earthquake Faults and Proximity to Project Site*.²⁹ The California Department of Conservation, California Geological Survey identifies the San Andreas, North Frontal, and Helendale fault zones as Alquist Priolo Fault Traces; however, the Project site is not located within a Special Study Zone.³⁰ The City is located in an area with a high potential for sever ground shaking (11). However, as a function of obtaining a building permits, the proposed residential structures will be built in compliance with the Hesperia Municipal Code and the latest adopted version of the California Building and Uniform Building Code (14) for structures greater than five kilometers from the North Frontal Zone (a “B” fault) (10), which ensures that the buildings will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soils report (completed by Altec Engineering Inc.) 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 provided 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.

Table 3.7.1 - Earthquake Faults and Proximity to Project Site

Fault	Location from Project Site
San Andreas Fault Zone*	15.25 miles south
Cleghorn Fault Zone	6.25 miles south
North Frontal Thrust System*	4.6 miles southeast
Helendale Fault Zone*	18.4 miles northeast
San Jacinto Fault Zone	18.3 miles southwest

- a. The proposal will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death as the project does not propose development anywhere where it is not already permitted.
 - i. **Less than Significant Impact.** A fault is defined as a fracture in the earth’s crust forming a boundary between rock masses that have shifted. Fault rupture is a break in the ground’s surface and associated deformation resulting from the movement of a fault. Rupture would be a potential problem within Hesperia if a strong earthquake occurs along a known or unknown fault within or near the City. The City is not located in an Alquist-Priolo Earthquake Fault Zone (Quaternary faults). The closest Alquist-Priolo Earthquake Fault Zone lies approximately 4.57 miles southeast of the Project site, at the North Frontal Fault.

No evidence of surface faulting was observed on the property during the site reconnaissance. Per the findings within the Hesperia General Plan and the Project-

29 City of Hesperia General Plan, Safety Element, p. P-6.

30 California Department of Conservation, California Geological Survey, *Earthquake Zones of Required Investigation Map*, access October 19, 2022. <https://maps.conservation.ca.gov/cgs/EQZApp/>

specific Geotechnical Investigation, surface fault rupture is considered unlikely at the Project site. Less than significant impacts are expected.

- ii. **Less Than Significant Impact.** The City is an area of increased seismic activity due to its proximity to the San Andreas Fault, North Frontal Fault and Helendale Fault. The numerous additional faults in the region may accommodate as much as 10 to 20 percent of the relative motion between the North American and Pacific Plates. The nearest significant active fault is the San Andreas Fault Zone, which is located approximately 15.25 miles south of the proposed site. As a result, the Project has the potential to experience seismic shaking and seismic-related hazards.
- iii. **Less than Significant Impact.** Liquefaction is the phenomenon in which loose, saturated, granular soils temporarily behave similarly to a fluid when subjected to high intensity ground shaking. Liquefaction occurs when three general conditions are present: shallow groundwater, low-density, silty, or fine sandy soils, and high intensity ground motion. Areas of shallow groundwater have a higher susceptibility to liquefaction; however, the groundwater in the City ranges from approximately 500 to 800-feet below ground level, which results in a negligible impact from the effects of liquefaction.

Therefore, the potential for liquefaction occurring at the Project site is considered low. Less than significant impacts are anticipated.

- iv. **No Impact.** The Hesperia General Plan Seismic Hazards Map (Safety Element, Figure SF-1, p. SF-9) indicates the Project site is not located in an areas of topographic or geological conditions for earthquake-induced landslides. Based upon the Project's associated earthmoving activities, it is concluded that risks associated with slope instability at the Project property are considered low to negligible. In that vein, potential hazards associated with landslide risks are unlikely at the Project site and less than significant impacts are anticipated.
- b. **Less Than Significant Impact.** Construction on the project site will employ BMPs and be small in its overall extent. A water truck and minimal speeds will be employed to minimize dust. Project construction will comply with the Hesperia Development Code, SWPPP, WQMP, and other construction related policies. Construction will be accomplished in accordance with all dust control rules and measures to mitigate air quality effects and thereby soil erosion during new development. After construction landscaping design will be incorporated using native plants to the maximum extent feasible as recommended in the Biological Resource Assessment. The City's Development Code and the City of Hesperia General Plan Conservation Element recommends xeriscaping using drought-tolerant plants and trees (preferably endemic native desert plants) to minimize water use and loss of topsoil or soil erosion and inclusive of native insects and avian preferences.
- c. **Less Than Significant Impact.** As previously noted, due to the plan areas insignificant slopes, soil characteristics, and low liquefaction susceptibility, the area is not considered unstable and should not become unstable as a result of this project.
- d. **No Impact.** Typically, soils in the general area have a low or very-low probability of expansive soils as defined in Table 18-1-B of the Uniform Building Code (1994).

Additionally, pursuant to Chapter 18 of the California Building Code and the City of Hesperia Subdivisions Code, Section 17.04.050A., *Soils Report Requirements*, new development occurring as a result of this project has submitted a geotechnical investigation (Preliminary Soils Report) report and any provision outlined in that document would be required by the City's Building Official. Additionally, the structural engineer providing structural calculations may have additional requirements depending upon the type of structures in the development.

The townhomes will be engineered and designed to comply with the currently adopted California State Building Codes and pursuant to current City Development Codes.

- e. **No Impact.** Sewer is available for the site; therefore, no septic systems or alternative on-site wastewater disposal systems will be utilized and there will be no impact.
- f. **Less Than Significant Impact w/Mitigation Incorporated.** Mitigation is recommended in the event evidence of paleontological resources is found during earth-moving operations.

Mitigation Measure:

GEO 1. In the event that paleontological resources (fossils) are discovered during the project development/construction, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be hired to assess the find. Work on the overall project may continue during this assessment period.

3.8 Greenhouse Gas Emissions

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
8.	GREENHOUSE GAS EMISSIONS - Would the project:				
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

GREENHOUSE GAS EMISSIONS IMPACT ANALYSIS

- a. **Less Than Significant Impact.** The Project is a 74-unit Townhome development on Specific Plan – Medium Density Residential designated property. The Main Street and Freeway Corridor Specific Plan Program Environmental Impact Report (PEIR) analyzed the greenhouse gas emissions impacts of each land use district assuming the maximum development potential. The Medium Density Residential zone allows for eight (8) to fifteen (15) units per acre. The Project as designed has a maximum of 6.78 units per acre, which is near minimum density by the zoning.

CALEEMOD DISCUSSION AND ANALYSIS

Direct Impacts & Indirect Impacts

The Project will comply with the MDAQMD's Rules and Regulations thus, the Project will comply with the attainment plans. Further, the Project will be developed under the existing land use of Specific Plan – Medium Density Residential. The Medium Density Residential zone allows for eight (8) to fifteen (15) units per acre.

The Main Street and Freeway Corridor Specific Plan Program Environmental Impact Report (PEIR) analyzed the impacts of each land use district assuming the maximum development potential of 15 units per acre. Also, this maximum land use density was utilized by the MDAQMD for growth forecasts.

- b. **Less Than Significant Impact.** It is noted that the project's overall gross density of 74 units on 10.92 acres is a density of 6.78 units per gross acre and being less than half of the 15 units per acre used for prior environmental analysis and growth forecasts.

Therefore, this project will have a smaller (being less than one-half) air quality impact than completed prior analyses. The proposed project is developed in compliance with existing land use is in compliance with attainment Plan.³¹ Therefore, the Project will have no impact on existing attainment plans and a new CALEEMOD analysis is not needed at this lower project density.

³¹ MDAQMD, *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*, February 2020, p. 9. <https://www.mdaqmd.ca.gov/home/showpublisheddocument/8510/637406182097070000>

3.9 Hazards and Hazardous Materials

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
9. HAZARDS AND HAZARDOUS MATERIALS - Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

HAZARDS AND HAZARDOUS MATERIALS IMPACT ANALYSIS

- a. **No Impact.** Inasmuch as the project is a residential development, it does not involve the transport, use or disposal of hazardous materials in large quantities over normal household use. Therefore, there will be no impact.
- b. **No Impact.** Inasmuch as the project is a residential development, it does not involve the transport, use or disposal of hazardous materials in large quantities over normal household use, and there is no reasonably foreseeable upset and accident conditions to cause the release of hazardous materials into the environment in large quantities. Therefore, there will be no impact.
- c. **No Impact.** Inasmuch as the project is a residential development, it does not involve the transport, use or disposal of hazardous materials in large quantities over normal household use. It will not emit these materials affecting surrounding schools within 0.25 miles of the Project which are located according to the table below.

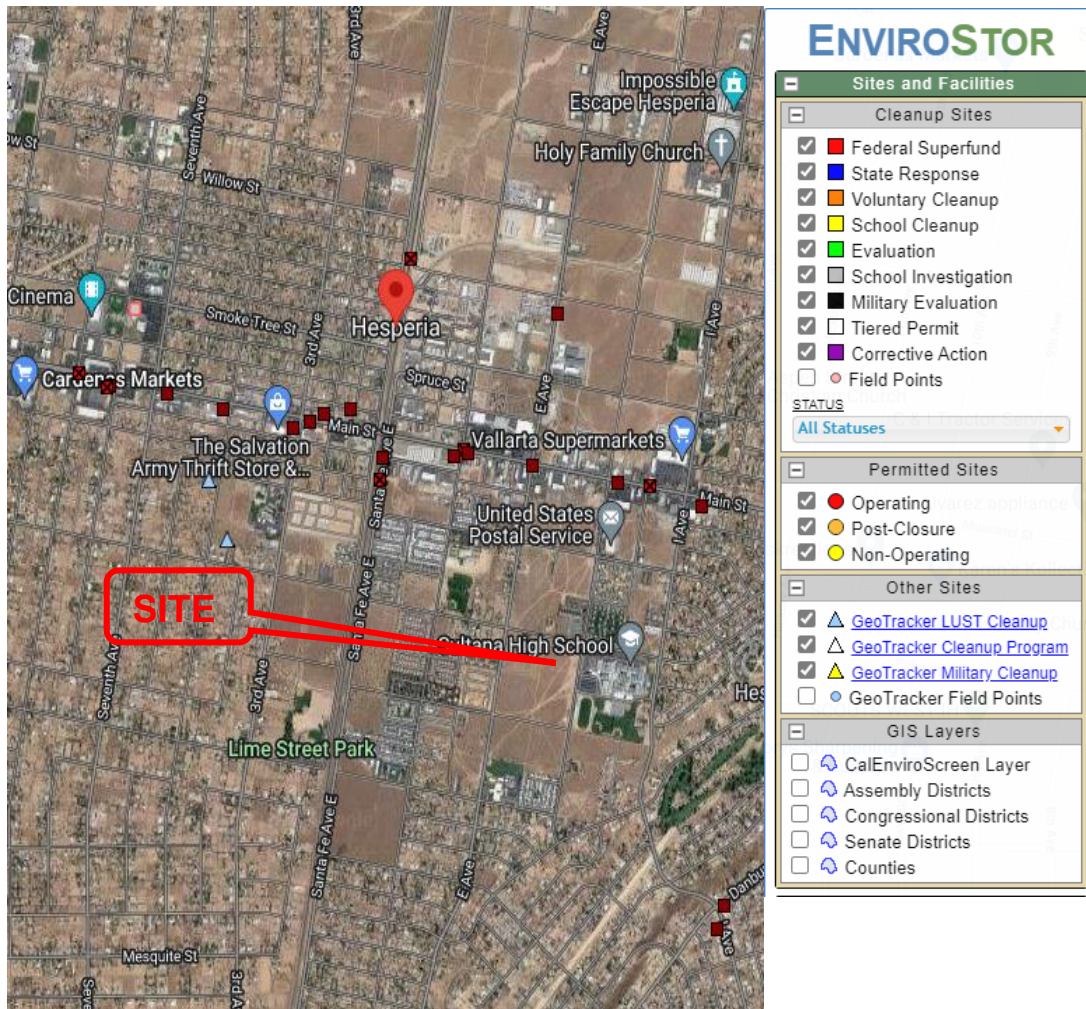
Table 3.9.1 – Schools Within ¼ Mile

School	Distance & Location
Sultana High School	<0.25 miles east
Lime Street Elementary School	0.25 miles southwest
Hesperia Christian School	0.25 miles northwest

See Exhibit 6.1.10 – School and Park Locations.

- d. **No Impact.** The project site is not listed in any of the following hazardous sites database systems and no signs in shallow soils, so it is unlikely that hazardous materials exist on-site:
- Superfund: National Priorities List (NPL) [Superfund: National Priorities List \(NPL\) | US EPA](#). 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.
 - Department of Toxic Substances Control EnviroStor data management system [EnviroStor \(ca.gov\)](#). This database provides a Site / Facility Search tool to access the database for tracking DTSCs cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known contamination or sites where there may be reasons to investigate further.
 - There are no DTSC tracked sites with known contamination within 0.5 miles of the Project Site.
 - Leaking Underground Fuel Tanks (LUFT)/Sills, 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 numerous LUFT sites in the City of Hesperia, all of which are closed or open cases. The project site is not listed as a LUFT site.
 - 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.
 - 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.
 - The project site is not a listed site.
 - Solid Waste Information System (SWIS) <https://www2.calrecycle.ca.gov/SolidWaste/Site/Search>. The SWIS database contains information on solid waste facilities, operations, and disposal sites throughout the State of California.
 - The Project site is not listed as a solid waste facility.

- Formerly Used Defense Sites
<https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=hesperia%2C+ca>.
 - The Project site is not listed as a FUDS.
 - There are no known Formerly Used Defense Sites within the limits of the City of Hesperia, however there are numerous sites within the Victor Valley area.



- e. **No Impact.** The project site is located approximately 2.25 miles northeast of the Hesperia Airport and is not located within Safety Area “C” for Hesperia Airport, as identified in the City’s adopted Comprehensive Airport Land Use Plan (CALUP). Consequently, the project will not be affected by the airport. [NOTED: ALTEC has completed approved mapping for CalTrans for fencing, lighting, striping and security maps for Hesperia Airport in 2015.]
- f. **No Impact.** It is anticipated the proposed development will be consistent with the Hesperia Emergency Operation Plan, which is presently being updated.³² The Emergency Operation Plan will include an evaluation plan and be updated with input

³² City of Hesperia, Emergency Operations. <https://www.cityofhesperia.us/1446/Emergency-Operations>, accessed October 27, 2022.

from the San Bernardino County Sheriff's Department, San Bernardino County Fire Department, Hesperia Unified School District, healthcare entities, business owners and local stakeholders. Sultana Street abutting the Project, C Avenue, E Avenue, and I Avenue are designated as 100' Arterials, and Main Street to the north and Ranchero Road to the south of the Project are designated as special streets with a minimum width of 105'.³³

- g. **No Impact.** The project site is located within a developing portion of the City in an area not subject to frequent wildland fire due to up-gradient single family residential development. Therefore, the proposed development would not pose a health hazard to future residents.

3.10 Hydrology and Water Quality

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
10.	HYDROLOGY AND WATER QUALITY - Would the project:				
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede substantial groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

HYDROLOGY AND WATER QUALITY IMPACT ANALYSIS

The City of Hesperia provides domestic water to the project area. The Project will be designed with on-site stormwater retention facilities that, during the life of the Project, will comply with the City's drainage requirements by preventing site discharge and transport of untreated stormwater

33 City of Hesperia General Plan Traffic Circulation Plan. <https://www.cityofhesperia.us/113/Maps>, accessed October 27, 2022.

runoff. The Project will be required to comply with the most current standards outlined in the City of Hesperia Urban Water Management Plan and the Water Quality Control Plan for the Lahontan Region, North and South basins, as applicable.

Current drainage requirements for this Project fall under the jurisdiction of the City of Hesperia and follow current stormwater retention requirements onsite. The site plan, grading design, storm drain design, and retention facilities of the Project must be factored in the Project-specific development and documentation. Runoff from throughout the impervious surfaces (buildings, hardscape, and pavement) of each drainage management area will be conveyed via permeable surfaces, surface and piped stormwater flows to the on-site retention basins.

The Final Design Plans will show retention basins (individual lots, landscaping, and project retention basin(s), as required to meet minimum requirements), sized to retain the incremental increase between the pre-development and post-development volume per City requirements.

Water is derived from groundwater supplies from the Alto subareas of the Upper Mojave River Groundwater Basin extracted by numerous wells throughout the City.³⁴ A Water Treatment facility has been added to provide reclaimed water for the Hesperia Golf Course and other uses.

The project site and surrounding areas are subject to the City of Hesperia and San Bernardino County flood control requirements, and the National Pollution Discharge Elimination System (NPDES) to protect surface water from pollution. There is no off-site stormwater affecting the Site and the proposed project will provide stormwater retention.

Overall, project related impacts are anticipated to be less than significant.

- a. **No Impact.** The project will not violate any water quality standards, wastewater discharge requirements or degrade surface and/or groundwater quality since the project is required to pay applicable fees and utilize on-site retention of storm water via retention basin(s).
- b. **Less Than Significant Impact.** On June 10, 2022, statewide emergency water conservation regulations adopted by the State Water Resources Control Board went into effect. These regulations prohibit certain types of water use and require water suppliers to implement Stage 2 of their Water Shortage Plan. The Hesperia City Council and Hesperia Water District adopted Joint Resolution Nos. 2022-46 and 2022-10, implementing Stage 2 of Hesperia Municipal Code § 14.04.170, *Water Conservation and Water Shortage Plan*.³⁵ This includes:
 - 1) Exterior landscape plans with timed irrigation and the use of drought resistant trees, plants, shrubs, and turf options to minimize irrigation requirements.
 - 2) Washing of vehicles is only permitted if the hose has an automatic shut-off device or at a commercial facility.
 - 3) Evaporative resistant covers for pools.
 - 4) Sweeping of impervious surfaces rather than using water.

³⁴ Hesperia Water District 2020 Urban Water Management Plan, p. ES-2.

³⁵ City of Hesperia, Water Conservation, website. <https://www.cityofhesperia.us/287/Water-Conservation>, accessed October 27, 2022.

- 5) Encouraging residents to fix leaking sprinklers promptly, ensuring water features recirculate water and are leak proof, reduced hours for irrigation, shut-off nozzles on hoses, and washing only full loads of dishes or laundry.
- c. **Less Than Significant Impact w/Mitigation Incorporated.** No blueline streams are located within a mile of the project site. While the Project will result in temporary and permanent disturbance in an area that encompasses just over 10 acres, the developer will comply with the State's most current Construction General Permit (CGP). Compliance with the CGP involves the development and implementation of a Project-specific Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts to surface water quality during the period of construction. The required plan will identify the locations and types of construction activities requiring Best Management Practices (BMPs) and other necessary compliance measures to prevent soil erosion and stormwater runoff pollution. The plan will also identify the limits of allowable construction-related disturbance to prevent any off-site exceedances or violations.

Mitigation Measure:

HYD 1 Prior to issuance of a grading permit the applicant shall obtain coverage under the statewide general NPDES permit for control of construction and post-construction related storm water in accordance with the requirements of the Small MS4 General Permit. In addition, the applicant shall:

- **Prepare a project specific Storm Water Pollution Prevention Plan (SWPPP) as a part of the Final Design Plans as required in the NPDES permit and shall identify site-specific erosion and sediment control best management practices that will be implemented;**
 - **The SWPPP shall be applicable to all areas of the project site including construction areas, access roads to and through the site, and staging and stockpile areas; and**
 - **Temporary best management practices for all components of the project must be implemented until such time as permanent post-construction best management practices are in place and functioning.**
- i. **Less Than Significant Impact.** There are no drainage patterns, streams, or washes on the project site which would be expected to result in substantial erosion or siltation. Drainage on site will be engineered into a retention basin and is required to maintain the preconstruction hydrograph.
- ii. **Less Than Significant Impact.** There are no drainage patterns on the project site which would be expected to result in flooding on or off site. Drainage on site will be engineered into a retention basin, and the project will maintain the preconstruction hydrograph characteristics.
- iii. **Less Than Significant Impact.** A retention basin(s) will be engineered and constructed to alleviate any runoff issues as required by the City of Hesperia.
- iv. **Less Than significant Impact.** There are no drainage patterns on the project site which would be expected to result in flooding on or off site. Drainage on site

will be engineered into a retention basin, and the project will maintain the preconstruction hydrograph.

- d. **Less Than Significant Impact.** The project will not expose people or structures to a significant risk of loss, injury or death involving flooding as no flood hazards traverse the project area nor is the site subject to inundation by seiche, tsunami, or mudflow as there is no evidence suggesting potential for these hazards based upon types of localized soils and depth to the water table.
- e. **Less Than Significant Impact.** The project is required to comply with the City of Hesperia Urban Water Management Plan and the Water Quality Control Plan for the Lahontan Region, North and South basins. Therefore, it will not conflict or obstruct implementation of a water quality control plan or sustainable groundwater plan.

3.11 Land Use and Planning

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
11.	LAND USE AND PLANNING - Would the project:				
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

LAND USE AND PLANNING IMPACT ANALYSIS

The site is within the Neighborhood District of the Main Street and Freeway Corridor Specific Plan and is currently designated Medium Density Multi-Family Residential (MDR) which allows for 8 to 15 units to the acres. This zone is intended to provide multi-family housing in a garden setting in a variety of ways including courtyard apartments, condominiums, and townhomes.³⁶ The Project's overall gross density of 74 units on 10.92 acres is a density of 6.78 units per gross acre and being less than half of the 15 units per acre used for prior environmental analysis and growth forecasts. The project includes three floor plans which all exceed the minimum unit size.

The townhome development includes a dedicated retention basin, and a clubhouse and recreation facilities. There are three types of townhomes floorplans: Townhome "A" - two 3 bedroom/2 bath units with 1,620 square feet, Townhome "B" – two 3 bedroom/2 bath unit with 1,620 square feet and Townhome "C" – two 2 bedroom/2 bath unit with 1,211 square feet. Each unit contains a two-car garage and will feature private back yards.

- a. **No Impact.** The project is located in an area designed for Medium Density Multi-Family Residential and is a multi-family project. Therefore, it will not divide an established community, and will have no impact.

³⁶ MSFCSP, p. 100.

- b. **No Impact.** The impact of the proposed development upon the surrounding land uses is not significant, as no unusual glare, traffic, air, noise, or other environmental impacts beyond that associated with a residential development within the density limits of the Main Street and Freeway Corridor Specific Plan (MSFCSP) will occur. The impact of residential development within the 8 to 15 dwelling unit per gross acre density range was assessed as part of the MSFCSP Program Environmental Impact Report (PEIR). Consequently, since the proposed townhome development is below the minimum dwelling units per acre (8-15 units) within the MSFCSP, its impacts as a source of glare and noise will not exceed the impact considered as part of the PEIR to a significant degree. Further, the impact of this project upon the City's roadway system is less than significant as identified within Section XV of this initial study. Therefore, no disruption or division of the physical arrangement of an established community will occur. Consequently, the overall impact upon land use associated with the proposed development is considered no impact.

3.12 Mineral Resources

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
12.	MINERAL RESOURCES - Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

MINERAL RESOURCES IMPACT ANALYSIS

- a. **No Impact.** According to the City of Hesperia General Plan, *Conservation Element*, "the Department of Conservation, Division of Mines and Geology, has identified the City of Hesperia as potentially containing concrete aggregate resources consistent with the majority of the Barstow and Victorville areas."³⁷ Due to the availability of similar resources throughout the local and region, this Project is considered to have no impact on mineral resources.
- b. **No Impact.** According to the City of Hesperia General Plan, *Conservation Element*, "the Department of Conservation, Division of Mines and Geology, has identified the City of Hesperia as potentially containing concrete aggregate resources consistent with the majority of the Barstow and Victorville areas."³⁸ Due to the availability of similar resources throughout the local and region, this Project is considered to have no impact on mineral resources.

³⁷ City of Hesperia General Plan, Conservation Element, March 2010, p. CN-20.

³⁸ City of Hesperia General Plan, Conservation Element, March 2010, p. CN-20.

3.13 Noise

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
13.	NOISE - Would the project:				
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

NOISE IMPACT ANALYSIS

- a. **Less Than Significant.** Construction noise levels associated with any future construction activities would be slightly higher than the existing ambient noise levels in the vicinity of the project site. However, the construction noise would subside once construction is completed. The proposed project must adhere to the requirements of the Hesperia Municipal Code, § 16.20.125, *Noise*, which restricted activities over 55 dB(A) to between 7:00 a.m. and 10:00 p.m., Monday through Friday. Therefore, the short-term impact by construction activities and operational activities to adjacent properties is considered less than significant. It specifically noted Sultana High School is located adjacent to the east, Edison switching station to the north and the remaining adjacent properties are vacant land, therefore no impact to existing adjacent residential uses or residents.
- b. **Less Than Significant.** The Project must adhere to the requirements of Hesperia Municipal Code § 16.20.130, *Vibration*, as it relates to any ground borne vibrations. Therefore, the short-term impact by construction activities and operational activities to adjacent properties is considered less than significant. It specifically noted Sultana High School is located adjacent to the east, Edison switching station to the north and the remaining adjacent properties are vacant land, therefore no impact to existing adjacent residential uses or residents.
- c. **No Impact.** The boundary of the site is approximately 2.25 miles from the Hesperia Airport, five miles from Interstate 15, and approximately half-mile south of Main Street. At this distance, the site is expected to be exposed to noise less than 60 CNEL. In addition, the site is approximately 0.75 mile east of the Burlington, Northern, and Santa Fe Railroad corridor. Therefore, the area impacted by noise generated by the project is less than significant.

3.14 Population and Housing

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
14. POPULATION AND HOUSING - Would the project:					
a)	Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

POPULATION AND HOUSING IMPACT ANALYSIS

- a. **No Impact.** The 2020 U.S. Census population for Hesperia was 100,971 and the persons per household was 3.49. The 74-unit development is anticipated to add 258 residents to the City, which is a 0.25% increase in population which is a less than significant impact.

Further, population in the high desert is increasing because of affordable housing cost compared to other communities in the Southern California region. The development will not induce substantial population growth as the townhome development will provide homes for an existing housing market. The new townhomes will also provide alternative housing ownership opportunities to single family homes.

- b. **No Impact.** The Project site is presently vacant. Therefore, it will not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere because there are no homes on the site as the property is vacant.

3.15 Public Services

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
15. PUBLIC SERVICES. <i>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:</i>					
a)	Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PUBLIC SERVICES IMPACT ANALYSIS

The proposed Project will result in an increase in public services. Development impact fees will be assessed at the time that building permits are issued for construction of the future residences. Impact fees are collected for fire, police, animal control, city hall, records storage, drainage, streets, parks, and schools. These development fees are designed to ensure the appropriate levels of capital resources necessary to serve future development. The development will provide two recreation areas consisting of a clubhouse, pool, and potentially other amenities. Consequently, satisfactory levels of public services will be maintained. The development will be a gated community that will help with public safety. Therefore, the impact upon public services associated with the proposed development is considered less than significant.

- a. **Less Than Significant.** Fire services are provided under contract by the San Bernardino County Fire Protection District. The fire department operates out of three locations within the City, and numerous facilities in the surrounding communities. The nearest station to the project site is Hesperia Station #302, located at 17288 Olive Street, located approximately 0.35 miles northeast of the project site over paved surface streets. Development of the project increases demand on fire services; however, the project would be required to implement all applicable California Fire Code Standards. This would include installation of fire hydrants as well as sprinkler systems inside the buildings. Furthermore, the Project will be reviewed by City and Fire officials to ensure adequate fire service and safety for Project implementation. The Project will also be required to comply with the City's Development Impact Fees (DIF) to assist with the funding of public facilities and services, including fire. On a permanent basis, property taxes and incremental increase in retail sales tax revenues provide permanent funding for public services, therefore, less than significant impacts are expected.
- b. **Less Than Significant.** City Police services are provided to the project area under contract by the San Bernardino County Sheriff's Office (SBCSO). The police department operates out of a location located at 15840 Smoketree Street, adjacent to City Hall, approximately 2.5-miles from the Project site. Per the Sheriff's Department website, the SBCSO has 58 sworn law enforcement personnel, 44 deputy sheriffs, and 20 non-sworn employees, totaling 122 positions. Based on the 2020 Census, Hesperia has a population of 100,971 persons, resulting in an officer to resident ratio of 0.99 per 1,000 population.

The safety and security, the project will be surrounded by a split-faced block wall and gated.

Although the Project may require additional demand for police services, the demand is not expected to hinder the City's ability to provide police protection services and adequate response times would be met. Furthermore, the Project will be reviewed by City and Police officials to ensure adequate emergency services for project completion. The Project will be required to comply with the City's Development Impact Fees (DIF) to assist with the funding of police facilities and services, therefore, less than significant impacts are expected.

- c. **Less Than Significant.** The proposed Project falls under the Hesperia Unified School District (HUSD), which has an estimated enrollment of 24,132 according to the California

Department of Education.³⁹ Development of the Project would increase students in the district approximately 67 students, or 0.02%. Additionally, any future development will be required to pay Development Impact Fees (DIF) to the Hesperia Unified School District, developer impact fees to assist in offsetting impacts to the construction of school facilities.

- d. **Less Than Significant.** The 2020 population of the City of Hesperia in the U.S. Census was 100,971, with a person per household average of 3.49. This Project will add about 258 residents, with an estimated 67 children under the age of 18.

The Hesperia Recreation and Parks District manages all parks within the City of Hesperia. The District manages 11 community/neighborhood parks, 2 special areas, a City-owned golf course, and a regional serving park on 558.26 acres throughout the City.⁴⁰ The District standard for park facilities acreage to population is 5 acres for every 1,000 people. Based on this standard, the District is deficient 76.65 acres of parks. The addition of 258 residents may cause a minor increase in the need for recreational facilities and with a separate Property Tax Park Fee will provide additional park and recreational funding. Finally, the Project will be required to comply with the City's Development Impact Fees (DIF) to assist in the funding of public facilities and services, including applicable Park Fees. Therefore, less than significant impacts are anticipated.

- e. **Less Than Significant.** Development of the site will require the payment of Development Impact Fees, which will be used to provide any additional public facilities required by the development. Further, development of the site will also increase property taxes, which will also be used to provide any additional public facilities needed. Therefore, less than significant impacts are anticipated.

3.16 Recreation

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
16.	RECREATION				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RECREATION IMPACT ANALYSIS

- a. **Less Than Significant.** The Hesperia Recreation and Parks District manages all parks within the City of Hesperia. The District manages 11 community / neighborhood parks, 2 special areas, a city-owned golf course, and a regional serving park on 558.26 acres

³⁹ California Department of Education, District Profile: Hesperia Unified, accessed October 11, 2022.
<https://www.cde.ca.gov/sd/profile/details.aspx?cds=36750440000000>.

⁴⁰ Hesperia Recreation and Park District Master Plan, May 2019.

throughout the City.⁴¹ The District standard for park facilities acreage to population is 5 acres for every 1,000 people. Based on this standard, the District is deficient 76.65 acres of parks. The addition of 258 residents may cause a minor increase in the use of recreational facilities and the separate property tax Park fee will provide additional park and recreational funding.

Consequently, the impact upon recreational facilities associated with the proposed development is considered to be less than significant.

- b. **Less Than Significant.** The proposed residential development may cause a minor increase in the need for recreational facilities. Development impact fees for parks will be assessed at the time that building permits are issued for construction of the proposed development, as applicable. Portions of these impact fees are to be used for construction of additional park facilities and/or to provide for increased recreational services. In addition, the recreation facilities proposed as part of this project will help reduce their impact upon off-site recreational facilities. The development will provide recreation areas consisting of a clubhouse building, a pool, and potentially other amenities.

The Hesperia Recreation and Parks District manages all parks within the City of Hesperia. The District manages 11 community/neighborhood parks, 2 special areas, a city-owned golf course, and a regional serving park on 558.26 acres throughout the City.⁴² The District standard for park facilities acreage to population is 5 acres for every 1,000 people. Based on this standard, the District is deficient 76.65 acres of parks. The addition of 258 residents may cause a minor increase in the need for recreational facilities and with a separate Property Tax Park Fee will provide additional park and recreational funding.

Consequently, the impact upon recreational facilities associated with the proposed development is considered to be less than significant.

3.17 Transportation

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
17.	TRANSPORTATION - <i>Would the project result in:</i>				
a)	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict or be inconsistent with CEQA Guidelines Section 15064.3 Subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially increase hazards due to geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

41 Hesperia Recreation and Park District Master Plan, May 2019.

42 Hesperia Recreation and Park District Master Plan, May 2019.

Conceptually, traffic congestion within the City will continue to improve as major Capital Improvement Projects (CIPs) such as the Ranchero Road Grade Separation CIP are completed. This CIP project has been funded and currently under construction for Ranchero Road from the more recently built Ranchero Interchange at Interstate 15 (lightly used compared to other Victor Valley Interstate 15 interchanges) and will provide widening of Ranchero Road eastward to Seventh Street. Therefore, traffic congestion in the City, as a whole, will improve with continued development of major CIP projects and new developments along major traffic corridors. Payment of the required development impact fees at the time that building permits are issued will also provide funding for the construction of roadways and associated maintenance to reduce the impacts of additional vehicle traffic.

- a. **Less Than Significant.** Specifically, as of July 1, 2020, under the new statute and the Guidelines, localities are required to rely on VMT analysis instead of traffic delay (Level of Service – LOS) as the primary metric for evaluating transportation impacts in the preparation of CEQA Initial Studies and the numerous associated technical studies. This process is the implementation process of Senate Bill 743 and the CEQA Guidelines Section 15064.3 provides that VMT is generally “the most appropriate measure of transportation impacts”, and that except for roadway capacity projects, a project effects on traffic delays “shall not constitute significant environmental impact.”

Transit Facilities: There are four out of the six Victor Valley Transit Authority (VVTA) routes in the City of Hesperia (Bus Route #25, #64, #66 and #68) that go along the north boundary or at the northeast corner of the Project Site. There are a total of 8 bus stops to the west, east and north of the Project Site within distances of approximately 100 to 800 feet. It is noted the Victor Valley Transit Authority (VVTA) offices and vehicle storage and maintenance facilities are located in the City of Hesperia, to the north of Main Street, on “E” Avenue.

Roadway Facilities: The Project would improve the site adjacent portions of Sultana Street, “F” Avenue, and “G” Avenue, (being adjacent on the north, west and east). One –(1) point of access is along Sultana Street, being the Primary Project Access. One –(1) point of access is along “F” Avenue, being the secondary access. “G” Avenue has no vehicular access to the project site. The street improvement include pavement, curb, gutter, sidewalk, and a landscaped parkways with various dimensions. All perimeter street improvements will be public streets and designed to city standards.

- Sultana Street has a 50 foot half-width design.
- “F” Avenue has a 30-foot half-width design.
- “G” Avenue has a 30-foot half width design.

These street improvements will promote a reduction in VMT by constructing sidewalks to facilitate pedestrian uses, specifically to nearby regional transit bus stops and adjacent and nearby schools. [There are four out of the six Victor Valley Transit Authority (VVTA) routes in the City of Hesperia (Bus Route #25, #64, #66 and #68) that go along the north boundary or at the northeast corner of the Project Site. There are a total of 8 bus stops to the west, east and north of the Project Site within distances of approximately 100 to 800 feet.]

Bicycle and Pedestrian Facilities: Reviewing the General Plan Exhibit OS-10, Non-Motorized Transportation Plan, a Class II bikeway is planned for Sultana Street. Class II bikeways are bike lanes established along streets and are defined by pavement striping and signage to delineate those portions of the roadway for bicycle travel. The proposed improvements on Sultana Street will facilitate a Class II bikeway and clearly indicated on Sultana Street and Striping Plans.

RESULT: Based upon the preceding analysis and project circulation components designed for this Project to not conflict with any City of Hesperia program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; there will be Less than Significant Impact.

b. **Less Than Significant.** The City of Hesperia has adopted the following which establish uniform analysis methodology and thresholds of significance for determining VMT impacts under the California Environmental Quality Act (CEQA):

- City of Hesperia Traffic Impact Analysis Guidelines for Vehicles Miles Traveled (VMT)
- Level of Service Assessment (LOS), July 2020 (Guidelines)

The City's Guidelines designate residential projects located within a low VMT-generating area are generally accepted to have a less than significant impact. It is noted, the project does not indicate potential existence of substantial evidence to indicate the project would amend or alter existing anthropogenic environmental conditions that would cause an increase in the rate of length of vehicle trips.

To identify if a project is in a low VMT-generating area, the San Bernardino County Transit Authority (SBCTA) Screening Tool is used to compare the relevant baseline project TAZ VMT to the City's adopted threshold of significance of 25.7 VMT/Service Population. The results of the VMT screening analysis are summarized in the following table.

Table 3.7.1 San Bernardino County Transportation Authority VMT Screening Tool Results⁴³

Data Metrics	Screening Tool Results
Assessor Parcel Numbers (APN)	0410-221-08-0000
Traffic Analysis Zone (TAZ)	53933302
VMT Metric	Project Area VMT Per Service Population
TAZ VMT	22.7
City of Hesperia Threshold	32.7
% Difference	-44%
Potentially Significant Impact/ (Yes/No)	NO

43 Sbcta.com/VMT Screening, Accessed April 13,2023

- Based on the results of SBCTA VMT Screening Tool, the proposed project's VMT Metric being, Project Area VMT (PA-VMT) Per Service Population.
- The TAZ VMT is calculated to be 22.7 PA-VMT
- The City of Hesperia Threshold is 25.7
- The % Difference is a -11.71
- **NO** - Potential Significant Impact

Since the Project's TAZ VMT is less than the City of Hesperia's Threshold of Significance of 25.7 VMT per service population, the proposed project satisfies the Low VMT Area Screening procedure.

The proposed project will not conflict or be inconsistent with CEQA Guidelines Section 15064.3 Subdivision (b), Criteria for Analyzing Transportation Impacts according to the Vehicle Miles Traveled analysis for the project. RESULT: Impacts are Less Than Significant.

- c. **No Impact.** The proposed roadway improvements will be designed in accordance with the City of Hesperia's Street design standards. In addition, the Project is an area developed with a variety of residential and compatible uses. By itself, the Project is well-suited with existing residential and accessory development in the surrounding area to the extent that it would create a transportation hazard because of incompatible uses.

The proposed project will not substantially increase hazards due to geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)/ RESULT: There will be No Impact.

- d. **Less Than Significant.** The Project would improve the site adjacent portions of Sultana Street, "F" Avenue, and "G" Avenue, (being adjacent on the north, west and east). One – (1) point of access is along Sultana Street, being the Primary Project Access. One –(1) point of access is along "F" Avenue, being the secondary access. "G" Avenue has no vehicular access to the project site. All perimeter street improvements will be public streets and designed to city standards. Emergency access would be from two-points of access, either from Sultana Street or "F" Avenue and incorporated into the city circulation system. During the preliminary review of the Project, the Project's transportation design was reviewed by the City of Hesperia Planning Department, Engineering Department, Fire Department and Sheriff's Department to verify adequate vehicular access to and from the project site would be provided for all types of residential vehicles, service trucks and emergency vehicles. It is noted the City of Hesperia has contracted with both the San Bernardino County Fire and Sheriff Departments for fire and safety services. RESULT: There will be Less Than Significant with Mitigation Incorporated.

3.18 Tribal Cultural Resources

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
18.	TRIBAL CULTURAL RESOURCES				
a)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resource 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:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 Resource Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

TRIBAL CULTURAL RESOURCES IMPACT ANALYSIS

The project site is within the Main Street and Freeway Corridor Specific Plan and was evaluated in the Program Environmental Impact Report prepared for the plan. The PEIR indicates that the site is in a portion of the Specific Plan considered to be culturally sensitive.⁴⁴ According to previous review of this Site by Altec Land Planning, “a record search report was conducted by the Archaeological Information Center – San Bernardino County Museum dated October 5, 2006. The record search indicates that there is a low to moderate potential for the presence of historical resources. The report states that no further research is necessary. In addition, the site is not within an area with existing religious or sacred uses. Consequently, the impact upon tribal cultural resources associated with the proposed development is considered to be less than significant.”⁴⁵ However, mitigation measures are included in the event cultural resources are found during grading and construction activities.

- a. **Less Than Significant Impact with Mitigation Incorporated.** As stated above, the impact to tribal cultural resources is considered to be less than significant. However, Mitigation Measures are recommended in the event evidence of cultural resources are discovered during grading and construction activities.

A Tribal consultation list and sacred lands file search shall be requested of the Native American Heritage Commission. Once a list is received the interested area Tribes will be notified of the project per the AB52 process, which may result request(s) for tribal

⁴⁴ MSFCSP PEIR, Figure 6, p. 105.

⁴⁵ Negative Declaration ND-200706 and City of Hesperia Initial Study Environmental Checklist Form for Site Plan Review SPR-2006-54 & TT-17690, prepared May 16, 2007.

consultation, or amendment of the mitigation measures. Any such amendments will be made prior to the City taking action on this item.

As stated above, the impact to tribal cultural resources is considered to be less than significant. However, Mitigation Measures are recommended in the event evidence of cultural resources are discovered during grading and construction activities.

A Tribal consultation list and sacred lands file search shall be requested of the Native American Heritage Commission. Once a list is received the interested area Tribes will be notified of the project per the AB52 process, which may result request(s) for tribal consultation, or amendment of the mitigation measures. Any such amendments will be made prior to the City taking action on this item.

Mitigation Measures:

- TCR 1. The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.**
- TCR 2. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.**
- i. **No Impact.** The site does not meet the criteria to be listed or eligible for listing in the California Register of Historical Resources or in a local register. Therefore, there is no impact.
- ii. **Less Than Significant Impact.** As stated above in the Mitigation Measures, the impact to tribal cultural resources is considered to be less than significant. However, Mitigation Measures are recommended in the event evidence of cultural resources are discovered during grading and construction activities.

3.19 Utilities and Service Systems

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
19.	UTILITIES AND SERVICE SYSTEMS - Would the project:				
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

UTILITIES AND SERVICE SYSTEMS IMPACT ANALYSIS

a. **No Impact.** All utilities are located in surrounding streets abutting the Project and will be extended to the site. No new service lines will be required to be constructed or relocated. Therefore, there is no impact.

b. **Less Than Significant.** The Project will be served by the Hesperia Water District. In compliance with the Urban Water Management Planning Act (UWMPA), the Hesperia Water District has prepared its *2020 Urban Water Management Plan*. "This Plan demonstrates water supply reliability in a normal year, single dry year, and droughts lasting at least five years over a twenty-year planning horizon."⁴⁶ While the document has not been adopted at this time, it is based on the 2015 Urban Water Management Plan with updated information and data.

Water supplies and pumped from the Upper Mojave River Groundwater Basin, Alto subarea, as directed by adjudicated water rights after an overdraft of the Basin was created by the rapid expanding population of the High Desert (City of Barstow, et al v. City of Adelanto, et al, Riverside Superior Court Case No. 208548). This adjudication allocates water supplies among the regions water purveyors, with the Mojave Water Agency as the Watermaster. The Mojave Water Agency is obligated under the adjudication to secure long-term supplemental water supplies as needed, which the

⁴⁶ Hesperia Water District *2020 Urban Water Management Plan*, p. ES-1.

water purveyor's fund.⁴⁷ Hesperia Water District supplies water to residents, commercial and industrial businesses, and agriculture through both the adjudication allowances, supplemental water purchased by the Mojave Water Agency, permanent and temporary (annually leased) water acquisitions by the District, and recycled water which is projected to be available in 2025.⁴⁸

According to the 2020 UWMP, residential usage is 129 gallons per capita per day (GPCD), and the population is estimated to increase to 130,000 by the year 2025, and water use by 4,000 acre-feet per year (AFY).⁴⁹ The Project is a 74-unit Townhome development and is anticipated to increase population by 258 residents, as noted previously. It is anticipated the project will use approximately 37.32 AFY.

Additionally, on June 10, 2022, statewide emergency water conservation regulations adopted by the State Water Resources Control Board went into effect. These regulations prohibit certain types of water use and require water suppliers to implement Stage 2 of their Water Shortage Plan. The Hesperia City Council and Hesperia Water District adopted Joint Resolution Nos. 2022-46 and 2022-10, implementing Stage 2 of Hesperia Municipal Code § 14.04.170, *Water Conservation and Water Shortage Plan*.⁵⁰ This includes:

- 1) Exterior landscape plans with timed irrigation and the use of drought resistant plants, shrubs, and turf.
- 2) Washing of vehicles is only permitted if the hose has an automatic shut-off device or at a commercial facility.
- 3) Evaporative resistant covers for pools.
- 4) Sweeping of impervious surfaces rather than using water.
- 5) Encouraging residents to fix leaking sprinklers promptly, ensuring water features recirculate water and are leak proof, reduced hours for irrigation, shut-off nozzles on hoses, and washing only full loads of dishes or laundry.

Finally, § 15206 of the CEQA Guidelines identifies projects having regional significance as follows:

- “(A) A proposed residential development of more than 500 dwelling units.
- “(B) A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space.
- “(C) A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 sq. ft. of floor area.
- “(D) A proposed hotel/motel development of more than 500 rooms.
- “(E) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 employees, occupying more than 40 acres, or encompassing more than 650,000 square feet of floor area.”

The proposed 74-unit townhome development does not constitute a project of regional significance pursuant to CEQA. Further, the 2020 UWMP projects growth for the City and increased water usage, which the project falls under. Therefore, the impact is considered to be less than significant.

47 Hesperia Water District 2020 UWMP, pp. ES-2 & ES-3.

48 Hesperia Water District 2020 UWMP, p. ES-3.

49 Hesperia Water District 2020 UWMP, pp. ES-3 & ES-4.

50 City of Hesperia, Water Conservation, website. <https://www.cityofhesperia.us/287/Water-Conservation>, accessed October 27, 2022.

- c. **Less Than Significant Impact.** Wastewater treatment is provided by the Victor Valley Wastewater Reclamation Authority(VVWRA), a Joint Powers Authority with the City of Victorville, City of Hesperia, Town of Apple Valley, and the County of San Bernardino. The main plant is located in the northern portion of the City of Victorville, with two sub-regional plants located in the City of Hesperia and Town of Apple Valley to provide reclaimed water resources. The subregional plants will generate recycled water for non-potable uses (both cities have constructed reclaimed water lines to their respective golf courses), while the remaining effluent will be transported to the main plant for final processing and introduction to the Mojave River for percolation into the groundwater aquifer. The City of Hesperia's subregional plan is anticipated to begin producing recycled water by 2025 to the Hesperia Golf Course. The VVWRA plant is designed to treat no more than 18 million gallons a day (GPD) and permitted an average annual flow to the Mojave River of 14 MGD in any calendar year.⁵¹

For connection fee purposes, VVWRA studies utilize an equivalent dwelling unit factor of 245 gallons/day wastewater generation. The Project is 74-townhomes, which is projected to produce an estimated 18,130 gallons/day. This is an increase of 0.15% over the current 12 MGD being treated. Therefore, the Project's impact is less than significant.

Finally, the MSFCSP Program Environmental Impact Report analyzed the impacts of build-out and found that with the addition of 2 future subregional treatment plants, the Project would have a less than significant impact.⁵²

- d. **Less Than Significant.** The waste disposal hauler contracted with the City is Advance Disposal Company which not only collects and disposes of solid waste, but also owns and operates a Materials Recovery Facility (MRF) in the City where solid waste is separated into recyclables and waste. The MRF has a capacity to process 600 tons of solid waste a day, while currently the City produces 400 tons a day, allowing adequate capacity for future development. Non-recyclable waste is disposed of in the Victorville Sanitary Landfill, which is owned and operated by the County of San Bernardino in the northeast portion of the City of Victorville along Interstate 15.⁵³ The landfill has a permitted capacity of 93,400,000 cubic yards, and as of 2020, a remaining capacity of 79,400,000 cubic yards.⁵⁴ Analysis of the Main Street and Freeway Corridor Specific Plan in the Program Environmental Impact Report, which includes this Project, found that with the current processing capacity of the MRF and future capacity of the County owned landfill for this Project is less than significant.⁵⁵
- e. **Less Than Significant.** All solid waste (including trash, recyclable materials, and hazardous materials) generated by the project will be disposed of according to the City of Hesperia and Advance Disposal Company requirements. Therefore, it will comply with

51 California Regional Water Quality Control Board, Lahontan Region, Order No. R6V-2020-0028, TITLE.

52 MSFCSP PEIR, p. ES-23.

53 MSFCSP PEIR, p. 93.

54 California's Department of Resources Recycling and Recovery (CalRecycle), Solid Waste Information System, accessed November 2, 2022.

<https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1870?siteID=2652>.

55 MSFCSP PEIR, p. ES-23.

all federal, state, and local management and reduction statutes and regulation, and the impact is less than significant.

3.20 Wildfire

	<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant w/Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
20.	WILDFIRE: <i>If located in or near state responsibility areas or lands classified as very-high fire hazard severity zones, would be project:</i>				
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or other uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WILDFIRE IMPACT ANALYSIS

- a. **No Impact.** The project will be designed according to City of Hesperia requirements and will not impair an adopted emergency response plan or evacuation plan. Therefore, there is no impact.
- b. **No Impact.** The slope of the site is 1.7% to the northeast. The prevailing winds are to the north-northeast and is not located within a local Very High Fire Hazard Area according to the City of Hesperia General Plan, Safety Element.⁵⁶ The Project is not located in a State or Federal responsibility area.⁵⁷ Additionally, the Project Site has a low level of mass-loading of native and invasive vegetation for wildland fire potential to occur on the Site. Therefore, there is no impact due to slope, prevailing winds, and other factors.
- c. **No Impact.** The project does not require the installation or maintenance of roads fuel breaks, emergency water sources, power lines or other utilities that may exacerbate fire risk or result in temporary or ongoing impacts to the environment. The project is within an area with scattered development, and is not located within a local Very High Fire

⁵⁶ City of Hesperia General Plan, Safety Element, Figure SF-2, Very High Fire Hazard Areas, Flood Zones and Significant Hazardous Materials Sites, p. SF-19.

⁵⁷ City of Hesperia General Plan, Safety Element, Figure SF-3, *State and Federal Responsibility Areas*, p. SF-21; and State of California, Office of the State Fire Marshal, Fire Hazards Severity Zones Viewer, <https://egis.fire.ca.gov/FHSZ/>, accessed November 4, 2022.

Hazard Area according to the City of Hesperia General Plan, Safety Element.⁵⁸ The Project is not located in a State or Federal responsibility area.⁵⁹ Additionally, the Project Site has a low level of mass-loading of native and invasive vegetation for wildland fire potential to occur on the Site. Therefore, there is no impact.

- d. **No Impact.** The project is not located in an area where downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes will occur. Therefore, there is no impact.

3.21 Mandatory Findings of Significance

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

MANDATORY FINDINGS OF SIGNIFICANCE

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.

- a. **Less Than Significant Impact w/Mitigation Incorporated.** As concluded in the Biological, Cultural Resources and Tribal Cultural Resources sections of this document, the proposed Project could result in adverse impacts. The mitigation measures included for each section will reduce the potential impacts to a level of less than significant.

⁵⁸ City of Hesperia General Plan, Safety Element, Figure SF-2, Very High Fire Hazard Areas, Flood Zones and Significant Hazardous Materials Sites, p. SF-19.

⁵⁹ City of Hesperia General Plan, Safety Element, Figure SF-3, *State and Federal Responsibility Areas*, p. SF-21; and State of California, Office of the State Fire Marshal, Fire Hazards Severity Zones Viewer, <https://egis.fire.ca.gov/FHSZ/>, accessed November 4, 2022.

- b. **Less Than Significant Impact w/Mitigation Incorporated.** This Initial Study analysis found there would be no impacts, or impacts would be less than significant with the exception of Air Resources, Biological Resources, Cultural Resources, Geology and Soils Resources (as it affects the potential to find cultural resources), Hydrology and Water Quality Resources, and Tribal Cultural Resources. These impacts necessitate the inclusion of mitigation measures to reduce them to a less than significant level as discussed within this document.
- c. **Less Than Significant Impact w/Mitigation Incorporated.** This Initial Study analysis found there would be no impacts, or impacts would be less than significant, on human beings with the exception of Air Resources, and Hydrology and Water Quality Resources. These impacts necessitate the inclusion of mitigation measures to reduce them to a less than significant level as discussed within this document.

3.22 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:

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

Main Street and Freeway Corridor Specific Plan Program Environmental Impact Report.

City of Hesperia General Plan Environmental Impact Report.
- 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.

Authority: Public Resources Code Sections 21083 and 21087.

Reference: Public Resources Code Sections 21080(c), 21080.1, 21083, 21083.3, 21093, 21094, 21151; Sundstrum v. County of Mendocino, 202 CalApp 3d 296 (1988); Leonoff v. Monterey Board of Supervisors, 222 CalApp 3d 1337 (1990).

Section 4.0 Conclusions

4.1 Findings

The Initial Study determined that the proposed project is not expected to have significant adverse environmental impacts. The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this Initial Study:

- The proposed project, with the proposed mitigation measures, will not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory.
- The proposed project will not have impacts that are individually limited, nor cumulatively considerable.
- The proposed project, with proposed mitigation measures, will not have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly.

4.2 Mitigation Monitoring

In addition, pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the decision-maker coincidental to the approval of a Mitigated Negative Declaration. These findings shall be incorporated as part of the decision-maker's findings of fact, in response to AB-3180 and in compliance with the requirements of the Public Resources Code. In accordance with the requirements of Section 21081(a) and 21081.6 of the Public Resources Code, the City of Adelanto can make the following additional findings: a mitigation monitoring and reporting program will be required and is included below.

A completed and signed checklist for each measure indicates that a measure has been implemented and fulfills the monitoring requirements with respect to Public Resources Code Section 21081.6.

Table 4.2.1 – Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
<i>Air Quality Measures</i>			
AIR 1. Implement dust control measures consistent with the City of Hesperia and Mojave Desert Air Quality Control District requirements.	Project Developer	Prior to project grading and construction activities	
AIR 2. Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.	Project Developer	Prior to and during project grading and construction activities	
AIR 3. All perimeter fencing during construction shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project specific biological mitigation prohibiting wind fencing.	Project Construction Superintendent	Prior to and during all grading and construction activities until final construction	
AIR 4. All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular use or wind erosion. Take actions to prevent project-related track-out onto paved surfaces and clean any project-related track-out within 24 hours. All other earthen surfaces within the project	Project Construction Superintendent	Prior to and during all grading and construction activities until final construction	

Table 4.2.1 – Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
shall be stabilized by natural, irrigated vegetation, chemical, compaction, or other means sufficient to prohibit visible fugitive dust from wind erosion.			
AIR 5. The contractor shall be required to obtain all pertinent operating permits from the Mojave Desert Air Quality Management District for any equipment requiring such permits.	Project Construction Superintendent	Prior to and during all manufacturing and cultivation activities	
Biological Resource Measures			
<p>BIO 1. A preconstruction survey shall be conducted by the Project Certified Wildlife Biologist or a qualified biologist for the presence of American badger and Desert kit fox dens within 14 days prior to commencement of construction activities. The survey shall be conducted in areas of suitable habitat for American badger and Desert kit fox, which includes desert scrub and Joshua tree habitats. If potential dens are observed and avoidance is feasible, the following buffer distances shall be established prior to construction activities:</p> <ul style="list-style-type: none"> o Desert kit fox or American badger potential den: 50 feet o Desert kit fox or American badger active den: 100 feet o Desert kit fox or American badger natal den: 500 feet <p>If avoidance of the potential dens is not feasible, the following measures are recommended to avoid</p>	Project Developer & Project Biologist	Prior to project grading and construction activities	

Table 4.2.1 – Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
<p>potential adverse effects to the American badger and Desert kit fox:</p> <ul style="list-style-type: none"> o If a qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel and collapse them to prevent American badgers or Desert kit foxes from re-using them during construction. o If the qualified biologist determines that potential dens may be active, an onsite passive relocation program shall be implemented. This program shall consist of excluding American badgers or Desert kit foxes from occupied burrows by installation of one-way doors at burrow entrances and monitoring of the burrow for seven days to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that American badgers and Desert kit foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel and collapsed to prevent re-use during construction. o During fencing and grading activities daily monitoring reports shall be prepared by the monitoring biologists. The biologist shall prepare a summary monitoring report documenting the effectiveness and practicality 			

Table 4.2.1 – Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
<p>of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report shall also provide information on the overall activities conducted related to biological resources, including the Environmental Awareness.</p> <p>Training and Education Program, clearance/pre-activity surveys, monitoring activities, and any observed special -status species, including injuries and fatalities. These monitoring reports shall be submitted to CITY OF HESPERIA and relevant resource agencies as applicable on a monthly basis along with copies of all survey reports.</p>			
<p>BIO 2. A Certified Wildlife Biologist shall conduct a preconstruction survey of the impact areas to confirm presence/absence of burrowing owl individuals no more than 30 days prior to construction. The survey methodology will be consistent with the methods outlined in the CDFW Staff Report on Burrowing Owl Mitigation (2012). If no active breeding or wintering owls are identified, no further mitigation is required.</p> <p>If Burrowing owls are detected onsite, the following mitigation measures shall be implemented in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012):</p> <ul style="list-style-type: none"> o A Certified Wildlife Biologist shall be onsite during initial ground-disturbing activities in potential burrowing owl habitat. 	<p>Project Developer & Project Biologist</p>	<p>Prior to project grading and construction activities</p>	

Table 4.2.1 – Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
<ul style="list-style-type: none"> o No ground-disturbing activities shall be permitted within a buffer no less than 200 meters (656 feet) from an active burrow, depending on the level of disturbance, unless otherwise authorized by CDFW. Occupied burrows will not be disturbed during the nesting season (February 1 to August 31), unless a qualified biologist verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. o During the nonbreeding (winter) season (September 1 to January 31), ground-disturbing work can proceed near active burrows as long as the work occurs no closer than 50 meters (165 feet) from the burrow, depending on the level of disturbance, and the site is not directly affected by the project activity. A smaller buffer may be established in consultation with CDFW. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be excluded from winter burrows according to recommendations made in the Staff Report on Burrowing Owl Mitigation (2012). o Burrowing owls shall not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed based on the 			

Table 4.2.1 – Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
<p>recommendations made in the Staff Report on Burrowing Owl Mitigation (2012). The plan shall include, at a minimum:</p> <ul style="list-style-type: none"> o Confirmation by site surveillance that the burrow(s) is empty of Burrowing owls and other species o Type of scope to be used and appropriate timing of scoping o Occupancy factors to look for and what shall guide determination of vacancy and excavation timing o Methods for burrow excavation o Removal of other potential owl burrow surrogates or refugia onsite o Methods for photographic documentation of the excavation and closure of the burrow, o Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take o Methods for assuring the impacted site shall continually be made inhospitable to Burrowing owls and fossorial mammals o Compensatory mitigation for lost breeding and/or wintering habitat shall be implemented onsite or off-site through implementation of a Mitigation Land Management Plan based on the Staff Report on Burrowing Owl Mitigation 			

Table 4.2.1 – Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
<p>(CDFW 2012) guidance. The plan shall include the following components, at a minimum:</p> <ul style="list-style-type: none"> o Temporarily disturbed habitat on the project site shall be restored, if feasible, to pre-project conditions, including de-compacting soil and revegetation; o Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis which includes conservation of similar vegetation communities comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals; o Mitigation land acreage shall not exceed the size of the project site; o Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a CDFW approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits. o Fund the maintenance and management of mitigation land through the establishment of a 			

Table 4.2.1 – Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
<p>long-term funding mechanism such as an endowment.</p> <p>o Mitigation lands shall be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support Burrowing owls present.</p>			
<p>BIO 3. If project activities must occur during the avian nesting season (February to September), a survey for active nests must be conducted by a qualified biologist, one to two weeks prior to the activities. If active nests are identified and present onsite, clearing and construction within 50-250 feet of the nest, depending on the species involved (50 feet for common urban-adapted native birds and up to 250 feet for raptors), shall be postponed until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest site shall be established in the field by a qualified biologist with flagging and stakes or construction fencing. Construction personnel shall be instructed regarding the ecological sensitivity of the fenced area. If construction must occur within this buffer, it shall be conducted at the discretion of a qualified biological monitor to assure that indirect impacts to nesting birds are avoided.</p>	<p>Project Developer & Project Biologist</p>	<p>Prior to project grading and construction activities</p>	
<p>BIO 4. If sensitive wildlife species such as the Desert Tortoise or the Mohave Ground Squirrel, Desert kit fox, or nesting birds are detected on the project site during future surveys or assessments or construction,</p>	<p>Project Developer & Project Biologist</p>	<p>Prior to project grading and construction activities</p>	

Table 4.2.1 – Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
all work on-site shall stop immediately, and mitigation measures shall be required to reduce impact to a level of less than significant. Any proposed mitigation measures shall be determined by a Certified Wildlife Biologist and be approved by City of Hesperia and the California Department of Fish and Wildlife as applicable in accordance with typical current best practices.			
BIO 5. Should grading or construction commence after February 1st, 2024, a new biological survey shall be filed with the City of Hesperia as a Biological Clearance Letter to determine the presence or absence of endangered species on the site. Said survey shall be filed with City of Hesperia or designee prior to issuance of a grading permit. The survey shall be valid for a period of one year or as specifically delineated above.	Project Developer & Project Biologist	Prior to project grading and construction activities	
Cultural Resource Measures			
CUL 1. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and	Project Developer & Project Archaeologist	Prior to and during project grading and construction activities	

Table 4.2.1 – Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.			
CUL 2. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.	Project Developer & Project Paleontologist	Prior to and during project grading and construction activities	
CUL 3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.	Project Developer, County Coroner, & City	Prior to and during project grading and construction activities	
<i>Geological & Soils Measures</i>			
GEO 1. In the event that fossils are discovered during the project development/construction, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be hired to assess the find. Work on the overall project may continue during this assessment period.	Project Developer & Project Paleontologist	Prior to and during project grading and construction activities	

Table 4.2.1 – Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
<i>Hydrology & Water Quality Measures</i>			
<p>HYD 1 Prior to issuance of a grading permit the applicant shall obtain coverage under the statewide general NPDES permit for control of construction and post-construction related storm water in accordance with the requirements of the Small MS4 General Permit. In addition, the applicant shall:</p> <ul style="list-style-type: none"> • Prepare a project specific Storm Water Pollution Prevention Plan (SWPPP) as required in the NPDES permit and shall identify site-specific erosion and sediment control best management practices that will be implemented; • The SWPPP shall be applicable to all areas of the project site including construction areas, access roads to and through the site, and staging and stockpile areas; and • Temporary best management practices for all components of the project must be implemented until such time as permanent post-construction best management practices are in place and functioning. 	<p>Project Developer & Project Engineer</p>	<p>Prior to project grading and construction activities</p>	
<i>Tribal Cultural Resource Measures</i>			
<p>TCR 1. The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information</p>	<p>Project Developer & Project Archaeologist</p>	<p>Prior to and during project grading and construction activities</p>	

Table 4.2.1 – Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
<p>regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.</p>			
<p>TCR 2. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.</p>	<p>Project Developer & Project Paleontologist</p>	<p>Prior to and during project grading and construction activities</p>	

Section 5.0 References

5.1 Preparers

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5.2 References

Original IS

- 1) Google Earth Aerial maps.
- 2) Tentative Tract TT22-00004 (TT 20581) & Site Plan Review SPR22-00012.
- 3) Hesperia General Plan 2010.
- 4) Final Environmental Impact Report for the City of Hesperia General Plan Update, December 16, 2010.
- 5) Main Street and Freeway Corridor Specific Plan, Amendment July 15, 2021.
- 6) Final Environmental Impact Report, Main Street and Freeway Corridor Specific Plan, November 2008
- 7) California Department of Transportation, State Scenic Highway Program.
- 8) Mojave Desert Air Quality Management District, *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*, February 2020.
- 9) Mojave Desert Air Quality Management District website.
- 10) California Department of Conservation, Farmland Mapping and Monitoring Program.
- 11) County of San Bernardino Assessor-Recorder-Clerk, Williamson Act Contracts.
- 12) California Department of Fish and Wildlife, Biogeographic Information and Observation System (BIOS).
- 13) California Department of Fish and Wildlife Habitat Relationships.
- 14) Negative Declaration ND-200706 and City of Hesperia Initial Study Environmental Checklist Form for Site Plan Review SPR-2006-54 and Tentative Tract TT-17690.
- 15) California Department of Conservation, California Geological Survey, *Earthquake Zones of Required Investigation Map*.

- 16) City of Hesperia, Emergency Operations website.
- 17) Hesperia Water District, 2020 *Draft Urban Water Management Plan*, Public Draft – June 2021.
- 18) City of Hesperia Water Conservation website.
- 19) California Department of Education.
- 20) Hesperia Recreation and Park District Master Plan, May 2019.
- 21) California Regional Water Quality Control Board, Lahontan Region, Order No. R6V-2020-0028, Waste Discharge Requirements, Water Reclamation Requirements, and National Pollutant Discharge Elimination System Permit for the Victor Valley Wastewater Reclamation Authority Regional Water Treatment Plan, San Bernardino County.
- 22) California's Department of Resources Recycling and Recovery (CalRecycle).
- 23) City of Hesperia Municipal Code.
- 24) Hesperia Airport Comprehensive Land Use Plan, January 1991.
- 25) Flood Insurance Rate Map, Community Number 06071C649514, Effective Date August 28, 2008, Federal Emergency Management Agency.
- 26) United States Census Bureau, Quickfacts: Hesperia city, California, accessed October 11, 2022. <https://www.census.gov/quickfacts/hesperiacitycalifornia>

Section 6.0 Appendices

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6.1 Exhibits

Exhibit 6.1.1 - Freeway Map



Exhibit 6.1.2 - Regional Aerial



Exhibit 6.1.3 - Site Aerial

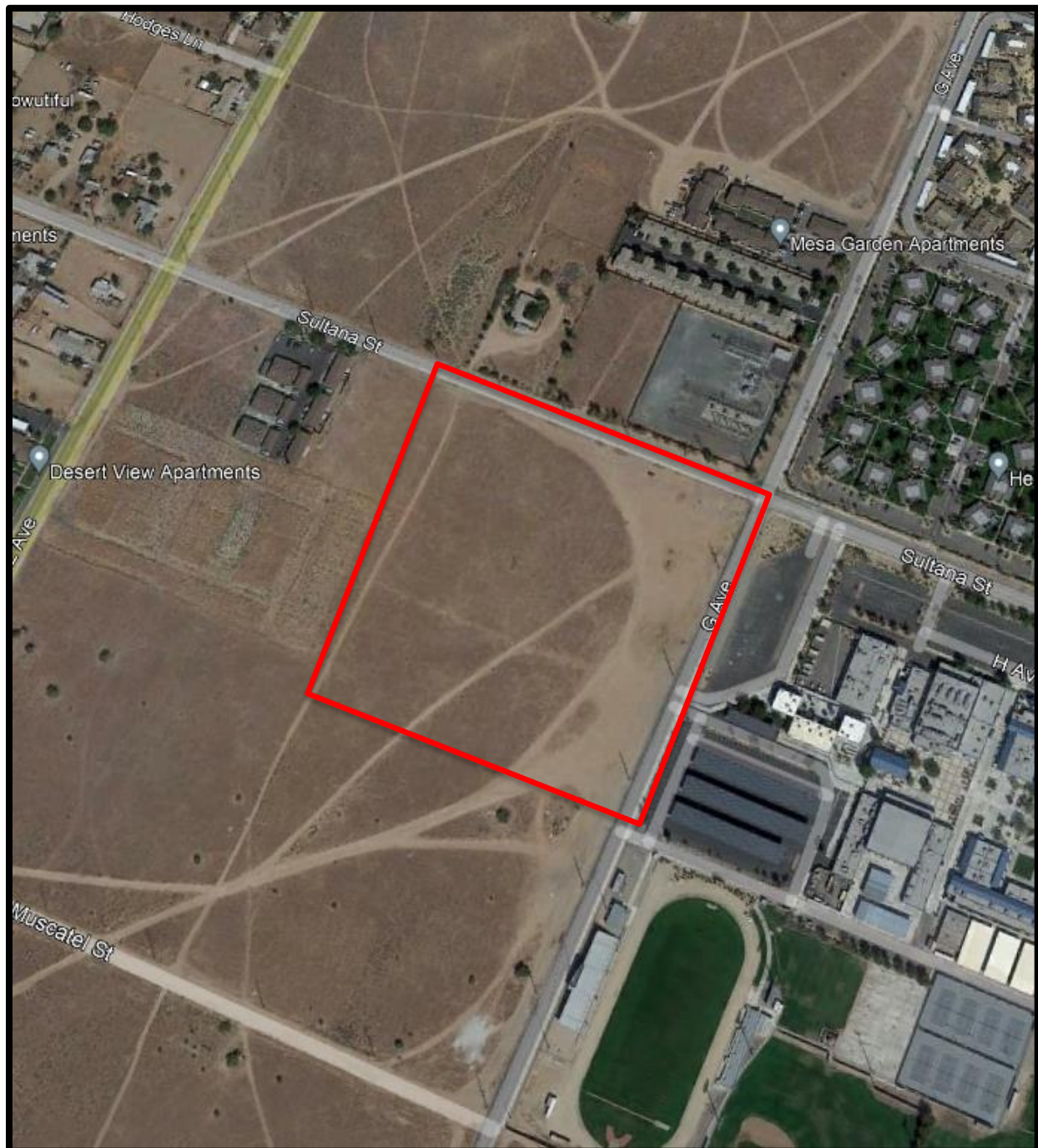


Exhibit 6.1.4 - APN Map

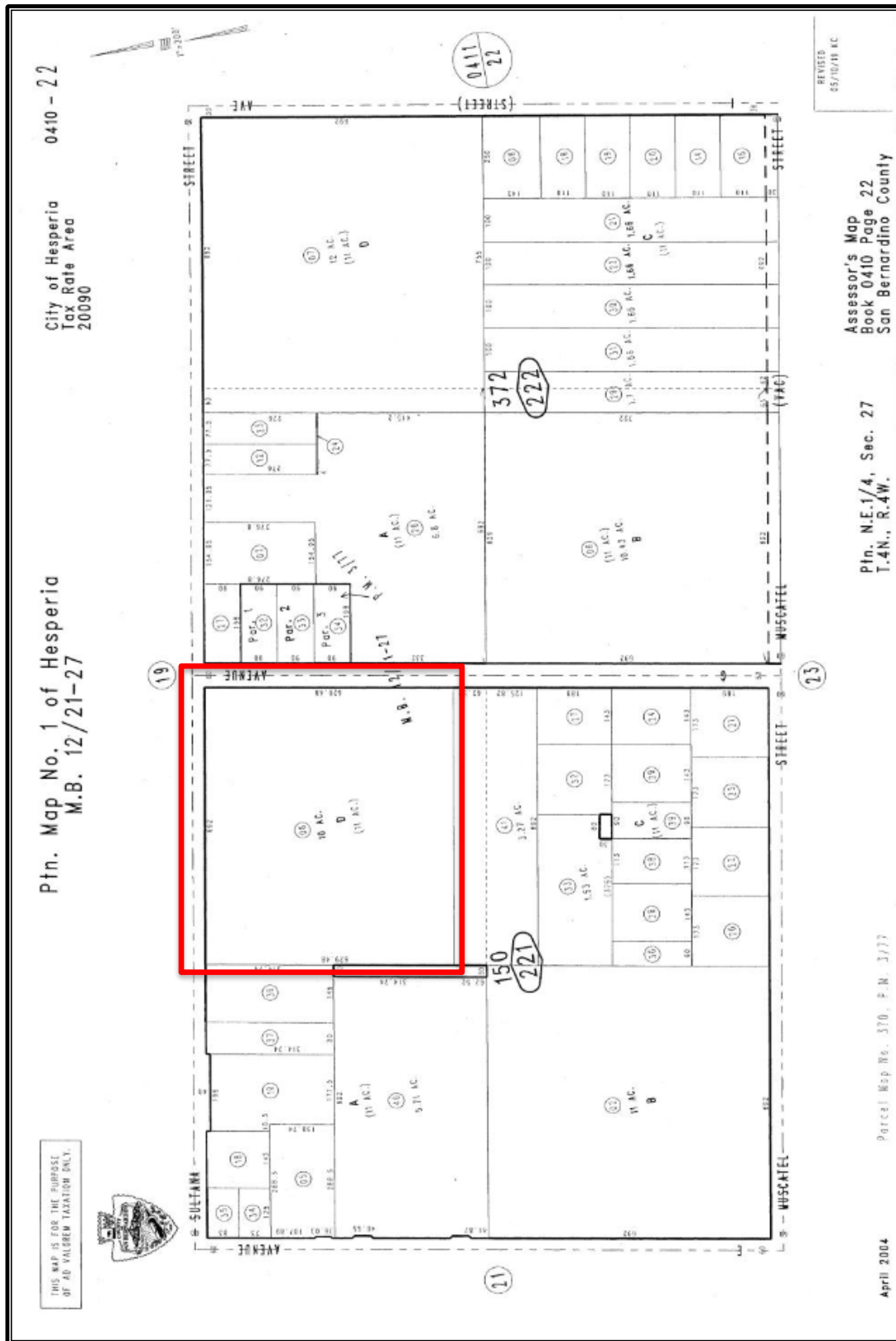


Exhibit 6.1.5 - USGS Quad Sheet – Hesperia

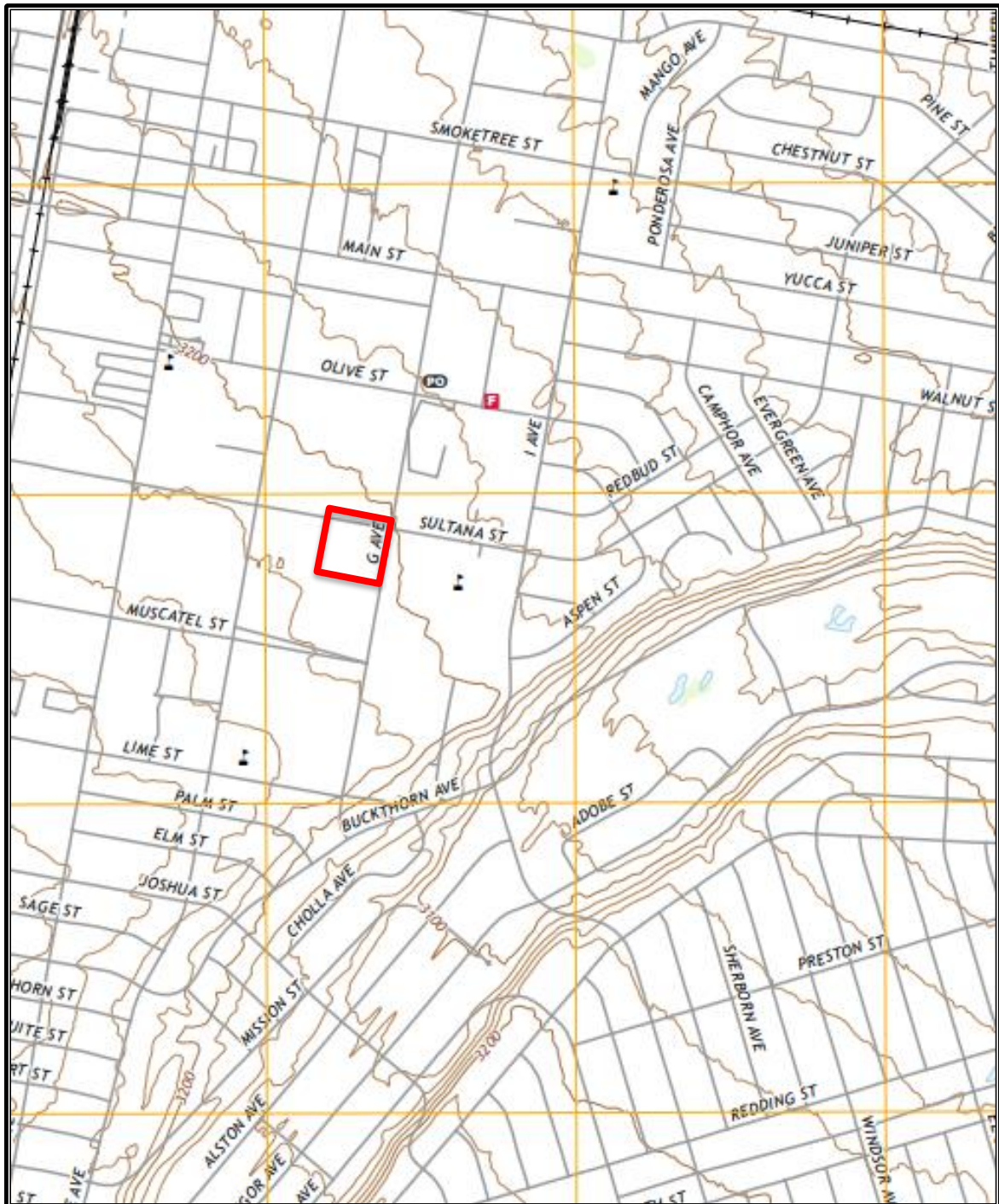


Exhibit 6.1.6 - Earthquake Faults
(Garlock Fault 5 miles Northeast is nearest)

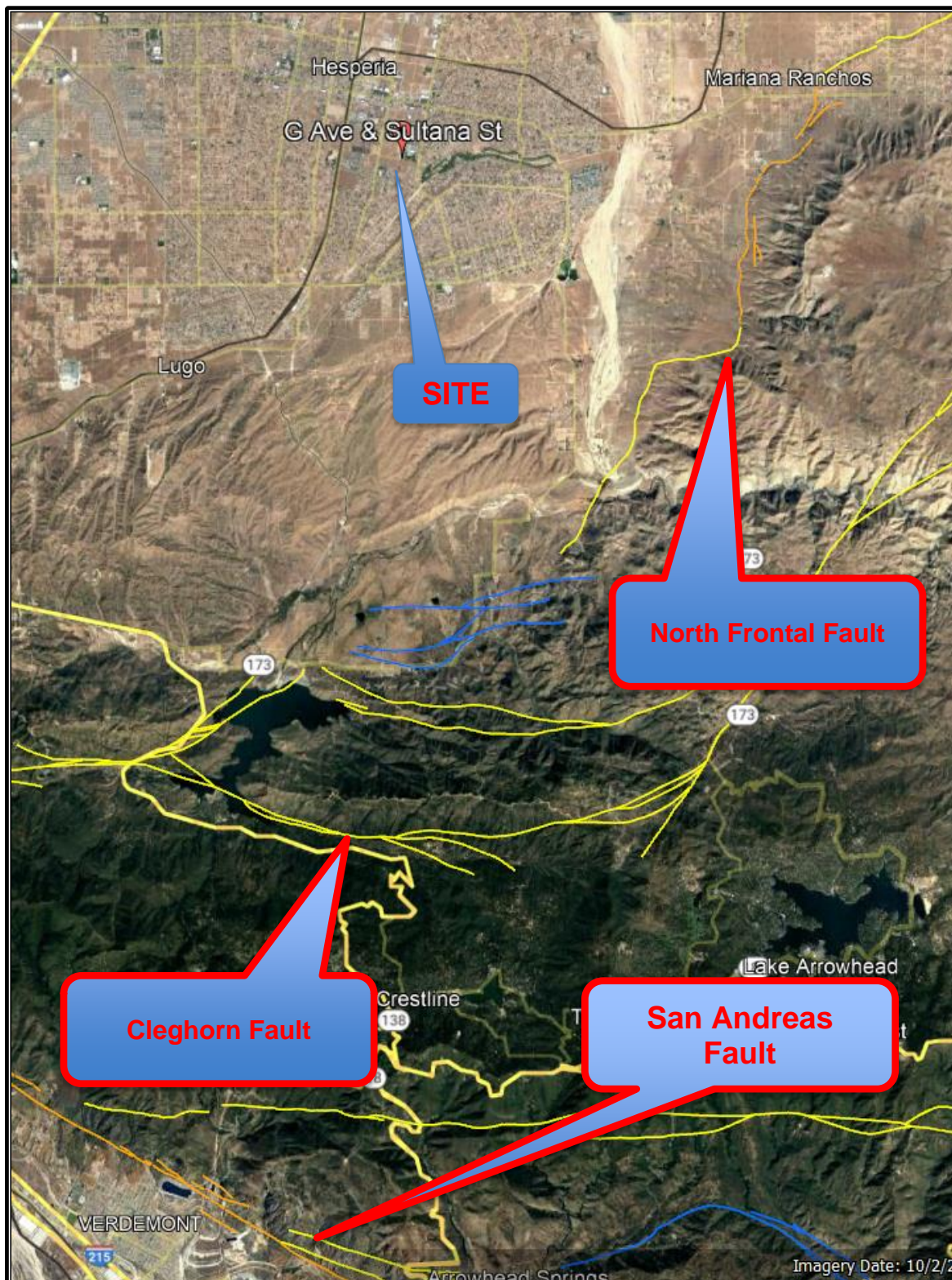


Exhibit 6.1.7 - Soils Map

United States Department of Agriculture Natural Resources Conservation Service

113 – Cajon Sand, 2 – 9% Slopes
105 – Bryman Loamy Sand, 0 – 2% Slopes
106 – Bryman Loamy Fine Sand, 2 – 5% Slopes



San Bernardino County, California, Mojave River Area

105—BRYMAN LOAMY FINE SAND, 0 TO 2 PERCENT SLOPES

Map Unit Setting

National map unit symbol: hkr9
Elevation: 2,800 to 3,200 feet
Mean annual precipitation: 3 to 6 inches
Mean annual air temperature: 59 to 63 degrees F
Frost-free period: 180 to 280 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Bryman and similar soils: 80 percent
Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bryman

Setting

Landform: Fan remnants
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Interfluvium
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived from granite sources

Typical profile

H1 - 0 to 9 inches: loamy fine sand
H2 - 9 to 12 inches: sandy loam
H3 - 12 to 32 inches: sandy clay loam
H4 - 32 to 46 inches: sandy loam
H5 - 46 to 99 inches: loamy sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat):
Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 5 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 6.9 inches)

San Bernardino County, California, Mojave River Area

113—CAJON SAND, 2 TO 9 PERCENT SLOPES

Map Unit Setting

National map unit symbol: hkrk
Elevation: 1,800 to 3,500 feet
Mean annual precipitation: 3 to 6 inches
Mean annual air temperature: 59 to 68 degrees F
Frost-free period: 180 to 290 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Cajon and similar soils: 85 percent
Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Cajon

Setting

Landform: Alluvial fans
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived from mixed sources

Typical profile

A - 0 to 6 inches: sand
C1 - 6 to 25 inches: sand
C2 - 25 to 60 inches: gravelly sand

Properties and qualities

Slope: 0 to 4 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat excessively drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 1 percent
Available water supply, 0 to 60 inches: Very low (about 3.0 inches)

San Bernardino County, California, Mojave River Area

106—BRYMAN LOAMY FINE SAND, 2 TO 5 PERCENT SLOPES

Map Unit Setting

National map unit symbol: hkrb
Elevation: 3,000 to 3,400 feet
Mean annual precipitation: 3 to 6 inches
Mean annual air temperature: 59 to 63 degrees F
Frost-free period: 180 to 280 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Bryman and similar soils: 80 percent
Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bryman

Setting

Landform: Fan remnants
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived from granite sources

Typical profile

H1 - 0 to 9 inches: loamy fine sand
H2 - 9 to 43 inches: sandy clay loam
H3 - 43 to 60 inches: sandy loam

Properties and qualities

Slope: 2 to 5 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat):
Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 5 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 8.3 inches)

Exhibit 6.1.8 - FEMA Flood Map and Information

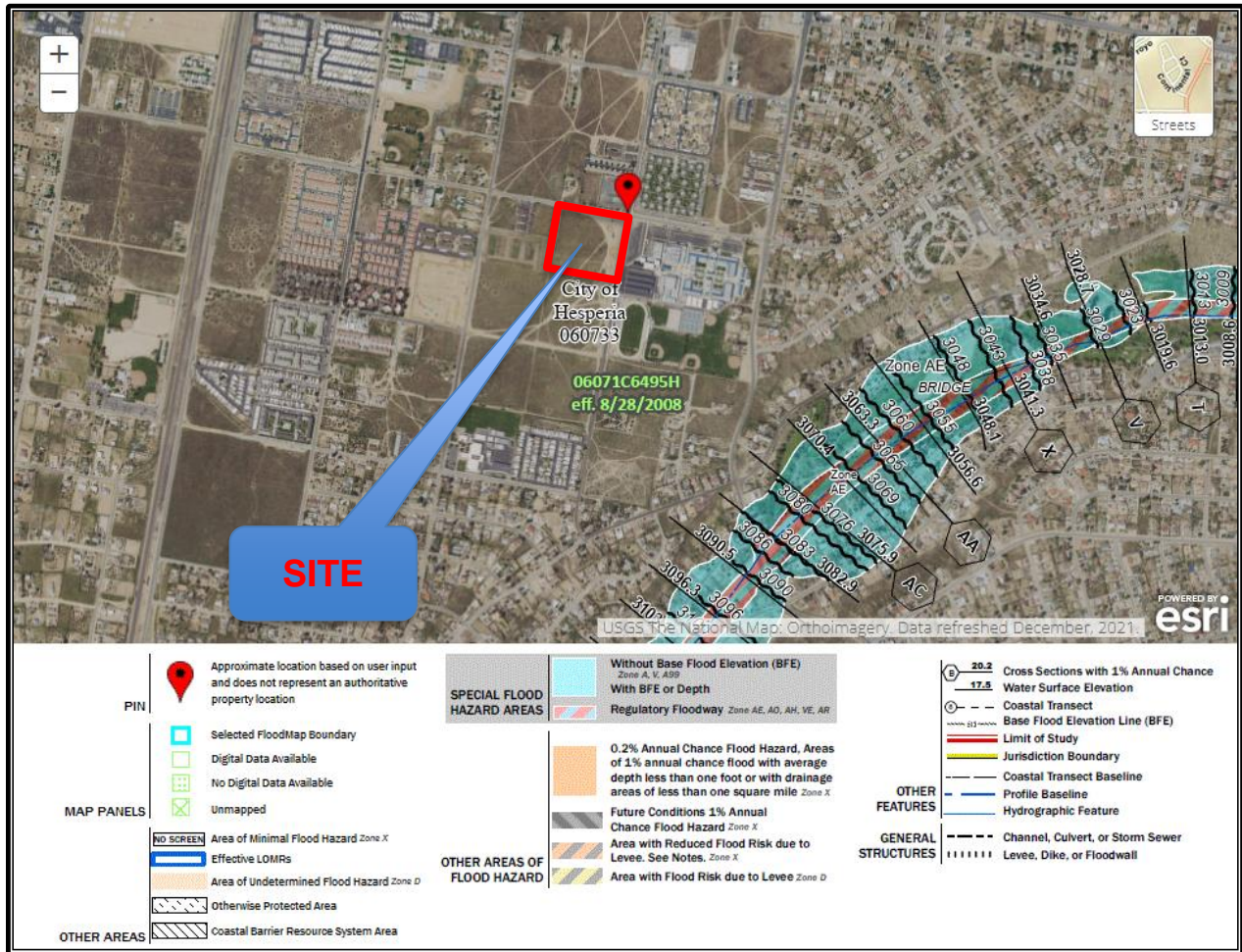


Exhibit 6.1.9 - Western Joshua Tree CESA Petition & Evaluation Map

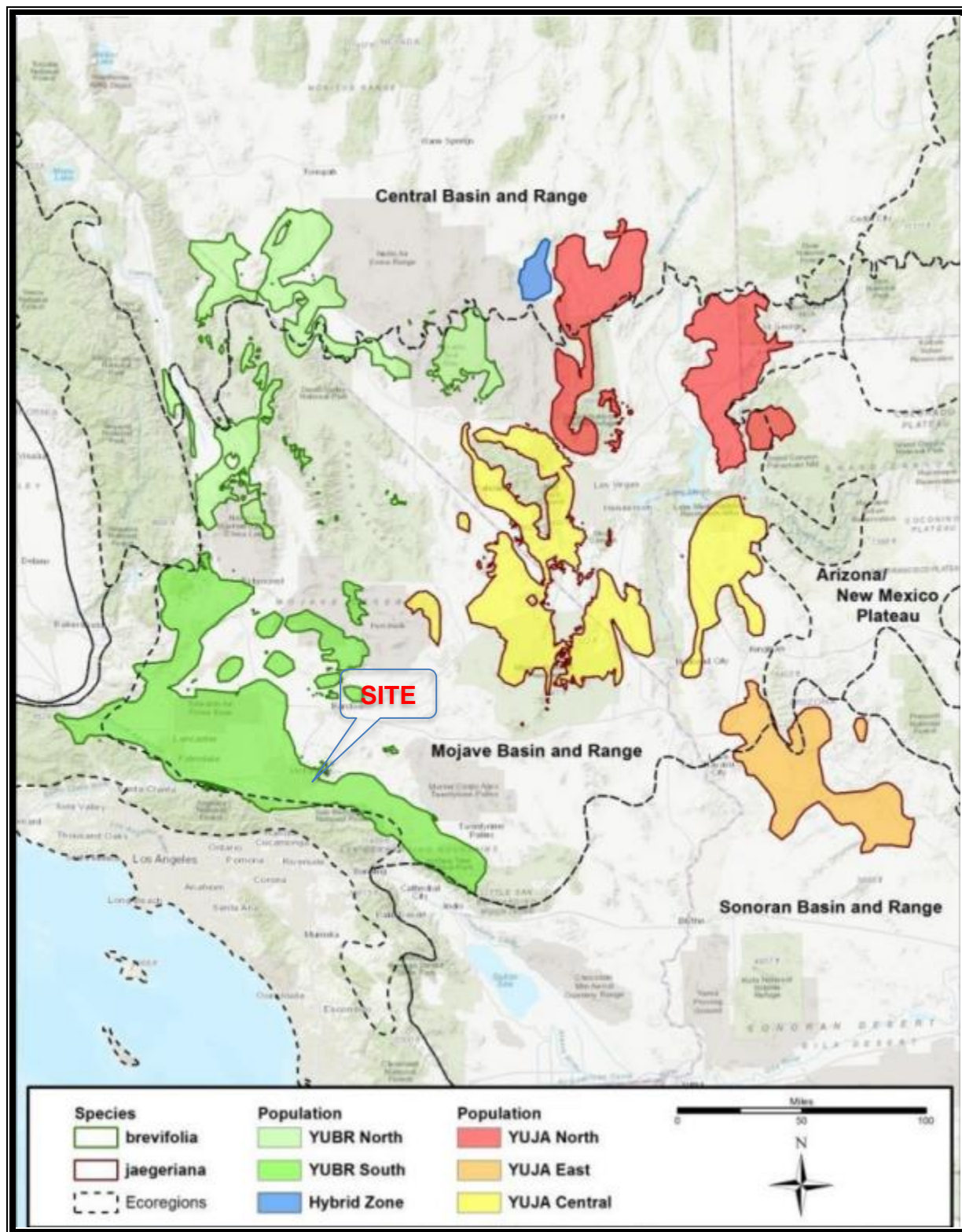
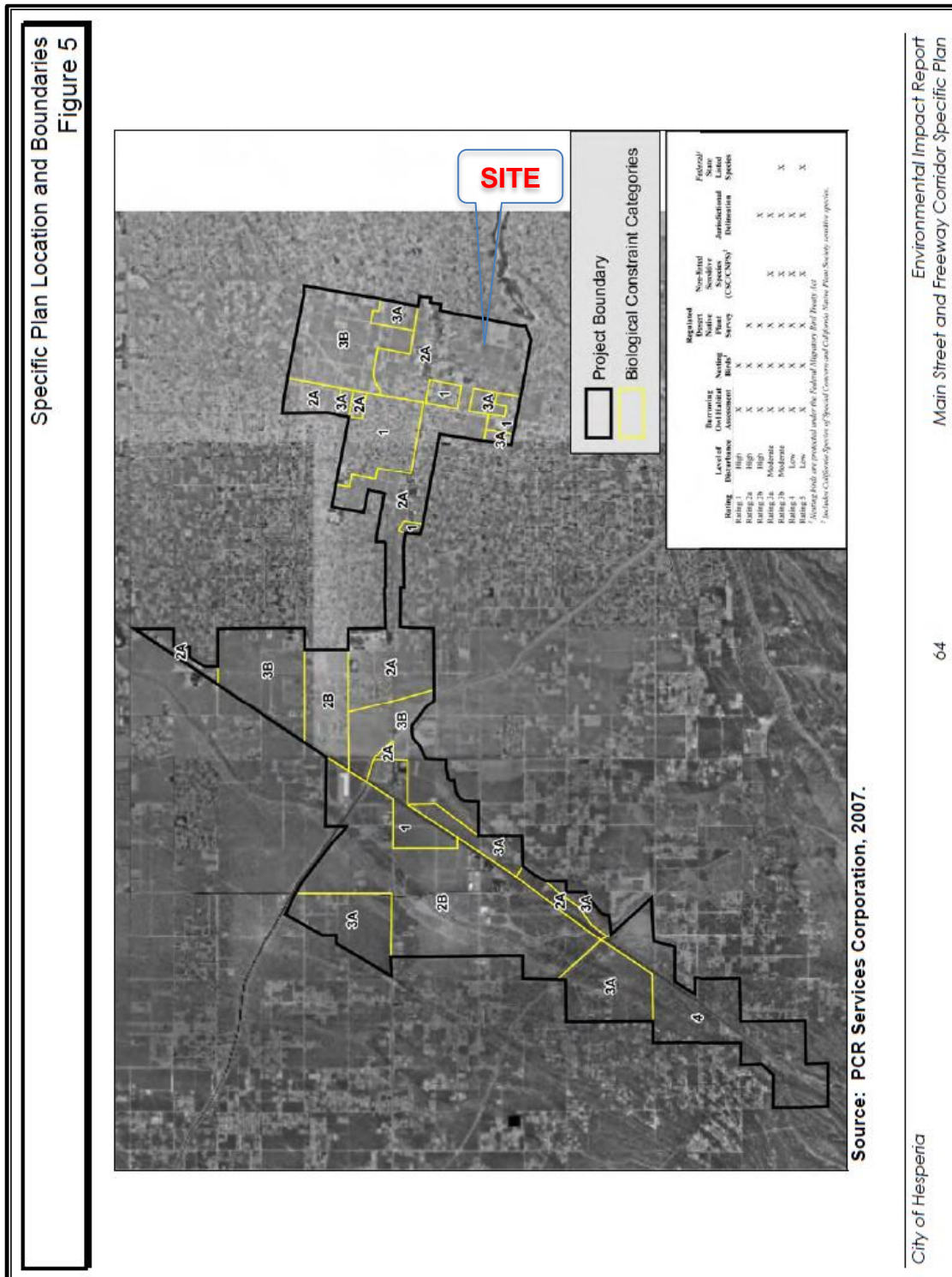
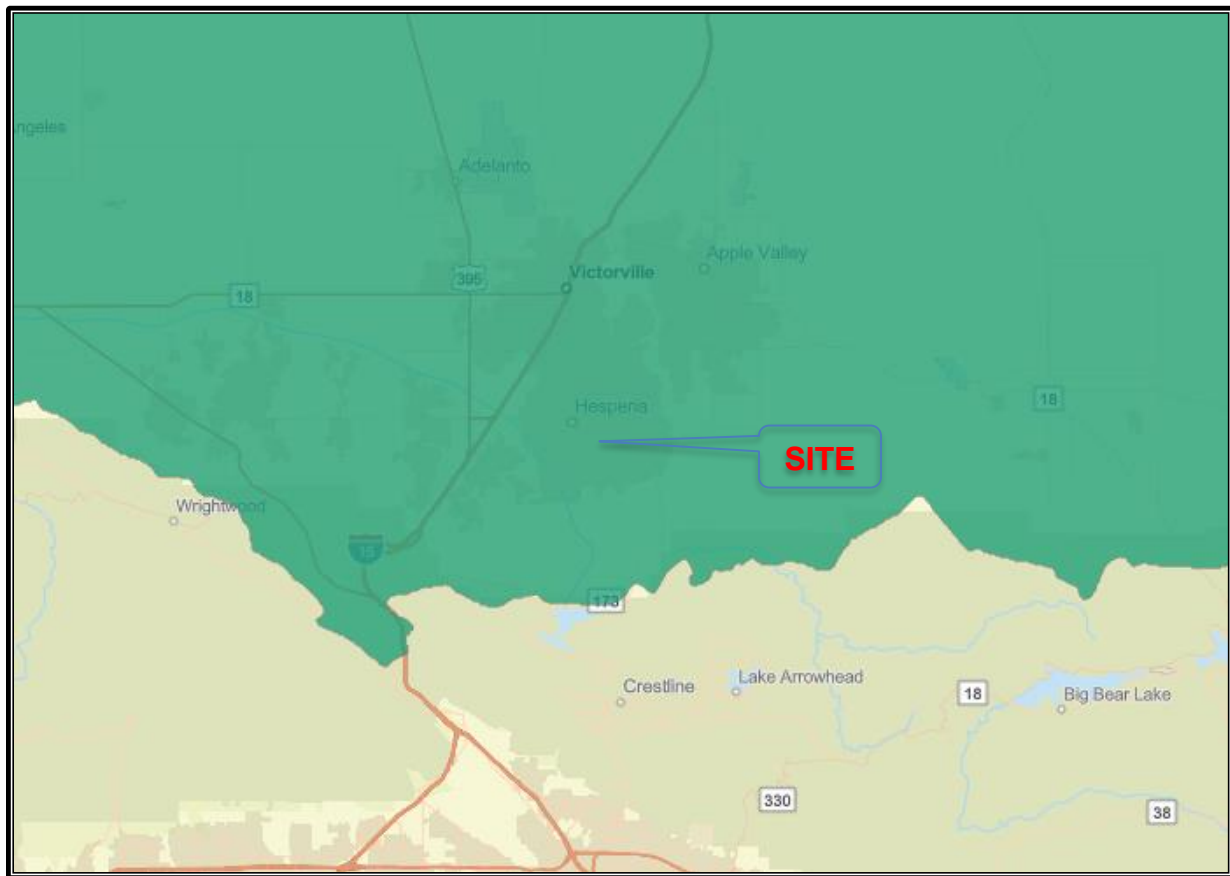


Exhibit 6.1.10 - Main Street and Freeway Corridor Specific Plan – Biological Constraint Categories



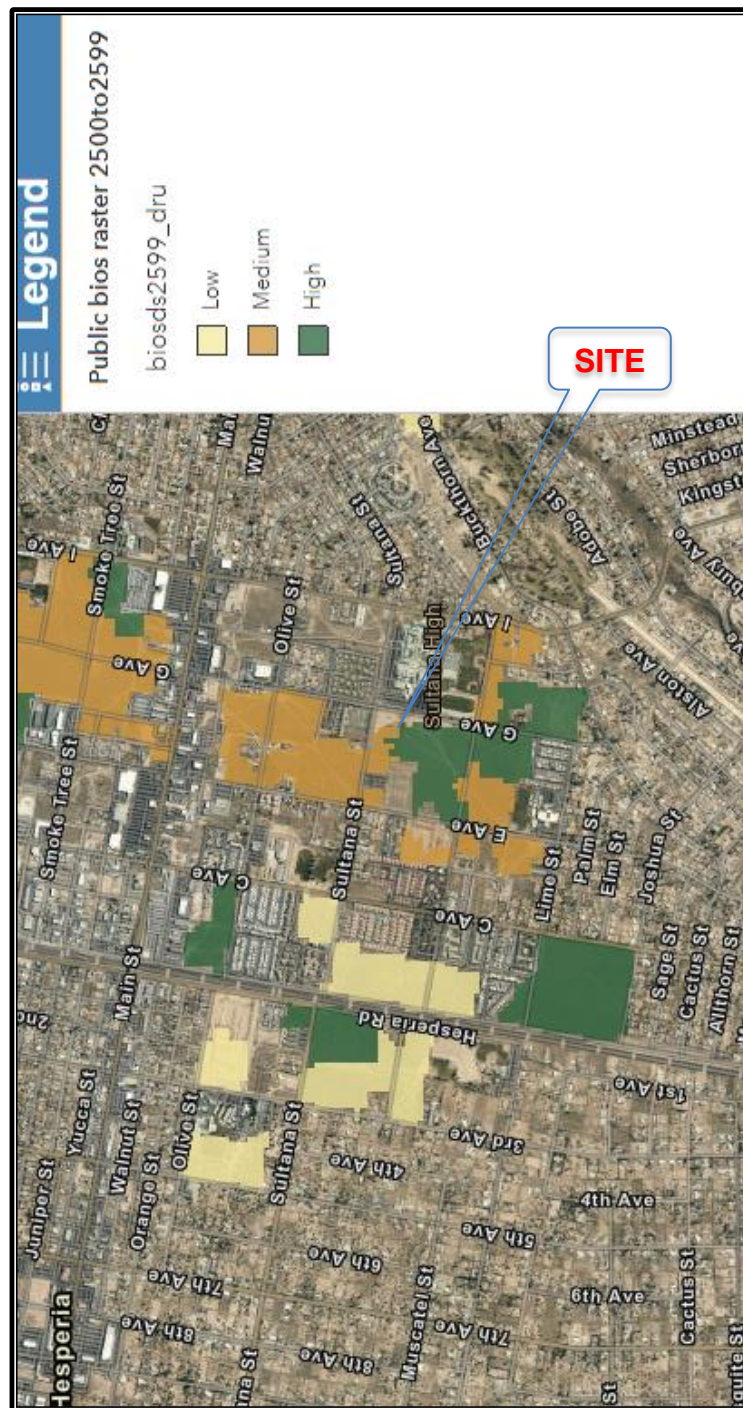
Source: Main Street and Freeway Corridor Specific Plan
 Program Environmental Impact Report, Figure 5, p. 64.

Exhibit 6.1.11 - Desert Tortoise Range



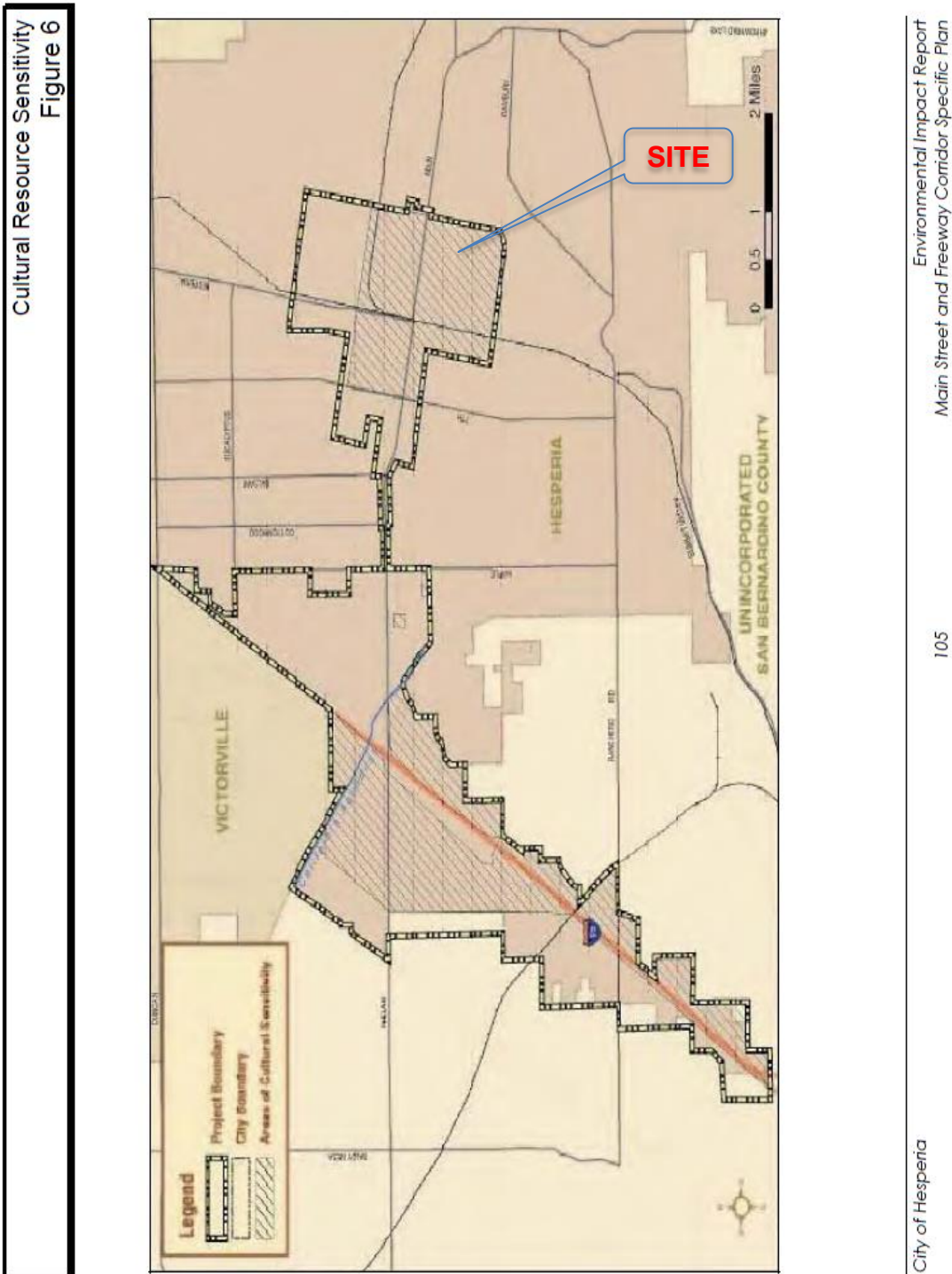
Source: <https://apps.wildlife.ca.gov/bios6/?dslist=905,2387&al=905>

Exhibit 6.1.12 - Kit Fox Range



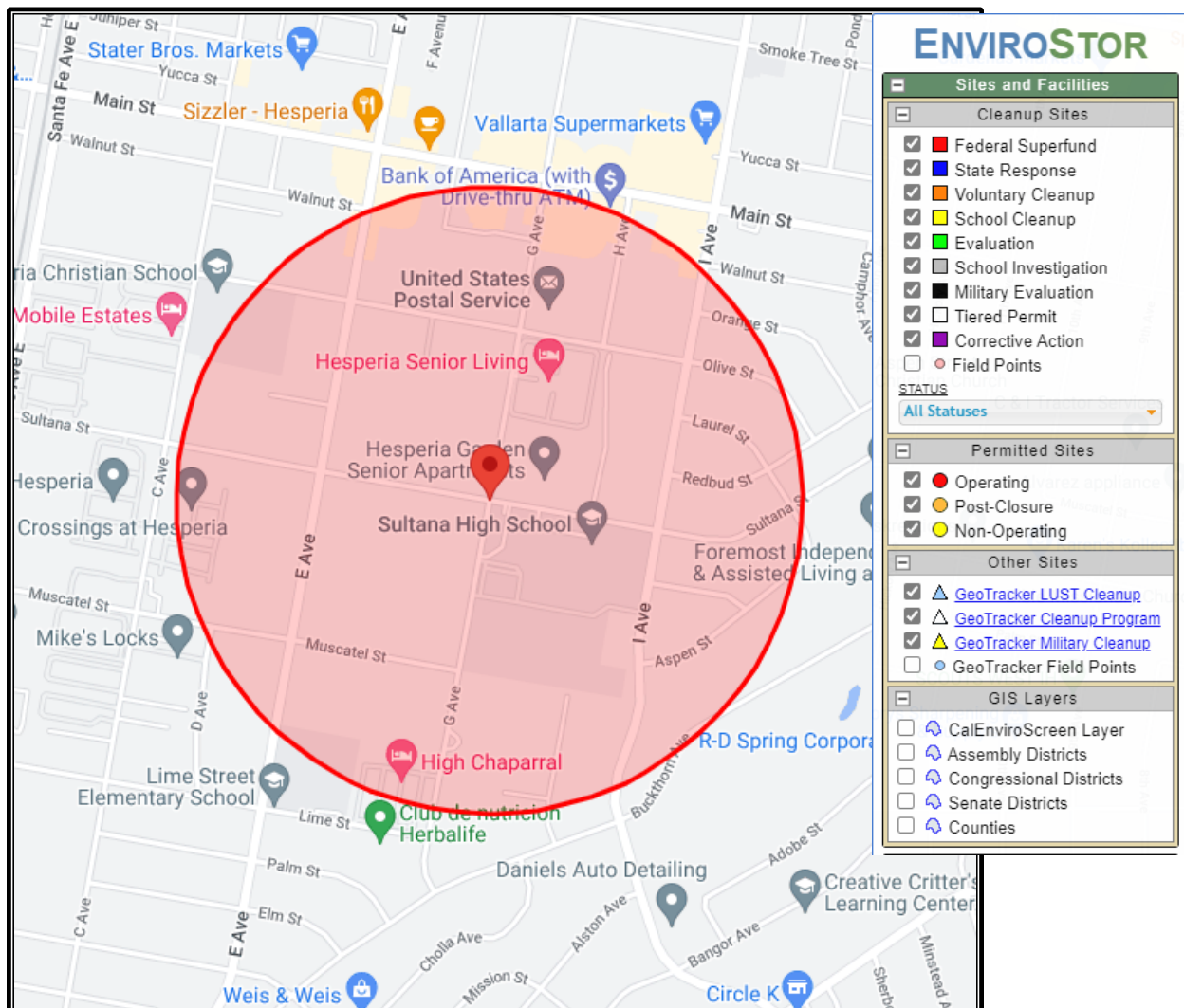
Source: <https://apps.wildlife.ca.gov/bios6/?dslist=2599,911&al=2599>

Exhibit 6.1.13 - Main Street and Freeway Corridor Specific Plan – Cultural
Resource Sensitivity



Source: Main Street and Freeway Corridor Specific Plan
Program Environmental Impact Report, Figure 6, p. 106

Exhibit 6.1.14 - EnviroStor – Hazardous Sites



Source: [EnviroStor \(ca.gov\)](https://envirostor.ca.gov/)

Exhibit 6.1.15 - School & Park Locations



Source: Main Street and Freeway Corridor Specific Plan, Figure 4.1, "Urban design Framework."

Exhibit 6.1.16 - Draft Tentative Tract

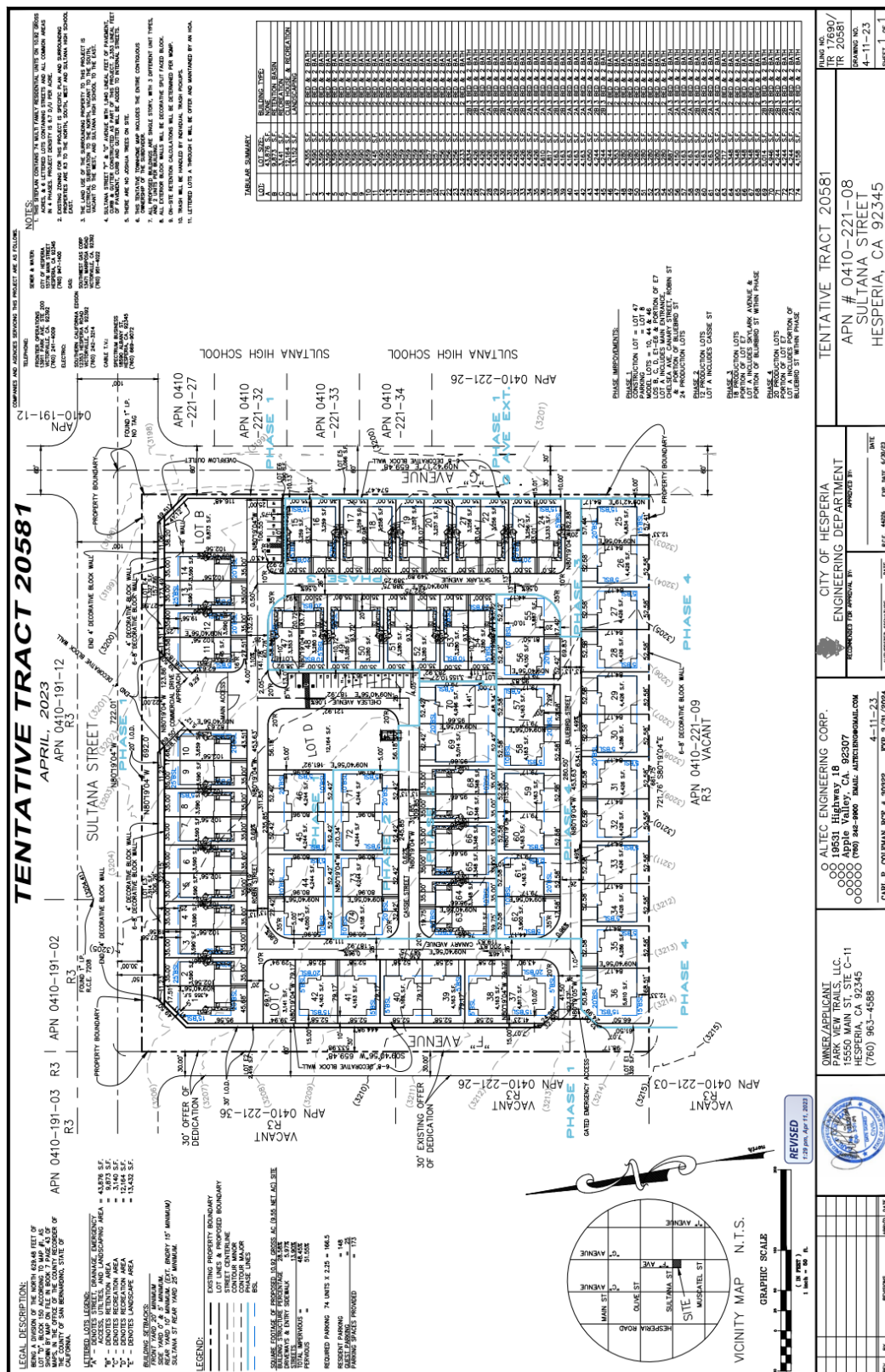


Exhibit 6.1.17 - Draft Site Plan

