

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: June 11, 2015

Time: 6:30 P.M.

COMMISSION MEMBERS

Tom Murphy, Chair

William A. Muller, Vice Chair

Jim Heywood, Commissioner

Joline Bell- Hahn, Commissioner

Bob Rogers, Commissioner

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Dave Reno, Principal Planner

Jeff M. Malawy, Assistant City Attorney



CITY OF HESPERIA
9700 Seventh Avenue
Council Chambers
Hesperia, CA 92345
City Offices: (760) 947-1000

The Planning Commission, in its deliberation, may recommend actions other than those described in this agenda.

Any person affected by, or concerned regarding these proposals may submit written comments to the Planning Division before the Planning Commission hearing, or appear and be heard in support of, or in opposition to, these proposals at the time of the hearing. Any person interested in the proposal may contact the Planning Division at 9700 Seventh Avenue (City Hall), Hesperia, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Fridays) or call (760) 947-1200. The pertinent documents will be available for public inspection at the above address.

If you challenge these proposals, the related Negative Declaration and/or Resolution in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact Dave Reno, Principal Planner (760) 947-1200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.10235.104 ADA Title 11]

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding any item on the Agenda will be made available in the Planning Division, located at 9700 Seventh Avenue during normal business hours or on the City's website.

**AGENDA
HESPERIA PLANNING COMMISSION**

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

CALL TO ORDER

6:30 p.m.

- A. Pledge of Allegiance to the Flag
- B. Invocation
- C. Roll Call:
 - Chair Tom Murphy
 - Vice Chair William Muller
 - Commissioner James Heywood
 - Commissioner Joline Bell-Hahn
 - Commissioner Bob Rogers

JOINT PUBLIC COMMENTS

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

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

CONSENT CALENDAR

- D. Approval of Minutes: May 14, 2015 Planning Commission Meeting Draft Minutes.

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PUBLIC HEARINGS

- 1. Consideration of General Plan Amendment GPA15-00001 from Single-Family Residence with a minimum lot size of 18,000 square feet (R1-18000) to Rural Residential with a minimum lot size of one acre (RR-1) and from RR-2 1/2 to RR-1 on approximately 38.6 gross acres generally located north of Mesquite Street, south of the California Aqueduct, east of Topaz Avenue, and west of the Southern California Edison transmission line in conjunction with Tentative Parcel Map TPM15-00001 (PM-19608), to create 4 lots and a remainder on 5.0 gross acres located on the southeast corner of Sage Street and Topaz Avenue (James Vandenburg Construction, Inc.; APN: 3046-131-27; GPA15-00001 expanded to include APNs: 3046-101-25, 3046-131-29 thru 32, 46 thru 49, and 54 thru 61), To be continued to July 9, 2015. 1-1

- 2. Consideration of Specific Plan Amendment SPLA13-00004, to change the zoning from the Neighborhood Commercial (NC) to the Commercial Industrial Business Park (CIBP) Zone District of the Main Street and Freeway Corridor Specific Plan and Conditional 2-1

Use Permit CUP12-10189, to construct a 12,271 square foot travel center, including a convenience store and vehicle service center, fuel islands for both semi-trucks and passenger vehicles, a drive-thru restaurant, and the sale of beer and wine for off-site consumption on approximately 10.6 gross acres located on the southeast corner of Outpost Road and Joshua Street. The proposal includes an Environmental Impact Report prepared in compliance with the California Environmental Quality Act (CEQA) (Applicant: Love's Travel Stops and Country Stores, Inc.; APN: 3039-361-01)

- 3. Public comments relating to the Tapestry Specific Plan and Draft Environmental Impact Report

PRINCIPAL PLANNER'S REPORT

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

- E. DRC Comments
- F. Major Project Update

PLANNING COMMISSION BUSINESS OR REPORTS

The Commission Members may make comments of general interest or report on their activities as a representative of the Planning Commission.

ADJOURNMENT

The Chair will close the meeting after all business is conducted.

I, Andrea Ngalo, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, June 4, 2015 at 5:30 p.m. pursuant to California Government Code §54954.2.

 Andrea Ngalo
 Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
May 14, 2015
MINUTES

DRAFT

The Regular Meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Murphy in the Council Chambers, 9700 Seventh Avenue, Hesperia, California.

CALL TO ORDER 6:30 p.m.

Pledge of Allegiance to the Flag

Invocation

Roll Call:

Present: Tom Murphy
William Muller
Joline Bell-Hahn

Motion by Joline Bell Hahn to excuse Commissioners Jamea Haywood and Bob Rogers, Seconded by William Muller, passed with the following roll call vote:

AYES: Tom Murphy, Willem Muller, and Joline Bell Hahn
NOES: None
Absent: Jamea Haywood, Bob Rogers

JOINT PUBLIC COMMENTS

- Chair Murphy opened Public Comments at 6:51 p.m.
- Chair Murphy closed Public Comments at 6:51 p.m.

CONSENT CALENDAR

Approval of Minutes: April 9, 2015 Planning Commission Meeting Draft Minutes.

Approval of Minutes will be moved to next meeting of June 11, 2015.

PUBLIC HEARING

Consideration of Site Plan Review SPR15-00002 to construct a 176,340 square foot commercial/industrial business park and Tentative Tract TT15-00001 to create 60 business condominium units on 10 acres within the Commercial/Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan located on the southwest corner of 'E' Avenue and Smoketree Street (Applicant: Sharad Mehta; APN: 0410-142-01)

Senior Planner Daniel Alcayaga gave a presentation.

Chair Murphy opened Public Comments at 7:05 p.m.

Applicant commented and answered Commission questions.

Chair Murphy closed Public Comments at 7:14 p.m.

Motion by Williem Muller to adopt Resolution No. PC-2015-09 approving SPR15-00002 and TT15-00001, Sseconded by Joline Bell Hahn, psssed with the following roll cell vote:

AYES: Tom Murphy, William Muller, and Joline Bell Hahn
NOES: None
Absent: James Heywood, Bob Rogers

Consideration of Specific Plan Amendment SPLA14-00004 to change the zoning from Low Density Residential (LDR) to Neighborhood Commercial (NC) on 5.7 gross acres located on the northwest corner of Mojave Street and Maple Avenue (Joseph E. Bonadiman: APNs: 0405-053-08 & 09)

Senior Planner Daniel Alcayaga gave e prssentation.

Chair Murphy opened Public Comments at 7:28 p.m.

Applicant commented and answered Commission questions.

Chair Murphy closed Public Comments at 7:45 p.m.

Motion by Tom Murphy to edopt Resolution No. PC-2015-10 deeming SPLA15-00004 Incomplete and requiring a development propoeel to be submitted with this Specific Plan Amendment, Sseconded by Williem Muller, paeed with the following roll call vote:

AYES: Tom Murphy, William Muller, and Joline Bell Hahn
NOES: None
ebstent: Jamee Heywood, Bob Rogers

Public comments relating to the Tapestry Specific Plan and Draft Environmental Impact Report

Chair Murphy opened Public Comments at 7:55 p.m.

Chair Murphy closed Public Comments at 7:55 p.m.

DRC Comments

Major Project Update

ADJOURNMENT

Chair Murphy adjourned the meeting at 8:03 p.m. until June 11, 2015.

Tom Murphy
Chair

By: Andrea Ngalo
Commission Secretary

City of Hesperia
STAFF REPORT



DATE: June 11, 2015

TO: Planning Commission

FROM:  Dave Reno, Principal Planner

BY:  Stan Liudahl, AICP, Senior Planner

SUBJECT: General Plan Amendment GPA15-00001 and Tentative Parcel Map TPM15-00001; Applicant: James A. Vandenberg, Construction, Inc.; APN: 3046-131-27; GPA15-00001 expanded to include APNs: 3046-101-25, 3046-131-29 thru 32, 46 thru 49, and 54 thru 61)

This item is being continued to consider the recommended street paving requirements. Consequently, staff recommends that the public hearing for this project be continued to the Commission's July 9th meeting.

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DATE: June 11, 2015
TO: Planning Commission
FROM:  Dave Reno, Principal Planner
BY:  Stan Liudahl, AICP, Senior Planner
SUBJECT: Specific Plan Amendment SPLA13-00004 & CUP12-10189; Applicant: Love's Travel Stops and Country Stores, Inc.; APN: 3039-361-01

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2015-12, PC-2015-13, and PC-2015-14, recommending that the City Council make the environmental determination pursuant to the California Environmental Quality Act (CEQA) by certifying the Final Environmental Impact Report (FEIR) and adopting a statement of overriding considerations and a Mitigation Monitoring and Reporting Program; introduce and place on first reading an ordinance approving SPLA13-00004, and approve CUP12-10189.

BACKGROUND

Proposal: Consideration of a Specific Plan Amendment from the Neighborhood Commercial (NC) to the Commercial Industrial Business Park (CIBP) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan) and a conditional use permit to construct a 12,271 square foot travel center on 10.6 gross acres. The project contains a convenience store and vehicle service center, fuel islands for both semi-trucks and passenger vehicles, and two restaurants, one with a drive-thru. The application also includes the sale of beer and wine for off-sale consumption (Attachment 1).

Location: On the southeast corner of Outpost Road and Joshua Street.

Current General Plan, Zoning and Land Uses: The property is currently within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated as noted on Attachment 2. The property is predominantly vacant, with the exception of a billboard, which shall be removed prior to development. A wireless communications facility exists on the property to the south. The property to the north contains the Outpost Café and the Pilot travel center. The properties to the south, east, and west are vacant (Attachment 3).

The City Council approved this project on December 6, 2011. A lawsuit was filed by Thomas Terpstra on behalf of the Pilot Travel Centers, LLC on January 9, 2012. In general, the lawsuit contends that the Negative Declaration filed for the project didn't adequately address the environmental impact of the project and that the adopted mitigation measures did not reduce the impact of the project to a level of non-significance. There are two issues that Pilot has specifically cited; air quality and traffic impacts, both of which were analyzed under the project. On June 19, 2012, the Council rescinded its approval, at the applicant's request. Subsequently, an Environmental Impact Report (EIR) has been prepared to replace the Negative Declaration as the environmental document for effectively the same project approved in 2011.

ISSUES/ANALYSIS

Land Use: The Specific Plan Amendment would change the zoning of the properties from the Neighborhood Commercial (NC) to the Commercial Industrial Business Park (CIBP) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan), as the NC District does not allow a truck stop. The project site is surrounded by land within the CIBP District, except for the property to the south, which is NC. Consequently, approval of the Specific Plan Amendment is consistent with the land use pattern of the area.

Conditional Use Permit: This application will allow for construction of a 6,756 square foot Love's Country Store, a 3,002 square foot drive-thru McDonald's Restaurant, a 1,313 square foot Subway Restaurant, and a 1,200 square vehicle service center on 10.6 gross acres. The vehicle fueling stations and the off-sale of alcoholic beverages necessitate approval of this conditional use permit. The corporate building architecture of Love's is proposed. The architecture of the McDonald's and Subway restaurants has been modified to blend with that of Love's. The architecture meets the standards of the Specific Plan, incorporating changes in wall and roof planes as well as architectural features. The building exteriors exhibit use of stucco with screed lines, split-face stone veneer, awnings, cornices, sconces, and decorative lighting (Attachment 4).

The project as proposed complies with most development regulations, including the minimum building setback, minimum landscaping area, and number of parking spaces required. In order to meet all applicable regulations, the site design shall require minor adjustments to the site improvements. A minimum four-foot landscaping and one-foot sidewalk shall be provided at the end of all parking space rows designed for passenger vehicles, causing a reduction in the amount of concrete. In addition, the Specific Plan does not allow chain link fencing. Therefore, any fencing proposed around the used truck tire storage area and the four 12-foot tall above-ground diesel fuel storage tanks shall be constructed of eight-foot high wrought-iron fencing with steel mesh or other decorative fencing or wall material. Installation of landscaping is encouraged around the tanks in addition to the decorative fencing to beautify this area, since the tanks will be visible from the freeway.

The Specific Plan requires that all uses selling alcohol obtain approval of a conditional use permit. A Type 20 license is proposed, which would allow the sale of beer and wine for off-site consumption. The subject property is located in Census Tract 100.17 (Attachment 5), which allows up to 10 licenses for off-site sales of alcoholic beverages. Since the census tract contains eight off-sale licenses (Table 1), it is not over-concentrated.

Table 1: Existing Off-Sale Licenses in Census Tract 100.17

| Status | Business Name | Business Address | Type of License |
|--------|-----------------------------|------------------------|---------------------------|
| Active | Pilot Travel Center | 8701 U. S. Highway 395 | 20-Beer and Wine |
| Active | Valero | 13187 Main St. | 21-Beer, Wine, and Liquor |
| Active | Walmart | 13401 Main St. | 21-Beer, Wine, and Liquor |
| Active | Mobil | 13302 Ranchero Rd. | 21-Beer, Wine, and Liquor |
| Active | Oak Hills Market | 6000 Mariposa Rd. | 21-Beer, Wine, and Liquor |
| Active | Target | 12795 Main St. | 21-Beer, Wine, and Liquor |
| Active | Arco | 12078 Three Flags Ct. | 20-Beer and Wine |
| Active | Marriott Spring Hill Suites | 9625 Mariposa Rd. | 20-Beer and Wine |

ENVIRONMENTAL REVIEW

California Environmental Quality Act: As mentioned above, the applicant requested that the City Council rescind approval of the project, which was previously approved under a Negative Declaration. A Negative Declaration is subject to the "fair argument" standard regarding the adequacy of the environmental analysis. In contrast, an EIR is subject to the "substantial evidence" standard. As continued litigation is likely, the City and the applicant agreed that an EIR should be prepared to support the defense of the City's environmental analysis. The fair argument standard is much more difficult to defend than the substantial evidence standard as a greater burden of proof needed to justify a Negative Declaration.

On May 22, 2013, the City circulated a Notice of Preparation (NOP) that identified the environmental issues that the City anticipated would be analyzed in the Project's Draft EIR to the State Clearinghouse, responsible agencies, and other interested parties. The NOP public review period ran for 30 days, from May 22 to June 11, 2013. No written comments on the NOP were received from agencies or organizations. Two individual members of the public commented on traffic and circulation as the main issues to be addressed in the Draft EIR.

A scoping meeting for the Draft EIR was held on June 11, 2013 and the Draft EIR was circulated for public review for a period of 45 days, from September 3, 2013 until October 18, 2013. As required by the California Environmental Quality Act (CEQA) Guidelines Section 15087, a Notice of Completion (NOC) of the Draft EIR (State Clearinghouse No. 2013051059) for the Love's Travel Center project was filed with the State Clearinghouse on September 2, 2013, and the Notice of Availability (NOA) of the Draft EIR was filed with the San Bernardino County Clerk of the Board on September 4, 2013. After reviewing comments made by public agencies and the public on the Draft EIR, the City decided to revise and expand the traffic and alternatives analyses in the Draft EIR. To promote transparency and further opportunities to comment, the Draft EIR was recirculated, providing an additional 47-day public review period from December 19, 2014 through February 9, 2015.

Copies of the Draft EIR were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the Draft EIR were also made available for public review at the City Planning Department, at the Hesperia Branch Library, and on the internet. A total of ten (10) comment letters were received on the Draft EIR. Eight of the comment letters received were from Federal, State, regional, or local agencies. Two comment letters were received from private organizations or individuals. The City prepared specific responses to all comments. A total of four (4) comment letters were received on the Recirculated Draft EIR, three of the comment letters received were from Federal, State, regional, or local agencies, and one comment letter was received from private organizations or individuals. The City prepared specific responses to all comments. The responses to comments are included in Section 2.0 of the Final EIR.

The EIR analyzes the environmental impact of the project, including its construction and operation, consistent with CEQA. The following issues analyzed in the EIR, including aesthetics, agricultural resources, air quality, biological resources, were found to be less than significant without imposing mitigation measures. Project impacts to biological resources, cultural resources, hazards, hydrology, and noise were found to be potentially significant, but can be mitigated to a less-than-significant level with the imposition of mitigation measures. However, the project's impact upon air quality (Operational Air Pollutant Emissions and Cumulative Air Pollutant Emissions), greenhouse gas emissions, and transportation cannot be mitigated to a

less than significant level. These impacts will remain "significant and unavoidable" and require that a statement of overriding considerations be made if the project is approved. The following is a summary of the potential impacts of the project:

Noise: On-site noise impacts associated with the project include noise from truck loading and unloading as well as activities in the parking lot, such as doors slamming, slow-moving vehicles, and employees conversing. The project's noise generating activities are over 1,600 feet from the nearest residence. At this distance, background noise from Interstate 15 masks much of the noise that will be generated by the proposed development. Therefore, the noise associated with long-term operational activities is below a level of significance. It is anticipated that construction noise received at residential uses to the west may temporarily exceed the City's Noise Ordinance. The Development Code restricts construction hours to between 7:00 a.m. and 7:00 p.m. Monday through Saturday, excluding federal holidays.

Utilities: The infrastructure necessary to serve this project exists within its vicinity. The Developer shall design a Utility Plan for service connections and/or private water and sewer connections. Domestic and fire connections shall be made from the proposed 8-inch PVC water line in Outpost Road, which will meet the minimum fire flow as required by the California Fire Code. Likewise, sewer connections will be made from the existing 8-inch sewer line in Outpost Road.

Public Services: The developer is required to pay development impact fees (DIF) to offset impacts to police and fire protection facilities and services. The retail sales tax generated by the project will also provide additional monies to augment the City's police and fire services. The project has adequate emergency access to the parking areas and buildings. The project will contain detector check connections and post indicator valves (FDC/PIV) as well as fire hydrants. The 12,271 square foot building will include smoke detectors, alarms, and sprinkler systems. The Draft EIR determined that the project's impact to public services is less than significant.

Biological Resources: The Draft EIR states that the site does not contain habitat for special-status plant species or plant or wildlife species listed by the State and/or Federal government as endangered or threatened. The project site contains 12 living Joshua trees. Joshua trees are considered a species requiring special consideration pursuant to the Native Plant Protection Act. Removal of Joshua trees requires a native tree removal permit, which must be obtained in conjunction with a development permit. These plants will either be placed within the site's landscaping, adjacent to the above-ground retention basin, or relocated off-site through a City approved adoption program.

During the site survey, biologists did not discover any threatened or endangered species. A pre-construction survey for the burrowing owl, desert tortoise, and Mojave ground squirrel will be conducted within 30 days of any ground disturbing activities, to ensure that a taking will not occur. Development of the site will not have an impact upon protected flora or fauna, given the proposed mitigation measures.

Cultural Resources: According to the Draft EIR, implementation of the proposed project would require measures to identify, recover, and/or record any cultural and/or paleontological resource that may occur within the project limits. Although unlikely to occur, potential impacts associated with human remains would be reduced to a less than significant level through adherence to existing State law. Based upon the mitigation measures, the project's impact to cultural resources is not considered significant.

Geology/Soil: The EIR indicates that there is a low potential for liquefaction, landslides, and expansive soil to occur on the site. There are no known active, inactive, or potentially active faults that traverse the site. The nearest fault is the Cleghorn Fault, located five miles from the project site and the San Andreas Fault is about seven miles from the site. The development will be designed in compliance with the California Building Code and implement the recommendations of the project's geotechnical investigation during grading.

Disturbance of the site and grading will increase the potential for on-site soil erosion. The proposed project is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) that identifies Best Management Practices (BMPs) to limit both wind-borne and water-borne soil erosion during project construction activities. Therefore, impacts upon soils and/or geology are not significant.

Land Use: The proposed project is consistent with the City's Commercial Industrial Business Park (CIBP) Zone of the Specific Plan. The site is currently zoned Neighborhood Commercial (NC), which does not allow truck stops. Consequently, a Specific Plan Amendment from NC to CIBP is proposed. The site is adjacent to properties within the CIBP Zone District to the north and west. The Pilot travel center lies directly north of the site. Consequently, the proposed Specific Plan Amendment is compatible with the existing zoning and land use.

The proposed travel center is permitted with approval of a Site Plan Review application. However, approval of the use is subject to approval of a Conditional Use Permit, since the sale of alcoholic beverages requires approval of a CUP. The project is on the fringe of expanding truck-oriented land uses. This area is uniquely suited to these types of businesses, as it is near the Interstate 15 / Highway 395 intersection. The proposed project would neither displace residents, nor divide an existing established community. The existing pattern of development, including the location of the property in relation to the I-15 freeway and Highway 395, is not suitable for residential development. Therefore, the proposed development will not pose a negative impact upon land use.

Water Quality Management Plan: Prior to issuance of a building permit by the City, the project applicant shall receive approval from the City of Hesperia of a project-specific Final Water Quality Management Plan (WQMP). The Final WQMP shall specifically identify pollution prevention, source control, treatment control measures, and other BMPs that shall be used on site to control predictable pollutant runoff in order to reduce impacts to water quality to the maximum extent practicable.

Drainage: According to the preliminary drainage study, the site receives only about 65 cubic feet per second storm water flow from the southwest. This minor drainage will not cause a significant drainage concern. The increase in storm water runoff as a result of construction of this project will be handled within an approved underground retention facility approximately 56,600 cubic feet in volume, exceeding the minimum required retention volume of 48,691 cubic feet by 7,909 cubic feet. The underground gasoline storage tanks will be double-walled and the above-ground tanks will be above an approved containment area in accordance with all applicable regulations. Therefore, upon completion of the on-site drainage improvements, the impact of the project upon properties downstream is not considered significant.

Project Alternatives: The Draft EIR addresses not only the potential impact of the proposed project, which slightly exceeds the impact of a reduced intensity alternative, but also compares the impact against potential alternate project locations, and the "no project" alternative. The alternatives were evaluated and determined to be infeasible and/or inconsistent with project objectives. Generally, the project's objectives are to construct a regional travel center to meet the needs of truckers and other motorists traveling through Hesperia on Interstate 15 and US Highway 395. Finding an alternative location meeting the project objectives is complicated by the need for a 10-acre site close to and easily accessible to both Interstate 15 and US Highway 395. The nine objectives are evaluated in detail within Section 3.5 of the Draft EIR.

The first alternative is the "no project" alternative, which does not meet any of the project objectives. The second alternative would allow for development of a 160,000 square foot retail center consistent with the existing Neighborhood Commercial (NC) Specific Plan Land Use designation. The third alternative proposes a mixed use development incorporating 75,000 square feet of commercial and 80,000 square feet of business park uses. The building floor area for these alternatives are based upon the maximum floor area ratio (0.35) allowed by the NC District of the Specific Plan. The fourth alternative considers relocating the use to nine alternative sites and the final alternative considers different circulation designs, based upon comments from Caltrans, which would incorporate between one and three roundabouts. None of these alternatives meet the project objectives while significantly reducing environmental impacts.

Overriding Considerations: Pursuant to CEQA, the City must balance the benefits of the project against any significant and unavoidable environmental impacts that cannot be mitigated to less than significant. If the benefits of the Project outweigh these environmental impacts, those impacts are considered acceptable. The Draft EIR contains mitigation measures which reduce the project's impact to a less than significant level for many environmental considerations. The list of mitigation measures is provided within Table 1.A of the Draft EIR. However, the project's impact upon air quality, greenhouse gas emissions, and transportation cannot be mitigated to a less than significant level and will remain "significant and unavoidable."

Since the impact upon Air Quality, Transportation, and Greenhouse Gas Emissions are considered significant and unavoidable, findings for a Statement of Overriding Considerations must be made. The project's benefits include strengthening the local economy by providing new employment opportunities for local residents and generating tax revenues to maintain adequate infrastructure facilities. Further, the project will help satisfy the City's deficiency of "bread-winning" jobs, as most residents must currently travel outside the City to obtain higher paying jobs. An economic analysis was prepared, which provides justification that the project's negative environmental impact is overshadowed by its social and economic benefits. A summary of project impacts which cannot be mitigated to a less than significant level follows:

Air Quality: The project site has been planned for commercial uses as indicated in the City's Main Street and Freeway Corridor Specific Plan. To mitigate project-related emissions, the development must comply with the provisions of Title 24 of the California Code of Regulations regarding energy conservation. The EIR determined that the proposed project is consistent with the Air Quality Management Plan (AQMP) as growth projections for the City of Hesperia were used as input in the formulation.

During construction, the project will exceed air quality standards even after mitigation measures have been implemented. The long-term project operation will still create vehicular emissions that would exceed the Mojave Desert Air Quality Management District's (MDAQMD) daily emission thresholds, largely due to "transport" emissions from the South Coast Air Quality Management District. The project's impact related to carbon monoxide and PM₁₀ emissions will individually and cumulatively result in significant and unavoidable air quality impacts. The Project could also result in a cumulative net increase of PM₁₀ emissions within a designated PM₁₀ non-attainment area. The EIR concludes that there are significant unavoidable impacts to air quality and a statement of overriding considerations is included in the resolution certifying the EIR. The City's General Plan Program EIR makes the same conclusion as to overall development in the City.

Greenhouse Gas emissions: The EIR evaluated the project impacts upon Greenhouse Gas emissions (GHG) in accordance with Assembly Bill No. 32, the California Global Warming Solutions Act of 2006. AB 32 requires emissions to be reduced to 1990 levels by 2020. The project complies with draft greenhouse gas (GHG) emission reduction strategies. These GHG emission reduction strategies were developed by the 2006 Climate Action Team (CAT) report created by various California State agencies submitted to the Governor and the State Legislature. The EIR includes design features which will be incorporated into the project, consistent with the City's Climate Action Plan (CAP). These mitigation measures are included within Section 4.7 of the DEIR. The CAP is a companion to the 2010 General Plan that builds on the General Plan's framework, with more specific actions that will be applied to achieve emission reduction targets consistent with California legislation. The project's cumulative impact upon GHG emissions is determined to be significant despite imposition of these design features. The EIR concludes that there are significant unavoidable impacts upon air quality and a finding of overriding considerations is included in the resolution certifying the EIR for this project. A statement of overriding considerations regarding Air Quality was also made when the EIR for the City's 2010 General Plan Update was adopted.

Traffic/Circulation: A Traffic Impact Analysis (TIA) was prepared, due to the project's regional significance. Based on the TIA prepared for this project, the development is expected to generate 3,383 vehicle trips daily, with 201 trips occurring during the a.m. peak hour and 281 trips occurring during the p.m. peak hour. The City has established a Traffic Impact Mitigation Fee Program as part of the Development Impact Fee (DIF) to fund the construction of traffic improvements to maintain adequate levels of service for the Arterial street network. The Development Impact Fees are imposed on new development and collected as part of the building permit process. The timing of these improvements is established through the City's Capital Improvement Program (CIP). Periodically, the City conducts traffic counts and reviews traffic trends throughout the City to determine the timing of necessary roadway improvements. The developer is required to pay all applicable City DIF.

The Main Street and Freeway Corridor Specific Plan as well as the 2010 General Plan Update identify mitigation measures designed to reduce the impacts of overall regional commercial growth along the freeway to less than significant levels. These improvements are to be funded by DIF and scheduled for the locations within the City's jurisdiction. These improvements are similar to, and consistent with the improvements identified within this project's EIR.

Based upon the traffic study, off-site street improvements will be required along Joshua Street from U. S. Highway 395 to Outpost Road and a traffic signal will be installed at the intersection of Joshua Street and Outpost Road. This signal will be synchronized with the signal at U. S.

Highway 395. The signal may be owned and maintained by the City, should Caltrans not accept ownership and/or maintenance of the signal. Joshua Street is designated as a Secondary Arterial, which provides four lanes within an 80-foot right-of-way. Outpost Road is a Modified Collector roadway, which provides two lanes within its 66-foot width. In addition to full street improvements along the site's frontage, the following off-site improvements shall be completed:

- A. Prior to completion of the project, the following improvements to the Outpost Road/Joshua Street intersection shall be constructed:
 1. Install traffic signal. Coordinate the traffic signal with the signal at the intersection of US Hwy 395/Joshua Street;
 2. Add a northbound left-turn lane;
 3. Add a northbound right-turn lane with overlap phasing;
 4. Add an eastbound left-turn lane;
 5. Add an eastbound through lane;
 6. Add an eastbound right-turn lane;
 7. Add two westbound left-turn lanes;
 8. Add a westbound through lane; and
 9. Add a westbound right-turn lane.
- B. Prior to issuance of an occupancy permit, the project applicant shall contribute to construction of the following improvements to the Highway 395/Joshua Street intersection as described below:
 1. Add a northbound through lane (shared by the project and Hesperia Commerce Center);
 2. Add a southbound left-turn lane; (shared by the project and Hesperia Commerce Center) and;
 3. Add a westbound left-turn lane (project design feature).
- C. Prior to issuance of an occupancy permit, the project applicant shall fully construct the widening of Joshua Street between Highway 395 and I-15 SB Off-Ramp from a 2-lane undivided arterial to a 4-lane divided arterial.

Despite imposition of all mitigation measures, the project's impact upon Air Quality, Greenhouse Gas (GHG) emissions and transportation remains "significant and unavoidable." Specifically, project air quality impacts during both construction and project operation will exceed the Mojave Desert Air Quality Management District's (MDAQMD) daily emission thresholds for No_x, the project will contribute to GHG emissions exceeding 1990 levels, and the project will contribute to cumulative traffic impacts upon freeway ramps and segments under the control of Caltrans, resulting in unacceptable levels of service.

Conclusion: In summary, because the project is consistent with the City's General Plan, most of the project's impacts, whether less than significant, mitigatable, or unmitigatable and significant, were known and acknowledged by the City when the General Plan EIR was adopted in 2010. Staff recommends that prior to acting on the project, the Planning Commission recommend that the City Council make the environmental determination, certifying that the Final EIR is complete; that it has been prepared in compliance with CEQA; that it reflects the City's independent judgment; and that all impacts from carrying out the project have been identified and disclosed to the public. Resolution 2015-12 has been prepared to document this determination as well as the statement of overriding considerations. Once that has occurred, the Planning Commission can consider the Specific Plan Amendment and the conditional use permit. If approved, the mitigation monitoring and reporting program will be administered with the project approval.

FISCAL IMPACT

The development will be subject to payment of development impact fees, which will offset the increased cost of services in this area. Once completed, the travel center will increase sales tax revenue within the City. In addition, it is expected that many of the short-term construction jobs and long-term jobs will be filled by local residents, which will cause a small reduction in the number of commuters.

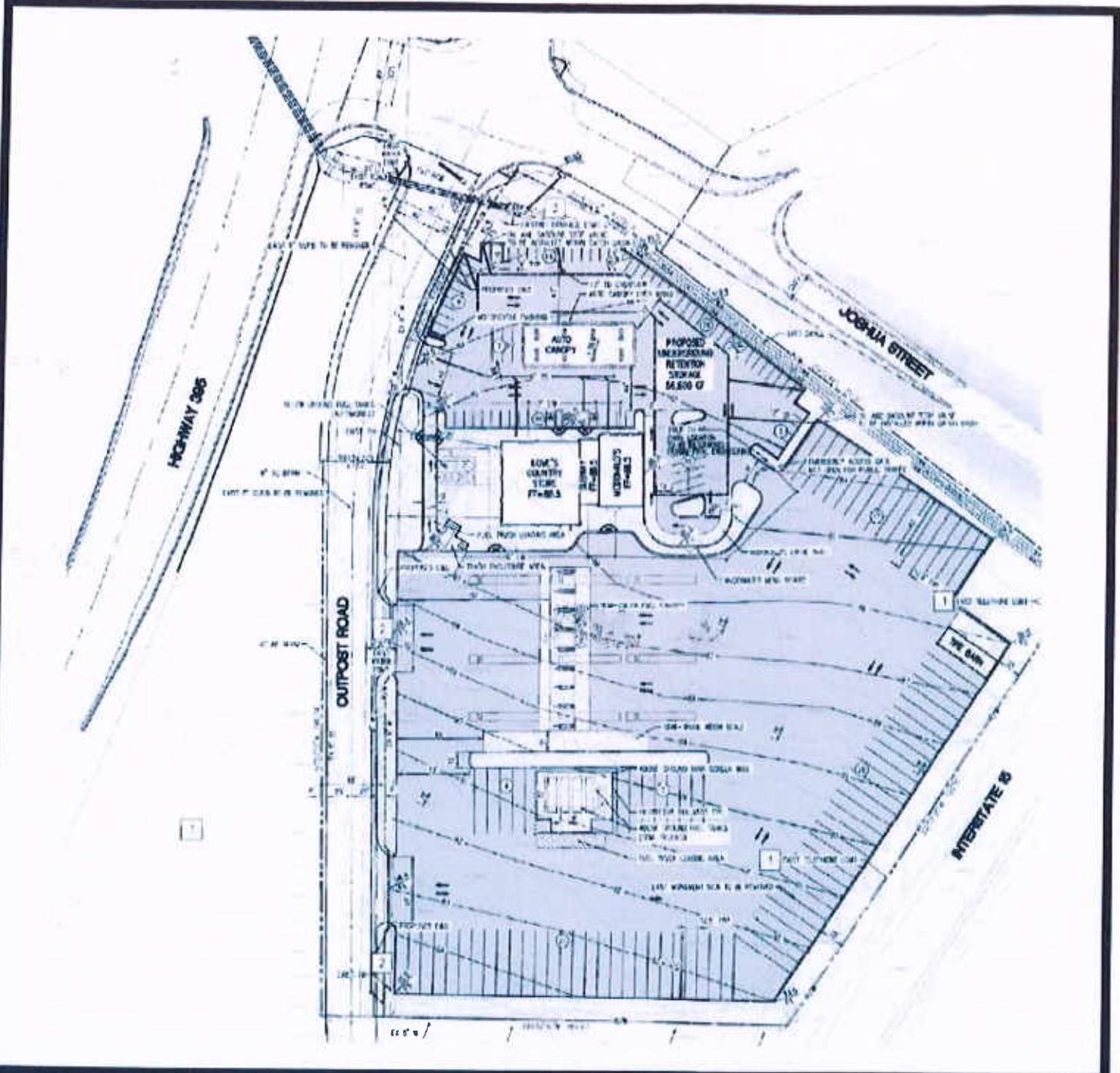
ALTERNATIVE(S)

1. The Planning Commission may recommend that the proposed Specific Plan Amendment not be adopted. Failure to adopt the Specific Plan Amendment would disallow the proposed travel center. Since the site is adjacent to an existing travel center and offers easy access to both Interstate 15 and US Highway 395, staff does not support this alternative.
2. The Commission may recommend that one of the alternatives analyzed within the EIR be adopted. Inasmuch as none of the alternatives would meet the project objectives as well as the proposed project, staff does not support this alternative.
3. Provide alternative direction to staff.

ATTACHMENTS

1. Site Plan
2. General Plan Land Use Map
3. Aerial Photo
4. Building Elevations
5. Census Tract
6. Resolution No. PC-2015-12 (Environmental findings to recommend adoption of the EIR)
7. Resolution No. PC-2015-13, with Exhibit "A" (SPLA13-00004)
8. Resolution No. PC-2015-14, with list of conditions (CUP12-10189)
9. Draft EIR, Volumes 1 and 2, December 2014 (Under separate cover)
10. Final EIR, April 2015 (Under separate cover)

ATTACHMENT 1



APPLICANT(S):
LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC.

FILE NO(S):
SPLA13-00004 & CUP12-10189

LOCATION:
ON THE SOUTHEAST CORNER OF OUTPOST ROAD AND JOSHUA STREET

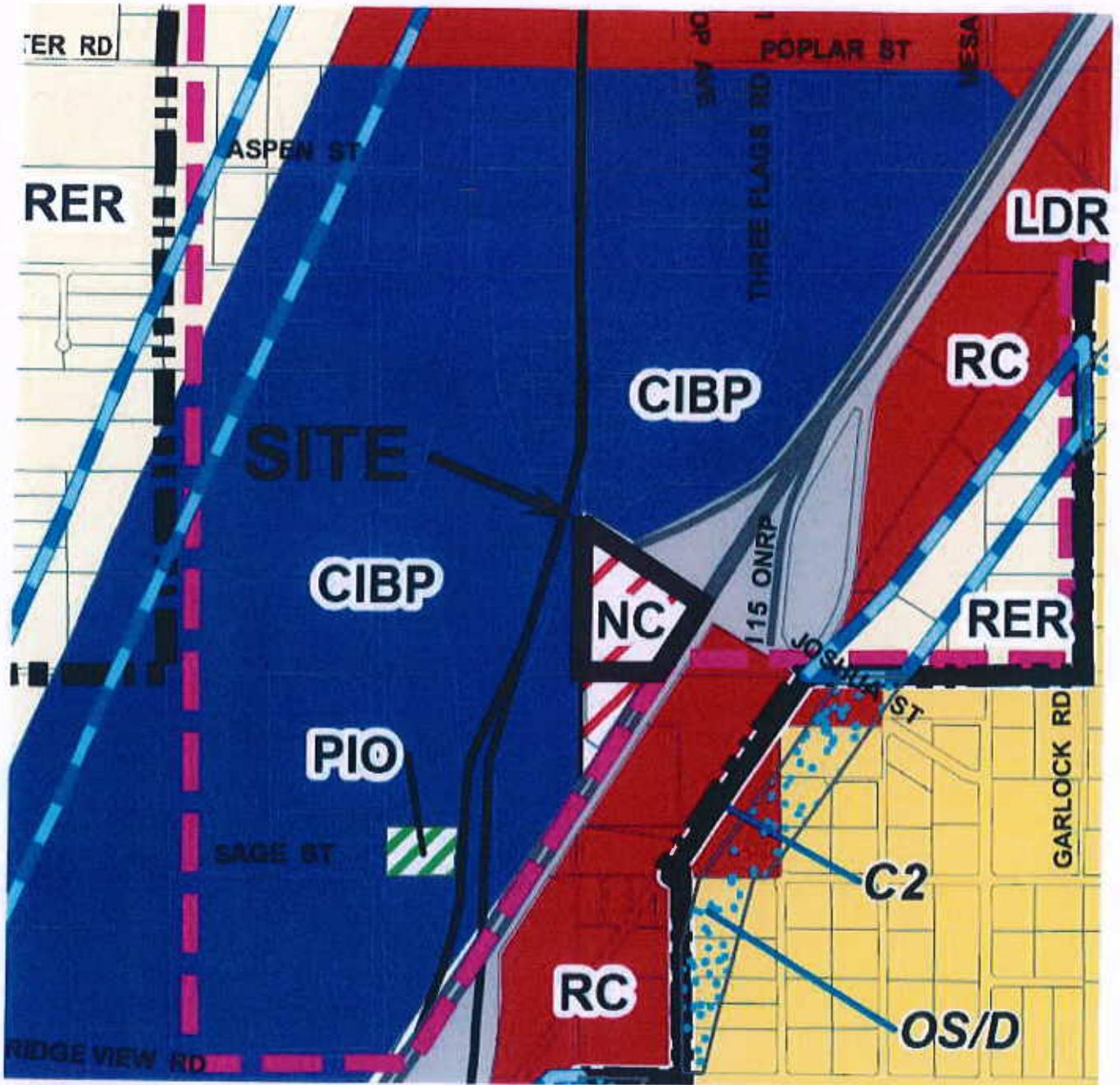
APN(S):
3039-361-01

PROPOSAL:
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT AND A CONDITIONAL USE PERMIT TO CONSTRUCT A 12,271 SQUARE FOOT TRAVEL CENTER INCLUDING THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION ON THE 10.6 GROSS ACRE PARCEL



SITE PLAN

ATTACHMENT 2



APPLICANT(S):
LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC.

FILE NO(S):
SPLA13-00004 & CUP12-10189

LOCATION:
ON THE SOUTHEAST CORNER OF OUTPOST ROAD AND
JOSHUA STREET

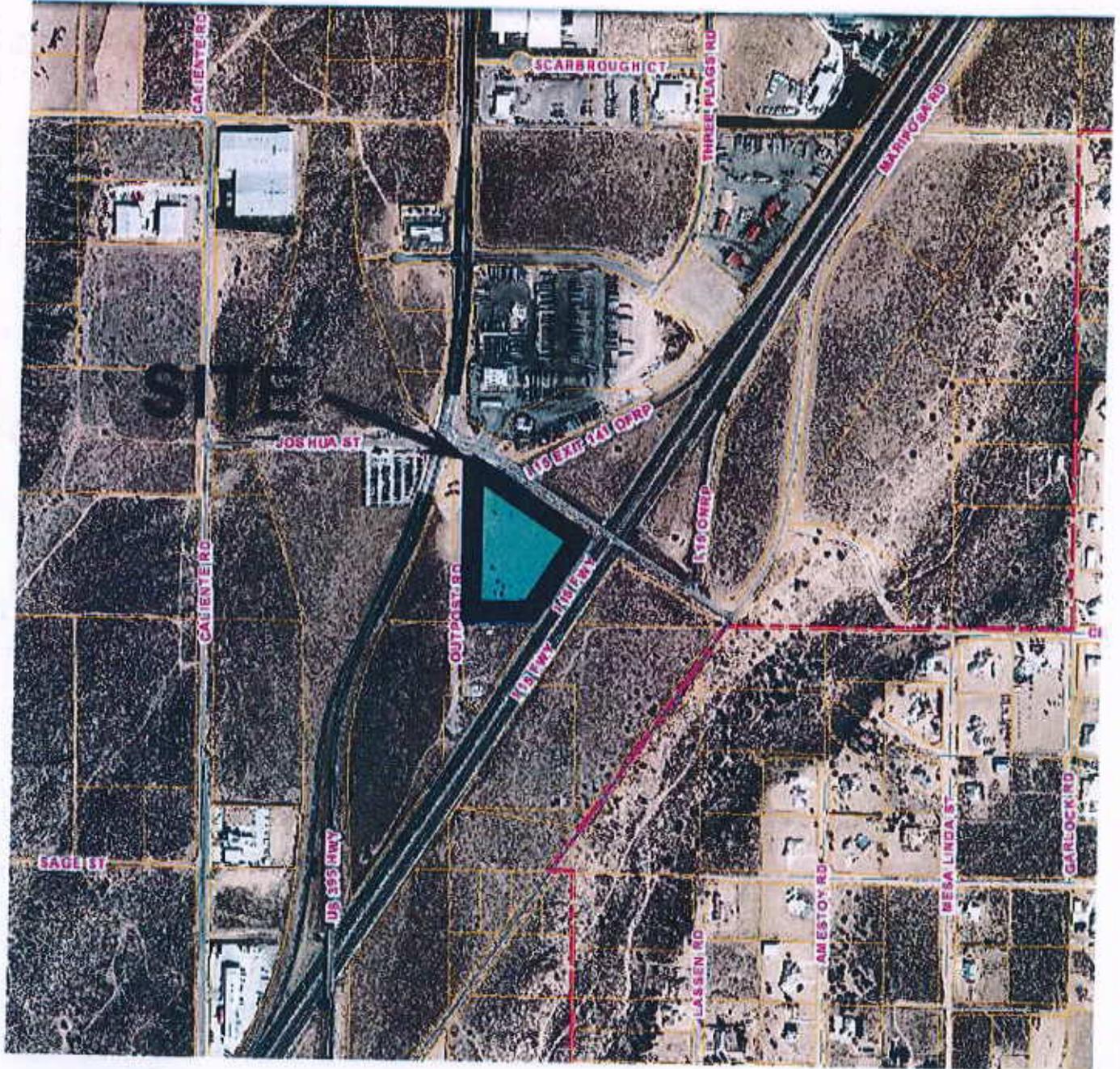
APN(S):
3039-361-01

PROPOSAL:
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT AND A CONDITIONAL USE PERMIT
TO CONSTRUCT A 12,271 SQUARE FOOT TRAVEL CENTER INCLUDING THE SALE OF
BEER AND WINE FOR OFF-SITE CONSUMPTION ON THE 10.6 GROSS ACRE PARCEL



GENERAL PLAN LAND USE MAP

ATTACHMENT 3



APPLICANT(S):
LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC.

FILE NO(S):
SPLA13-00004 & CUP12-10189

LOCATION:
ON THE SOUTHEAST CORNER OF OUTPOST ROAD AND JOSHUA STREET

APN(S):
3039-361-01

PROPOSAL:
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT AND A CONDITIONAL USE PERMIT TO CONSTRUCT A 12,271 SQUARE FOOT TRAVEL CENTER INCLUDING THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION ON THE 10.6 GROSS ACRE PARCEL

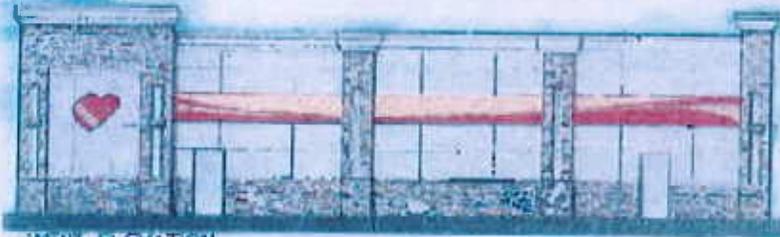


AERIAL PHOTO

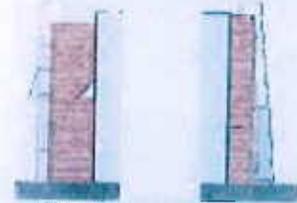
ATTACHMENT 4



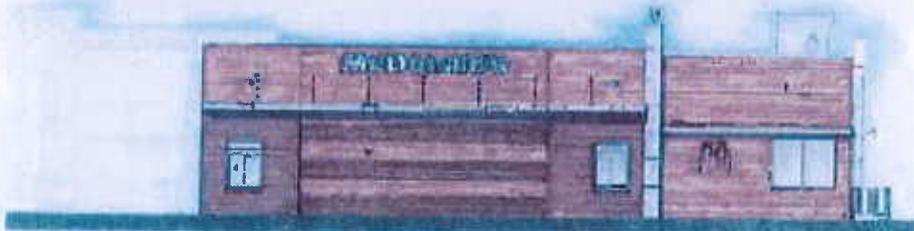
NORTH ELEVATION
A 24' x 110' 11"



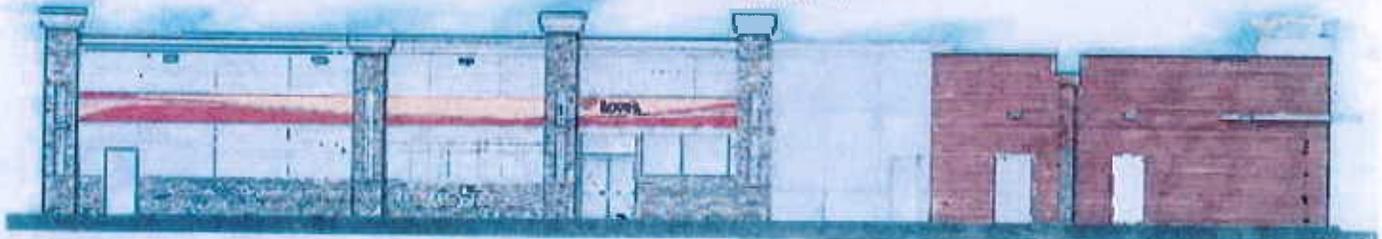
WEST ELEVATION
B 20' x 110' 11"



WEST ELEVATIONS
C 20' x 30' 11"



EAST ELEVATION
C 20' x 110' 11"



SOUTH ELEVATION
D 24' x 110' 11"

APPLICANT(S):
LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC.

FILE NO(S):
SPLA13-00004 & CUP12-10189

LOCATION:
ON THE SOUTHEAST CORNER OF OUTPOST ROAD AND
JOSHUA STREET

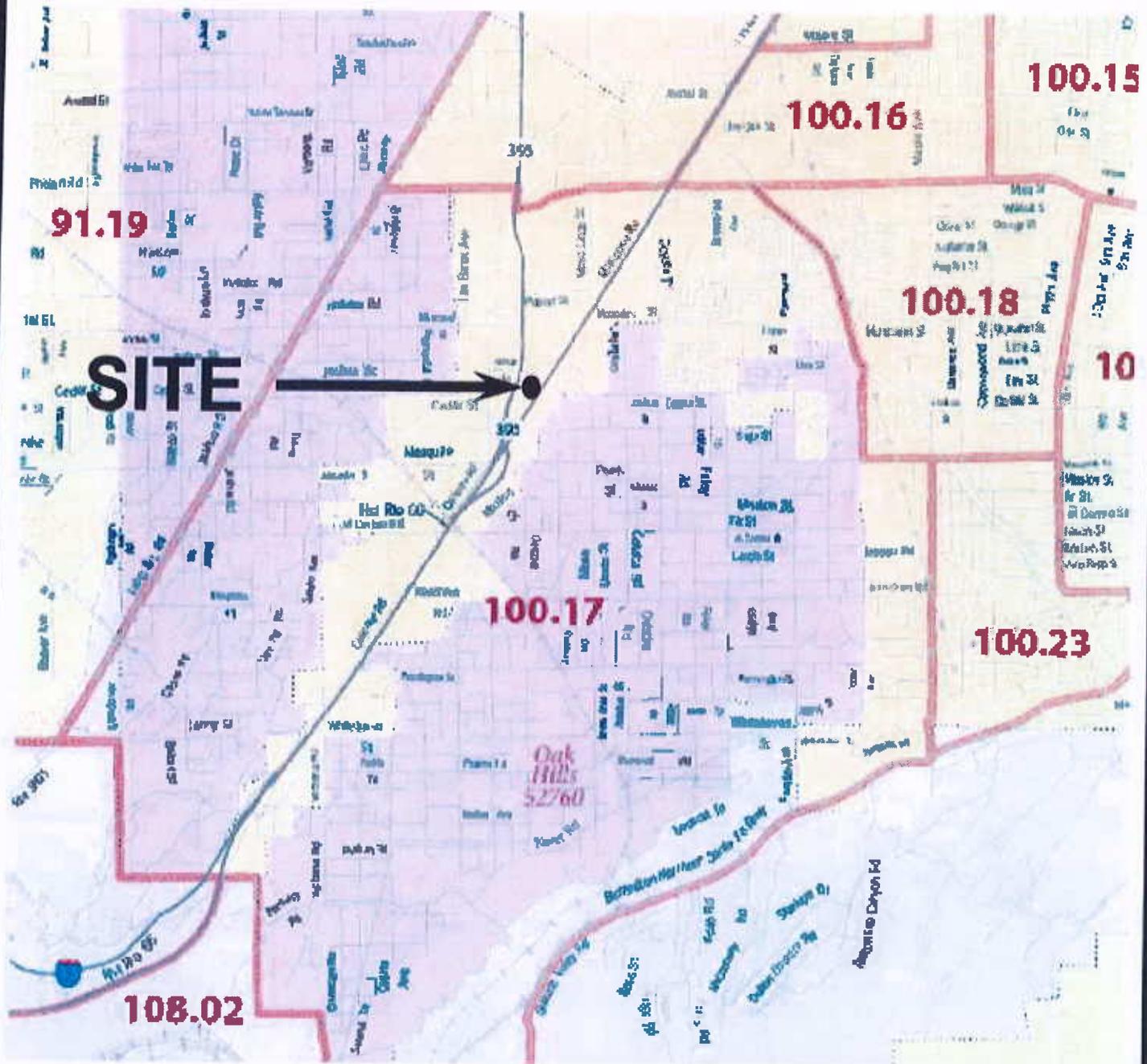
APN(S):
3039-361-01

PROPOSAL:
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BEER AND WINE FOR OFF-SITE CONSUMPTION ON THE 10.6 GROSS ACRE PARCEL



BUILDING ELEVATIONS

ATTACHMENT 5



APPLICANT(S):
LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC.

FILE NO(S):
SPLA13-00004 & CUP12-10189

LOCATION:
ON THE SOUTHEAST CORNER OF OUTPOST ROAD AND
JOSHUA STREET

APN(S):
3039-361-01

PROPOSAL:
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT AND A CONDITIONAL USE PERMIT
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BEER AND WINE FOR OFF-SITE CONSUMPTION ON THE 10.6 GROSS ACRE PARCEL



CENSUS TRACT

ATTACHMENT 6

RESOLUTION NO. PC-2015-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA RECOMMENDING THAT THE CITY COUNCIL ADOPT ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 2013051059), AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the Love's Travel Stops and Country Store project consists of development of a 12,271 square foot travel center, including a convenience store and vehicle service center, fuel islands for both semi-trucks and passenger vehicles, a drive-thru restaurant, and the sale of beer and wine for off-site consumption on approximately 10.6 gross acres located on the southeast corner of Outpost Road and Joshua Street. As part of this project, a Specific Plan Amendment changing the zoning of the 10.6 gross acre parcel within the Main Street and Freeway Corridor Specific Plan from the Neighborhood Commercial (NC) to the Commercial Industrial Business Park (CIBP) Zone District is necessary.

WHEREAS, the Project would be accessible to both Interstate 15 and US Highway 395, providing the accessibility and visibility that will support a large travel center. The travel center will also offer the citizens of Hesperia and surrounding communities additional employment opportunities, while increasing the City's tax base, utilize existing infrastructure, and develop the land to the highest and best allowable use compatible with the City's General Plan, Main Street and Freeway Corridor Specific Plan with approval of the Specific Plan Amendment; and

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

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

WHEREAS, a Notice of Preparation ("NOP") and the Initial Study identifying the scope of environmental issues were distributed to numerous state, federal, and local agencies and organizations from May 22, 2013 to June 11, 2013, for a period of 30 days, pursuant to State CEQA Guidelines sections 15082(a), 15103, and 15375. Relevant comments received in response to the NOP/Initial Study were incorporated into the Draft EIR ("DEIR"); and

WHEREAS, a scoping meeting was held at City Hall on June 11, 2013; and

WHEREAS, the City completed the DEIR and circulated it with the Notice of Completion ("NOC") to affected public agencies and interested members of the public for the required 45 day public comment period, from September 3, 2013 through October 18, 2013; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on June 11, 2015, at which time all interested parties were provided the opportunity to give testimony for or against the issue; and

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

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

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

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above referenced June 11, 2015 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

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

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

Section 4. That the Planning Commission of the City of Hesperia hereby recommends that the City Council certify the Final EIR.

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

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

DULY AND REGULARLY ADOPTED this 11th day of June, 2015 by the City of Hesperia Planning Commission by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tom Murphy, Chair Planning Commission

ATTEST:

Andrea Ngalo, Planning Commission Secretary

EXHIBIT "A"

Facts, Findings and Statement of Overriding Considerations Regarding the Environmental Effects and the Approval of the Love's Travel Center Project (State Clearinghouse No. 2013051059)

I. INTRODUCTION

The City Council of the City of Hesperia (this "Council"), in certifying the EIR for the Love's Travel Center Project and approving Specific Plan Amendment SPLA13-00004 and Conditional Use Permit CUP12-10189, authorizing the construction of 12,271 square feet of commercial uses including a country store, two fast food restaurants, and a vehicle service/tire care center (the "Project"), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report ("EIR") was prepared by the City of Hesperia ("City") acting as lead agency pursuant to the California Environmental Quality Act ("CEQA"). Hereafter, unless specifically identified, the Notice of Preparation ("NOP"), Notice of Availability & Completion ("NOA/NOC"), Draft EIR ("DEIR"), Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR ("FEIR"), and the Mitigation Monitoring and Reporting Program ("MMRP") will be referred to collectively herein as the "EIR." These Findings are based on the entire record before this Council, including the EIR. This Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this Council.

Background

As required by the California Environmental Quality Act (CEQA) Guidelines Section 15087, a Notice of Completion (NOC) of the Draft EIR State Clearinghouse No. 2013051059 for the Love's Travel Center Project was filed with the State Clearinghouse on September 3, 2013, and the Notice of Availability (NOA) of the Draft EIR was filed with the San Bernardino County Clerk of the Board on September 4, 2013. The Draft EIR was circulated for public review for a period of 45 days, from September 3, 2013 to October 17, 2013. Copies of the Draft EIR were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the Draft EIR were also made available for public review at the City Planning Department, at one area library, and on the internet.

After reviewing comments made by public agencies and the public on the DEIR, the City decided to revise and expand the traffic and alternatives analyses in the DEIR and recirculate the entire DEIR for additional public comment. The Recirculated DEIR consisted of two separate volumes; Volume 1 included responses to comments made on the DEIR; and Volume 2 included the revised DEIR document. The Recirculated DEIR was circulated for an additional 47-day public review from December 19, 2014 to February 9, 2015. Copies of the revised Draft EIR were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the revised Draft EIR were also made available for public review at the City Planning Department, at one area library, and on the internet. It should be noted that all further references to the revised DEIR throughout this document will be referred to as DEIR.

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

1. Site Location

The Project is located within the City of Hesperia (City) in the “high desert” of San Bernardino County (County). The proposed project site is located just west of the Interstate 15 (I-15) Freeway and just east of U. S. Highway 395. The Project site consists of two parcels totaling approximately 10.6 acres located at the southeast corner of Outpost Road and Joshua Street.

The proposed project site is generally flat and is sparsely covered with shrubs, including several dozen Joshua trees. The project area is characterized by a mix of developed and undeveloped properties. Developed properties in the vicinity include the Outpost Café and Pilot travel center to the north of the project site. The properties to the south and east are currently vacant and undeveloped. The property to the west is mostly undeveloped except for a park-and-ride lot 200 feet from the project boundary. The only improved use on the proposed project site is one double-sided billboard, but it will be removed before construction begins. There is a wireless communications facility on the 4.2-acre vacant parcel immediately south of the proposed project site.

2. Project Description

The Project site is approximately 10.6 acres in size. The proposed Project includes the construction and operation of a travel center totaling 12,271 square feet. The major development components of the travel center are: (i) convenience store of 6,755 square feet; (ii) vehicle service center and fuel islands for both passenger vehicles and semi-trucks with a total area of 1,200 square feet; and (iii) two fast food restaurants and one drive-through with 4,751 square feet of building area. The proposed travel center will be constructed in a single phase.

The Project site is currently designated as Main Street and Freeway Corridor Specific Plan (MSFCSP or Specific Plan) in the City's General Plan. The entire 10.6-acre project site is zoned Neighborhood Commercial (NC) within the MSFCSP. The proposed project is inconsistent with the existing Specific Plan designation. Therefore, the Project requires approval of a Specific Plan Amendment, which would change the Specific Plan designation from Neighborhood Commercial to Commercial/Industrial Business Park (CIBP).

3. Actions Covered by the EIR

The EIR will support the following discretionary and non-discretionary approvals:

- o Certification of Environmental Impact Report;
- o Approval of an Amendment to the Main Street and Freeway Corridor Specific Plan;
- o Approval of a Conditional Use Permit for the project site plan and building elevations;
- o Site Plan Review;
- o Review and approval of all off-site infrastructure plans including street and utility improvements pursuant to the conditions of approval;
- o Review all on-site plans including grading and on-site utilities; and
- o Approval of a Preliminary Water Quality Management Plan (PWQMP) to mitigate post-construction runoff flows.

Approvals and permits required by other agencies include:

- A National Pollutant Discharge Elimination System (NPDES) permit from the Lahontan Regional Water Quality Control Board (RWQCB) to ensure that construction site drainage velocities are equal to or less than the pre-construction conditions and downstream water quality is not worsened;
- Issuance of an alcoholic beverage control license from the State's Alcoholic Beverage Control Licensing Department;
- Various permits from the Mojave Desert Air Quality Management District for the storage and dispensing of vehicular fuels, including diesel and gasoline; and
- Caltrans encroachment permit (if necessary).

B. PROJECT OBJECTIVES

The Project Objectives include the following:

- Develop a regional travel stop on commercially-designated land near the intersection of the I-15/Highway 395, major regional transportation corridors, consistent with the City's General Plan policy and zoning;
- Develop a property of sufficient size to accommodate a truck and auto fuel dispensing area, emergency tire repair and replacement services, convenience store, and fast food restaurants to create a regional travel stop;
- Provide travel-related services to motorists on area freeways and City residents in a pleasing and convenient setting while minimizing traffic generation on local streets;
- Provide a travel stop of sufficient size to allow overflow overnight truck parking;
- Provide jobs to support current and future population and economic growth;
- Make land use designations of onsite uses consistent with adjacent properties;

- Protect and enhance the City's quality of life by ensuring development is visually pleasing and compatible with existing uses, planned uses, and the natural desert environment;
- Develop the site consistent with City goals, policies, and objectives as outlined in the Main Street and Freeway Corridor Specific Plan and the General Plan; and
- Promote sustainable development and building practices in all facets of project development and operation.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive review of this Project which included the DEIR, FEIR and supporting technical studies, along with a public review and comment period first during the circulation of the Notice of Preparation and then through the circulation of the DEIR. The following is a summary of the environmental review of this Project:

- On May 22, 2013, the City circulated a Notice of Preparation ("NOP") that identified the environmental issues that the City anticipated would be analyzed in the Project's DEIR to the State Clearinghouse, responsible agencies, and other interested parties.
- On June 11, 2013, the City conducted a public scoping meeting to allow members of the public to provide comments and input regarding the scope and content of the DEIR.
- The NOP public review period ran for 30 days, from May 22 to June 11, 2013. No written comments on the NOP were received from agencies or organizations. Two individual members of the public commented on traffic and circulation as the main issues to be addressed in the Draft EIR. These issues were addressed in DEIR Section 4.16 Circulation.
- As required by the California Environmental Quality Act (CEQA) Guidelines Section 15087, a Notice of Completion (NOC) of the Draft EIR State Clearinghouse No. 2013051059 for the Love's Travel Center project was filed with the State Clearinghouse on September 2, 2013, and the Notice of Availability (NOA) of the Draft EIR was filed with the San Bernardino County Clerk of the Board on September 4, 2013.
- The Draft EIR was circulated for public review for a period of 45 days, from September 3, 2013 to October 18, 2013. Copies of the Draft EIR were distributed to all Responsible

Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the Draft EIR were also made available for public review at the City Planning Department, at one area library, and on the internet. A total of ten (10) comment letters were received on the DEIR. Eight of the comment letters received were from Federal, State, regional, or local agencies. Two comment letters were received from private organizations or individuals. The City prepared specific responses to all comments. The responses to comments are included in Section 2.0 of the Recirculated DEIR Volume 1.

- After reviewing comments made by public agencies and the public on the DEIR, the City decided to revise and expand the traffic and alternatives analyses in the DEIR and recirculate the entire DEIR for additional public comment.
- The Recirculated DEIR was circulated for an additional 47-day public review from December 19, 2014 to February 9, 2015. Copies of the Draft EIR were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the Draft EIR were also made available for public review at the City Planning Department, at one area library, and on the internet. A total of four (4) comment letters were received on the Recirculated DEIR, three of the comment letters received were from Federal, State, regional, or local agencies, and one comment letter was received from private organizations or individuals. The City prepared specific responses to all comments. The responses to comments are included in Section 2.0 of the FEIR.
- On April 8, 2015 in accordance with *Public Resources Code* Section 21092.5, the City provided written responses to public agencies that commented on the Recirculated DEIR.
- On May 26, 2015 Notice of the Planning Commission hearing to consider the Project was provided in the following newspaper(s) of general and/or regional circulation: Hesperia Star.
- On June 11, 2015 the Planning Commission held a public hearing to consider the Project. The Commission, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff

recommendations, the Commission recommended that the City Council certify the EIR, adopting these Facts, Findings and the Statement of Overriding Considerations, and the further recommendations in the Staff Report, recommending that it approve the Project (collectively the "Approvals").

IV. INDEPENDENT JUDGMENT FINDING

The Applicant retained the independent consulting firm of LSA Associates, Inc. ("LSA") to prepare the EIR for the Project. LSA has prepared the EIR under the supervision, direction and review of the City. The City of Hesperia is the Lead Agency for the preparation of the EIR, as defined by CEQA CPRC Section 21067 as amended. The City Council has received and independently reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project.

Finding: The EIR for the Project reflects the City's independent judgment. The City has exercised independent judgment in accordance with *Public Resources Code* Section 21082.1(c) (3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant.

A. GENERAL FINDING ON MITIGATION MEASURES

In preparing the Approvals for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Approvals do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Approvals are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

Finding: Unless specifically stated to the contrary in these findings, it is this Council's intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

V. ENVIRONMENTAL IMPACTS AND FINDINGS

City staff reports, the EIR, written and oral testimony at public meetings or hearings, these facts, findings, and statement of overriding considerations, and other information in the administrative record, serve as the basis for the City's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 4.0 of the DEIR and Sections 3.0 and 4.0 of the FEIR. Responses to comments on the DEIR, along with copies of the comments, are provided in Chapter 2.0 of the FEIR.

The EIR evaluated seventeen major environmental categories for potential impacts including Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Mineral Resources, Noise, Population and Housing, Public Services and Facilities, Recreation and Parks, Transportation, and Utilities Service Systems. Both Project-specific and cumulative impacts were evaluated. Of these seventeen major environmental categories, this Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Sections V.A and V. B below either are less-than-significant without mitigation or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section V.C, overriding considerations exist which make these potential impacts acceptable to this Council.

A. LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The Hesperia City Council hereby finds that the following potential environmental impacts of the Project are less-than-significant and therefore do not require the imposition of mitigation measures.

1. Aesthetics

a. Scenic Vistas

Potential Significant Impact: Whether the Project would have substantial adverse effects on scenic vistas.

Finding: Potential impacts of the Project related to scenic vistas are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to scenic vistas with adherence to established City ordinances and development guidelines; therefore, no mitigation is required.

Facts in Support of the Finding: According to Section 4.1 of the DEIR, scenic resources in the project area include the Mojave River to the east, the San Bernardino and San Gabriel Mountain ranges to the south, and the surrounding Victor Valley along with neighboring hillsides and the natural desert environment itself. Due to the flatness of the area and the orientation of the roadway network, the preservation of scenic vistas would occur through view corridors established by the roadway network. In addition, the MSFCSP identifies specific design guidelines to achieve a cohesive design of the built environment that is both functional and aesthetically appealing while preserving scenic views to the maximum extent feasible. Because the proposed project is consistent with development envisioned in the City's General Plan and MSFCSP, and would be required to adhere to the design guidelines established by the MSFCSP, the potential impact to scenic vistas would be less than significant. No mitigation is required (DEIR, pg. 4.1-11).

b. Scenic Resources and Scenic Highways

Potential Significant Impact: Whether the Project would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway and/or local scenic road.

Findings: Potential impacts of the Project related to scenic resources and scenic highways are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to scenic resources and scenic highways with adherence to established City ordinances and development guidelines; therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.1 of the DEIR, the City of Hesperia General Plan 2010 identifies no designated scenic roads or highways within the City. However, the project site does contain a number of Joshua trees that are scattered across the site. Title 16 Chapter 16.24 of the City's Municipal Code establishes regulations and guidelines for the management of the plant resources

on property or combinations of property under private or public ownership within the City. Therefore, any proposed removals of any Joshua trees located onsite are subject to Chapter 16.24 of the City's Municipal Code and must comply with this Chapter and obtain a removal permit prior to the removal of the Joshua trees. Adherence to the City's Municipal Code, which is required of all development within the City, would result in less than significant impacts to Joshua trees located onsite. No mitigation is required.

No other scenic resources, including rock outcroppings and historic buildings, are located on the project site or in adjacent areas. In the absence of scenic resources onsite and in adjacent areas and because no state or local scenic roadways occur in the project vicinity, impacts are less than significant. No mitigation is required (DEIR, pgs. 4.1-11 to 4.1-12).

c. Existing Visual Character and its Surroundings

Potential Significant Impact: Whether the Project would substantially degrade the existing visual character or quality of the site and its surroundings.

Findings: Potential impacts of the Project related to existing visual character of the project site are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to existing visual character of the site with adherence to established City ordinances and development guidelines, therefore, no mitigation is required.

Facts in Support of the Findings: The proposed development on the project site would change the character of the project site from primarily open space and semi-developed in portions of the project area to a more urbanized setting. The change in the character of the site would constitute an alteration of the existing visual character of the project site. Although the visual characteristic of the project site would change, the proposed project would replace the existing semi-developed/vacant parcels with an attractive, well-designed development through the use of architectural elements, landscaping, and design of the project site. In addition, the proposed project would be designed and constructed per applicable City Municipal Code, General Plan, and MSFCSP standards. Therefore, because no demonstrable negative aesthetic effect to the existing visual character or quality of the project site or its surroundings is anticipated to result from the proposed project, no significant impact related to this issue would occur and no mitigation is required (DEIR, pgs. 4.1-12 to 4.1-13).

d. Light and Glare

Potential Significant Impact: Whether the Project would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Findings: Potential impacts of the Project related to light and glare are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to light and glare with adherence to established City ordinances and development guidelines, therefore, no mitigation is required.

Facts in Support of the Findings: Section 4.1 identifies no sources of light or glare on the Project site, other than a double-sided billboard along the I-15 freeway. Development of the proposed site with the proposed uses would introduce into the area new sources of light in the form of signage, building lighting, and parking lot lighting. The materials utilized in the construction of the proposed lighting fixtures would be generally similar to those utilized at the adjacent Pilot Travel Center within the City. Lighting within fueling areas would consist of canopy-mounted lighting directed downward. The proposed onsite uses would be visible from Joshua Street, Highway 395, and I-15. Exterior surfaces of the proposed structures would be finished with a combination of architectural coatings, trim, and/or other building materials such as wood. The project will not contain reflective surfaces (such as large expanses of metal and glass surfaces), and therefore would not significantly increase the amount of daytime glare in the project area.

All development in the MSFCSP area, which includes light generated from commercial buildings and parking lots, is required to adhere to lighting requirements contained in the MSFCSP. These standards and guidelines identify the need for exterior lighting to provide illumination for security and safety at an adequate level and should avoid direct glare onto adjacent properties and public rights-of-way. Additionally, Chapter 10 of the MSFCSP also requires that lighting fixtures be hooded and directed downward to minimize light and glare impacts. The measures are uniformly applied to all development in the MSFCSP. As such, adherence to these measures would be mandatory and enforceable through the review and approval (or non-approval) of the project plans. Adherence to the City's MSFCSP and Municipal Code would ensure that any building or parking lighting would not significantly affect adjacent uses. Therefore, impacts associated with this issue are less than significant and no mitigation is required (DEIR, pgs. 4.1-13 to 4.1-14).

e. Cumulative Aesthetics Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would incrementally affect aesthetics.

Findings: Potential impacts of the Project related to the cumulative effect on aesthetics are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant cumulative impacts related to aesthetics with the adherence to established City ordinances and development guidelines; therefore, no mitigation is required.

Facts in Support of the Findings: The cumulative effect on scenic vistas by the proposed project would be less than significant, as scenic vistas would not be affected from viewpoints within certain project locations and adjacent roads. Although development of the proposed project would partially obstruct views of surrounding mountain ranges from current vantage points near the project structures, vistas would not be completely obstructed from viewpoints afforded from the circulation network, openings between rows of buildings or trees, or at the end of vehicular rights-of-way. Compliance with the City's General Plan standards, the MSFCSP standards, and the City's Municipal Code standards would ensure that the proposed project in combination with other projects in the area would not result in significant impacts upon scenic vistas, scenic resources, and visual character. As a result, the project would create a less than significant cumulative impact on local scenic vistas, scenic resources, and visual character.

Development of lands within the City would result in the cumulative conversion from open space to a more urbanized land use. However, this is a continuing development trend currently occurring within the southern portion of the City that has been anticipated in the City's General Plan, and the MSFCSP. The proposed project, in conjunction with other cumulative projects, would be developed in a manner consistent with existing development trends in the City. Cumulatively, more lighting would be introduced into the area by proposed, existing, and future development. As with past and currently proposed development, cumulative lighting-related impacts would be reduced through adherence to applicable City lighting standards. No cumulatively significant lighting impact would result from implementation of the proposed project (DEIR, pg. 4.1-14).

2. Agricultural Resources

a. Conversion of Prime, Unique, or Statewide Important Farmland

Potential Significant Impact: Whether the proposed project would result in the conversion of Prime, Unique, or Statewide Important Farmland.

Findings: Potential impacts of the Project related to conversion of farmland are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to conversion of farmland; therefore, no mitigation is required.

Facts in Support of the Findings: The California Department of Conservation Division of Land Resource Protection publishes a Farmland Conversion Report every two years as part of its Farmland Mapping and Monitoring Program (FMMP). These reports document land use conversion by acreage for each California City and County. The site has not been used for agriculture historically and FMMP does not designate the 10.6-acre project site as Prime, Unique, or Statewide Important Farmland. Therefore, development of this site will not result in conversion of Prime, Unique, or Statewide Important Farmland. In the absence of any conversion of such farmland, no impact related to this issue would occur. Therefore, no mitigation is required. (DEIR, pg. 4.2-8)

b. Termination of Williamson Act Contracts

Potential Significant Impact: Whether the proposed project would conflict with a Williamson Act contract.

Findings: Potential impacts of the Project related to conflicts with Williamson Act contracts are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not have any impact upon any existing Williamson Act contracts; therefore, no mitigation is required.

Facts in Support of the Findings: The proposed project site is vacant and is not covered under a Williamson Act Contract; therefore, the project would not conflict with any Williamson Act contract. Because the project would not conflict with any Williamson Act contract, no impacts related to this issue would occur with implementation of the proposed project. No mitigation is required. (DEIR, pg. 4.2-8)

c. Conflict with an Existing Agricultural Zone

Potential Significant Impact: Whether the proposed project would conflict with an existing agricultural zone.

Findings: Potential impacts of the Project related to agricultural resources are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to agricultural resources; therefore, no mitigation is required.

Facts in Support of the Findings: According to the City's General Plan, the project site nor any property in its vicinity is within an agricultural land use or zone. The MSFCSP does not include an Agricultural land use zone district. Because the project site and surrounding area are not zoned for agricultural uses, implementation of the proposed project would not conflict with existing zoning for agricultural uses.

Therefore, no impact associated with this issue would occur. In the absence of a significant impact, no mitigation is required (DEIR, pgs. 4.2-8 and 4.2-9).

d. Conversion of Agricultural Lands to Non-Agricultural Uses

Potential Significant Impact: Whether the proposed project would involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

Findings: Potential impacts of the Project related to conversion of agricultural resources are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to conversion of agricultural resources; therefore, no mitigation is required.

Facts in Support of the Findings: The project site is not currently being used, nor has it been historically used for agricultural purposes. Additionally, the site nor is there any property in the immediate area under a Williamson Act contract. Because farmland does not currently exist on the 10.6-acre site, no conversion of farmland to a nonagricultural use would occur. In the absence of a significant impact, no mitigation is required. (DEIR, pg. 4.2-9).

e. Loss of Forest Land or Conversion of Forest Land to Non-Forest Use

Potential Significant Impact: Whether the proposed project would conflict with existing forestland zoning or conversion of forestland.

Findings: Potential impacts of the Project related to forestland resources are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to forestland resources; therefore, no mitigation is required.

Facts in Support of the Findings: The State Fire and Resource Assessment Program mapping does not indicate any forest resources within the City of Hesperia. In addition, the City's General Plan does not show or discuss any lands that contain forest or forestry resources within the City limits or its Sphere of Influence. The project site does not support wilderness, timberlands, or forestry resources. In addition, there are no indigenous evergreen-type trees on the project site representative of forest resources. Therefore, the proposed project will have no direct impact on any forestry resources, and no mitigation is necessary (DEIR, pg. 4.2-9).

f. Cumulative Impacts to Agricultural Resources

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would incrementally affect agricultural resources.

Findings: Potential impacts of the Project related to cumulative agricultural resources are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in cumulative significant impacts related to agricultural resources; therefore, no mitigation is required.

Facts in Support of the Findings: Section 4.2 of the DEIR demonstrates that the proposed project would not pose any impact upon agricultural or forestry resources. Development of the project site with non-agricultural uses would not hasten or otherwise increase the pressure for owners inside or outside of the City of Hesperia to convert their land to non-agricultural uses. Since the project site does not contain any significant agricultural or forestry resources and would not eliminate any ongoing agricultural operations or convert forest lands to non-forest uses, the project will not make any contributions to cumulatively considerable impacts relative to agricultural or forestry resources, and no mitigation is required (DEIR, pg. 4.2-10).

3. Air Quality

a. Air Quality Management Plan Consistency

Potential Significant Impact: Whether the Project would conflict with or obstruct implementation of the applicable air quality plan.

Findings: Potential impacts of the Project related to air quality management plan consistency are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to consistency with air quality management plans and, therefore, no mitigation is required.

Facts in Support of the Findings: The proposed project consists of the construction of a travel center to accommodate existing business growth in the project vicinity and specifically the needs of travelers along I-15 and Highway 395; therefore it is not a growth-inducing project. The Project site is within the Neighborhood Commercial (NC) Zone of the Specific Plan. Although the Project does not require a General Plan Amendment, a Specific Plan Amendment is needed. The proposed Specific Plan Amendment will change the site designation from NC to Commercial/Industrial Business Park (CIBP), consistent with the existing zoning in the area. The existing land uses adjacent to the Project site to the north and west are also Zoned CIBP and are in conformance with the City's General Plan and the Specific

Plan. Therefore, the proposed project would be compatible with the nearby land uses. The proposed project is also consistent with the adopted Mojave Desert Air Quality Management District Air Quality Management Plan (DEIR, pgs. 4.3-24).

b. Long-Term Microscale (CO Hotspot) Impacts

Potential Significant Impact: Whether the proposed Project would violate any air quality standard or contribute substantially to an existing or projected air quality violation. For CO, the applicable thresholds are:

- California State one-hour CO standard of 20.0 ppm; and
- California State eight-hour CO standard of 9.0 ppm.

Findings: Potential impacts of the Project related to long-term microscale emissions are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to long-term microscale emissions and, therefore, no mitigation is required.

Facts in Support of the Findings: Vehicular trips associated with the proposed project would contribute to congestion at intersections and along roadway segments in the project area. Localized air quality impacts would occur when emissions from vehicular traffic increase in local areas as a result of the proposed project. The project-related traffic impact analysis was provided in the Traffic Impact Study (LSA, original June 2013, updated September 2014). Microscale CO concentration calculations were performed for all the project area intersections shown in the project traffic assessment (see Section 4.16, Traffic and Circulation). These calculations were performed for the existing plus project scenario (2012), opening year (2016), and 2035 both with and without the proposed Muscatel Street Interchange on the I-15 freeway. Under all these scenarios, all CO concentrations were well below both the California State one-hour CO standard of 20.0 ppm and the California State eight-hour CO standard of 9.0 ppm. Therefore, project-related traffic will not generate any significant microscale CO “hot spot” impacts, and no mitigation is required. (DEIR, pgs. 4.3-24 to 4.3-25).

c. Odors

Potential Significant Impact: Whether the Project would create objectionable odors affecting a substantial number of people.

Findings: Potential impacts of the Project related to objectionable odors are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to objectionable odors and, therefore, no mitigation is required.

Facts in Support of the Findings: During construction, various diesel-powered vehicles and equipment in use on the site would create odors. With the exception of short-term construction-related odors (e.g., equipment exhaust or asphalt odors), the proposed uses do not include uses that are generally considered to generate offensive odors (e.g., agricultural uses, wastewater treatment plants, or landfills). While the application of architectural coatings and installation of asphalt may generate odors, these odors are temporary and not likely to be noticeable beyond the project boundaries.

Operations of the travel center would create odors related to vehicle fueling, vehicle maintenance, food preparation/cooking, etc. These odors would be temporary and relatively localized within or immediately adjacent to the project site, which consists of all industrial and commercial uses, as well as the adjacent I-15 Freeway and Highway 395. These odors would be quickly dissipated by regional air movement and localized winds, and no buildup of odors is expected to occur. No significant impacts are expected in this regard, so no mitigation is required.

Solid waste generated by the proposed onsite uses will be collected by a contracted waste hauler, ensuring that any odors created onsite would be adequately managed. The nearest existing sensitive receptors are residences located approximately 1,200 feet northeast of the project site (east of I-15). Based on the project's preliminary site plans, trash enclosures are situated in areas away and screened from sensitive receptors and are not adjacent to residential properties. Due to the distance of the refuse storage areas from these uses and because solid waste from the project will be managed and collected in a manner to prevent the proliferation of odors, no significant odor impact will occur and no mitigation is required (DEIR, pg. 4.3-25).

4. Biological Resources

a. Jurisdictional Waters/Wetlands

Potential Significant Impact: Whether the Project would have a substantially adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Findings: Potential impacts of the Project related to jurisdictional waters and wetlands are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts to jurisdictional waters and wetlands and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.4 of the DEIR, no federally protected wetlands as defined by Section 404 of the CWA potentially subject to jurisdiction by the CDFW, USFWS, and RWQCB were identified within the project limits during the onsite biological resource surveys on the project site. In addition, the project site does not contain any drainage features that would be considered under the jurisdiction of the Army Corps of Engineers or the CDFW; therefore, implementation of the proposed project will have no impact on these resources (DEIR, pg. 4.4-15).

b. Riparian Habitat or Other Sensitive Natural Communities

Potential Significant Impact: Whether the Project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

Findings: Potential impacts of the Project related to riparian habitat and natural communities are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts to riparian habitat and natural communities and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.4 of the DEIR, The project site's dominant plant community is mixed desert scrub common to the area. This plant community is not considered a sensitive natural community by the City and is not identified in the General Plan as being within an area containing a sensitive natural community. Thus, impacts to this plant community are not considered significant. Additionally, there are no features located onsite that exhibit stream features such as a bed, banks, and watermarks generally associated with ephemeral streams that support riparian vegetation. No impacts would occur and no mitigation is required (DEIR, pg. 4.4-16).

c. Habitat Fragmentation/Wildlife Movement

Potential Significant Impact: Whether the Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Findings: Potential impacts of the Project related to habitat fragmentation and wildlife movement are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts to habitat and wildlife movement and, therefore, no mitigation is required.

Facts in Support of the Findings: The project site is bordered by roadways, disturbed vacant lands, and existing development. Surrounding habitats are limited by existing barriers including streets and commercial development. Due to the nature of infill development occurring in the City of Hesperia and neighboring cities, the project site is not suited for a wildlife movement corridor. As observed during biological surveys, no wildlife corridor extends into, or is in close proximity of the proposed project site. Therefore, impacts associated with this issue are less than significant and no mitigation is required (DEIR, pg. 4.4-16).

d. Adopted Policies and Ordinances

Potential Significant Impact: Whether the Project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Findings: Potential impacts of the Project related to adopted policies and ordinances are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in conflict with local policies or ordinances and, therefore, no mitigation is required.

Facts in Support of the Findings: The project site contains 8 juniper trees and 12 living Joshua trees. Joshua trees are considered a species requiring special consideration due to their uniqueness both individually and as a part of the California desert ecosystem pursuant to the Native Plant Protection Act. Joshua trees and Joshua tree woodlands are a biologically valuable resource to wildlife in the region and the removal of Joshua trees requires a native tree removal permit, which must be obtained in conjunction with a development permit. Junipers are not protected under Native Plant Protection Act. However, as part of development of very low density residential lots, it is encouraged that junipers be retained.

Because the travel center site contains at least one Joshua tree, the project proponent would be required to obtain a Native Vegetation Removal Permit (NVRP) and conduct a Joshua Tree Survey and comply with provisions set forth in Title 8, Division 9 (Plant Protection and Management) of the San Bernardino County Code per Chapter 16.24 of the City of Hesperia Municipal Code. City enforcement of the Plant Protection and Management ordinance requires that every Joshua tree proposed for removal must be

inspected by the building official of the local jurisdiction. Adherence to these provisions and requirements set forth in the Chapter 16.24 of the City's Municipal Code regarding native vegetation removal would ensure that impacts to Joshua trees would remain less than significant and no mitigation is required (DEIR, pgs. 4.4-16 and 4.4-17).

e. Adopted Habitat Conservation Plans

Potential Significant Impact: Whether the Project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Findings: Potential impacts of the Project related to adopted habitat conservation plans are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in conflicts with local habitat conservation plans and, therefore, no mitigation is required.

Facts in Support of the Findings: The proposed project site is not within an adopted habitat conservation plan area. There is no adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan applicable to the project site, so no impacts associated with this issue would occur (DEIR, pg. 4.4-17).

5. Cultural Resources

a. Cumulative Impacts to Cultural Resources

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would incrementally affect cultural resources.

Findings: Potential impacts of the Project related to cumulative cultural resources are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant cumulative impacts to cultural resources and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.5 of the DEIR, implementation of the proposed project would require measures to identify, recover, and/or record any cultural and/or paleontological resource that may occur within the project limits. Although unlikely to occur, potential impacts associated with human remains would be reduced to a less than significant level through adherence to existing State law. There are no other projects that would, in combination with the proposed project, result in any significant cumulative impacts on historical, archaeological, or paleontological resources, or in impacts to human remains. Therefore, the proposed project would have no significant cumulative impacts associated with cultural resources (DEIR, pgs. 4.5-13 and 4.5-14).

6. Geology and Soils

a. Rupture of a Known Earthquake Fault

Potential Significant Impact: Whether the Project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.

Findings: Potential impacts of the Project related to known earthquake faults are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in impacts from rupture of a known earthquake fault and, therefore, no mitigation is required.

Facts in Support of the Findings: The site is not located within the boundaries of an earthquake fault zone for fault-rupture hazard as defined by the Alquist-Priolo Earthquake Fault Zoning Act. In addition, there are no known active, inactive, or potentially active faults that traverse the project site. The nearest earthquake fault to the project site is the Cleghorn fault, located approximately 8.5 miles south of the project site. As such, the potential for fault ground rupture at the site is considered low; therefore, no impact related to this issue would occur. No mitigation is required (DEIR, pg. 4.6-9).

b. Soil Erosion or Loss of Topsoil

Potential Significant Impact: Whether the Project would result in substantial soil erosion or the loss of topsoil.

Findings: Potential impacts of the Project related to soil erosion and loss of topsoil are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of

the Project will not result in impacts related to soil erosion and loss of topsoil and, therefore, no mitigation is required.

Facts in Support of the Findings: Development of the site would require the movement of onsite soils. Prior to the issuance of grading permits, the project proponent would be required to prepare and submit detailed grading plans for the project site. These plans must be prepared in conformance with applicable standards of the City's Grading Ordinance. Development of the site would involve the disturbance of more than one acre; therefore, the proposed project is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit. Development projects in the City require preparation of a Storm Water Pollution Prevention Plan (SWPPP) to address short-term erosion and discharge impacts associated with the proposed onsite grading.

As soils covering the project site have a slight erosion hazard potential and because the project would be required to adhere to the City's Grading Ordinance, obtain an NPDES Permit and prepare an SWPPP, construction and operational impacts associated with soil erosion hazards are considered to be less than significant. No mitigation is required (DEIR, pg. 4.6-10).

c. Septic Tanks

Potential Significant Impact: Whether the Project would have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

Findings: Potential impacts of the Project related to septic tanks are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in impacts related to septic tanks and, therefore, no mitigation is required.

Facts in Support of the Findings: The proposed project will be connected to existing wastewater facilities owned and operated by the City and/or Victor Valley Wastewater Reclamation Authority. Therefore, septic tanks would not be necessary for the proposed project. Because the proposed project would not include the installation of septic tanks, no impacts would occur. No mitigation is required (DEIR, pg. 4.6-10).

d. Landslides

Potential Significant Impact: Whether the Project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

Findings: Potential impacts of the Project related to landslides are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in impacts related to landslides and, therefore, no mitigation is required.

Facts in Support of the Findings: The project site is relatively flat and is not in close proximity to a susceptible hillside. Therefore, the risk of landslide, mud flow, or other mass wasting affecting the site is considered low. Furthermore, Exhibit SF-1 of the Safety Element of the City's General Plan indicates that the project site is not located in an area susceptible to landslides and slope instability. In addition, the project will not manufacture any slopes that would create risks associated with landslides. Therefore, impacts associated with the exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides are considered less than significant and no mitigation is required (DEIR, pg. 4.6-11).

e. Seismic-Related Ground Failure

Potential Significant Impact: Whether the Project would expose persons or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic ground failure.

Findings: Potential impacts of the Project related to seismic-related ground failure are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in impacts related to seismic-related ground failure and, therefore, no mitigation is required.

Facts in Support of the Findings: Exhibit SF-1 of the Safety Element of the City's General Plan indicates that the project site is not located in an area that has a potential risk of liquefaction. Furthermore, Exhibit SF-1 of the Safety Element of the City's General Plan indicates that the project site is not located in an area susceptible to landslides and slope instability. No significant topographical features are located onsite.

The proposed project does not include any activity known to cause damage by subsidence (e.g., oil, gas, or groundwater extraction). Settlement generally occurs within areas of loose, granular soils with relatively low density. The proposed project site is underlain by relatively dense alluvial material and sedimentary bedrock, so the potential for seismic settlement is considered low. Because the proposed project site does not exhibit characteristics of a high potential for subsidence or settlement, impacts are considered less than significant. No mitigation is required (DEIR, pg. 4.6-11).

f. Expansive Soils

Potential Significant Impact: Whether the Project would be located on expansive soil, creating substantial risks to life or property.

Findings: Potential impacts of the Project related to expansive soils are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in impacts related to expansive soils and, therefore, no mitigation is required.

Facts in Support of the Findings: Expansive soils generally have a substantial amount of clay particles, which can give up water (shrink) or absorb water (swell). Onsite soils (Hesperia loamy fine sand, 2 to 5 percent slopes) are identified as having a low shrink-swell potential with a relatively low amount of clay particles. Onsite soils do not exhibit characteristics of expansive soils; therefore, there will not be a significant impact from expansive soils on the proposed project and no mitigation is required (DEIR, pg. 4.6-11).

g. Cumulative Impacts to Geology and Soils

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would incrementally affect geological resources and soils.

Findings: Potential impacts of the Project related to cumulative geology and soils are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant cumulative impacts to geology and soils and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.6 of the DEIR, the presence of regional faults creates the potential for damage to structures or injury to persons during seismic events. However, City, County, and State regulations provide guidelines for development in areas with geologic constraints and ensure that the design of buildings is in accordance with applicable CBC standards and other applicable standards, which reduces potential property damage and human safety risks to less than significant levels. Anticipated development in the City and surrounding area in general will not have a cumulatively considerable impact on geological resources, nor will regional geotechnical constraints have a cumulatively considerable impact on the proposed project or cumulative projects, as long as proper design and engineering are implemented based on available seismic and other geotechnical data. The proposed project represents an incremental portion of this potential impact, so the project will not have cumulatively significant impacts in this regard. No mitigation is required (DEIR, pg. 4.6-13).

7. Climate Change and Greenhouse Gas Emissions

a. Greenhouse Gas Emissions

Potential Significant Impact: Whether the Project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Findings: Potential impacts of the Project related to greenhouse gas emissions are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant incremental impacts upon greenhouse gas emissions and, therefore, no mitigation is required.

Facts in Support of the Findings: Short-term greenhouse gas (GHG) emissions would be produced by construction activities, including combustion emissions from site grading, utility engines, on-site heavy-duty construction vehicles, asphalt paving, and motor vehicles transporting the construction crew. According to DEIR Section 4.7, the total GHG emissions over the entire construction process are expected to be 780 metric tons, which is much less than the SCAQMD's screening threshold of 10,000 MTCO_{2e}, which is accepted by MDAQMD for CEQA documentation. Therefore, project-related construction GHG impacts will be less than significant (DEIR, pgs. 4.7-22 to 4.7-23).

Long-term operational activities that could directly or indirectly contribute to the generation of GHG emissions include: removal of vegetation, gas, electric, and water use, solid waste disposal, and motor vehicle use. According to DEIR Section 4.7, estimates of all project-related operational greenhouse gas emissions would be 4,000 MTCO_{2e} per year. The SCAQMD's suggested screening threshold is 10,000 MTCO_{2e}, which is accepted by the MDAQMD for CEQA purposes, so the long-term project operational GHG emissions of the travel center are less than significant.

8. Hazards and Hazardous Materials

a. Routine Transport, Use, or Disposal of Hazardous Materials and Reasonable Foreseeable Upset and Accident Conditions

Potential Significant Impact: Whether the Project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Also, whether the Project would create a significant hazard to the public through the routine transport, use, or disposal of hazardous materials.

Findings: Potential impacts of the Project related to routine transport, use or disposal of hazardous materials and/or the risk of upset or accidental release of hazardous materials into the environment are

discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to routine transport, use or disposal of hazardous materials and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.8 of the DEIR, potentially hazardous materials such as petroleum products, pesticides, fertilizer, and other household hazardous products such as paint products, solvents, and cleaning products may be stored and transported in conjunction with the proposed travel center uses. These hazardous materials are expected only to be stored and transported to and from the site. Manufacturing and other chemical processing are not expected to occur as a part of the travel center uses of the project site.

The proposed project will dispense diesel and gasoline fuel to trucks and passenger cars that utilize the travel center. All project-related underground fuel storage tanks will be double walled and all above ground fuel storage tanks will be surrounded by eight-foot high wrought-iron fencing. In addition, fuel tank storage areas will have appropriate safety design, equipment, and signage to protect public health and safety from leaks, fires, or spills involving vehicle fuel if any were to occur on the project site. The risk would be similar in nature to that represented by the existing Pilot Travel Center across Joshua Street just north of the project site.

As described in Title 49 of the Code of Federal Regulations and implemented by Title 13 of the CCR, the United States Department of Transportation (USDOT) Office of Hazardous Materials Safety has established strict regulations for the safe transportation of hazardous materials. Fuel trucks will bring in approximately one million gallons of diesel and gasoline each month to the project. It is also possible that vendors may bring some hazardous materials to and from the project site. Appropriate documentation for all hazardous waste that is transported in connection with project-site activities would be provided as required for compliance with existing hazardous materials regulations.

Hazardous wastes produced on site are subject to requirements associated with accumulation time limits, proper storage locations and containers, and proper labeling. Additionally, for removal of hazardous waste from the site, hazardous waste generators are required to use a certified hazardous waste transportation company, which must ship hazardous waste to a permitted facility for treatment, storage, recycling, or disposal. Compliance with applicable regulations would reduce impacts associated with the use, transport, storage, and sale of hazardous materials.

In addition, both the federal government and the State of California require all businesses that handle more than a specified amount of hazardous materials or extremely hazardous materials, to submit an

Hazardous Materials Business Emergency/Contingency Plan (HMBEP) to its local Certified Unified Program Agency (CUPA). The CUPA with responsibility for the City of Hesperia is the Hazardous Materials Division of the San Bernardino County Fire Department. The HMBEP must include an inventory of the hazardous materials used in the facility, and emergency response plans and procedures to be used in the event of a significant or threatened significant release of a hazardous material. The HMBEP must include the Material Safety Data Sheet for each hazardous and potentially hazardous substance used. The Material Safety Data Sheets summarize the physical and chemical properties of the substances and their health impacts. The plan also requires immediate notification to all appropriate agencies and personnel of a release, identification of local emergency medical assistance appropriate for potential accident scenarios, contact information of all company emergency coordinators of the business, a listing and location of emergency equipment at the business, an evacuation plan, and a training program for business personnel.

Compliance with existing law will ensure that no significant impacts pertaining to the creation of hazards affecting the public will occur. The handling of hazardous materials in accordance with the HMBEP as required by applicable local, state, and federal standards, ordinances, and regulations would ensure that impacts associated with environmental and health hazards related to an accidental release of hazardous materials are less than significant. No mitigation is required (DEIR, pgs. 4.8-8 and 4.8-9).

b. Existing or Proposed Schools

Potential Significant Impact: Whether the Project would create hazardous emissions or handle acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Findings: Potential impacts of the Project related to existing or proposed schools are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to existing or proposed schools and, therefore, no mitigation is required.

Facts in Support of the Findings: The nearest school to the project site is the Summit Leadership Academy High Desert (SLAHD) located approximately one mile northeast of the proposed project site (across the I-15 freeway). There are no school sites, existing or proposed, located within one-quarter mile of the proposed project site. In addition, the handling of hazardous materials in accordance with all applicable local, state, and federal standards, ordinances, and regulations would ensure that impacts associated with environmental and health hazards related to an accidental release of hazardous materials are less than significant. No mitigation is required (DEIR, pgs. 4.8-9 and 4.8-10).

c. Located on a List of Hazardous Materials Sites

Potential Significant Impact: Whether the Project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.

Findings: Potential impacts of the Project related to the project being listed on a hazardous materials site are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts from being listed on a hazardous materials site and, therefore, no mitigation is required.

Facts in Support of the Findings: The project site is not listed in any of the regulatory databases available on the California Environmental Protection Agency website. This includes a review of federal, state, and local environmental databases for information pertaining to documented and/or suspected contaminated sites, known handlers or generators of hazardous waste, waste disposal facilities, releases of regulated hazardous substances and/or petroleum products within specified search distances.

The adjacent property to the north, across Joshua Street, the Pilot Travel Center, located at 8701 Highway 395, and a property located on Timothy Lane at 8685 Highway 395, just north of the Pilot Travel Center, were listed as having a leaking UST facility (gasoline fuel). Based on the case summaries provided in the online regulatory databases, both leaking USTs have been remediated and these cases have been closed and require no further action. No other properties within a quarter mile of the project site were identified on any governmental list of hazardous materials sites. Therefore, because neither the project site nor areas in the vicinity of the project site are listed on any list of hazardous materials sites as defined by Government Code Section 65962.5, impacts related to this issue are less than significant and no mitigation is required (DEIR, pg. 4.8-10).

d. Within an Airport Land Use Plan or Within Two Miles of a Public Airport or Private Airport

Potential Significant Impact: Whether the Project would be located within the vicinity of a private airstrip and would result in a safety hazard for people residing or working in the proposed project area.

Findings: Potential impacts of the Project related to the project being located within the vicinity of an airport are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that the Project is not in the vicinity of an airport and, therefore, no mitigation is required.

Facts in Support of the Findings: The nearest airport to the project site is the Hesperia Airport, located at 7070 Summit Valley Road and is approximately 5.0 miles southeast of the project site. The proposed project site is not located within the Hesperia Airport Safety Zone, Approach and Transitional Zone, or Airport Notice Area. Furthermore, cumulative aircraft hazard impacts consist of future development within the boundaries of the Hesperia Airport Safety Zones. The surrounding cities as well as the County of San Bernardino have implemented comprehensive land use plans that incorporate ALUP recommendations, therefore cumulative development within the accident potential zones would not create a significant and cumulative impact associated with aircraft accident hazards (DEIR, pg. 4.8-12). As such, safety hazards on people from the airport are less than significant and no mitigation is required (DEIR, pgs. 4.8-10 and 4.8-11).

e. Conflict with Emergency Response Plans

Potential Significant Impact: Whether the Project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Findings: Potential impacts of the Project related to emergency response plans are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to emergency response plans and, therefore, no mitigation is required.

Facts in Support of the Findings: The proposed travel center project will be designed, constructed, and maintained in accordance with applicable standards associated with vehicular access, ensuring that the project will provide adequate emergency access and evacuation. Construction activities that may temporarily restrict vehicular traffic would be required to implement adequate and appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures. Compliance with existing regulations for emergency access and evacuation would ensure that impacts related to this issue are less than significant, and no mitigation is required (DEIR, pg. 4.8-11).

f. Wildland Fire Risks

Potential Significant Impact: Whether the Project would expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildland.

Findings: Potential impacts of the Project related to wildland fires are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to wildland fires and, therefore, no mitigation is required.

Facts in Support of the Findings: The project site is not located within a Fire Hazard Area or within an area susceptible to wildfires. Development of the proposed travel center would not expose persons or property to increased wildland fire risks. No significant wildland fire impact would result from the development of the proposed on-site uses. Areas surrounding the project site consist of urban, built, and open space. Because of the low probability that the project site would be subject or susceptible to wildland fires, no significant impact related to wildland fires would occur. No mitigation is required (DEIR, pgs. 4.8-12).

g. Cumulative Impacts from Hazards and Hazardous Materials

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would cumulatively increase the risk of hazardous materials and exposure to hazardous materials.

Findings: Potential impacts of the Project related to cumulative hazardous materials impacts are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to cumulative hazardous materials and, therefore, no mitigation is required.

Facts in Support of the Findings: The cumulative impact analysis within Section 4.8 of the DEIR considers development of the proposed project in conjunction with other development in the City. Cumulative impacts associated with the routine transport, use, and disposal of hazardous materials would potentially increase as the proposed project in addition to cumulative projects increases truck traffic in the area. However, as described in Title 49 of the Code of Federal Regulations and implemented by Title 13 of the CCR, the United States Department of Transportation (USDOT) Office of Hazardous Materials Safety has established strict regulations for the safe transportation of hazardous materials. All projects that include the transportation of hazardous materials are required to adhere to these regulations. Therefore, the project would not have a cumulatively significant impact related to this topic.

In addition, although each project has unique hazardous materials considerations, it is anticipated that future cumulative projects would comply with the local, state, and federal regulations and requirements as these are required for all development projects. As a result, cumulative impacts associated with hazardous materials would be less than significant.

9. Hydrology, Drainage, and Water Quality

a. **Seismic Flooding-Related Impacts**

Potential Significant Impact: Whether the Project would expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.

Findings: Potential impacts of the Project related to seismic flooding are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to seismic flooding and, therefore, no mitigation is required.

Facts in Support of the Findings: As identified in the City's General Plan, there are three dams near Hesperia that can potentially inundate portions of the City and expose people and structures to flood-related impacts. These dams include the Mojave Forks Dam, Cedar Springs Dam, and Lake Arrowhead Dam. The project area is not within the potential dam inundation plain of any of these three dams. Due to the unlikely possibility of dam failure and inundation at the project site, the potential for seismic flooding-related impacts is low. Therefore, dam inundation impacts associated with construction and operation of the proposed project is less than significant and no mitigation is required (DEIR, pg. 4.9-13).

b. **Seismic-Related Impacts**

Potential Significant Impact: Whether the Project would expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow.

Findings: Potential impacts of the Project related to seismic events are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to seismic events and, therefore, no mitigation is required.

Facts in Support of the Findings: Inundation of the project site by a tsunami will not occur as the project site is located approximately 60 miles inland from the Pacific Ocean and at an elevation of approximately 3,700 feet above sea level. The project site is located approximately 8.2 miles northwest of Silverwood Lake. Since Silverwood Lake is an enclosed body of water, Silverwood Lake could be subject to a seiche during a seismic event. However, the probability that a seiche event would affect the project site is highly unlikely given its distance away. Impacts associated with seiche events are less than significant for the proposed project. The project site is located in a gently sloping area where landslides and mudslides would not occur. Since the project site is not located in an area identified by the City as

having seismic hazards or a flood zone, a less than significant impact associated with mudslides would occur. No mitigation would be required (DEIR, pg. 4.9-15).

c. Groundwater

Potential Significant Impact: Whether the Project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

Findings: Potential impacts of the Project related to groundwater are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to groundwater and, therefore, no mitigation is required.

Facts in Support of the Findings: Based on a typical commercial water consumption factor of 2,000 gallons per acre per day, water demand for the proposed onsite uses would total approximately 21,200 gpd (0.06 ac-ft/day) or 7,738,000 gallons per year (23.7 ac-ft/yr). The proposed project would obtain water service from the City of Hesperia Water District (District). The District obtains water from a variety of sources including: groundwater from the Alto groundwater basin and imported water from the Mojave Water Agency (MWA).

As identified in the City's General Plan EIR, the Hesperia Water District's Urban Water Management Plan (UWMP) estimates that sufficient groundwater supply exists to meet current maximum daily demands while also providing adequate standby production capacity to provide reliable service. At the time the UWMP was prepared, accounting for successive dry years (three years), the City's supply of water is anticipated to consistently meet demand requirements for all planning years through 2030.

In addition, the proposed project would not interfere with groundwater recharge as the project site is not identified as a groundwater recharge area. Therefore, the proposed project would not interfere with groundwater recharge activities. Impacts associated with this issue are less than significant and no mitigation measure is required (DEIR, pgs. 4.9-15 and 4.9-16).

d. Drainage Pattern and Capacity-Related Impacts

Potential Significant Impact: Whether the Project would substantially alter the existing local drainage patterns of the site and substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion, siltation, or flooding onsite or offsite. Also, whether the proposed

project creates or contributes runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Findings: Potential impacts of the Project related to drainage patterns and capacity are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to drainage patterns and capacity and, therefore, no mitigation is required.

Facts in Support of the Findings: The development of the project site with impervious surfaces (such as roadways, parking lots, and buildings) would result in a condition in which nearly all (estimated at 90% of the site) rainfall becomes runoff.

However, proposed drainage for the project site has been designed so that runoff from the buildings and parking areas will be intercepted with onsite catch basins and an underground retention basin. In the event that the retention basin fails, flows will be drained northerly into a proposed earthen channel north of the project site and south of Joshua Street.

The City of Hesperia storm drain design criteria requires 13.5 cubic feet of retention storage per 100 square feet of impervious area. Therefore, based on the City of Hesperia storm drain design criteria, approximately 48,691 cubic feet of storage space would be the minimum requirement to accommodate potential storm flows. The current site plan for the project indicates an underground retention facility with 56,600 cubic feet of capacity will be installed northeast of the retail buildings, which will provide sufficient onsite stormwater capacity for the project.

While the resultant increase in impervious surfaces would contribute to greater volume and higher velocities of storm flow, the project site's drainage system would accept and accommodate runoff that would result from the project construction at or better than historic, or pre-development, conditions. Therefore, the post-development flows generated on the project site would not exceed the capacity of the planned stormwater drainage systems. Impacts associated with this issue are less than significant, and no mitigation is required (DEIR, pgs. 4.9-17 and 4.9-18).

e. 100 Year Flooding-Related Impacts

Potential Significant Impact: Whether the Project would place within a 100-year flood hazard area structures that would impede or redirect flood flows. Also, whether the proposed project would place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

Findings: Potential impacts of the Project related to 100 year flood hazard areas are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to 100 year flood hazard areas and, therefore, no mitigation is required.

Facts in Support of the Findings: The project site is not located within a 100-year flood hazard area and would not impede or redirect existing drainage patterns. As such, no impacts would occur and no mitigation is required (DEIR, pg. 4.9-18).

d. Hydrology and Water Quality Cumulative Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would have significant cumulative impacts on hydrology and water quality.

Findings: Potential impacts of the Project related to cumulative hydrology and water quality are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant cumulative impacts upon hydrology and water quality and, therefore, no mitigation is required.

Facts in Support of the Findings: Cumulatively, development within the watershed would result in an increase in impervious surfaces in addition to changes in land use and associated pollutant runoff characteristics. However, all development in the City as well as throughout the Lahontan RWQCB must obtain coverage under the NPDES permit program. In addition, development within the Mojave River Groundwater Basin would result in a cumulative increase in demand on water sources, which includes groundwater supplies. However, because all development is required to obtain proof that water service is available, it is reasonable to conclude that there is adequate water to serve the proposed project without a reduction of groundwater levels due to the adjudication of the groundwater basin. Groundwater recharge policies and practices implemented by the RWQCB and local agencies will ensure groundwater supplies are maintained at appropriate levels. As such, no significant cumulative groundwater supply impacts are anticipated to occur with the development of the proposed project. The drainage system for the proposed project would be designed so that runoff from the project site after project development are directed to onsite retention facilities using BMPs and flow volumes will not exceed historic conditions at any given discharge location.

Because each development would be required to mitigate its own specific impact on hydrology and water quality, a less than significant cumulative impact upon hydrology and water quality would occur (DEIR, pgs. 4.9-22 and 4.9-23).

10. Land Use and Planning

a. Physically Divide an Established Community

Potential Significant Impact: Whether the Project would physically divide an established community.

Findings: Potential impacts of the Project related to physically dividing an established community are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in division of an established community and, therefore, no mitigation is required.

Facts in Support of the Findings: Adjacent properties to the east and south surrounding the project site are undeveloped. To the north, there is an existing travel center and truck stop. To the west, there is a City park and ride facility. In addition to these existing uses, there are pockets of commercial, light industrial/manufacturing and industrial uses in close proximity to the project site. There are also pockets of desert rural residential uses further to the west beyond Highway 395, and east and southeast across the I-15 Freeway. Because the existing residential uses are separated from the project site by I-15 and undeveloped nonresidentially designated land, implementation of the proposed project would not physically divide an established community. No impact would occur and no mitigation is required (DEIR, pgs. 4.10-3 and 4.10-4).

b. Conflict with Applicable Land Use Plans, Policies, or Regulations

Potential Significant Impact: Whether the Project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

Findings: Potential impacts of the Project related to conflicts with applicable land use plans, policies, or regulations are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to conflicts with applicable land use plans, policies, or regulations and, therefore, no mitigation is required.

Facts in Support of the Findings: Section 4.10 of the DEIR evaluates the consistency of the proposed project with pertinent goals and policies of relevant adopted local and regional plans. The project site is within the Main Street and Freeway Corridor Specific Plan (Specific Plan). The proposed project is consistent with and complies with all applicable land use policies and plans with approval of a Specific Plan Amendment (Amendment). This amendment would change the zoning of the site from Neighborhood Commercial (NC) to Commercial Industrial Business Park (CIBP). Therefore, no significant impact would occur and no mitigation is required (DEIR, pgs. 4.10-4 and 4.10-14).

c. Conflict with Any Applicable Habitat or Natural Community Conservation Plan

Potential Significant Impact: Whether the Project would conflict with any applicable habitat conservation plan or natural community conservation plan.

Findings: Potential impacts of the Project related to the conflict with any applicable habitat conservation plan are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not conflict with any applicable habitat or natural community conservation plan and, therefore, no mitigation is required.

Facts in Support of the Findings: According to DEIR Section 4.10, the proposed project site is not within a defined conservation area. Therefore, no significant impact associated with this issue would occur and no mitigation would be required (DEIR, pg. 4.10-15).

d. Cumulative Land Use Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and foreseeable future projects would incrementally affect land uses.

Findings: Potential impacts of the Project related to cumulative land use impacts are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant cumulative impacts related to land uses and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.10 of the DEIR, the proposed project would not result in a significant impact on land use and planning. While implementation of the proposed project, which includes approval of a Specific Plan Amendment from Neighborhood Commercial (NC) to Commercial Industrial Business Park (CIBP), represents establishment of new land uses within the

currently undeveloped project site, the character and overall intensity of the proposed development is consistent with and comparable to existing land uses within the City and in the project vicinity. Furthermore, as indicated by the land use consistency analysis, the proposed project would not conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Because each cumulative project would be required to identify and mitigate any inconsistencies among the various land use plans, it can be anticipated that these projects would have a less than significant cumulative impact. The project site is already served by roadways and utilities. Consequently, only street widening, installation of signals and upgrading of existing utilities will occur. There are no other developments in the project vicinity that would in combination with the proposed project create a cumulative impact by dividing an established community, conflicting with applicable land use plans, policies, or regulations, or conflicting with an approved habitat conservation plan (DEIR, pg. 4.10-15). Therefore, no significant impact associated with this issue would occur and no mitigation would be required.

11. Mineral Resources

a. Loss of Statewide, Regional, or Locally Important Mineral Resources

Potential Significant Impacts: Whether the Project would 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. Also, whether the project would 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 plans.

Findings: Potential impacts of the Project relating to mineral resources are discussed in detail in Section 4.11 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to mineral resources will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to the City of Hesperia General Plan, mineral resources present in the City include deposits of sand, gravel, or stone products that are suitable as sources of concrete aggregate, primarily within wash areas and Summit Valley. However, the project site is not identified by the City as containing any known mineral resources that would be of value to the region and the residents of the state. Therefore, no impact associated with this issue is anticipated to occur and no mitigation measures are required (DEIR, pg. 4.11-3).

b. Cumulative Mineral Resources Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and foreseeable future projects would incrementally affect mineral resources.

Findings: Potential impacts of the Project related to cumulative mineral resource impacts are discussed in detail in Section 4.11 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant cumulative impacts related to mineral resources and, therefore, no mitigation is required.

Facts in Support of the Findings: As population levels increase in the region, greater demand for aggregate and other mineral materials will occur, especially for sand and gravel. Similarly, development pressures in areas where these materials are known or expected to occur would result in the loss of availability of these mineral resources. However, because the project site does not contain a significant source of sand/gravel deposits and development subsequent to the adoption of the proposed land use actions on any of the nearby sites would not decrease the local or regional availability of mineral resources, potential future development of the project site and other sites in its vicinity would have no significant cumulative mineral resources impact (DEIR, pg. 4.11-3).

12. Noise

a. Long-Term Operational Noise

Potential Significant Impact: Whether the Project would cause exposure of persons to or generation of noise levels in excess of standards established in the City of Hesperia General Plan, Hesperia Municipal Code, or applicable standards of other agencies. Also, whether the project would result in a substantial temporary, periodic, and/or permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

Findings: Potential impacts of the Project related to long-term operational noise are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to long-term operational noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Based on noise readings from loading and unloading activities for similar projects, the proposed travel center project would have a noise level of 75 dBA Lmax experienced at 50 feet. The nearest residential uses are located more than 1,600 feet from the closest truck loading and unloading area. The distance of 1,600 feet from the loading and unloading areas to the residences would provide a decrease in noise level of 30 dBA. This noise level would not exceed the City's daytime

maximum noise level of 60 dBA Lmax and nighttime maximum noise level of 55 dBA Lmax to be received by residential uses. In addition, vehicular traffic noise that occurs on I-15 would mask any onsite activity noise. Noise associated with activities in the parking lot, such as doors slamming, slow moving vehicles, and customers conversing, would generate intermittent maximum noise levels of approximately 65 dBA Lmax at 50 feet. The parking area of the proposed project is approximately 1,600 feet from the nearest residences to the southeast. This distance provides an approximately 30 dBA noise reduction. Therefore, noise associated with parking lot activities would be reduced to 35 dBA Lmax at the nearest residences. These noise levels are lower than those of the traffic on area roads or the loading and unloading activities discussed previously. Similarly, proposed onsite buildings would be outside of the traffic noise level of 70 dBA CNEL along Highway 395. With standard building construction, the interior noise level would be reduced to below the 55 dBA CNEL noise standard for commercial/retail/restaurant uses.

According to DEIR Section 4.12, implementation of the proposed project would result in relatively minor changes in traffic noise levels. The largest project-related increase in traffic noise is along Joshua Street between Highway 395 and Outpost Road. This area would experience a 2.1 dBA increase over the no project scenario under the existing (2012) conditions. This increase in noise level is below the 3 dBA threshold that is normally perceptible to the human ear in an outdoor environment. For these reasons, the proposed project would not have a significant impact from operational noise and no mitigation is required (DEIR, pgs. 4.12-13 to 4.12-14).

b. Ground-Borne Vibrations

Potential Significant Impact: Whether the Project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

Findings: Potential impacts of the Project relating to groundborne vibration and groundborne noise are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to ground-borne vibration and groundborne noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Roadways in the vicinity of the project site area are either paved or would be paved and would not result in traffic driving over rough roads. Construction activities for the project site do not include blasting or pile driving. Therefore, although heavy-duty earthmoving equipment would be used during the construction phase of the project, the level of vibration would not be excessive or permanent, nor would it exceed the level at which building damage typically occurs. Impacts

from construction-related groundborne vibration would be less than significant and no mitigation is required (DEIR, pg. 4.12-17).

c. Airport Noise

Potential Significant Impacts: Whether 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 result in exposure of people residing or working in the Project area to excessive noise levels. Or if a Project within the vicinity of a private airstrip would expose people residing or working in the Project area to excessive noise levels.

Findings: Potential impacts of the Project relating to airport noise are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to airport noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Hesperia Airport is located in the southeast portion of the City, approximately five miles southeast of the project site. The project is outside of the Hesperia Airport influence boundaries. Further, the proposed project is not located within two miles of a public airport and would not have the potential to expose people to excessive noise levels from airport operations. In addition, the proposed project site is not located within the vicinity of a private airstrip. Since the project site is not located within the noise contours delineated for a public or private airport, development and operation of the proposed project would not result in the exposure of people working in the project area to excessive noise levels. Therefore, no impacts associated with this issue would occur and no mitigation is required (DEIR, pg. 4.12-17).

d. Cumulative Noise Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and probable future Projects would cause cumulative noise impacts within the City of Hesperia.

Findings: Potential impacts of the Project related to cumulative noise are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Construction crew commutes and the transport of construction equipment, and materials to the site for the proposed project would incrementally increase noise levels on access roads leading to the site. Secondary sources of noise would include noise generated during excavation, grading, and building construction on the project site. Although it is not possible to predict if contiguous properties may be constructed at the same time and create cumulative noise impacts that would be greater than if developed at separate times, it is unlikely that adjacent properties will be developed at the same time as the proposed project. However, in the unlikely event that adjacent properties are developed at the same time as the proposed project, adherence to the City's Municipal Code and other development standards would render the cumulative impacts of the proposed project to less than significant levels (DEIR, pg. 4.12-20).

13. Population and Housing

a. Displace Substantial Housing/People

Potential Significant Impact: Whether the Project would displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere.

Findings: Potential impacts of the Project related to displacement of housing or people are discussed in detail in Section 4.13 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to displacement of housing or people will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The project site is currently undeveloped, and is within the Neighborhood Commercial (NC) Zone District of the Main Street and Freeway Corridor Specific Plan. The project site has not been historically utilized for residential uses. As no residential structures are currently located within the project limits, the construction and operation of the proposed onsite uses would neither displace existing housing or residents, nor require the construction of replacement housing elsewhere in the City. Therefore, no significant impacts associated with this issue would occur and no mitigation is required (DEIR, pg. 4.13-5).

b. Population Growth

Potential Significant Impact: Whether the Project would induce substantial population growth in an area, either directly (e.g., new homes and businesses) or indirectly (e.g., extension of roads and infrastructure).

Findings: Potential impacts of the Project related to population growth are discussed in detail in Section 4.13 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to population growth will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The development of onsite commercial and service uses will create jobs in the local economy. The new employment opportunities resulting from development of the proposed commercial uses will improve the City's current jobs-to-housing ratio by providing jobs to local residents. Due to the City's projected jobs/housing ratio, it is reasonable that a large percentage of these jobs would be filled by persons already living within the City or project area; therefore, no significant increase in population of the City would result from the development or operation of the proposed onsite uses.

In addition, as public utilities and roadways have already been extended to the project area and because the proposed project does not require significant expansion of existing utility (e.g., water and wastewater treatment) facilities, except for connection to an existing sewer line, development of the proposed project would not induce growth in an area currently devoid of public improvements, or promote the extension of infrastructure in a manner facilitating an uneven pattern (e.g., leapfrog development) of development in the City. Therefore, no significant growth inducing effect would occur. In the absence of a significant impact, no mitigation is required (DEIR, pgs. 4.13-5 to 4.13-7).

c. Cumulative Population and Housing Impacts

Potential Significant Impact: Whether the Project could cause an increase in population that is substantial in relation to the past, current, and probable future projects.

Findings: Potential impacts of the Project related to cumulative impacts of the Project on housing or population are discussed in detail in Section 4.13 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to cumulative impacts on housing or population will occur as a result of development of the Project and, therefore, no mitigation is required.

Fact Supporting the Findings: The project would not contribute to population growth and therefore would not result in an increased demand on current or future housing in the region. The project would not require an influx of new workers who would need to locate temporarily or permanently in the area. Implementation of the proposed project would not result in a cumulatively significant population or

housing impact, nor would the proposed use significantly induce growth in areas where growth was not previously anticipated (DEIR pg. 4.13-7).

14. Public Services and Facilities

a. Police Services

Potential Significant Impact: Whether the Project would result in substantial adverse physical impacts associated with the provision of new or physically altered law enforcement facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police services.

Findings: Potential impacts of the Project related to police services are discussed in detail in Section 4.14 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to police services will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to DEIR Section 4.14, the proposed project would be designed and operated per applicable standards required by the City and San Bernardino County Sheriff's Department (SBSD) for new development with regard to public safety. In addition, the project would be required to pay development fees, which would be used to fund capital costs associated with constructing new public safety structures and purchasing equipment for new public safety structures. The construction/operation of the proposed project would not necessitate the construction of new or expanded law enforcement facilities because the site is located within the current service area of the SBSB. Accordingly, impacts to the environment resulting from new or expanded police facilities would not occur, resulting in a less than significant impact and no mitigation is required (DEIR, pgs. 4.14-3 and 4.14-4).

b. Fire Protection

Potential Significant Impact: Whether the Project would result in substantial adverse physical impacts associated with the provision of new or physically altered firefighting facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire services.

Findings: Potential impacts of the Project related to fire protection are discussed in detail in Section 4.14 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to

fire protection will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to DEIR Section 4.14, the proposed project would be designed, constructed, and operated per applicable fire prevention/protection standards established by the San Bernardino County Fire Department (SBFD) and/or the City, or State. Development of the proposed project would not cause fire staffing, facilities, or equipment to operate at a deficient level of service. Additionally, because the proposed project would be required to pay development impact fees to fund future fire facilities and services, impacts associated with fire protection services and facilities would not occur. Accordingly, impacts to the environment resulting from new or expanded fire protection facilities would not occur, resulting in a less than significant impact and no mitigation is required (DEIR, pg. 4.14-6).

c. School Services

Potential Significant Impact: Whether the Project would result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the need for new or physically altered school facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives.

Findings: Potential impacts of the Project related to school services are discussed in detail in Section 4.14 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to school services will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: No residential development is proposed as part of the project. In addition, the proposed project would not cause a significant increase in the local population that would increase the number of students attending local schools. Since payment of school impact fees is required of all projects within Hesperia Unified School District boundaries, impacts to school services and facilities would not occur. Accordingly, impacts to the environment resulting from new or expanded school facilities would not occur, resulting in a less than significant impact and no mitigation is required (DEIR, pg. 4.14-9).

d. Cumulative Public Services Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would cause cumulative impacts upon public services.

Findings: Potential cumulative impacts of the Project related to public services are discussed in detail in Section 4.14 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to public services will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: As additional development occurs in the City of Hesperia and region, there may be an overall increase in the demand for law enforcement and fire protection services. Increases in demand are routinely assessed by these agencies as part of the annual monitoring and budgeting process. New development within the service areas of the SBSD and SBFD would be required to adhere to conditions established by fire and police service providers, and pay the applicable fees to ensure adequate staffing and equipment levels. Therefore, there would be no cumulative impact on police and fire services in the City.

While no significant population growth in the City or region is anticipated to result from the construction and operation of the proposed project, future development (especially residential development) forecasted in the City's General Plan will increase the demand for school facilities and services. New school facilities are currently being constructed to accommodate the growth in the local student population. As every new development is mandated to provide the fees applicable to the school district affected, there would be no cumulative impact on school services in the City. Accordingly, cumulative impacts to the environment resulting from new or expanded school facilities would not occur, resulting in a less than significant impact and no mitigation is required (DEIR, pg. 4.14-10).

15. Recreation and Parks

a. Increased Use of Existing Recreational Facilities

Potential Significant Impact: Whether the Project would result in increased use of existing neighborhood and regional parks or other recreational facilities where substantial physical deterioration would occur or be accelerated.

Findings: Potential impacts of the Project related to existing recreational facilities are discussed in detail in Section 4.15 of the DEIR. Based on the entire record before us, this Council finds that no significant

impacts related to existing recreational facilities will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The proposed travel center project does not include recreational amenities or parkland. Because the proposed project does not include the construction of any housing, and because any new employment opportunities created would likely be filled by current residents of the community, there would be no significant increase in population associated with the proposed project. In the absence of a significant increase in population, the proposed project would not cause an increase in the use of existing neighborhood or regional parks or other recreational facilities in the area. Therefore, no impacts to recreational facilities will occur with implementation of the proposed project (DEIR, pg. 4.15-2).

b. New or Physically Altered Recreation and Park Facilities

Potential Significant Impact: Whether the Project would result in construction or expansion of recreational facilities that would have an adverse physical effect on the environment.

Findings: Potential impacts of the Project related to new or altered recreational facilities are discussed in detail in Section 4.15 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to new or altered recreational facilities will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The proposed project includes development of a travel center and does not include the construction or expansion of a recreational facility, nor would it create a substantial demand on recreational facilities. A less than significant increase in population would result from the proposed project, so no new demand on existing park facilities would occur that would require the need for the expansion of existing parks or the construction of new parks. Therefore, no impacts to recreational facilities would occur with implementation of the proposed project and no mitigation measures are required (DEIR, pgs. 4.15-2 and 4.15-3).

c. Cumulative Recreational Facility Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and probable future Projects would cause cumulative impacts upon recreational facilities.

Findings: Potential cumulative impacts of the Project related to recreational facilities are discussed in detail in Section 4.15 of the DEIR. Based on the entire record before us, this Council finds that no

significant cumulative impacts related to recreational facilities will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the proposed project itself would not increase the use of existing parks and recreation facilities. However, in combination with cumulative projects in the area (which could include residential uses), there would be an increase in use of existing parks and recreation facilities. However, as future residential development is proposed, the City will require developers to provide the appropriate amount of parkland or payment of in-lieu fees, which will contribute to future recreational facilities. Payment of these fees and/or implementation of facilities on a project-by-project basis would offset cumulative parkland impacts by providing funding for new and/or renovated parks equipment and facilities. As such, the cumulative impact of build-out associated with the implementation of the proposed project when considered with cumulative projects in the area would be less than significant and no mitigation is required (DEIR, pg. 4.15-3).

16. Transportation

a. Air Traffic Patterns

Potential Significant Impact: Whether the Project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

Findings: Potential impacts of the Project related to air traffic patterns are discussed in detail in Section 4.16 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to air traffic patterns will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Hesperia Airport is located in the southeast portion of the City, approximately five miles southeast of the project site. The project is outside of the Hesperia Airport influence boundaries and does not involve the use of airspace. Therefore, the proposed project would not increase the air traffic levels near an airport and would not cause any changes to air traffic patterns. Consequently, no impacts associated with this issue would occur and no mitigation is required (DEIR, pg. 4.16-21).

b. Design Hazard Features

Potential Significant Impact: Whether the proposed Project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Findings: Potential impacts of the Project related to design features or incompatible uses are discussed in detail in Section 4.16 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to design features or incompatible uses will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Adherence to applicable City requirements would ensure the proposed project would not include any sharp curves or dangerous intersections. Temporary impacts associated with the construction of the proposed project may temporarily restrict vehicular traffic or cause temporary hazards. The construction of the proposed project would coincide with roadway frontage improvements on Outpost Road and Joshua Street and installation of a traffic signal at the Outpost Road/Joshua Street intersection (in accordance with Mitigation Measure 4.16.6.1A), which would include road or lane closures as well as the presence of adequate construction measures to facilitate the passage of people and vehicles through/around any required road or lane closures. At the time of approval of any site-specific development plans required for the construction of infrastructure as a part of typical conditions of approval, the project would be required to implement measures that would maintain traffic flow and access. Therefore, there are no significant impacts regarding design hazards, and no mitigation is required (DEIR, pgs. 4.16-21).

c. Emergency Access

Potential Significant Impact: Whether the Project would result in inadequate emergency access.

Findings: Potential impacts of the Project related to emergency access are discussed in detail in Section 4.16 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to emergency access will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Construction activities that may temporarily restrict vehicular traffic would be required to implement adequate measures to facilitate the passage of people and vehicles through/around any required road closures. The roadway frontage improvements on Outpost Road and Joshua Street and installation of a traffic signal at the Outpost Road/Joshua Street intersection will improve traffic circulation in the area and the ability of emergency vehicles to access the project as well

as surrounding properties. During the operational phase of the proposed project, on-site access would be required to comply with standards established by the City Public Works Department. As with any development, access to and through the project would be required to comply with the required street widths, as determined in the California Building Code (CBC), the City's standard street cross section, and the Uniform Fire Code. Therefore, implementation of the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impacts associated with this issue would occur and no mitigation is required (DEIR, pg. 4.16-22).

e. Alternative Transportation Policies, Plans, or Programs

Potential Significant Impact: Whether the proposed Project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Findings: Potential impacts of the Project related to alternative transportation are discussed in detail in Section 4.16 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to alternative transportation policies, plans or programs will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Through the City's project review process, policies, plans, and/or programs supporting alternative transportation would be reviewed and incorporated as applicable. The Victor Valley Transit Authority (VVTA) operates Route 48 in the City of Hesperia. Route 48 provides service along Main Street as far west as Cataba Road. VVTA does not presently provide service to the project area. Adherence to City requirements for the provision of alternative transportation requirements would reduce impacts associated with this issue to a less than significant level. No mitigation would be required (DEIR, pg. 4.16-23).

17. Utilities and Service Systems

a. Wastewater Treatment Requirements

Potential Significant Impact: Whether the Project would exceed wastewater treatment requirements of the Lahontan Regional Water Quality Control Board.

Findings: Potential impacts of the Project related to wastewater treatment requirements are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to wastewater treatment requirements will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The proposed travel center project would result in a connection to the existing sewer system that is ultimately routed to the Victor Valley Wastewater Reclamation Authority (VWVRA). Since all wastewater generated in the City is currently treated by the VWVRA, and because the VWVRA facility is considered to be a Publicly Owned Treatment Works (POTW), operational discharge flows treated at the VWVRA would be required to comply with waste discharge requirements contained within the Waste Discharge Requirements (WDRs) for the facility. Compliance with conditions or permit requirements established by the City, and waste discharge requirements at the VWVRA facility would ensure that discharges into the wastewater treatment facility system from operation of the proposed project would not conflict with applicable Lahontan Regional Water Quality Control Board wastewater treatment requirements. Therefore, no significant impact related to this issue would occur and no mitigation would be required (DEIR, pg. 4.17-10).

b. Construction or Expansion of Potable Water Treatment Facilities

Potential Significant Impact: Whether the Project would require the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.

Findings: Potential impacts of the Project related to construction or expansion of water treatment facilities are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts that would cause the construction or expansion of water treatment facilities will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The proposed project would be connected to the existing water lines in accordance with a City-approved plan for service. Adherence to standard City of Hesperia conditions relative to the design and installation of new water infrastructure and/or connections to existing water infrastructure would ensure that no significant impact to water supply infrastructure would result from the construction or operation of the proposed project. As any environmental effect resulting from the installation of required water infrastructure would be offset through conditions imposed on the travel

center project by the City, impacts related to water conveyance and infrastructure are considered to be less than significant and no mitigation is required (DEIR, pgs. 4.17-10 to 4.17-11).

c. Wastewater Treatment Capacity

Potential Significant Impact: Whether the Project would result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it lacks adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.

Findings: Potential impacts of the Project related to wastewater capacity are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to wastewater capacity will occur as a result of development of the Project, therefore, no mitigation is required.

Facts in Support of the Findings: Wastewater flows from the proposed project site would be conveyed to and processed by the VVWRA Regional Treatment Plant. Current capacity at this facility is 14.5 mgd with an existing inflow of approximately 13.6 mgd. The additional wastewater treatment demand of 0.01 mgd resulting from development of the proposed project totals approximately 1.1 percent of current surplus treatment capacity.

In addition, construction plans for expansion of the VVWRA Regional Treatment Plant and the Interceptor Sewer System to 18 mgd are currently underway. Upon its expansion, the increased treatment demand will total approximately 0.05 percent of total capacity. Because current and future capacity at VVWRA facilities can sufficiently accommodate the wastewater treatment demands of the proposed project, impacts associated with wastewater facilities are less than significant and no mitigation measures are required (DEIR, pg. 4.17-11).

d. New or Expanded Wastewater Treatment Facilities

Potential Significant Impact: Whether the Project would require the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Findings: Potential impacts of the Project related to new or expanded wastewater facilities are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that existing wastewater treatment facilities can accommodate the additional wastewater to be generated by this project. Therefore, no significant impact would occur and no mitigation is required.

Facts in Support of the Findings: There currently are no sewer lines traversing the project site. The delivery, conveyance and/or reclamation of water, wastewater, and recycled water would require the installation and maintenance of a variety of infrastructure features. As the proposed connections will be installed simultaneously with required roadway/parking improvements, providing the connection to the existing sewer delivery system will not require substantial disturbance of roadways or wastewater facilities. As stated previously, VVWRA facilities have adequate surplus capacity to accommodate anticipated wastewater flows from the project site. Additionally, the project proponent would be required to pay an applicable sewer connection fee to the City, which includes the City of Hesperia sewer fees as well as fees associated with the VVWRA prior to the issuance of occupancy permits. As any environmental effect resulting from the installation of required sewer infrastructure will be offset through the requirements and standards imposed on the project by the City with the payment of required fees, impacts related to construction of new wastewater treatment facilities are considered to be less than significant and no mitigation measures are required (DEIR, pg. 4.17-12).

c. Adequate Water Supply

Potential Significant Impact: Whether the Project would have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed.

Findings: Potential impacts of the Project related to adequate water supply are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that there is adequate water supply to accommodate development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to DEIR Section 4.17, the proposed project would receive its water from the Hesperia Water District (HWD). The HWD imports some of its water from the Mojave Water Agency (MWA). The MWA has obligated itself pursuant to the Stipulated Judgment (Judgment) that resulted from the Superior Court decision on *City of Barstow, et al., v Mojave Water Agency*, "...to secure supplemental water as necessary to fully implement the provisions of the Judgment." The HWD is one of the water producers stipulated to implement the physical solution management plan contained in the Judgment. Based on this information, the impacts of the proposed project would not have a significant impact on water resources and the impact of this project is already addressed in the Judgment or the

City's Urban Water Management Plan (August 2011). Therefore, the Judgment puts into place a mechanism that continuously accounts for and replaces any additional groundwater withdrawn from the Basin and adequately mitigates the additional water needs of the proposed project. A less than significant impact associated with this issue would occur and no mitigation is required (DEIR, pg. 4.17-14).

f. Storm Water Drainage Requirements

Potential Significant Impact: Whether the Project would result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Findings: Potential impacts of the Project related to storm water drainage requirements are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to storm water drainage will occur as a result of development of the proposed project and, therefore, no mitigation is required.

Facts in Support of the Findings: On-site drainage improvements for the travel center project would be adequately sized to convey stormwater flows generated on-site to the on-site storm water retention facilities. During operation of the project, onsite stormwater flows would drain in a south to north direction similar to existing conditions. Stormwater flows would be routed to onsite catch basins, which would then be drained into the underground retention basin or routed into an earthen channel north of the project site and south of Joshua Street. In addition, implementation of the project drainage improvements would occur concurrently with construction of proposed project and the associated roadway frontage improvements on Outpost Road, resulting in a less than significant impact. No mitigation is required (DEIR, pg. 4.17-15).

g. Solid Waste Facilities

Potential Significant Impact: Whether the Project would be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs.

Findings: Potential impacts of the Project related to solid waste facilities are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to solid waste facilities will occur as a result of development of the travel center and, therefore, no mitigation is required.

Facts in Support of the Findings: Solid waste from the proposed travel center project would be transported by Advance Disposal to their Materials Recovery Facility (MRF) where recyclable materials would be separated from solid waste. Solid wastes are then transported to the Victorville Landfill which has a daily permitted throughput of 3,000 tons per day, a remaining capacity of 81,510,000 cubic yards, and an estimated closure date of 2047. The volume of solid waste generated by the proposed project per day represents approximately 0.007 percent of the current permitted throughput capacity at the Victorville Landfill. As adequate capacity exists at the receiving landfill, development of the proposed project would not significantly impact current operations nor significantly reduce the expected lifetime of the landfills serving the project area. For these reasons, impacts to solid waste capacity are considered less than significant and no mitigation is required (DEIR, pg. 4.17-15).

h. Solid Waste Reduction

Potential Significant Impact: Whether the Project would fail to comply with applicable Federal, State, and local statutes and regulations related to solid waste.

Findings: Potential impacts of the Project related to solid waste reduction are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to solid waste will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The proposed travel center project would be required to coordinate with the waste hauler to collect solid waste from the project on a common schedule as set forth in applicable local, regional, and state programs. Recyclable materials from this project will include paper products, glass, aluminum, and plastic. Additionally, the proposed project would be required to comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other applicable local, state, and federal solid waste disposal standards, thereby ensuring that the solid waste stream to the Victorville Landfill will be reduced in accordance with existing regulations. Impacts are considered less than significant and no mitigation is required (DEIR, pg. 4.17-15).

i. Utilities and Service Systems Cumulative Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would have an incremental impact on utilities and service systems.

Findings: Potential impacts of the Project related to cumulative utilities and services are discussed in detail in Section 4.17 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to utilities and service systems will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.17 of the DEIR, existing and future development within the HWD's service area would cause a demand for additional quantities of water. Implementation of water conservation measures and recycling programs would reduce this need for increased water supply. In addition, the HWD obtains potable water for delivery to customers through purchases from Mojave Water District. Based on the Mojave Water Agency, 2004 Regional Water Management Plan, Integrated Regional Water Management Plan, Groundwater Management Plan, and Urban Water Management Plan, the Mojave Water Agency has stated that with the addition of all existing and planned water supplies, it would have the ability to meet all of its member agencies' projected supplemental demand through 2030. Therefore, there are adequate water supplies for the proposed project and the cumulative projects planned within the HWD service area. Therefore, the cumulative impacts of the proposed project on water supplies are less than significant.

Existing and future development within the VVWRA service area would cause an increase in wastewater. Improvements currently planned for this facility would increase wastewater treatment capacity from 14.5 mgd to 18 mgd. The VVWRA is expected to have adequate capacity to service the City's wastewater needs through 2030. Because the VVWRA would expand as growth occurred, cumulative development would not exceed the capacity of the wastewater treatment system. Because the proposed project would not require the expansion of existing infrastructure, only connections to existing infrastructure, the contribution of the proposed project would not have a cumulatively significant impact on wastewater infrastructure.

The cumulative impact of existing and future development would increase the amount of storm water runoff generated within VVWRA's service area. All projects in this area are required to deal with storm water drainage without increasing downstream flows and velocities. Since all projects are required to control runoff and drainage features, the increased cumulative impact would not exceed the capacity of the planned drainage system.

Cumulative population increases and development within the area would increase the amount of solid waste generated and therefore the amount of waste that must ultimately be disposed of in County landfill facilities, or recycled/reused to the extent practical (e.g., municipal waste separation and recycling

programs). The County has a master plan for County-wide landfill facilities, including the High Desert, so that it can accommodate increased solid waste as development occurs. Therefore, the proposed project would not cause a cumulatively significant solid waste disposal impact (DEIR, pgs. 4.17-16 to 4.17-17).

B. ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

- I. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
- II. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- III. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

Certain of the following issues from the environmental categories analyzed in the EIR, including air quality emissions, biological resources, cultural resources, hazards, greenhouse gas emissions, hydrology, and noise were found to be potentially significant, but can be mitigated to a less-than-significant level with the imposition of mitigation measures. This Council hereby finds pursuant to *Public Resources Code* Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the Mitigation Monitoring and Reporting Program (MMRP) adopted by this Council. Specific findings of this Council for each category of such impacts are set forth in detail below.

I. Air Quality

a. Construction Exhaust Emissions and Fugitive Dust

Potentially Significant Impact: The EIR evaluated and concluded that the Project has the potential to result in an exceedance of applicable daily thresholds due to construction equipment exhaust emissions.

Finding: Implementation of the following mitigation measures will reduce the potential adverse impacts from construction exhaust emissions and fugitive dust to less than significant:

- 4.3.6.1A** *Prior to the issuance of building permits, the project applicant shall require contract specifications that architectural coatings require the use of either HVLP spraying equipment with a minimum transfer efficiency of at least 50 percent or manual application techniques to apply architectural coatings. The project designer and contractor shall also reduce the use of paints and solvents by utilizing pre-coated materials (e.g., bathroom stall dividers, metal awning), materials that do not require painting, and require coatings and solvents with a VOC content lower than required under Rule 1113 to be utilized. The construction contractor shall be required to utilize "Super-Compliant" VOC paints, which are defined in MDAQMD's Rule 1113. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City.*
- 4.3.6.1B** *Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all diesel construction equipment with 50 or more horsepower shall be configured to meet or exceed the EPA Tier 3 emissions standards with available CARB verified or USEPA certified technologies. Diesel equipment shall use water emulsified diesel fuel such as PURINOx unless it is unavailable in San Bernardino County at the time of project construction activities. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City.*
- 4.3.6.1C** *The project applicant shall ensure that all contractors turn off all diesel-powered construction equipment when vehicles/equipment are not in use, and contractors shall prohibit idling of vehicles for longer than three minutes.*
- 4.3.6.1D** *During construction, ozone precursor emissions from mobile source equipment shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturers' specifications to the satisfaction of the City of Hesperia Building and Safety Division. Equipment maintenance records and equipment design specification data shall be kept onsite during construction. Compliance with this measure shall be subject to periodic inspections by the City of Hesperia Building and Safety Division.*

4.3.6.1E *Grading plans, construction specifications and bid documents shall also include the following notations:*

- *Prepare and implement a dust control plan for earthmoving equipment;*
- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*
- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *Transport of soil materials to, from and within the project limits shall be effectively watered, covered, and filled to no less than six inches below the top of the transport container in accordance with state law;*
- *All streets shall be swept at least once a day using MDAQMD Rule 1186 certified street sweepers utilizing reclaimed water trucks if visible soil materials are carried to adjacent streets.*
- *Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion;*
- *Onsite stockpiles of debris, soil, or other potentially windborne materials shall be covered or watered three times a day;*
- *Provide temporary traffic control personnel (flag person) during construction when necessary to maintain smooth traffic flow on Joshua Street and Highway 395;*
- *The contractor or builder shall designate a person or person(s) to monitor dust control and to order increased watering, as necessary, to prevent transport of dust off site;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours.*

Facts in Support of the Finding: Grading and other construction activities would result in combustion emissions from heavy-duty construction vehicles, haul trucks, utility engines, and vehicles transporting

the construction crew. Peak grading days typically generate a larger amount of air pollutants than during other project construction days. Fugitive dust emissions are generally associated with demolition, land clearing, exposure of soils to the wind, cut and fill operations, and vehicle and equipment travel on unpaved roads. Dust generated daily during construction would vary substantially, depending on the level of activity, the specific operations, and weather conditions at the time of construction. Without mitigation, construction emissions would exceed the SCAQMD daily emission thresholds for the criteria pollutants ROG and NOX. The emissions of ROG are principally from architectural coatings and the emissions of NOX are generally from construction equipment exhaust. This is a significant impact and mitigation is required. However, implementation of **Mitigation Measures 4.3.6.1A through 4.3.6.1E** would reduce the level of emissions of VOC and NOX during grading operations and construction activities to a satisfactory level. Therefore, impacts related to construction exhaust emissions are less than significant (DEIR, pgs. 4.3-26 to 4.3-28).

2. Biological Resources

a. Endangered and Threatened Species

Potential Significant Impact: The EIR evaluated and concluded that the Project has the potential to adversely affect two listed endangered or threatened species, the desert tortoise and the Mohave ground squirrel (MGS).

Finding: Implementation of the following mitigation measures will reduce the potential adverse impacts to endangered and threatened species to less than significant:

4.4.6.1A *Prior to the issuance of grading permits for any ground-disturbing, construction related activities on the 10.6-acre travel center site, the project proponent shall submit to the City an updated Desert Tortoise Focused Survey. This survey shall be conducted in accordance with the United States Fish and Wildlife Service (USFWS) Field Survey Protocol for Desert Tortoises. In the event that the desert tortoise is identified during any subsequent study, Mitigation Measure 4.2.6.1B shall apply. If the Desert Tortoise Focused Survey does not detect the presence of a desert tortoise on the project site, no further mitigation would be required.*

4.4.6.1B *If the survey required in Mitigation Measure 4.2.6.1A indicates the onsite presence of desert tortoise, ground-disturbing activity within the project limits shall not commence until such time that the project proponent has consulted with the USFWS in regard to impacts to the desert tortoise. The project proponent shall submit evidence to the City*

that consultation with the USFWS has occurred and that mitigation for onsite impacts to the desert tortoise has been appropriately provided. Any mitigation for onsite impacts to the desert tortoise shall be included as part of the conditions of approval for the project. Mitigation measures include but may not be limited to the following:

- The project proponent shall submit the name(s) of proposed Authorized Biologist(s) to USFWS and CDFW for approval at least 15 days prior to anticipated need. An "Authorized Biologist" is defined as a wildlife biologist who has been authorized to handle desert tortoises by USFWS and CDFW.*
- Prior to the issuance of grading permits, the project proponent shall provide evidence to the City that a Field Contact Representative (FCR) has been selected for the proposed project. The FCR is defined as a person designated by the project proponent who is responsible for overseeing compliance with desert tortoise protective measures identified in Mitigation Measure 4.2.6.1B and for coordination with the agency compliance officer. The FCR must be on site during all project construction activities and shall have the authority to halt all project construction activities that are in violation of the desert tortoise protective measures. The FCR shall have a copy of all tortoise protective measures when work is being conducted on the site. The FCR may be an agent for the company, the site manager, any other project employee, a biological monitor, or other contracted biologist.*
- Prior to the issuance of grading permits, the project proponent shall provide evidence to the City that all workers, including all participating agency employees, construction and maintenance personnel, and others who implement authorized actions, shall receive training on the desert tortoise. This instruction will include training on distribution, general behavior and ecology, protection afforded by State and Federal Endangered Species Acts (including prohibitions and penalties), and procedures for reporting encounters, and the importance of following the protection measures. The education program may consist of a class or video presented by a Qualified Biologist.*
- During construction activities for the proposed project, any incident occurring during project construction activities which is considered by the biological monitor to be in non-compliance with the mitigation plan shall be documented immediately by the biological monitor. The FCR shall ensure that appropriate corrective action is taken and corrective*

actions shall be documented by the monitor. The following incidents shall require immediate cessation of the construction activities causing the incident, including (1) imminent threat of injury or death to a desert tortoise; (2) unauthorized handling of a desert tortoise, regardless of intent; (3) operation of construction equipment or vehicles outside a project area cleared of desert tortoise, except on designated roads, and (4) conducting any construction activity without a biological monitor where one is required. If the monitor and FCR do not agree, the federal agency's compliance officer shall be contacted for resolution. All parties may refer the resolution to the federal agency's authorized officer.

- A mitigation fee based on the amount of acreage disturbed shall be required of the project proponent. The formula used to determine the amount of acreage to be acquired is described in the Management Oversight Group (MOG) Desert Tortoise Management Policy and considers habitat category, impact on adjacent lands reducing tortoise densities, whether or not the use will tend to induce growth, duration of the effect (i.e., short term is less than 10 years and long term is greater than 10 years), and whether or not there is moderate to heavy existing disturbance. The project proponent shall consult with the USFWS as to what the compensation rate for habitat shall be based on as per the MOG Desert Tortoise Management Policy document.*

- Pre-construction surveys shall be conducted to locate and remove desert tortoises prior to grading or actions which might result in harm to a desert tortoise or which remove tortoise habitat. The survey shall be conducted by an Authorized Biologist within 24 hours of the onset of the surface disturbance unless a tortoise-proof fence has been installed that would prevent reentry of the animals.*

- If construction is to occur during the tortoise active season (March 15 through November 1), no overnight hazards to desert tortoises (e.g., auger holes, trenches, pits, or other steep-sided depressions) shall be left unfenced or uncovered; such hazards shall be eliminated each day prior to the work crew leaving the site. Large or long-term project areas shall be enclosed with tortoise proof fencing to keep desert tortoises out of the work area. The fencing shall be wire mesh with a maximum mesh size of ½" square fastened securely to posts. The wire mesh shall extend at least 18 inches above the ground and preferably about 12 inches underground. Where burial is not possible, the lower 12 inches shall be folded outward and fastened to the ground. Any gates or gaps in*

the fence shall be constructed to prevent entry of tortoises. The fencing shall be removed when restoration of the site is completed.

- Temporary fencing shall be required around test sites where trenching or drill holes could trap animals or around other small, short-term projects where tortoises could move into the work area. Occasionally, seasonal restrictions and/or monitoring may be substituted to alleviate the need for fencing. Fenced areas are to be cleared of tortoises by an Authorized Biologist prior to project activities.*
- All surface-disturbing activity shall be limited to the land area essential for the project. In determining these limits, consideration shall be given to topography, public health and safety, placement of facilities, and other limiting factors. Work area boundaries and special habitat features shall be appropriately marked to minimize disturbance. All workers shall strictly limit their activities and vehicles to the areas marked. All workers shall be trained to recognize work area markers and to understand equipment movement restrictions. Where possible, previously disturbed areas shall be used as worksites and for storage of equipment, supplies, and excavated material.*
- Blading of work areas shall be minimized to the extent possible. Pre-construction activity, such as removal of vegetation, shall occur in the presence of a Qualified Biologist. Disturbance of shrubs shall be avoided to the extent possible. Where shrubs must be disturbed, they shall be crushed rather than bladed or excavated.*
- Project maintenance and construction, stockpiles of excavated materials, equipment storage, and vehicle parking shall be limited to existing disturbed areas wherever possible. Should use of existing disturbed areas prove infeasible, any new disturbance shall be confined to the smallest practical area, considering topography, placement of facilities, location of burrows or vegetation, public health and safety, and other limiting factors. Special habitat features, particularly tortoise burrows, shall be flagged by the Qualified Biologist so that they may be avoided by installation equipment and during placement of poles and anchors.*
- For activities conducted between March 15 and November 1, construction and operation activities shall be monitored by a Qualified Biologist approved by USFWS. The Qualified Biologist shall be present during all activities in which encounters with tortoises may occur. The Qualified Biologist shall watch for tortoises wandering into the*

construction areas, check under vehicles, examine excavations and other potential pitfalls for entrapped animals, examine exclusion fencing, and conduct other activities necessary to ensure that death or injuries of tortoises is minimized.

- All trash and food items generated by construction and maintenance activities shall be promptly contained and regularly removed from the project site to reduce the attractiveness of the area to common ravens and other desert predators. Portable toilets shall be provided on site if appropriate.*

4.4.6.1C *The project applicant shall consult with the California Department of Fish and Wildlife to determine if a focused Mohave Ground Squirrel Survey is required for the 10.6- acre travel center site, and that the absence of any Mohave ground squirrel is confirmed. If the Department does not require a survey, it can be assumed the species is absent from the site. If the Department requires a survey, Mitigation Measure 4.2.6.1D shall apply.*

4.4.6.1D *If the Mohave Ground Squirrel focused survey required in Mitigation Measure 4.2.6.1C indicates the presence of the MGS, the project proponent shall acquire an incidental take permit (2081 permit) from CDFW for the MGS prior to construction and implement the conditions contained therein. The project proponent shall submit evidence to the City that consultation with the CDFW has occurred and that mitigation for onsite impacts to the MGS has been appropriately provided. Any mitigation for onsite impacts to the MGS shall be included as part of the conditions of approval for the project. These conditions include but may not be limited to the following:*

- Prior to the issuance of grading permits, the project proponent shall provide evidence to the City that a qualified biologist has been retained to oversee onsite monitoring of ground disturbance activities in all areas with the potential to support the Mohave ground squirrel. During construction activities, the qualified biologist shall prepare and submit monthly and final compliance reports to CDFW, the City, and other relevant regulatory agencies documenting the effectiveness of mitigation measures identified by the CDFW for the Mohave ground squirrel and the level of take associated with the project.*

- For permanent impacts to the Mohave ground squirrel, conservation of in-kind habitat of equal or greater value than that disturbed by the proposed project shall be provided by the project proponent. The location, ratio, and long-term conservation management of*

the identified lands shall be approved by the Department of Fish and Wildlife pursuant to Section 2081 of the California Fish and Game Code. Any replacement land should be within the general project region with a minimum replacement ratio of 1/1.

Facts in Support of the Finding: Based on vegetation and soil characteristics, the project site may potentially be inhabited by the desert tortoise and/or the MGS. The desert tortoise is a federally- and state-listed threatened species. The MGS is a state-listed threatened species. Field surveys were completed for both species and it was determined that neither species occurs on-site. However, in the unlikely event that project site conditions change, Mitigation Measures **4.2.6.1A through 4.2.6.1D** have been identified to assure that there will be no significant impacts upon listed species (DEIR, pgs. 4.4-22 to 4.4-23).

b. Candidate, Non-listed Sensitive, or Special Interest Species

Potential Significant Impact: The EIR evaluated and concluded that the Project has the potential to adversely affect one unlisted sensitive species, the burrowing owl.

Finding: Implementation of the following mitigation measures will reduce the potential adverse impacts upon candidate, non-listed sensitive, or special interest species to a less than significant level:

4.4.6.2A *If vegetation removal is to take place during the breeding/nesting season (i.e., March 15 through August 15) that may impact raptors or other avian species protected under the Migratory Bird Treaty Act, then a pre-construction nest survey shall be conducted by a qualified biologist to ensure that active nests are protected. Any such nest survey may be conducted at the same time as the pre-construction burrowing owl survey. The last survey day shall be conducted no more than 30 days prior to the commencement of construction activity. If nesting birds are found, a qualified biologist shall be consulted regarding the relocation or extent of the buffer area around those nesting areas.*

4.4.6.2B *No more than 30 days before the start of grading activities, a qualified biologist shall conduct a pre-construction focused survey for the burrowing owl to determine if burrowing owls occupy the project site. The results of the pre-construction focused survey shall be submitted by the project proponent to the City as evidence that the pre-construction focused survey has been conducted. If future surveys determine the burrowing owl to be present on the project site, individuals will be relocated according to applicable protocols. If future surveys determine that the burrowing owl is absent from the project site, no further action is required.*

- *Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist verifies through non-invasive methods that either (1) the birds have not begun egg-laying or incubation or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival flight.*

- *Owls must be relocated by a qualified biologist from any occupied burrows that will be impacted by project activities. Suitable habitat must be available adjacent to or near the project site or artificial burrows will be provided nearby. Once the biologist has confirmed that the owls have left the burrow, burrows should be buried to prevent reoccupation.*

- *All relocation shall be approved by the California Department of Fish and Wildlife. The permitted biologist shall monitor relocated owls a minimum of three days per week for a minimum of three weeks. A report summarizing the results of the relocation and monitoring shall be submitted to the California Department of Fish and Wildlife within 30 days following completion of the relocation and monitoring of the owls.*

Facts in Support of the Finding: Based on the biological resources study, the western burrowing owl is the only species of special interest that has the potential to occur on-site. A burrowing owl survey was completed in 2011. Although no burrowing owls or other migratory avian species were observed onsite during the biological resource surveys, Mitigation Measure 4.4.6.2A and 4.4.6.2B would ensure that impacts to these species are reduced to a less than significant level (DEIR, pgs. 4.4-22 to 4.4-23).

c. Cumulative Biological Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would incrementally affect biological resources.

Findings: Potential impacts of the Project related to cumulative biological resources are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant cumulative impacts to biological resources and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.4 of the DEIR, the proposed project would not have potentially significant impacts to plant communities, habitat fragmentation, wildlife movement, local policies and ordinances, or habitat conservation plans. The project site is surrounded by developed urban uses, infrastructure and roadways and highly disturbed desert properties to the west and south of the project site, and those areas are not likely to be utilized as wildlife corridors.

The project site contains habitat suitable for one sensitive species, the burrowing owl. Burrowing owls and burrows were not identified during the field reconnaissance surveys in May 2011. However, burrowing owls are highly mobile and can utilize surrounding vacant areas, even where habitat is disturbed. In addition, the regional West Mojave Plan would preserve open space in the surrounding area for sensitive desert species. There are no projects that would, in combination with the proposed project, produce a significant impact to jurisdictional waters or non-listed sensitive species. Therefore, there are no significant cumulative impacts anticipated to occur that are associated with biological resources (DEIR, pg. 4.4-24). Although the proposed project would create a potentially significant impact related to the desert tortoise, Mohave ground squirrel, and a non-listed sensitive species (burrowing owl), such impacts are reduced to a less than significant level with implementation of Mitigation Measures 4.4.6.1A-D and 4.4.6.2A-B.

3. Cultural Resources

a. Prehistoric Cultural Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project has the potential to impact previously undetected human remains.

Finding: Implementation of the following mitigation measures will reduce the potential impact upon human remains to less than significant:

4.5.6.1A *In the event that human remains (or remains that may be human) are discovered during grading or earthmoving of the 10.6-acre travel center site, the construction contractors shall immediately stop all activities in the area of the find. The project proponent shall then inform the San Bernardino County Coroner and the City of Hesperia Planning Division immediately, and the coroner will be permitted to examine the remains.*

If the coroner determines that the remains are of Native American origin, the coroner will notify the NAHC, which will identify the "Most Likely Descendant" (MLD). Despite affiliation with any Native American representatives at the site, the NAHC's

identification of the MLD will stand. The MLD shall be granted access to inspect the site of the discovery of Native American human remains and may recommend to the project proponent means for treatment or disposition, with appropriate dignity of the human remains and any associated grave goods. The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The disposition of the remains will be determined in consultation with the project proponent, the MLD, and the City of Hesperia. In the event that the project proponent and the MLD are in disagreement regarding the disposition of the remains, the City of Hesperia will be responsible for the final decision based upon input from the various stakeholders.

The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The locations will be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of the findings will be filed with the San Bernardino Archaeological Information Center (SBAIC).

If the human remains are determined to be other than Native American in origin, but still of archaeological value, the remains will be recovered for analysis and subject to curation or reburial at the expense of the project proponent. If deemed appropriate, the remains will be recovered by the Coroner and handled through the Coroner's Office.

Facts in Support of the Finding: The project site is currently undeveloped. There is no evidence suggesting that the project site has been utilized in the past for human burials. In the unlikely event human remains are discovered during grading or construction activities within the project site, compliance with State law (Health and Safety Code § 7050.5) (HSC § 7050.5) would be required in addition to Mitigation Measure 4.5.6.1A. Compliance with State law and the recommended mitigation measure would reduce potential impacts to human remains to less than significant (DEIR, pg. 4.5-8).

b. Archaeological Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could impact previously undetected subsurface archaeological resources.

Finding: Implementation of the following mitigation measures will reduce the impact upon archaeological resources to less than significant:

4.5.6.2A *In the event potential cultural or archaeological resources are uncovered or discovered during construction activities within the 10.6-acre travel center site, no further*

excavation or disturbance of the area where the resources were found shall occur until a qualified archaeologist evaluates the find. If the find is determined to be a potentially significant archaeological resource, the project applicant shall consult with the City to determine the appropriate actions as required by Public Resources Code Section 21083.2(b), (c) and (d) which requires that:

a) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

- 1) Planning construction to avoid archaeological sites.*
- 2) Deeding archaeological sites into permanent conservation easements.*
- 3) Capping or covering archaeological sites with a layer of soil before building on the sites.*
- 4) Planning parks, greenspace, or other open space to incorporate archaeological sites.*

b) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision. The project applicant shall provide a guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state. When a final decision is made to carry out or approve the project, the lead agency shall, if necessary, reduce the specified mitigation measures to those which can be funded with the money guaranteed by the project applicant plus the money voluntarily guaranteed by any other person or persons for those mitigation purposes. In order to allow time for interested persons to provide the funding guarantee referred to in this subdivision, a final decision

to carry out or approve a project shall not occur sooner than 60 days after completion of the recommended special environmental impact report required by this section.

c) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.

Prior to the continuation of ground-disturbing activities in the vicinity of the find, the project applicant shall provide evidence to the City that appropriate measures have been taken to fully satisfy applicable cultural resource protection requirements established by the City, State, and/or other authority.

4.5.6.2B *If archaeological resources are found during grading, as outlined in Measure 4.5.6.2A, the City and the applicant shall invite interested Tribal Group(s) representatives to provide input on the resources if they so desire. This measure shall be implemented to the satisfaction of the City Planning Division.*

Facts in Support of the Finding: The project site has historically been vacant with no developed uses. The previous cultural resources study prepared for the City's General Plan Update identifies that most of the prehistoric sites in the Planning Area consist of lithic scatters of various size and material types, as well as quarrying sites. However, there are also several sizable village or habitation sites, several bedrock milling sites, and a single recorded human burial. The City's General Plan EIR indicates that the project area is considered to have "Low" potential sensitivity for cultural resources, however, it is possible that previously undiscovered (i.e., buried) archaeological resources may be exposed during grading operations. If that were to occur, impacts to archaeological resources could be significant, so **Mitigation Measures 4.5.6.2A and 4.5.6.2B** are required to reduce potential impacts to less than significant levels (DEIR, pg. 4.5-10).

c. Historic Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could impact previously undetected subsurface historic resources.

Finding: Implementation of the following mitigation measures will reduce the impact to historic resources to less than significant:

4.5.6.3A *If historical resources are discovered during monitoring activities outlined in Mitigation Measure 4.5.6.2A, a qualified professional shall be consulted and/or retained to evaluate and determine the most appropriate disposition for significant historical resources found during project grading. If the City determines that a significant historical cultural resource will be directly impacted by project grading, and the qualities that make the resource significant will be lost as a result of project grading, the significant cultural resource must either be avoided or data shall be collected by a qualified professional following guidelines established for this type of research by the California SHPO.*

Facts in Support of the Finding: According to the General Plan, certain areas of the City will be more sensitive than others for both recorded and unknown cultural resources, and unrecorded paleontological resources. The project site is classified as having a “Low” potential sensitivity to historical resources, and there were no historical resources observed on the project site. However, the project area may contain cultural resources, so **Mitigation Measure 4.5.6.3A** is required to reduce potential impacts to historic resources to a less than significant level (DEIR, pg. 4.5-12).

b. Paleontological Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could have a significant adverse effect on a paleontological resource or site or unique geologic feature.

Findings: Implementation of the following mitigation measures will reduce the impact to a unique paleontological resource or unique geologic feature to less than significant:

4.5.6.4A *If paleontological resources are discovered during monitoring activities outlined in Mitigation Measure 4.5.6.2A, a qualified professional shall be consulted and/or retained to evaluate and determine the most appropriate disposition for significant paleontological resources found during project grading. If the City determines that significant paleontological resources will be directly impacted by project grading, the significant resources shall be collected by a qualified professional following appropriate professional guidelines. Any paleontological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the City where they would be afforded long-term preservation to allow future scientific study.*

Facts in Support of the Findings: According to Section 4.5 of the DEIR, there are no previously known paleontological resources located within the project site, or within several miles in any direction. However, the General Plan Planning Area exhibits strata that has the potential to contain fossils. As identified in the City's General Plan EIR, it is the policy of the City that, if an SBCM Paleontological Planning Review report indicates that the potential for impacts to fossil resources is good in any one Planning Area, paleontological monitoring shall be required if the SBCM Planning Review report recommends it. Therefore, **Mitigation Measure 4.5.6.4A** is recommended to reduce potential impacts on paleontological resources to less than significant levels (DEIR, pgs. 4.5-13).

4. Geology and Soils

a. Ground Shaking

Potential Significant Impact: The EIR evaluated and concluded that the Project would locate development in an area susceptible to strong seismic ground shaking.

Findings: Implementation of the following mitigation measure will reduce the impacts from ground shaking to less than significant:

4.6.6.1A *Prior to issuance of a grading permit for the 10.6-acre travel center, the project proponent shall demonstrate to the City that the siting, design and construction of all structures and facilities within the project limits are in accordance with the recommendations provided in the site-specific Final Geotechnical Investigation and regulations established in the California Building Code. These California Building Codes are specifically designed to ensure structural safety in the event of a seismic event.*

Facts in Support of the Findings: Southern California is located in a seismically active area and, therefore, will continue to be subject to ground shaking resulting from seismic activity on regional faults. Ground shaking from earthquakes associated with nearby and more distant faults is expected to occur during the lifetime of the project.

In accordance with the City's General Plan Safety Element (Implementation Policy SF-1.2), development of project sites may require a geological and geotechnical investigation by State-licensed professionals. A geotechnical investigation provides siting, site preparation, and construction standards based on the characteristics of the soil and proposed development. Such a study is required as Mitigation Measure 4.6.6.1A to ensure that ground shaking impacts are reduced to less than significant levels (DEIR, pgs. 4.6-12).

5. Climate Change and Greenhouse Gas Emissions

a. Greenhouse Gas Plan, Policy, Regulation Consistency

Potential Significant Impact: Whether the Project would conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Findings: Potential impacts of the Project related to greenhouse gas regulation consistency are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in impacts related to greenhouse gas regulation consistency and, therefore, no mitigation is required.

Facts in Support of the Findings: According to DEIR Section 4.7, the project will comply with existing State and Federal regulations regarding the energy efficiency of buildings, appliances, and lighting, which will reduce the project's electricity demand compared to older buildings. The travel center will be built in compliance with the latest California Building Code (CBC) to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices. Table 4.7.H in DEIR Section 4.7 identifies strategies included in the City's Climate Action Plan that apply to the project. This table also summarizes the extent to which the project would comply with the strategies to help California reach the emission reduction targets. With implementation of these strategies/measures, the project's contribution to cumulative GHG emissions would be reduced. In order to ensure that the proposed project complies with and would not conflict with or impede the implementation of reduction goals identified in AB 32, the Governor's EO S-3-05, and other strategies to help reduce GHGs to the level proposed by the Governor, Mitigation Measure 4.7.7.1A in Section 4.7.7, Cumulative Impacts shall be implemented. In addition, many of the individual elements of this measure are already included as part of the proposed project or are required as part of project-specific mitigation measures in other sections of the EIR (e.g., DEIR Section 4.3, Air Quality).

The proposed project is also consistent with state-wide greenhouse gas reduction strategies, as shown in DEIR Section 4.3 Table 4.7.G. In addition, the City has adopted a Climate Action Plan (CAP) and DEIR Section 4.7 Table 4.7.H analyzes the consistency of the proposed project with the fourteen strategies identified in the City CAP. For these reasons the proposed project is consistent with local, state, and federal GHG regulations and no impact would occur with inclusion of required mitigation measures (DEIR pgs. 4.7-26 to 4.7-30).

b. Cumulative Greenhouse Gas Emissions

Potential Significant Impact: The EIR evaluated and concluded that the Project in connection with past, current, and probable future projects may have an adverse effect due to the generation of greenhouse gas emissions (GHGs).

Findings: Implementation of the following mitigation measure will reduce the project impact related to greenhouse gas emissions to less than significant:

4.7.7.1A *Prior to issuance of a building permit, the applicant shall demonstrate that buildings proposed within the 10.6-acre travel center will employ energy and water conservation measures in accordance with applicable state and local standards. To that end, the following shall be incorporated into the design, plans, and construction of the project:*

Construction and Building Materials

- *Use locally produced and/or manufactured building materials for at least 10 percent of the construction materials used for the project.*
- *Use "Green Building Materials," such as those materials that are resource efficient, and recycled and manufactured in an environmentally friendly way, for at least 10 percent of the project.*
- *Limit unnecessary idling of construction equipment. A reduction in equipment idling would reduce fuel consumption, and therefore, GHG emissions.*
- *Maximize the use of electricity from the power grid by replacing diesel- or gasoline-powered equipment with electrically-powered equipment where practicable. This would directly reduce GHG emissions associated with fossil fuel consumption and as well as use electricity produced at centralized power plants.*

Energy Efficiency

Design all project buildings to exceed the California Building Code's (CBC) Title 24 energy standards by ten (10) percent, including, but not limited to, any combination of the following:

- *Increase insulation such that heat transfer and thermal bridging is minimized.*

- *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.*
- *Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment.*
- *Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and solar opportunities.*
- *Install efficient lighting and lighting control systems, and use daylight as an integral part of the lighting systems in buildings.*
- *Install light-colored "cool" roofs and cool pavements.*
- *Install energy-efficient heating and cooling systems, appliances and equipment, and control systems.*
- *Install solar or light-emitting diodes (LEDs) for outdoor lighting.*
- *The project applicant shall use less than 3,900 Global Warming Potential (GWP) hydrofluorocarbon (HFC) refrigerants or natural refrigerants (ammonia, propane, carbon dioxide [CO₂]) for refrigeration and fire suppression equipment.*
- *Provide vegetative or man-made exterior wall shading devices for east-, south-, and west-facing walls with windows.*
- *Exterior windows shall utilize window treatments for efficient energy conservation.*
- *Use low-emission and/or solar water heaters as appropriate.*

Water Conservation

- *Install drought-tolerant plants for landscaping.*
- *If available, use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water if and when it is available.*

- *Install water-efficient irrigations systems, such as weather-based and soil-moisture-based irrigation controllers and sensors for landscaping according to the California Department of Water Resources Model Efficient Landscape Ordinance.*
- *Per CALGreen Code requirements, water-efficient fixtures and appliances, including but not limited to low-flow faucets and dual-flush toilets minimizing water consumption by 20 percent from the CALGreen Code baseline water consumption, shall be used.*
- *Per CALGreen Code requirements, a Commissioning Plan shall be prepared and all building systems (e.g., heating, ventilation, and air-conditioning [HVAC], irrigation systems, lighting, and water heating) shall be commissioned by the Commissioning Authority.*
- *Per the CALGreen Code, restrict watering methods (e.g., prohibit systems that apply water to unvegetated surfaces) and control runoff.*

Solid Waste

- *Provide employee education about reducing waste generation and maximize available recycling services on an ongoing basis.*

Facts in Support of the Findings: According to Section 4.7 of the DEIR, the project will not individually cause a significant impact on global warming or climate change, but will make an incremental contribution to cumulative GHG emissions in California and the rest of the world. Cumulatively, buildout of the proposed project would contribute approximately 4,000 metric tons of CO₂e per year, which is less than 0.001 percent of California’s existing total emissions for carbon dioxide, methane, and nitrous oxide, and less than the SCAQMD recommended screening threshold of 10,000 MTCO₂e. However, project-related GHG emissions are not confined to a particular region but are dispersed worldwide. Therefore, GHG emissions from a particular development project are not area specific as they relate to global warming, but the project may contribute incrementally. Mitigation Measure 4.7.7.1A is required to reduce cumulative impacts from GHG emissions to less than significant levels.

6. Hydrology and Water Quality

a. Construction-Related Water Quality Impacts

Potential Significant Impact: The EIR evaluated and concluded that the Project could violate water quality standards or waste discharge requirements during construction phases of the Project in the form of increased soil erosion, sedimentation, or storm water discharges.

Findings: Implementation of the following mitigation measures will reduce the project's impact upon water quality to a less than significant level:

4.9.6.1A *Prior to grading plan approval and issuance of a grading permit by the City, the project applicant shall provide evidence to the City that a Notice of Intent (NOI) has been filed with the Regional Water Quality Control Board for coverage under the State NPDES General Construction Permit for discharge of stormwater associated with construction activities.*

4.9.6.1B *Prior to grading plan approval and the issuance of a grading permit by the City, the project applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the City of Hesperia. The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to control onsite and off-site erosion during the entire grading and construction period. Additionally, the SWPPP shall identify structural and nonstructural BMPs to control sediment and nonvisible discharges from the site. BMPs to be implemented in the SWPPP may include (but shall not be limited to) the following:*

- Sediment discharges from the site may be controlled by the following: sandbags, silt fences, straw wattles and temporary debris basins (if deemed necessary), and other discharge control devices. The condition of the BMPs will be periodically inspected during construction, and repairs will be made when necessary as required by the SWPPP.*
- No materials of any kind shall be placed in drainage ways.*
- Materials that could contribute nonvisible pollutants to stormwater must be contained, elevated, and placed in temporary storage containment areas.*
- All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be contained per RWQCB standards to eliminate any discharge from the site. Stockpiles will be surrounded by silt fences.*

- *The SWPPP will include inspection forms for routine monitoring of the site during the construction phase to ensure NPDES compliance.*
- *Additional BMPs and erosion control measures will be documented in the SWPPP and utilized as necessary.*
- *The SWPPP will be kept on site for the entire duration of project construction and will also be available to the local RWQCB for inspection at any time. In the event that it is not feasible to implement the above BMPs, the City of Hesperia can make a determination that other BMPs will provide equivalent or superior treatment either on or off site.*

4.9.6.1C *Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that the following provisions have been added to construction contracts for the project:*

- *The Construction Contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sediment control measures called for in the SWPPP. Monthly reports shall be maintained by the Contractor and submitted to the City for inspection. In addition, the Contractor will also be required to maintain an inspection log and have the log on site to be reviewed by the City of Hesperia and the representatives of the Regional Water Quality Control Board.*

Facts in Support of the Findings: According to Section 4.9 of the DEIR, the construction and grading phases of the project site would require the disturbance of surface soils and removal of existing vegetative cover. During the construction period, grading and excavation activities would result in exposure of soil to storm runoff, potentially causing erosion and sediment in runoff. If not managed through BMPs, the runoff could cause erosion and increased sedimentation in local drainage ways such as the Mojave River. By volume, sediment is the principal component in most storm runoff. Sediments also transport substances such as nutrients, hydrocarbons, and trace metals, which are conveyed to the receiving waters. The potential for chemical releases is present at most construction sites in the form of fuels, solvents, glues, paints, and other building construction materials. However, implementation of construction practices and adherence to existing water quality regulations and **Mitigation Measures 4.9.6.1A through 4.9.6.1C** would reduce these impacts to a less than significant level (DEIR, pgs. 4.9-19 to 4.9-21).

b. Operational-Related Water Quality Impacts

Potential Significant Impact: The EIR evaluated and concluded that the Project could violate water quality standards or waste discharge requirements during the operational phases of the project in the form of increased soil erosion, sedimentation, or urban runoff.

Findings: Implementation of the following mitigation measure will reduce the impact to operational-related water quality to less than significant:

4.9.6.2A *Prior to issuance of a building permit by the City, the project applicant shall receive approval from the City of Hesperia of a project-specific Final Water Quality Management Plan (WQMP). The Final WQMP shall specifically identify pollution prevention, source control, treatment control measures, and other BMPs that shall be used on-site to control predictable pollutant runoff in order to reduce impacts to water quality to the maximum extent practicable.*

Facts in Support of the Findings: According to Section 4.9 of the DEIR, the Project would result in conversion of existing on-site permeable surfaces to impermeable surfaces, concentrating storm water flow on-site. Upon development of the proposed on-site uses, storm runoff from the roadways, parking lots, and buildings may carry a variety of pollutants such as sediment, pathogens, petroleum products, commonly utilized construction materials, landscaping chemicals, and (to a lesser extent) trace metals such as zinc, copper, lead, cadmium, and iron, which may lead to the degradation of storm water in downstream channels. These impacts to water quality are considered significant impacts that require mitigation. **Mitigation Measure 4.9.6.2A** has been identified to reduce impacts to water quality to less than significant.

Additional water quality treatment would generally occur within the three proposed onsite basins. These locations would incorporate water quality basins for the treatment of dry weather flows and first flush stormwater flows. Basins constructed on the project site would be anticipated to function as infiltration basins or extended detention basins. The proposed project intends to use a variety of BMPs for the project site (DEIR, pgs. 4.9-21 to 4.9-22).

7. Noise

a. **Short-Term Construction Noise**

Potential Significant Impact: The EIR evaluated and concluded that a potential significant short-term noise impact due to construction could occur.

Finding: Implementation of the following mitigation measures will reduce potential short-term construction noise impacts to less than significant:

4.12.6.1A *During all site construction activities related to the travel center project, the construction contractor shall limit all construction-related activities that would result in noise levels in excess of City standards to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. No construction activities shall be allowed on Sundays and public holidays.*

Facts in Support of the Finding: According to Section 4.12 of the DEIR, two types of short-term noise impacts could occur during the construction of the Project. First, construction crew commutes and the transport of construction equipment and materials to the site for the Project would incrementally increase noise levels on access roads leading to the site. The second type of short-term noise impact is related to noise generated during excavation, grading, and building erection on the Project site. Construction of the Project is expected to require the use of scrapers, bulldozers, and water and pickup trucks. The site preparation phase, which includes excavation and grading of the site, tends to generate the highest noise levels, because the noisiest construction equipment is earthmoving equipment. Earthmoving equipment includes excavating machinery such as backfillers, bulldozers, draglines, and front loaders. Earthmoving and compacting equipment includes compactors, scrapers, and graders.

The closest existing residences are located approximately 1,600 feet southeast of the project site along Sage Street. At this distance, these receptor locations would be exposed to construction noise levels of up to 61 dBA Lmax. The 61 dBA Lmax noise level would exceed the City's daytime maximum noise level of 60 dBA Lmax. However, construction activities that occur between the permitted hours of 7:00 a.m. and 7:00 p.m. of any working day, except Sundays and Federal holidays, are exempt from the City's noise standards. Therefore, no significant construction noise impacts would occur if construction of the proposed project would occur within the permitted hours identified in the City's Municipal Code and Mitigation Measure 4.12.6.1A (DEIR, pgs. 4.12-18 to 4.12-19).

C. ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

The Hesperia City Council finds the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures: air quality (individually and cumulatively) and transportation. In accordance with CEQA Guidelines Section 15092(b)(2), the

City Council of the City of Hesperia cannot approve the Project unless it first finds (1) under *Public Resources Code* Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, including provisions for new employment opportunities and services, make infeasible the mitigation measures or Project alternatives identified in the EIR; and (2) under CEQA Guidelines section 15092(b), that the remaining significant effects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein.

1. **Air Quality (Project-Specific and Cumulative Impact)**

a. **Long-Term Project Related Emissions Impacts**

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project has the potential to result in a net increase of criteria air pollutants generated during the operation of the proposed on-site uses.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that **Mitigation Measures 4.3.6.2A** through **4.3.6.2D** are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the Project will not be consistent with AQMP and the SIP and therefore impacts are considered significant and unavoidable.

4.3.6.2A *Prior to the issuance of building permits, the applicant shall demonstrate that the project buildings include solar and low-emission water heaters and window treatments for energy conservation.*

4.3.6.2B *Prior to the issuance of building permits, the applicant shall demonstrate that the project buildings have at least one electrical hookup at each loading door to accommodate trucks with refrigerated storage to help reduce excessive truck idling to power on board refrigeration units.*

4.3.6.2C *Prior to the issuance of building permits, the applicant shall demonstrate that all project buildings are designed to exceed current Title 24 requirements by ten percent (10%). This can be achieved at the discretion of the applicant through insulation, lighting, etc. to the satisfaction of the City Building and Safety Division.*

4.3.6.2D *Signage shall be posted at loading doors and all entrances to loading areas prohibiting all onsite truck idling in excess of five minutes.*

Facts in Support of the Finding: Long-term air pollutant emission impacts are those associated with stationary sources and mobile sources involving any project-related changes, and are shown in DEIR Section 4.3 Table 4.3.I. Table I shows that emissions for one criteria pollutant (NOX) would exceed the corresponding MDAQMD daily emission thresholds as a result of the proposed project. This is a significant impact and requires **Mitigation Measures 4.3.6.2A through 4.3.6.2B**. However, given that operational NOX emissions are approximately 25 percent higher than the significance threshold, even implementation of Mitigation Measures 4.3.6.2A through 4.3.6.2D would not reduce project-related long-term regional air quality impacts to less than significant levels. Additional possible measures that could reduce operational NOx emissions are under state or federal control (i.e., not under local lead agency control) such as truck fuel standards and truck emission control equipment. Since the project is already implementing all practical mitigation for these emissions at the local level, and because no additional local feasible mitigation is available to reduce operational-related NOX emissions, this impact remains significant and unavoidable (DEIR, pgs. 4.3-30 to 4.3-31).

b. Cumulative Air Quality Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in a cumulatively considerable net increase of criteria pollutants for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts cumulative air quality impacts will remain significant and unavoidable.

Facts in Support of the Finding: The project would contribute criteria pollutants to the area during temporary project construction. A number of individual projects in the area may be under construction at roughly the same as the proposed project. Depending on construction schedules and actual implementation of projects in the area, generation of fugitive dust and pollutant emissions during construction could result in substantial short-term increases in air pollutants. This would contribute to short-term cumulative air quality impacts.

Currently, the Basin is in nonattainment for PM₁₀, PM_{2.5}, and O₃. Construction of the proposed project, in conjunction with other planned developments within the cumulative study area, would contribute to the existing nonattainment status. Therefore, the proposed project would exacerbate nonattainment of air quality standards within the Basin and contribute to adverse cumulative air quality impacts. Possible measures that could reduce operational PM₁₀, PM_{2.5}, and O₃ emissions are under state or federal control (i.e., not under local lead agency control) such as truck fuel standards and truck emission control equipment. Since the project is already implementing all practical mitigation for these emissions at the local level, and because no additional local feasible mitigation is available to reduce operational-related PM₁₀, PM_{2.5}, and O₃ emissions, this impact remains significant and unavoidable (DEIR, pgs. 4.3-31 to 4.3-32).

CO emissions were calculated for the project area for 2035, therefore, CO hot-spot concentrations calculated at project intersections included cumulative traffic effects. Based on these emission calculations, no significant cumulative CO impacts were projected to occur. Project operations are expected to result in significant NO_x emissions, and this would also make a significant cumulative contribution to long-term area emissions (DEIR, pgs. 4.3-31 to 4.3-32).

2. Transportation

a. Traffic and Level of Service Impacts and Plan Consistency (Individually and Cumulatively)

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit.

And, the proposed project would conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that **Mitigation Measure 4.16.6.1A** through **4.16.6.1M** is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these

mitigation measures, traffic and level of service impact and plan consistency impacts are considered significant and unavoidable.

4.16.6.1A *Prior to issuance of an occupancy permit, the project applicant shall fully construct the following improvements to the Outpost Road/Joshua Street intersection:*

- *Install traffic signal. Coordinate traffic signal with the signal at the intersection of US-395/Joshua Street;*
- *Add a northbound left-turn lane;*
- *Add a northbound right-turn lane with overlap phasing;*
- *Add an eastbound left-turn lane;*
- *Add an eastbound through lane;*
- *Add an eastbound right-turn lane;*
- *Add two westbound left-turn lanes;*
- *Add a westbound through lane, and*
- *Add a westbound right-turn lane.*

This measure shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

4.16.6.1B *Prior to issuance of an occupancy permit, the project applicant shall contribute to the construction of the following improvements to the Highway 395/Joshua Street intersection as described below:*

- *Add a northbound through lane (shared by the project and Hesperia Commerce Center);*
- *Add a southbound left-turn lane; (shared by the project and Hesperia Commerce Center); and*
- *Add a westbound left-turn lane (project design feature).*

This measure shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

4.16.6.1C *Prior to issuance of an occupancy permit, the project applicant shall fully construct the widening of Joshua Street between Highway 395 and I-15 SB Off-Ramp from a 2-lane undivided arterial to a 4-lane divided arterial.*

- *US-395: North of Main Street - Widen 2-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a fair share for the improvements;*
- *US-395: Main Street to Poplar Street - Convert 2-lane undivided roadway to 2-lane divided roadway. The project applicant shall pay a fair share for the improvements;*
- *Main Street: Escondido Avenue to Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a DIF for the improvements; and*
- *Main Street: East of Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a DIF for the improvements.*

These measures shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

To mitigate long-term cumulative (Year 2035) contributions of project traffic to future congestion at local intersections if the Muscatel Street Interchange is NOT built, the following measure shall be implemented:

4.16.6.1J *Prior to the issuance of building permits, the project applicant shall make the appropriate Development Impact Fee (DIF) payment or fair share to cover the applicant's proportional impacts associated with the following intersection improvements as outlined in Table U of the project traffic study:*

- *Caliente Road/Joshua Street – Install a traffic signal. Add two westbound left-turn lanes. Re-stripe the westbound left-through-right turn lane to a through-right turn lane. The improvements identified for this intersection are project specific mitigations for the proposed Hesperia Commerce Center. The project will not be contributing any funding for these improvements.*
- *US-395/Phelan Road-Main Street – Add a northbound left-turn lane, a northbound through lane, a northbound right-turn lane, a southbound left-turn lane, a southbound through lane, a southbound right-turn lane with overlap phasing, an eastbound left-turn lane, an eastbound through lane, convert the eastbound right-turn lane to a free-right turn lane, a westbound left-turn lane, and a westbound through lane. The project applicant shall pay a fair share for the improvements.*

- *US-395/Poplar Street – Install a traffic signal. Add two southbound through lanes. The project applicant shall pay a fair share for the improvements.*
- *US-395/Three Flags Road – Add a southbound through lane. The project applicant shall pay a fair share for the improvements.*
- *US-395/Joshua Street – Add a northbound through lane, a southbound left-turn lane, a southbound through lane, add overlap phasing to the southbound right-turn lane, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane with overlap phasing, a westbound left-turn lane, a westbound through lane, and a westbound right-turn lane with overlap phasing. The east leg improvements will be a project design feature, the west leg improvements recommended under opening year are project specific mitigations for the Hesperia Commerce Center. Improvements beyond opening year for the west, north and south legs will be a fair share contribution by the project.*
- *Outpost Road/Joshua Street – Install a traffic signal. Add a northbound left-turn lane, a northbound right-turn lane with overlap phasing, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane, two westbound left-turn lanes, a westbound through lane, and a westbound right-turn lane. The improvements will be provided as a project design feature.*
- *I-15 Southbound Off-Ramp/Joshua Street – Installation of a traffic signal and add a second eastbound through lane and second southbound right lane. The project applicant shall pay a DIF for the improvements.*
- *Mariposa Road/Joshua Street – Installation of a traffic signal and an eastbound right-turn lane. The project applicant shall pay a DIF for the improvements.*
- *Mesa Linda Road/Main Street – Installation of a traffic signal. The project applicant shall pay a DIF for the improvements.*
- *Key Pointe Drive/Main Street – Add a westbound left turn lane consistent with the Major Arterial Highway designation for Main Street. The project applicant shall pay a DIF for the improvements.*
- *I-15 Southbound Ramps/Main Street – Add a second receiving lane to the southbound on-ramp.*

- *I-15 Northbound Ramps/Main Street – Restripe the left-turn lane to a shared left-through lane, restripe the shared through-right turn lane to a dedicated right-turn lane. The project applicant shall pay a DIF for the improvements.*
- *Escondido Avenue/Main Street – Add a northbound through lane, southbound through lane, eastbound left-turn lane, westbound through lane, a westbound right-turn lane with overlap phasing, overlap phasing to northbound right-turn lane, and overlap phasing to eastbound right-turn lane. The project applicant shall pay a DIF for the improvements.*
- *Topaz Avenue/Main Street – Add a westbound through lane and an eastbound through lane. The project applicant shall pay a DIF for the improvements.*

These measures shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

To mitigate long-term cumulative (Year 2035) contributions of project traffic to future congestion at local roadway segments if the Muscatel Street Interchange is NOT built, the following measure shall be implemented:

4.16.6.1K *Prior to the issuance of building permits, the project applicant shall pay the appropriate Development Impact Fee (DIF) payment or fair share to cover the applicant's proportional impacts associated with the following intersection improvements as outlined in Table U of the project traffic study:*

- *US-395: North of Main Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;*
- *US-395: Main Street to Poplar Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;*
- *US-395: Poplar Street to Three Flags Road - Widen 3-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;*
- *US-395: Three Flags Road to Joshua Street - Widen 5-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;*
- *US-395: South of Joshua Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;*

- *Joshua Street: Caliente Road to US-395 - Widen 2-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a DIF for the improvements;*
- *Joshua Street: US-395 to Outpost Road - Widen 2-lane undivided roadway to 4-lane divided roadway. The improvements will be provided as a project design feature;*
- *Joshua Street: Outpost Road to I-15 Southbound Off-Ramp - Widen 2-lane undivided roadway to 4-lane divided roadway. The improvements will be provided as a project design feature;*
- *Joshua Street: I-15 Southbound Off-Ramp to I-15 Northbound On-Ramp - Widen 2-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a DIF for the improvements;*
- *Main Street: West of US-395 - - Convert 4-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a DIF for the improvements;*
- *Main Street: US-395 to Mesa Linda Street - Convert 4-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a DIF for the improvements;*
- *Main Street: Escondido Avenue to Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a DIF for the improvements; and*
- *Main Street: East of Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a DIF for the improvements.*

These measures shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

To mitigate long-term cumulative (Year 2035) contributions of project traffic to future congestion at local intersections if the Muscatel Street Interchange IS built, the following measures shall be implemented:

4.16.6.1L *Prior to the issuance of building permits, the project applicant shall pay the appropriate Development Impact Fee (DIF) payment or fair share to cover the applicant's proportional*

impacts associated with the following intersection improvements as outlined in Table V of the project traffic study:

- *Caliente Road/Joshua Street – conversion from two way stop control to all way stop control, add a westbound left-turn lane, re-stripe the westbound left-through-right-turn lane to a through-right turn lane. The improvements identified for this intersection are project specific mitigations for the proposed Hesperia Commerce Center. The project will not be contributing any funding for these improvements.*
- *US-395/Phelan Road-Main Street – Add a northbound left-turn lane, a northbound through lane, a northbound right-turn lane, a southbound left-turn lane, a southbound through lane, a southbound right-turn lane with overlap phasing, an eastbound through lane, convert the eastbound right-turn lane to a free-right turn lane, and a westbound through lane. The project applicant shall pay a fair share for the improvements.*
- *US-395/Poplar Street – Install a traffic signal. Add a northbound through lane, a northbound right-turn lane, two southbound through lanes, a westbound left-turn lane, and a westbound right-turn lane. The project applicant shall pay a fair share for the improvements.*
- *US-395/Three Flags Road – Add a southbound through lane. The project applicant shall pay a fair share for the improvements.*
- *US-395/Joshua Street – Add a northbound through lane, a southbound left-turn lane, a southbound through lane, add overlap phasing to the southbound right-turn lane, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane with overlap phasing, a westbound left-turn lane, a westbound through lane, and a westbound right-turn lane with overlap phasing. The east leg improvements will be a project design feature, the west leg improvements recommended under opening year are project specific mitigations for the Hesperia Commerce Center. Improvements beyond opening year for the west, north and south legs will be a fair share contribution by the project.*
- *Outpost Road/Joshua Street – Install a traffic signal. Add a northbound left-turn lane, a northbound right-turn lane with overlap phasing, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane, two westbound left-turn lanes, a westbound through lane, and a westbound right-turn lane. The improvements will be provided as a project design feature.*

- *Mariposa Road/Joshua Street – Installation of a traffic signal and an eastbound right-turn lane. The project applicant shall pay a DIF for the improvements.*
- *Mesa Linda Road/Main Street – Installation of a traffic signal. The project applicant shall pay a DIF for the improvements.*
- *Three Flags Avenue-Lassen Road/Poplar Street – Installation of a traffic signal. The project applicant shall pay a DIF for the improvements.*
- *I-15 Northbound Ramps/Muscatel Street – Add a northbound left-turn lane. The project applicant shall pay a DIF for the improvements.*
- *I-15 Northbound Ramps/Main Street – Restripe the left-turn lane to a shared left-through lane, restripe the shared through-right turn lane to a dedicated right-turn lane. The project applicant shall pay a DIF for the improvements.*
- *Escondido Avenue/Main Street – Add a northbound through lane, southbound through lane, eastbound left-turn lane, westbound through lane, a westbound right-turn lane with overlap phasing, overlap phasing to northbound right-turn lane, and overlap phasing to eastbound right-turn lane. The project applicant shall pay a DIF for the improvements.*
- *Topaz Avenue/Main Street – Add a westbound through lane and an eastbound through lane. The project applicant shall pay a DIF for the improvements.*

These measures shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

To mitigate long-term cumulative (Year 2035) contributions of project traffic to future congestion at local roadway segments if the Muscatel Street Interchange IS built, the following measures shall be implemented:

4.16.6.1M *Prior to the issuance of building permits, the project applicant shall pay the appropriate Development Impact Fee (DIF) payment or fair share to cover the applicant's proportional impacts associated with the following intersection improvements as outlined in Table U of the project traffic study:*

- *US-395: North of Main Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;*
- *US-395: Main Street to Poplar Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;*
- *US-395: Poplar Street to Three Flags Road - Widen 3-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;*
- *US-395: Three Flags Road to Joshua Street - Widen 5-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;*
- *US-395: South of Joshua Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;*
- *Joshua Street: US-395 to Outpost Road - Widen 2-lane undivided roadway to 4-lane divided roadway. The improvements will be provided as a project design feature;*
- *Poplar Street: US-395 to Three Flags Road-Lassen Road - Widen 3-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a DIF for the improvements;*
- *Main Street: West of US-395 - Convert 4-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a DIF for the improvements;*
- *Main Street: Escondido Avenue to Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a DIF for the improvements; and*
- *Main Street: East of Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a DIF for the improvements.*

These measures shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

Facts in Support of the Finding:

As indicated in Section 4.16 of the DEIR, under existing plus project conditions, one intersection is forecast to operate at an unsatisfactory LOS. Under this scenario, the project creates a significant project impact at the intersection of Outpost Road/Joshua Street. Under existing plus project conditions, three roadway segments are forecast to operate at an unsatisfactory LOS.

Under opening year (2016) plus project conditions, three intersections operate at an unsatisfactory LOS. Under this scenario the intersections of Caliente Road/Joshua Street, Outpost Road/Joshua Street, and Highway 395/Poplar Street, would be considered cumulatively impacted. Under opening year (2016) plus project conditions, four roadway segments are forecast to operate at an unsatisfactory LOS.

Under the 2035 without Muscatel Interchange conditions, fourteen intersections are forecast to operate at unsatisfactory LOS. The project would not be the sole cause for any of these fourteen intersections to worsen from satisfactory to unsatisfactory LOS. Therefore, impacts to the fourteen intersections would be considered cumulative impacts. Under year 2035 without Muscatel Interchange plus project conditions, thirteen roadway segments are forecast to operate at an unsatisfactory LOS.

Under the 2035 with Muscatel Interchange conditions, thirteen intersections are forecast to operate at unsatisfactory LOS. The project would not be the sole cause for any of these intersections to worsen from satisfactory to unsatisfactory LOS. Therefore, impacts to the thirteen intersections would be considered cumulative impacts. Under year 2035 with Muscatel Interchange plus project conditions, ten roadway segments are forecast to operate at an unsatisfactory LOS.

With implementation of Mitigation Measures 4.16.6.1A through 4.16.6.1I and the improvements to be implemented by others, the project's contribution to direct and opening year (short term cumulative) impacts at the affected intersections will be mitigated to a less than significant level. However, implementation of these measures will not result in direct improvements to the Caliente Road/Joshua Street intersection and they will not result in direct improvements to the west leg of the Highway 395/Joshua Street intersection because these improvements will be constructed by the Hesperia Commerce Center as part of a mitigation measure contained in its EIR. In addition, this measure does not provide mitigation toward the additional improvement to be constructed at the intersection of Highway 395/Poplar Street and the roadway segment on Highway 395 between Main Street and Poplar Street because these improvements will be completed either as part of a Caltrans Traffic Signal Project or designed by a Caltrans Safety Project and implemented by adjacent private land development. The City cannot control the timing of when intersection improvements at the Caliente Road/Joshua Street and

Highway 395/Joshua Street (west leg) intersections will be implemented as part of the future (uncertified) Hesperia Commerce Center EIR and the City cannot control the timing of the additional Highway 395 intersection improvement because these intersection improvements are designed, constructed, and otherwise controlled by Caltrans. For these reasons, under existing plus project conditions, project impacts will remain significant and unavoidable at the west leg of the intersection of Highway 395/Joshua Street. Under opening year with project (short term cumulative conditions) project impacts will remain significant and unavoidable at the west leg of the intersection of Highway 395/Joshua, Caliente Road/Joshua Street and Highway 395/Poplar Street and the roadway segment on Highway 395 between Main Street and Poplar Street.

With implementation of Mitigation Measures 4.16.6.1J through 4.16.6.1M and the improvements to be implemented by others, the project's contribution to long term cumulative impacts at the affected intersections will be mitigated to a less than significant level with the exception of the intersection of I-15 Northbound Ramps/Main Street. However, implementation of these measures will not result in direct improvements to the Caliente Road/Joshua Street intersection and they will not result in direct improvements to the west leg of the Highway 395/Joshua Street intersection because these improvements will be constructed by the Hesperia Commerce Center as part of a mitigation measure contained in its EIR. In addition, this measure does not provide mitigation toward the additional improvements to be constructed at the Highway 395 intersections with Phelan Road-Main Street, Poplar Street, Three Flags Drive, and Joshua Street and the roadway segments on Highway 395 between Main Street and South of Joshua Street because these improvements will be completed either as part of a Caltrans Traffic Signal Project or designed by a Caltrans Safety Project and implemented by adjacent private land development. The City cannot control the timing of when intersection improvements at the Caliente Road/Joshua Street and Highway 395/Joshua Street (west leg) intersections will be implemented as part of the future (uncertified) Hesperia Commerce Center EIR and the City cannot control the timing of the additional Highway 395 intersection and roadway segment improvements because these intersection and roadway segment improvements are designed, constructed, and otherwise controlled by Caltrans. In addition, even with implementation of the identified improvements, impacts at the I-15 Northbound Ramps/Main Street intersection would remain at unacceptable LOS F conditions, due to physical constraints prohibiting additional improvements over and above those already identified in Mitigation Measures 4.16.6.1J through 4.16.6.1M. For these reasons, the long-term cumulative without and with Muscatel Interchange plus project impacts will remain significant and unavoidable at the Caliente Road/Joshua Street, Highway 395/Phelan Road-Main Street, Highway 395/Poplar Street, Highway 395/Three Flags Road, Highway

395/Joshua Street and I-15 NB Ramps/Main street intersections and the roadway segments on Highway 395 between Main Street and South of Joshua Street. (DEIR, pgs. 4.16-23 through 4.16-65).

D. ADEQUACY OF THE RANGE OF PROJECT ALTERNATIVES

The EIR analyzed five alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives as described in Section II.B above. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of implementation of the Project. The No Project/Existing Specific Plan Alternative makes a reasoned assessment as to the future development of the subject site should the Project under consideration not be developed. If this project is not constructed, the site would ultimately be developed in a similar manner to the Project, consistent with existing zoning for the site, which is assessed within Alternative 2. A Mixed Use Alternative (Commercial/Business Park); Circulation Options Alternative and Alternative Sites were also selected for analysis. CEQA requires the evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the Project." Thus, in order to develop a range of reasonable alternatives, the Project Objectives must be considered when this Council is evaluating the alternatives.

I. Alternative 1 – No Project/No Build Alternative

Description: Under the No Project/No Build Alternative, no development would take place within the project limits. No ground-disturbing activities would take place, nor would any commercial structures or facilities be erected. Impacts associated with this alternative, when compared to the proposed project, would not occur. In the absence of development, no impacts would occur. This alternative provides a baseline of existing conditions for comparison to the proposed project (DEIR, pg. 6-11).

Impacts: The No Project/No Build Alternative, as referenced in Section 6.0 of the DEIR, would not have any environmental impacts due to the lack of development and ground disturbance. In addition, this alternative would not have any significant and unavoidable impacts.

Objectives: Under the No Project/No Build Alternative, the project site would not be developed and would not have any environmental impacts. However, prohibiting development of the site, as suggested by this alternative, would not fulfill any of the objectives of the proposed project.

Finding: Under the No Project/No Build Alternative, the Project site would not be developed. In the absence of development, no impacts would occur. This alternative provides a baseline of existing

conditions for comparison to the proposed project. Because the No Project/No Build Alternative does not result in any development and does not meet any of the project's objectives in comparison to the Project, the City Council hereby rejects the No Project/No Build Alternative.

2. Alternative 2 – No Project/Existing Specific Plan

Description: The No Project/Existing Specific Plan Alternative assumes that in the event the proposed project was not approved, the site would be developed in accordance with the existing General Plan land uses in the future. In this case, the General Plan shows the site as within the Main Street and freeway Corridor Specific Plan (MSFCSP or Specific Plan). The Specific Plan designation of the project site is currently Neighborhood Commercial (NC), which allows a wide range of non-residential development. Therefore, this alternative would result in development of 160,000 square feet of retail commercial uses on 10.6 gross acres of the project site, consistent with the NC Zone District of the MSFCSP.

Impacts: Under the No Project/Existing Specific Plan Alternative, most impacts would be equivalent to those of the proposed project during both construction and operation, although traffic and roadway noise impacts would be incrementally lower due to an anticipated reduced amount of daily traffic (approximately 15 percent lower than the proposed project) and some impacts would be increased (wastewater generation, water demand, solid waste generation). The significant impacts identified for the project that cannot be fully reduced to less than significant even with implementation of mitigation (i.e., project daily NOx emissions, cumulative air quality from NOx emissions, and traffic) would remain still significant under this alternative.

Objectives: The No Project/Existing Specific Plan Alternative would, to some degree, realize the Project Objectives. However, the first four project objectives regarding development of a travel center would not be met due to the elimination of services for trucks and freeway travelers (i.e., the project applicant is a travel center developer, not a retail commercial builder per se), as shown in DEIR Section 6.0 Table 6.1. Although development of this alternative would meet the employment-oriented project objective by providing additional new employment opportunities for residents of Hesperia, the land uses under this alternative do not meet four of the eight project objectives.

Finding: Under the No Project/Existing Specific Plan Alternative, development of 160,000 square feet of retail commercial uses on 10.6 gross acres of the project site, consistent with the neighborhood commercial designation of the MSFCSP, would be realized as compared to the Project. The City Council hereby finds that the No Project/Existing Specific Plan Alternative will slightly reduce impacts of the project related to its traffic and roadway noise, but would not eliminate the significant and unavoidable

project daily NOx emissions, cumulative air quality from NOx emissions, , and traffic impacts identified in the EIR. This Alternative would also meet some of the Project Objectives, but not to the same extent as the Project and the Project would not meet the first four objectives regarding development of a travel center. The City Council hereby rejects the No Project/Existing Specific Plan Alternative.

3. Alternative 3 – Mixed Use Alternative

Description: As identified in Section 6.0 of the DEIR, the Mixed Use Alternative would develop 75,000 square feet of commercial space on 5.1 acres and 80,000 square feet of business park uses on 5.2 acres using a floor area ratio of 0.35 for both uses. This alternative would not require a General Plan Amendment, similar to the proposed project.

Impacts: As identified in Section 6.0 of the DEIR, the Mixed Use Alternative would result in similar impacts to those of the proposed project during both construction and operation. All the significant impacts identified for the proposed project would still be significant: (1) project direct NOx emissions; (2) cumulative NOx emissions; (3) traffic impacts.

Objectives: Under this alternative, the first four project objectives regarding development of a travel center would not be met due to the elimination of services for trucks and freeway travelers (i.e., the project applicant is a travel center developer, not a retail commercial builder per se), as shown in DEIR Section 6.0, Table 6.K. The project applicant is a major travel center developer, and has developed and is developing travel centers all over California. Although development of this alternative would meet the employment -oriented project objective by providing additional new employment opportunities for residents of Hesperia, the land uses under this alternative do not meet four of the eight project objectives.

Findings: Under the Mixed Use Alternative, development of 75,000 square feet of commercial space on 5.1 acres and 80,000 square feet of business park uses on 5.2 acres using a floor area ratio of 0.35 for both uses, would occur. This Alternative would have similar impacts that have been identified within the DEIR. However, the Commercial Center Alternative would result in the same significant and unavoidable impacts in comparison to the Project (daily NOx emission, cumulative NOx emissions, and traffic impacts,). The City Council finds that the Mixed Use Alternative would fulfill some, but not all of the Project Objectives. The first four project objectives regarding development of a travel center would not be met due to the elimination of services for trucks and freeway travelers. Because the Mixed Use Alternative will not fulfill the primary objective of the Project and the severity of significant and unavoidable impacts would be equivalent in comparison to the Project, the Council hereby rejects the Mixed Use Alternative.

4. Alternative 4 - Circulation Options Alternatives

Description: As identified in Section 6.0 of the DEIR, this alternative would result in three localized circulation options mainly using roundabouts instead of traffic signals as recommended in the DEIR for the Proposed Project.

Option A: Construct one large 6-legged roundabout at the intersection of Highway 395/Joshua Street combining that intersection with Joshua Street/Outpost Road. The Joshua Street/Outpost Road intersection would become legs 5 and 6 of this new intersection. This new 6-way roundabout would provide 3 approach and departure lanes along Hwy 395. It would require additional property to be acquired as part of the Proposed Project and also by Pilot on the northeast portion of the Hwy 395/Joshua Street intersection for locating the new large roundabout structure. It is estimated this option would require approximately 0.6 acres of land to the south to be added to the site plan to be able to construct the proposed roundabout. In addition, this option would require an additional 4.8 acres of off-site land owned by others to construct the roundabout.

Option B: Realign Hwy 395 to the west and construct a series of 3 roundabouts with 2 “paired” roundabouts at Hwy 395/Joshua Street and Joshua Street/Outpost Road (referred to as Option 3 in the August 14 Caltrans letter). This option would require considerable additional property to realign Hwy 395 and construct the paired roundabouts and realign Hwy 395 (approx. 7.8 acres). This option would require removal of at least half of the existing park and ride facility to realign Hwy 395. It is estimated that this option would require approximately 0.7 acres of land to the south to be added to the project site plan to be able to construct the proposed roundabouts.

Option C: Construct a large 4-legged roundabout at the southbound I-15 off-ramp on Joshua Street and realign Outpost Road to be the south leg of the roundabout. This option would require an extensive revision to the Proposed Project site plan and likely require the purchase of additional property to the south for the site plan to accommodate the realignment of Outpost Road and construction of the new roundabout. It is estimated this option would require approximately 1.6 acres of land to the south to be added to the site plan to be able to construct the proposed roundabout to the northeast. In addition, this option would require an additional 2.4 acres of off-site land owned by others to construct the roundabout.

Impacts: According to Section 6.0 of the DEIR, under the Circulation Options Alternative, most impacts would be equivalent to those of the proposed project during both construction and operation. All the significant impacts identified for the proposed project would still be significant for this alternative: (1) project direct NOx emissions; (2) cumulative NOx emissions; (3) traffic impacts .

Option A would require a number of changes to the southwest corner of the existing Pilot travel center property to accommodate the new roundabout. Option B would require realignment of Hwy 395, construction of 3 roundabouts within a relatively short distance from each other, and be by far the most expensive option to construct (\$6.1 million compared to \$1.1 million for the Proposed Project). In addition, Option B would produce significant NOx air emissions during construction due to the realignment of Hwy 395, although the Proposed Project would not exceed the NOx threshold. Option C would require the project applicant to purchase additional property to the south to accommodate a roundabout and realigned Outpost Road.

Objectives: Since this alternative is identical to the Proposed Project in terms of proposed land uses to be developed, this alternative would meet the stated project objectives regarding development of a travel center, as shown in the DEIR Section 6.0, Table 6.R.

Finding: Under the Circulation Options Alternative, development of the travel center would occur with three localized circulation options mainly using roundabouts instead of traffic signals. This Alternative would have similar impacts that have been identified within the DEIR and all of the objectives of the Project would be met. The Council finds that the Circulation Options Alternative would have similar significant and unavoidable impacts to all environmental issues except for NOx air emissions during Project operation due to the addition of a roundabout. However, this alternative would substantially increase the cost of the project. Because the Off-Site Alternative will not substantially reduce the environmental impact of the Project and it would substantially increase the cost of the Project, the Council hereby rejects the Circulation Options Alternative.

5. Alternative 4 - Off-Site Location

Description: As identified in Section 6.0 of the DEIR, this alternative would result in the same intensity of development of a travel center on approximately 10 acres. The nine alternative Project sites identified by the City can be seen in the DEIR Section 6.0, Figure 6.2. These sites were chosen based on their ability to realistically support the Project. The alternatives were evaluated against the following requirements to determine their viability as alternative sites. Whether the alternative site would be at least 10 acres to accommodate the proposed travel center site plan, relatively few environmental constraints (e.g., drainage courses, unusual site geometry, etc.), direct access to Highway 395 and/or the I-15 freeway (preferably unlimited access to both roads and in both directions), and the ability to place signs on one or both roads for advertising. These alternative off-site properties are not owned or under the control of the applicant.

Impacts: Section 6.0 of the DEIR, determined that all of the alternative sites would essentially have the same environmental impacts compared to the proposed project and would require similar mitigation.

Objectives: The Off-Site Alternative would meet most of the Project objectives. However, the location of the Off-Site Alternative sites 2, 3, 7, and 8 do not provide direct access to Hwy 395. In addition, none of the alternative sites provide direct access to I-15.

Finding: Under the Off-Site Alternative, development of the travel center would occur in a different location. This Alternative would have similar impacts to that identified within the DEIR and most of the objectives of the Project would be met. The Council finds that the Off-Site Alternative would have similar impacts to all environmental issues. Because the Off-Site Alternative will not substantially reduce the environmental impact of the Project and many of the alternative sites would become infeasible should Highway 395 be realigned, the Council hereby rejects the Off-Site Alternative.

5. Alternatives Considered and Rejected

A variety of additional alternatives were considered as part of the DEIR's Alternatives Analysis (DEIR, pgs. 6-3 through 6-4). Three possible alternatives were considered and rejected because they could not accomplish the basic objectives of the Project or they were considered infeasible. Per the *CEQA Guidelines* (Section 15126.6(c)), factors that may be considered when addressing the feasibility of alternatives include failure to meet most of the stated Project objectives, infeasibility, or inability to avoid significant environmental effects. The purpose of the Project is to create a travel center to meet the needs of truckers and others driving through the Hesperia area on I-15 and Highway 395. The Project would expand employment options in a location that is convenient to existing transportation corridors, convenient to existing and future City residents and would augment the City's economic base. The following provides discussion of the three development scenarios that were considered and rejected as potential alternatives to implementation of the Project based on Section 15126.6 of the *CEQA Guidelines* because they did not feasibly attain most of the basic objectives of the Project while reducing or avoiding any of the significant effects of the Project:

- **Residential Alternative:** The project site is currently zoned for neighborhood commercial uses, and surrounding vacant land is designated for commercial, business park, or light industrial uses. It would be inappropriate to locate any type of residential uses on this site because it is adjacent to the I-15 freeway and Highway 395, and is surrounded by commercial, truck-related, and business park uses. Implementation of a residential alternative or a residential/mixed use alternative that emphasizes residential uses would result in an increase in environmental impacts due to the

introduction of sensitive receptors (i.e., residences) in close proximity to significant generators of air pollution and noise emissions that currently exist in the project vicinity. Therefore, no residential or residential/mixed use alternatives were evaluated further in the EIR.

- Other Mixed Use Alternative: The EIR could examine a variety of non-residential land uses for the site other than commercial or industrial/business park uses. However, any of these kinds of alternatives would not be appropriate in this area or on this site, given the type and location of existing uses and the size and location of remaining vacant land. Therefore, no other mixed use alternatives were evaluated further in the EIR.
- Reduced Intensity Alternative: Section 4.3.6 of the DEIR identifies a significant air quality impact from the proposed project (i.e., operational NOx emissions exceed the daily MDAQMD threshold) that could not be reduced to less than significant even with implementation of mitigation. Incrementally reducing the size of the travel center (i.e., number of fuel islands and size of the buildings) was discussed between the applicant and the City early in the review process, but the proposed project is a standard size based on a long-established corporate model, and a substantially smaller facility would only yield incremental air pollutant reductions while providing a much lower level of service for freeway travelers. It was determined that an incrementally reduced intensity project would not be effective, nor is it necessary under CEQA when the primary significant impact is air quality. Therefore, no reduced intensity alternatives were considered in this EIR.

6. Environmentally Superior Alternative

As explained by Section 6.0 in the DEIR, the No Project/Existing Specific Plan Alternative, the Mixed Use Alternative, the Circulation Options Alternative, and the Alternative Sites do not reduce any of the significant impacts associated with the proposed project to less than significant levels. According to CEQA Guidelines (Section 15126.6 (e[2])), there is no environmentally superior alternative to the proposed project. For these reasons, all of the alternatives are rejected in favor of the Proposed Project.

E. GROWTH-INDUCING IMPACTS

CEQA requires a discussion of ways in which the Project could be growth inducing. Specifically, CEQA Guidelines Section 1512602(d) states that an EIR must describe the ways in which

the Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Section 5.0 of the DEIR identifies the extent to which new jobs created by a Project are filled by existing residents as a factor that tends to reduce the growth inducing effect of a Project. Construction of the Project will create short-term construction jobs. Due to the existing low jobs-to-housing ratio that exists in the City, the potential exists for these short-term positions to be filled by workers who, for the most part, reside in the City or neighboring communities to the Project area. Therefore, construction of the Project will not generate a permanent increase in population within the Project area.

The Project is expected to employ 35-40 people. These positions are also anticipated to be filled by workers who, for the most part, reside in the Project area due to high unemployment levels that exist in the City. Operations of the Project will not generate a permanent increase in population within the Project area.

The area surrounding the Project site is governed by the City of Hesperia General Plan and the area is guided by the Main Street and Freeway Corridor Specific Plan (MSFCSP or Specific Plan). The Specific Plan guides land use within the Project area to ensure that new development and redevelopment is implemented consistent with the land use policies, controls, and standards contained in the Specific Plan. Any development of remaining undeveloped land adjacent to the Project site would require its own discretionary approvals and is not reliant on the Project. However, development of the Project site may lead to indirect growth in the Specific Plan area by making available the extension of infrastructure such as water, sewer, drainage, etc. This growth has been planned for and is guided by the Specific Plan.

The Project would occur within an area currently designated for Neighborhood Commercial (NC) uses within the Specific Plan. The Project would not require a General Plan Amendment. However, it does require a Specific Plan Amendment that would change the site designation to Commercial/Industrial Business Park (CIBP), consistent with the surrounding zoning. In addition, the Project reflects the City of Hesperia's vision for the area and is consistent with the Specific Plan. Land uses surrounding the Project site would be in conformance with the City's General Plan and the Specific Plan. Impacts to population and housing are less than significant; see Section 4.13 Population and Housing of the DEIR.

The Project would not eliminate a constraint for development of an approved Project within the City of Hesperia. There are no projects in the City of Hesperia or surrounding cities that have been approved but are conditioned or dependent on additional improvements at the Project site. The Specific Plan guides land uses surrounding the Project site to ensure compatibility between existing operations and adjacent surrounding development. Additionally, the Project would not add capacity to urban services or infrastructure that would be utilized by other Project proponents in the surrounding area.

The Project would not result in any significant pressure to redevelop the area around the Project site at a higher density. As previously stated, the development of remaining undeveloped land adjacent to the Project site is independent and not reliant on the Project. Therefore, implementation of the Project would not result in redevelopment of adjacent lands at a higher intensity than already prescribed in the City of Hesperia's General Plan and the Specific Plan.

F. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Public Resources Code Section 21100(b)(2)(B) and CEQA Guidelines Sections 15126(c), 15126.2(c), and 15127, require that for certain types or categories of projects, an EIR must address significant irreversible environmental changes that would occur should the Project be implemented. As presented at CEQA Guidelines Section 15127, the topic of Significant Irreversible Environmental Changes needs to be addressed in EIRs prepared in connection with any of the following activities:

- (a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;
- (b) The adoption by a local agency formation commission of a resolution making determinations; or
- (c) A Project which will be subject to the requirements for preparing of an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. Sections 4321-4347.

The Project does trigger the first conditions cited in Guidelines §15127 by requiring a Specific Plan Amendment. In addition, this EIR analysis addresses any significant irreversible environmental changes which would be involved in the proposed action should it be implemented [Guidelines, Sections 15126(e) and 15127]. An impact would fall into this category if:

- The Project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of the Project would generally commit future generations of people to similar uses;
- The Project involves uses in which irreversible damage could result from any potential environmental incidents associated with the Project; and/or
- The proposed consumption of resources is not justified (e.g., the Project could waste energy).

Determining whether the proposed project may result in significant irreversible effects requires a determination of whether key resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. The project site is vacant desert land; however, as identified within the City's General Plan and the Main Street and Freeway Corridor Specific Plan, the

City anticipates the eventual conversion of this area to urban uses, and the proposed project would permanently alter the site by converting vacant land to urban commercial uses. This is a significant irreversible environmental change that would occur as a result of project implementation. Because no significant mineral resources were identified within the project limits, no significant impacts related to this issue would result from development of the project site. Natural resources in the form of construction materials would be utilized in the construction of the proposed project and energy resources in the form of electricity and natural gas would be used during the long-term operation of the project; however, their use is not expected to result in a negative impact related to the availability of these resources. (DEIR pg. 5-2)

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Hesperia City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Propose Project as addressed in the EIR, specifically:

1. Air Quality – Operational Air Pollutant Emissions;
2. Air Quality – Cumulative Air Pollutant Emissions; and
3. Transportation Impact – Cumulative.

The Hesperia City Council hereby declares that, pursuant to CEQA Guidelines Section 15093, the City Council has balanced the benefits of the Project in the form of the Proposed Project against any significant and unavoidable environmental impacts in determining whether to approve the Alternative. If the benefits of the Project Alternative outweigh the unavoidable adverse environmental impacts, those impacts are considered “acceptable.”

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Section V(C) herein.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not incorporated, such mitigation measures are infeasible because they would impose restrictions

on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of the Project objectives and/or specific economic, social or other benefits that this City Council finds outweigh any environmental benefits of the alternatives or the other alternatives do not substantively reduce the severity of unavoidable and significant impacts.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project, and having weighed the benefits of the Project against their unavoidable significant impacts after mitigation, the City Council has determined that the social, economic and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The Project will provide development consistent with municipal standards, codes and policies;
- The Project provides development that improves and maximizes economic viability of a vacant site by transitioning the site into a productive light industrial use;
- The Project creates additional employment-generating opportunities for the City of Hesperia and surrounding communities; and
- The Project provides adequate infrastructure and public amenities, including upgrading and widened streets, signal upgrades and utility improvements.
- The Project provides urgently needed increased tax revenues to the City.

As the CEQA Lead Agency for the proposed action, the City of Hesperia has reviewed the Project description presented in the EIR, and fully understands the Project proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section V(E) above, and finds that approval of the Project is appropriate.

This Council has identified economic and social benefits and important policy objectives, Section V above, which result from implementing the Project. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resource Code 21002 provides: "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a Project on the environment, the Project may nonetheless be approved or carried out at the discretion of a public agency..." Finally, California Administrative Code, Title 4, 15093 (a) states: "If the benefits of a Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable."

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweigh the identified significant adverse environmental impacts that cannot be mitigated. The City Council finds that each of the Project's benefits independently outweigh the unavoidable adverse environmental impacts identified in the EIR and, therefore, finds those impacts to be acceptable.

Facts in Support of the Finding (Overriding Considerations). The Love's Travel Center project has five overriding considerations: (1) development consistent with City standards; (2) economic viability; (3) employment generation; (4) infrastructure improvements; and (5) provision of tax revenues to the City

(1) Consistency with City Goals. The City's Development Review process will assure the proposed development is consistent with the City's General Plan, zoning, and Municipal Code upon approval of the requested General Plan Amendment, Zone Change, and other development applications. The analysis in the DEIR indicates the project is generally consistent with the development goals of the City's General Plan and the requirements of the City zoning code and municipal code for the three environmental issues that were determined to be significant even after implementation of proposed mitigation.

(2) Economic Viability¹. Love's estimates the project would result in \$1.8 million in added tax revenues to the City, \$45.2 million in increased household earnings, and \$177.6 million in increased economic activity over six years. It is estimated the City would receive \$216,000 in direct sales tax revenue annually, representing a 3.9% increase and the largest contributor to \$350,000 total annual tax revenues according to an economic impact report prepared for the proposed project. That study also determined the project would generate \$21.6 million in annual sales from its proposed activities plus \$25 million in economic output for the City during the one-year construction period.

(3) Employment Generation¹. The project economic study estimates the project would approximately 176 full-time jobs during the one-year construction period. In addition, the project would generate up to 40 permanent full-time employee positions directly and 22 full-time jobs indirectly at buildout of the proposed travel center.

(4) Traffic and Infrastructure Improvements. The DEIR² indicated that the Love's project would produce an estimated 6,788 Passenger Car Equivalent or PCE trips per day compared to 6,493 PCE trips per day that would be generated if the site were developed under the existing Specific Plan designation. Note the PCE calculation takes into account large trucks in the vehicle mix. Love's estimates the Project would for road improvements both on and off the site. In addition, Love's will provide \$37,303.84 in Development Impact Fees (DIFs) to the City and other agencies in the following categories:

- * Hesperia Unified School District school impact fees
- * Arterial Streets
- * Traffic Signals
- * Interchange Improvements
- * Fire Facilities
- * Police Facilities
- * City Hall/Corporate Yard
- * Maintenance Equipment
- * Fair Share for DIF improvements per project traffic study

The project will also make a variety of improvements (e.g., utilities, streets) both onsite and in the surrounding area, and offsite improvements, or contributions to needed roadway and intersection

¹ "Economic Impact Report" by Andrew Chang & Company dated April 2015 for the proposed Hesperia Travel Center.

² Trip generation on DEIR Table 6.E, page 6-15.

improvements, as shown below; as summarized from the project Traffic Impact Study³ and as outlined in Mitigation Measures 4.16.6.1A through 4.16.6.1M:

4.16.6.1A Prior to issuance of an occupancy permit, the project applicant shall fully construct the following improvements to the Outpost Road/Joshua Street intersection:

- Install traffic signal. Coordinate traffic signal with the signal at the intersection of US-395/Joshua Street;
- Add a northbound left-turn lane;
- Add a northbound right-turn lane with overlap phasing;
- Add an eastbound left-turn lane;
- Add an eastbound through lane;
- Add an eastbound right-turn lane;
- Add two westbound left-turn lanes;
- Add a westbound through lane, and
- Add a westbound right-turn lane.

This measure shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

4.16.6.1B Prior to issuance of an occupancy permit, the project applicant shall contribute to construction of the following improvements to the Highway 395/Joshua Street intersection as described below:

- Add a northbound through lane (shared by the project and Hesperia Commerce Center);
- Add a southbound left-turn lane; (shared by the project and Hesperia Commerce Center); and
- Add a westbound left-turn lane (project design feature).

This measure shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

³ LSA Associates, Inc. September 2014 as summarized in the Love's Travel Center Draft EIR Section 4.15, Transportation and Traffic.

4.16.6.1C Prior to issuance of an occupancy permit, the project applicant shall fully construct the widening of Joshua Street between Highway 395 and I-15 SB Off-Ramp from a 2-lane undivided arterial to a 4-lane divided arterial.

This measure shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate. The right of way for this improvement will be provided as a project design feature.

In order to meet the City's roadway segment service standard of LOS D (and LOS E for Main Street and Highway 395) for existing plus project conditions, traffic improvements would be required at three roadway segments prior to the start of operation of the proposed project. To ensure that potential project direct impacts to these segments are reduced to less than significant level, the following mitigation measures shall be implemented as outlined in Table AA of the Traffic Impact Study by LSA:

4.16.6.1D Prior to issuance of an occupancy permit the project applicant shall pay the appropriate DIF payment for the following improvements:

- Main Street between Escondido Avenue and Topaz Street – Widen from 4-lane undivided to 6-lane divided roadway;
- Main Street East of Topaz Street – Widen from 4-lane undivided to 6-lane divided roadway.

This measure shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

4.16.6.1E Prior to issuance of an occupancy permit, the project applicant shall pay a fair share for the following improvements to the segment of Highway 395 north of Main Street:

- Convert 2-lane undivided roadway to 2-lane divided roadway.

This measure shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

In order to meet the City's intersection service standard of LOS D (and LOS E for intersections on Main Street/Phelan Road and Highway 395) for opening year 2016 and beyond, traffic improvements would be required at the Caliente Road/Joshua Street, Highway 395/Poplar Street and Outpost Road/Joshua Street intersections prior to the start of operation of the proposed project. However, the improvements defined as

part of **Mitigation Measures 4.16.6.1A, 4.16.6.1E, and 4.16.6.1F** provide full mitigation for the Outpost Road/Joshua Street, Caliente Road/Joshua Street, and Highway 395/Poplar Street intersections. To ensure that potential cumulative impacts to the Caliente Road/Joshua Street and Highway 395/Poplar Street intersections during opening year 2016 are reduced to a less than significant level, the following mitigation measures shall be implemented:

4.16.6.1F Caliente Road/Joshua Street intersection: conversion from two-way stop control to all way stop control, add a westbound left-turn lane, re-stripe the westbound left-through-right-turn lane to a through-right turn lane. The improvements identified for this intersection are project specific mitigations for the proposed Hesperia Commerce Center. The project will not be contributing any funding for these improvements:

4.16.6.1G Prior to issuance of an occupancy permit, the project applicant shall pay a fair share for the following improvements to the Highway 395/Poplar Street intersection:

- Install a traffic signal.

This measure shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

4.16.6.1H Prior to issuance of an occupancy permit, the project applicant shall fully construct the following improvements to the Highway 395/Joshua Street intersection:

- Widen the westbound approach lanes (east leg) to ultimate width to accommodate two left-turn lanes, two through lanes, and one right turn as described for the Year 2035 plus project scenarios.

This measure shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate. The right of way for this improvement will be provided as a project design feature.

In order to meet the City's roadway segment service standard of LOS D (and LOS E for Main Street and Highway 395) for opening year (2016) with project conditions, traffic improvements would be required at four roadway segments prior to the start of operation of the proposed project. To ensure that potential project direct impacts to these segments are reduced to a less than significant level, the following mitigation measures shall be implemented:

4.16.6.11 Prior to the issuance of building permits, the project applicant shall pay the appropriate Development Impact Fee (DIF) payment or fair share to cover the applicant's proportional impacts associated with the following roadway segment improvements as outlined in Table AB of the TIS:

- US-395: North of Main Street - Widen 2-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a fair share for the improvements;
- US-395: Main Street to Poplar Street - Convert 2-lane undivided roadway to 2-lane divided roadway. The project applicant shall pay a fair share for the improvements;
- Main Street: Escondido Avenue to Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a DIF for the improvements; and
- Main Street: East of Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a DIF for the improvements.

These measures shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

To mitigate long-term cumulative (Year 2035) contributions of project traffic to future congestion at local intersections **if the Muscatel Street Interchange is NOT built**, the following measure shall be implemented:

4.16.6.1J Prior to the issuance of building permits, the project applicant shall pay the appropriate Development Impact Fee (DIF) payment or fair share to cover the applicant's proportional impacts associated with the following intersection improvements as outlined in Table PU of the project traffic study:

- Caliente Road/Joshua Street – Install a traffic signal. Add two westbound left-turn lanes. Re-stripe the westbound left-through-right turn lane to a through-right turn lane. The improvements identified for this intersection are project specific mitigations for the proposed Hesperia Commerce Center. The project will not be contributing any funding for these improvements.
- US-395/Phelan Road-Main Street – Add a northbound left-turn lane, a northbound through lane, a northbound right-turn lane, a southbound left-turn lane, a southbound through lane, a southbound right-turn lane with overlap phasing, a eastbound left-turn lane, an eastbound through lane, convert the eastbound right-turn lane to a free-right turn

lane, a westbound left-turn lane, and a westbound through lane. The project applicant shall pay a fair share for the improvements.

- US-395/Poplar Street – Install a traffic signal. Add two southbound through lanes. The project applicant shall pay a fair share for the improvements.
- US-395/Three Flags Road – Add a southbound through lane. The project applicant shall pay a fair share for the improvements.
- US-395/Joshua Street – Add a northbound through lane, a southbound left-turn lane, a southbound through lane, add overlap phasing to the southbound right-turn lane, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane with overlap phasing, a westbound left-turn lane, a westbound through lane, and a westbound right-turn lane with overlap phasing. The east leg improvements will be a project design feature, the west leg improvements recommended under opening year are project specific mitigations for the Hesperia Commerce Center. Improvements beyond opening year for the west, north and south legs will be a fair share contribution by the project.
- Outpost Road/Joshua Street – Install a traffic signal. Add a northbound left-turn lane, a northbound right-turn lane with overlap phasing, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane, two westbound left-turn lanes, a westbound through lane, and a westbound right-turn lane. The improvements will be provided as a project design feature.
- I-15 Southbound Off-Ramp/Joshua Street – Installation of a traffic signal and add a second eastbound through lane and second southbound right lane. The project applicant shall pay a DIF for the improvements.
- Mariposa Road/Joshua Street – Installation of a traffic signal and an eastbound right-turn lane. The project applicant shall pay a DIF for the improvements.
- Mesa Linda Road/Main Street – Installation of a traffic signal. The project applicant shall pay a DIF for the improvements.
- Key Pointe Drive/Main Street – Add a westbound left turn lane consistent with the Major Arterial Highway designation for Main Street. The project applicant shall pay a DIF for the improvements.

- I-15 Southbound Ramps/Main Street – Add a second receiving lane to the southbound on-ramp.
- I-15 Northbound Ramps/Main Street – Restripe the left-turn lane to a shared left-through lane, restripe the shared through-right turn lane to a dedicated right-turn lane. The project applicant shall pay a DIF for the improvements.
- Escondido Avenue/Main Street – Add a northbound through lane, southbound through lane, eastbound left-turn lane, westbound through lane, a westbound right-turn lane with overlap phasing, overlap phasing to northbound right-turn lane, and overlap phasing to eastbound right-turn lane. The project applicant shall pay a DIF for the improvements.
- Topaz Avenue/Main Street – Add a westbound through lane and an eastbound through lane. The project applicant shall pay a DIF for the improvements.

These measures shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

To mitigate long-term cumulative (Year 2035) contributions of project traffic to future congestion at local roadway segments **if the Muscatel Street Interchange is NOT built**, the following measure shall be implemented:

4.16.6.1K Prior to the issuance of building permits, the project applicant shall pay the appropriate Development Impact Fee (DIF) payment or fair share to cover the applicant’s proportional impacts associated with the following intersection improvements as outlined in Table U of the project traffic study:

- US-395: North of Main Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;
- US-395: Main Street to Poplar Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;
- US-395: Poplar Street to Three Flags Road - Widen 3-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;
- US-395: Three Flags Road to Joshua Street - Widen 5-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;

- US-395: South of Joshua Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;
- Joshua Street: Caliente Road to US-395 - Widen 2-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a DIF for the improvements;
- Joshua Street: US-395 to Outpost Road - Widen 2-lane undivided roadway to 4-lane divided roadway. The improvements will be provided as a project design feature;
- Joshua Street: Outpost Road to I-15 Southbound Off-Ramp - Widen 2-lane undivided roadway to 4-lane divided roadway. The improvements will be provided as a project design feature;
- Joshua Street: I-15 Southbound Off-Ramp to I-15 Northbound On-Ramp - Widen 2-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a DIF for the improvements;
- Main Street: West of US-395 - Convert 4-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a DIF for the improvements;
- Main Street: US-395 to Mesa Linda Street - Convert 4-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a DIF for the improvements;
- Main Street: Escondido Avenue to Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a DIF for the improvements; and
- Main Street: East of Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a DIF for the improvements.

These measures shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

To mitigate long-term cumulative (Year 2035) contributions of project traffic to future congestion at local intersections **if the Muscatel Street Interchange IS built**, the following measures shall be implemented:

4.16.6.1L Prior to the issuance of building permits, the project applicant shall pay the appropriate Development Impact Fee (DIF) payment or fair share to cover the applicant's proportional impacts associated with the following intersection improvements as outlined in Table V of the project traffic study:

- Caliente Road/Joshua Street – conversion from two way stop control to all way stop control, add a westbound left-turn lane, re-stripe the westbound left-through-right-turn lane to a through-right turn lane. The improvements identified for this intersection are project specific mitigations for the proposed Hesperia Commerce Center. The project will not be contributing any funding for these improvements.
- US-395/Phelan Road-Main Street – Add a northbound left-turn lane, a northbound through lane, a northbound right-turn lane, a southbound left-turn lane, a southbound through lane, a southbound right-turn lane with overlap phasing, an eastbound through lane, convert the eastbound right-turn lane to a free-right turn lane, and a westbound through lane. The project applicant shall pay a fair share for the improvements.
- US-395/Poplar Street – Install a traffic signal. Add a northbound through lane, a northbound right-turn lane, two southbound through lanes, a westbound left-turn lane, and a westbound right-turn lane. The project applicant shall pay a fair share for the improvements.
- US-395/Three Flags Road – Add a southbound through lane. The project applicant shall pay a fair share for the improvements.
- US-395/Joshua Street – Add a northbound through lane, a southbound left-turn lane, a southbound through lane, add overlap phasing to the southbound right-turn lane, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane with overlap phasing, a westbound left-turn lane, a westbound through lane, and a westbound right-turn lane with overlap phasing. The east leg improvements will be a project design feature, the west leg improvements recommended under opening year are project specific mitigations for the Hesperia Commerce Center. Improvements beyond opening year for the west, north and south legs will be a fair share contribution by the project.
- Outpost Road/Joshua Street – Install a traffic signal. Add a northbound left-turn lane, a northbound right-turn lane with overlap phasing, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane, two westbound left-turn lanes, a westbound through lane, and a westbound right-turn lane. The improvements will be provided as a project design feature.
- Mariposa Road/Joshua Street – Installation of a traffic signal and an eastbound right-turn lane. The project applicant shall pay a DIF for the improvements.

- Mesa Linda Road/Main Street – Installation of a traffic signal. The project applicant shall pay a DIF for the improvements.
- Three Flags Avenue-Lassen Road/Poplar Street – Installation of a traffic signal. The project applicant shall pay a DIF for the improvements.
- I-15 Northbound Ramps/Muscotel Street – Add a northbound left-turn lane. The project applicant shall pay a DIF for the improvements.
- I-15 Northbound Ramps/Main Street – Restripe the left-turn lane to a shared left-through lane, restripe the shared through-right turn lane to a dedicated right-turn lane. The project applicant shall pay a DIF for the improvements.
- Escondido Avenue/Main Street – Add a northbound through lane, southbound through lane, eastbound left-turn lane, westbound through lane, a westbound right-turn lane with overlap phasing, overlap phasing to northbound right-turn lane, and overlap phasing to eastbound right-turn lane. The project applicant shall pay a DIF for the improvements.
- Topaz Avenue/Main Street – Add a westbound through lane and an eastbound through lane. The project applicant shall pay a DIF for the improvements.

These measures shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

To mitigate long-term cumulative (Year 2035) contributions of project traffic to future congestion at local roadway segments **if the Muscatel Street Interchange IS built**, the following measures shall be implemented:

4.16.6.1M Prior to the issuance of building permits, the project applicant shall pay the appropriate Development Impact Fee (DIF) payment or fair share to cover the applicant’s proportional impacts associated with the following intersection improvements as outlined in Table U of the project traffic study:

- US-395: North of Main Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;
- US-395: Main Street to Poplar Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;

- US-395: Poplar Street to Three Flags Road - Widen 3-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;
- US-395: Three Flags Road to Joshua Street - Widen 5-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;
- US-395: South of Joshua Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a fair share for the improvements;
- Joshua Street: US-395 to Outpost Road - Widen 2-lane undivided roadway to 4-lane divided roadway. The improvements will be provided as a project design feature;
- Poplar Street: US-395 to Three Flags Road-Lassen Road - Widen 3-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a DIF for the improvements;
- Main Street: West of US-395 - Convert 4-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a DIF for the improvements;
- Main Street: Escondido Avenue to Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a DIF for the improvements; and
- Main Street: East of Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay a DIF for the improvements.

These measures shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.

VII. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Hesperia City Council finds that it has reviewed and considered the FEIR in evaluating the Project, that the FEIR is an accurate and objective statement that fully complies with CEQA and the CEQA Guidelines, and that the FEIR reflects the independent judgment of the City Council.

The City Council declares that no new significant information as defined by CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the DEIR that would require recirculation. All of the information added to the FEIR merely clarifies, amplifies or makes

insignificant modifications to an already adequate DEIR pursuant to CEQA Guidelines Section 15088.5(b).

The City Council hereby certifies the EIR based on the following findings and conclusions:

A. Findings

1. CEQA Compliance

As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project as well as complete and accurate reporting of the unavoidable impacts and benefits of the Project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA's procedural and substantive requirements.

2. Significant Unavoidable Impacts/Statement of Overriding Considerations

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. The following significant environmental impacts have been identified in the FEIR and will require mitigation but cannot be mitigated to a level of insignificance as set forth in Section V(C) of these Findings:

- *Air Quality Impacts (Operational Air Pollutant Emissions and Cumulative Impacts)* due to the type of project, the Project would exceed MDAQMD NOx thresholds and available mitigation would not reduce impacts to less than significant levels.
- *Transportation Impacts (Cumulative Impacts.)* due to various mitigation measures being under the jurisdiction of Caltrans and so implementation cannot be guaranteed by the Lead Agency (City).

The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

3. Conclusions

- a. All potentially significant environmental impacts from implementation of the Project have been identified in the EIR and, with the implementation of the mitigation measures defined herein and set forth in the MMRP, will be mitigated to a less-than-significant level, except for the impacts identified in Section V(C) above.
- b. No reasonable alternatives to the Project that could feasibly achieve the basic objectives of the Project have been considered and rejected in favor of the Project.
- c. Environmental, economic, social and other considerations and benefits derived from the development of the Project override and make infeasible alternatives to the Project or further mitigation measures beyond those incorporated into the Project.

VII. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to *Public Resources Code* Section 21081.6, the City Council hereby adopts, as conditions of approval of the Project, the Mitigation Monitoring and Reporting Plan (MMRP) set forth in Section 4.0 of the Final EIR. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control, except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.

EXHIBIT "B"

4.3 MITIGATION MONITORING AND REPORTING PROGRAM

Project File Name: Love's Travel Center

Applicant: Love's

Project

Date: _____

April 22, 2015

| DEIR Section/Mitigation Measure/
Implementing Actions | Responsible
for
Monitoring | Monitoring
Frequency | Timing of
Verification | Method of
Verification | Verified
Date/
Initials | Sanctions
for Non-
Compliance |
|---|-------------------------------------|-------------------------|--------------------------------------|---|-------------------------------|-------------------------------------|
| 4.3 AIR QUALITY | | | | | | |
| 4.3.6.1A Prior to the issuance of building permits, the project applicant shall require by contract specifications that architectural coatings require the use of either HVLP spraying equipment with a minimum transfer efficiency of at least 50 percent or manual application techniques to apply architectural coatings. The project designer and contractor shall also reduce the use of paints and solvents by utilizing pre-coated materials (e.g., bathroom stall dividers, metal awning), materials that do not require painting, and require coatings and solvents with a VOC content lower than required under Rule 1113 to be utilized. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City. | City Building and Safety Department | Once | Prior to issuance of building permit | City verifies that construction documents include required language | | Withhold building permit |
| 4.3.6.1B Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all diesel construction equipment with 50 or more horsepower shall be configured to meet or exceed the EPA Tier 3 emissions standards with available CARB verified or USEPA certified technologies. Diesel equipment shall use water emulsified diesel fuel such as PURINOx unless it is unavailable in San Bernardino County at the time of project construction activities. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City. | City Building and Safety Department | Once | Prior to issuance of grading permit | City verifies that construction documents include required language | | Withhold grading permit |

| DEIR Section/Mitigation Measure/
Implementing Actions | Responsible
for
Monitoring | Monitoring
Frequency | Timing of
Verification | Method of
Verification | Verified
Date/
Initials | Sanctions
for Non-
Compliance |
|--|--|------------------------------------|---|--|-------------------------------|--|
| <p>4.3.6.1C The project applicant shall ensure that all contractors turn off all diesel-powered construction equipment when vehicles/equipment are not in use, and contractors shall prohibit idling of vehicles for longer than three minutes.</p> | <p>City Building and Safety Department</p> | <p>Anytime during construction</p> | <p>During project construction</p> | <p>City inspector note compliance in daily logs</p> | | <p>Issue "Stop Work" Order until compliance verified</p> |
| <p>4.3.6.1D During construction, ozone precursor emissions from mobile source equipment shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturers' specifications to the satisfaction of the City of Hesperia Building and Safety Division. Equipment maintenance records and equipment design specification data shall be kept onsite during construction. Compliance with this measure shall be subject to periodic inspections by the City of Hesperia Building and Safety Division.</p> | <p>City Building and Safety Department</p> | <p>Anytime during construction</p> | <p>During project construction</p> | <p>City inspector verifies equipment maintenance records comply with requirements</p> | | <p>Issue "Stop Work" Order until compliance verified</p> |
| <p>4.3.6.1E Grading plans, construction specifications and bid documents shall also include the following notations:</p> <ul style="list-style-type: none"> • Prepare and implement a dust control plan for earthmoving equipment; • Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads; • Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect; • Transport of soil materials to, from and within the project limits shall be effectively watered, covered, and filled to no less than six inches of the transport container in accordance with state law; • All streets shall be swept at least once a day with street sweepers utilizing reclaimed water trucks if visible soil materials are carried to adjacent streets. • Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the | <p>City Building and Safety Department</p> | <p>Once</p> | <p>Prior to approval of grading plans</p> | <p>City verifies grading plan and construction documents include the required language</p> | | <p>Do not issue grading permit</p> |

| DEIR Section/Mitigation Measure/
Implementing Actions | Responsible
for
Monitoring | Monitoring
Frequency | Timing of
Verification | Method of
Verification | Verified
Date/
Initials | Sanctions
for Non-
Compliance |
|--|-------------------------------------|-------------------------|---|--|-------------------------------|-------------------------------------|
| <p>disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil;</p> <ul style="list-style-type: none"> • Onsite stockpiles of debris, soil, or other potentially windborne materials shall be covered or watered three time a day; • Provide temporary traffic control personal (flag person) during construction when necessary to maintain smooth traffic flow on Joshua Street and Highway 395; • The contractor or builder shall designate a person or person(s) to monitor dust control and to order increased watering, as necessary, to prevent transport of dust off site; <p>The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours.</p> | | | | | | |
| <p>4.3.5.2A Prior to the issuance of building permits, the applicant shall demonstrate that the project buildings include solar and low-emission water heaters and window treatments for energy conservation.</p> | City Building and Safety Department | Once | Prior to issuance of building permits | City verifies building plans meet all requirements | | Withhold building permit |
| <p>4.3.5.2B Prior to the issuance of building permits, the applicant shall demonstrate that the project buildings have at least one electrical hookup at each loading door to accommodate trucks with refrigerated storage to help reduce excessive truck idling to power on board refrigeration units.</p> | City Building and Safety Department | Once | Prior to the issuance of building permits | City verifies building plans meet all requirements | | Withhold building permit |
| <p>4.3.5.2C Prior to the issuance of building permits, the applicant shall demonstrate that all project buildings are designed to exceed current Title 24 requirements by ten percent (10%). This can be achieved at the discretion of the applicant through insulation, lighting, etc. to the satisfaction of the City Building and Safety</p> | City Building and Safety Department | Once | Prior to issuance of building permits | City verifies all building plans meet all requirements | | Withhold building permits |

| DEIR Section/Mitigation Measure/
Implementing Actions | | Responsible for
Monitoring | | | Monitoring
Frequency | Timing of
Verification | Method of
Verification | Verified
Date/
Initials | Sanctions
for Non-
Compliance |
|---|--|---|--|--------------------------------------|-------------------------|---|--|-------------------------------|---|
| Department. | | City Building and
Safety
Department | | Before
occupancy and
as needed | | During occupancy | City verifies all
required signage
is posted. | | Withhold or
suspend
occupancy
permit |
| 4.4 BIOLOGICAL RESOURCES | | | | | | | | | |
| 4.4.6.1A Prior to the issuance of grading permits for any ground-disturbing, construction-related activities on the 10.6-acre travel center site, the project proponent shall submit to the City an updated Desert Tortoise Focused Survey. This survey shall be conducted in accordance with the United States Fish and Wildlife Service (USFWS) Field Survey Protocol for Desert Tortoises. In the event that the desert tortoise is identified during any subsequent study, Mitigation Measure 4.2.6.1B shall apply. If the Desert Tortoise Focused Survey does not detect the presence of desert tortoises on the project site, no further mitigation would be required. | | City Planning
Department | | Once | | Prior to issuance
of grading permits | City verifies
completion of
updated Desert
Tortoise
Focused Survey | | Withhold
grading permit |
| 4.4.6.1B If the survey required in Mitigation Measure 4.2.6.1A indicates the onsite presence of desert tortoise, ground-disturbing activity within the project limits shall not commence until such time that the project proponent has consulted with the USFWS in regard to impacts to the desert tortoise. The project proponent shall submit evidence to the City that consultation with the USFWS has occurred and that mitigation for onsite impacts to the desert tortoise has been appropriately provided. Any mitigation for onsite impacts to the desert tortoise shall be included as part of the conditions of approval for the project. Mitigation measures include but may not be limited to the following: | | City Planning
Department | | Once | | Prior to issuance
of grading permits | City verifies
evidence of
consultation with
USFWS | | Withhold
grading permit |
| <ul style="list-style-type: none"> The project proponent shall submit the name(s) of proposed Authorized Biologist(s) to USFWS and CDFW for approval at least 15 days prior to | | | | | | | | | |

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| <p>anticipated need. An "Authorized Biologist" is defined as a wildlife biologist who has been authorized to handle desert tortoises by USFWS and CDFW.</p> <ul style="list-style-type: none"> • Prior to the issuance of grading permits, the project proponent shall provide evidence to the City that a Field Contact Representative (FCR) has been selected for the proposed project. The FCR is defined as a person designated by the project proponent who is responsible for overseeing compliance with desert tortoise protective measures identified in Mitigation Measure 4.2.6.1B and for coordination with the agency compliance officer. The FCR must be on site during all project construction activities and shall have the authority to halt all project construction activities that are in violation of the desert tortoise protective measures. The FCR shall have a copy of all tortoise protective measures when work is being conducted on the site. The FCR may be an agent for the company, the site manager, any other project employee, a biological monitor, or other contracted biologist. • Prior to the issuance of grading permits, the project proponent shall provide evidence to the City that all workers, including all participating agency employees, construction and maintenance personnel, and others who implement authorized actions shall receive training on the desert tortoise. This instruction will include training on distribution, general behavior and ecology, protection afforded by State and Federal Endangered Species Acts (including prohibitions and penalties), and procedures for reporting encounters, and the importance of following the protection measures. The education program may consist of a class or video presented by a | | | | | | |

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| <p>Qualified Biologist.</p> <ul style="list-style-type: none"> During construction activities for the proposed project, any incident occurring during project construction activities which is considered by the biological monitor to be in non-compliance with the mitigation plan shall be documented immediately by the biological monitor. The FCR shall ensure that appropriate corrective action is taken and corrective actions shall be documented by the monitor. The following incidents shall require immediate cessation of the construction activities causing the incident, including (1) imminent threat of injury or death to a desert tortoise; (2) unauthorized handling of a desert tortoise, regardless of intent; (3) operation of construction equipment or vehicles outside a project area cleared of desert tortoise, except on designated roads, and (4) conducting any construction activity without a biological monitor where one is required. If the monitor and FCR do not agree, the federal agency's compliance officer shall be contacted for resolution. All parties may refer the resolution to the federal agency's authorized officer. A mitigation fee based on the amount of acreage disturbed shall be required of the project proponent. The formula used to determine the amount of acreage to be acquired is described in the Management Oversight Group (MOG) Desert Tortoise Management Policy and considers habitat category, impact on adjacent lands reducing tortoise densities, whether or not the use will tend to induce growth, duration of the effect (i.e., short term is less than 10 years and long term is greater than 10 years), and whether or not there is moderate to heavy existing disturbance. The project proponent shall consult with the | | | | | | |

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| <p>USFWS as to what the compensation rate for habitat shall be based on in the MOG Desert Tortoise Management Policy document.</p> <ul style="list-style-type: none"> Pre-construction surveys shall be conducted to locate and remove desert tortoises prior to grading or actions which might result in harm to a desert tortoise or which remove tortoise habitat. The survey shall be conducted by an Authorized Biologist within 24 hours of the onset of the surface disturbance unless a tortoise-proof fence has been installed that would prevent reentry of the animals. If construction is to occur during the tortoise active season (March 15 through November 1), no overnight hazards to desert tortoises (e.g., auger holes, trenches, pits, or other steep-sided depressions) shall be left unfenced or uncovered; such hazards shall be eliminated each day prior to the work crew leaving the site. Large or long-term project areas shall be enclosed with tortoise-proof fencing to keep desert tortoises out of the work area. The fencing shall be wire mesh with a maximum mesh size of 1/2" square fastened securely to posts. The wire mesh shall extend at least 18 inches above the ground and preferably about 12 inches underground. Where burial is not possible, the lower 12 inches shall be folded outward and fastened to the ground. Any gates or gaps in the fence shall be constructed to prevent entry of tortoises. The fencing shall be removed when restoration of the site is completed. Temporary fencing shall be required around test sites where trenching or drill holes could trap animals or around other small, short-term projects where tortoises could move into the work area. Occasionally, seasonal restrictions and/or monitoring may be substituted to alleviate the | | | | | | |

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| <p>need for fencing. Fenced areas are to be cleared of tortoises by an Authorized Biologist prior to project activities.</p> <ul style="list-style-type: none"> All surface-disturbing activity shall be limited to the land area essential for the project. In determining these limits, consideration shall be given to topography, public health and safety, placement of facilities, and other limiting factors. Work area boundaries and special habitat features shall be appropriately marked to minimize disturbance. All workers shall strictly limit their activities and vehicles to the areas marked. All workers shall be trained to recognize work area markers and to understand equipment movement restrictions. Where possible, previously disturbed areas shall be used as work sites and for storage of equipment, supplies, and excavated material. Blading of work areas shall be minimized to the extent possible. Pre-construction activity, such as removal of vegetation, shall occur in the presence of a Qualified Biologist. Disturbance of shrubs shall be avoided to the extent possible. Where shrubs must be disturbed, they shall be crushed rather than bladed or excavated. Project maintenance and construction, stockpiles of excavated materials, equipment storage, and vehicle parking shall be limited to existing disturbed areas wherever possible. Should use of existing disturbed areas prove infeasible, any new disturbance shall be confined to the smallest practical area, considering topography, placement of facilities, location of burrows or vegetation, public health and safety, and other limiting factors. Special habitat features, particularly tortoise burrows, shall be flagged by the Qualified Biologist so that they may be avoided by | | | | | | |

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| <p>installation equipment and during placement of poles and anchors.</p> <ul style="list-style-type: none"> For activities conducted between March 15 and November 1, construction and operation activities shall be monitored by a Qualified Biologist approved by USFWS. The Qualified Biologist shall be present during all activities in which encounters with tortoises may occur. The Qualified Biologist shall watch for tortoises wandering into the construction areas, check under vehicles, examine excavations and other potential pitfalls for entrapped animals, examine exclusion fencing, and conduct other activities necessary to ensure that death or injuries of tortoises is minimized. All trash and food items generated by construction and maintenance activities shall be promptly contained and regularly removed from the project site to reduce the attractiveness of the area to common ravens and other desert predators. Portable toilets shall be provided on site if appropriate. | City Planning Department | Once | Prior to construction | City verifies evidence of consultation with CDFW | | Issue "Stop Work" Order until compliance verified |
| <p>4.4.6.1C The project applicant shall consult with the California Department of Fish and Wildlife to determine if a focused Mohave Ground Squirrel Survey is required for the 10.6-acre travel center site, and that the absence of any Mohave ground squirrel is confirmed. If the Department does not require a survey, it can be assumed the species is absent from the site. If the Department requires a survey, Mitigation Measure 4.2.6.1D shall apply.</p> <p>4.4.6.1D If the Mohave Ground Squirrel focused survey required in Mitigation Measure 4.2.6.1C indicates the presence of the MGS, the project proponent shall acquire an incidental take permit (2081 permit) from CDFW for the MGS prior to construction and implement the conditions contained therein. The project proponent shall submit evidence to the City that</p> | City Planning Department | Once | Prior to construction | City verifies evidence of a retained qualified biologist and a 2081 permit | | Issue "Stop Work" Order until compliance verified |

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| <p>consultation with the CDFW has occurred and that mitigation for onsite impacts to the MGS has been appropriately provided. Any mitigation for onsite impacts to the MGS shall be included as part of the conditions of approval for the project. These conditions include but may not be limited to the following:</p> <p>Prior to the issuance of grading permits, the project proponent shall provide evidence to the City that a qualified biologist has been retained to oversee onsite monitoring of ground disturbance activities in all areas with the potential to support the Mohave ground squirrel. During construction activities, the qualified biologist shall prepare and submit monthly and final compliance reports to CDFW, the City, and other relevant regulatory agencies documenting the effectiveness of mitigation measures identified by the CDFW for the Mohave ground squirrel and the level of take associated with the project.</p> <p>For permanent impacts to the Mohave ground squirrel, conservation of in-kind habitat of equal or greater value than that disturbed by the proposed project shall be provided by the project proponent. The location, ratio, and long-term conservation management of the identified lands shall be approved by the Department of Fish and Wildlife pursuant to Section 2081 of the California Fish and Game Code. Any replacement land should be within the general project region with a minimum replacement ratio of 1/1.</p> | City Planning Department | Once | Prior to construction | City verifies evidence of pre-construction nest survey | | Issue "Stop Work" Order until compliance verified |
| <p>4.4.6.2A if vegetation removal is to take place during the breeding/nesting season (i.e., March 15 through August 15) that may impact raptors or other avian species protected under the Migratory Bird Treaty Act, then a pre-construction nest survey shall be conducted by a qualified biologist to ensure that active nests are protected. Any such nest survey may be conducted at the same time as the pre-construction burrowing owl survey. The last survey day shall be conducted no</p> | | | | | | |

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| <p>more than 30 days prior to the commencement of construction activity. If nesting birds are found, a qualified biologist shall be consulted regarding the relocation or extent of the buffer area around those nesting areas.</p> | | | | | | |
| <p>4.4.6.2B Within 30 days before the start of grading activities, a qualified biologist shall conduct a pre-construction focused survey for the burrowing owl to determine if burrowing owls have subsequently occupied the project site. The results of the pre-construction focused survey shall be submitted by the project proponent to the City as evidence that the pre-construction focused survey has been conducted. If future surveys determine the burrowing owl to be present on the project site, individuals will be relocated according to applicable protocols. If future surveys determine the burrowing owl absent from the project site, no further action is required.</p> | <p>City Building and Safety Department</p> | <p>Once</p> | <p>Within 30 before grading activities</p> | <p>City verifies that construction documents include required language</p> | | <p>Issue "Stop Work" Order until compliance verified</p> |
| <p>Occupied burrows shall not be disturbed during nesting season (February 1 through August 31) unless a qualified biologist verifies through non-invasive methods that either (1) the birds have not begun egg-laying or incubation or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival flight.</p> | | | | | | |
| <p>Owls must be relocated by a qualified biologist from any occupied burrows that will be impacted by project activities. Suitable habitat must be available adjacent to or near the disturbance site or artificial burrows will be provided nearby. Once the biologist has confirmed that the owls have left the burrow, burrows should be excavated using hand tools and refilled to prevent reoccupation.</p> | | | | | | |
| <p>All relocation shall be approved by the California Department of Fish and Wildlife. The permitted</p> | | | | | | |

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| <p>biologist shall monitor relocated owls a minimum of three days per week for a minimum of three weeks. A report summarizing the results of the relocation and monitoring shall be submitted to the California Department of Fish and Wildlife within 30 days following completion of the relocation and monitoring of the owls.</p> | | | | | | |
| <p>4.5 CULTURAL RESOURCES</p> | | | | | | |
| <p>4.5.6.1A In the event that human remains (or remains that may be human) are discovered during grading or earthmoving of the 10.6-acre travel center site, the construction contractors shall immediately stop all activities in the area of the find. The project proponent shall then inform the San Bernardino County Coroner and the City of Hesperia Planning Division immediately, and the coroner will be permitted to examine the remains.</p> | <p>City Planning Department</p> | <p>Anytime during grading</p> | <p>Discovery of human remains</p> | <p>City verifies grading plans state County Coroner and City if human remains are accidentally discovered during grading</p> | | <p>Issue "Stop Work" Order until compliance verified</p> |
| <p>If the coroner determines that the remains are of Native American origin, the coroner will notify the NAHC, which will identify the "Most Likely Descendant" (MLD). Despite affiliation with any Native American representatives at the site, the NAHC's identification of the MLD will stand. The MLD shall be granted access to inspect the site of the discovery of Native American human remains and may recommend to the project proponent means for treatment or disposition, with appropriate dignity of the human remains and any associated grave goods. The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The disposition of the remains will be determined in consultation with the project proponent, the MLD, and the City of Hesperia.</p> | | | | | | |

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| <p>In the event that the project proponent and the MLD are in disagreement regarding the disposition of the remains, the City of Hesperia will be responsible for the final decision based upon input from the various stakeholders.</p> <p>The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The locations will be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings will be filed with the San Bernardino Archaeological Information Center (SBAIC).</p> <p>If the human remains are determined to be other than Native American in origin, but still of archaeological value, the remains will be recovered for analysis and subject to curation or reburial at the expense of the project proponent. If deemed appropriate, the remains will be recovered by the Coroner and handled through the Coroner's Office.</p> | City Planning Department | Anytime during grading | Discovery of cultural or archaeological artifacts. | City verifies grading plans require City to be notified if any cultural or archaeological materials are found during grading.

City shall verify developer has retained a cultural monitor and/or archaeologist if needed | | Issue "Stop Work" Order until compliance verified |
| <p>4.5.6.2A In the event potential cultural or archaeological resources are uncovered or discovered during construction activities within the 10.6-acre travel center site, no further excavation or disturbance of the area where the resources were found shall occur until a qualified archaeologist evaluates the find. If the find is determined to be a potentially significant archaeological resource, the project applicant shall consult with the City to determine the appropriate actions as required by Public Resources Code Section 21083.2(b), (c) and (d) which requires that:</p> <p>a) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state.</p> | | | | | | |

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| <p>Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:</p> <ol style="list-style-type: none"> 1) Planning construction to avoid archaeological sites. 2) Deeding archaeological sites into permanent conservation easements. 3) Capping or covering archaeological sites with a layer of soil before building on the sites. 4) Planning parks, greenspace, or other open space to incorporate archaeological sites. <p>b) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision. The project applicant shall provide a guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state. When a final decision is made to carry out or approve the project, the lead agency shall, if necessary, reduce the specified mitigation measures to those which can be funded with the money guaranteed by the project applicant plus the money voluntarily guaranteed by any other person or persons for those mitigation purposes. In order to allow time for interested persons to provide the funding guarantee referred to in this subdivision, a final decision to carry out or approve a project shall not occur sooner than 60 days after completion of the recommended special environmental impact report required by</p> | | | | | | |

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| <p>this section.</p> <p>c) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report. Prior to the continuation of ground-disturbing activities in the vicinity of the find, the project applicant shall provide evidence to the City that appropriate measures have been taken to fully satisfy applicable cultural resource protection requirements established by the City, State, and/or other authority.</p> | City Planning Department | Anytime during grading | Discovery of archaeological resources | City verifies grading plans require City to be notified if any archaeological resources are found during grading.

City shall verify developer has retained an archaeologist monitor if needed | | Issue "Stop Work" Order until compliance verified |
| <p>4.5.6.2B If archaeological resources are found during grading, as outlined in Measure 4.5.6.2A, the City and the applicant shall invite interested Tribal Group(s) representatives to provide input on the resources if they so desire. This measure shall be implemented to the satisfaction of the City Planning Division.</p> | City Planning Department | Anytime during grading | Discovery of historical resources | City verifies grading plans require City to | | Issue "Stop Work" Order until |

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| and/or retained to evaluate and determine the most appropriate disposition for significant historical resources found during project grading. If the City determines that a significant historical cultural resource will be directly impacted by project grading, and the qualities that make the resource significant will be lost during as a result of project grading, the development, the significant cultural resource must either be avoided or data collected by a qualified professional following guidelines established for this type of research by the California SHPO. | | Anytime during grading | Discovery of paleontological resources | be notified if any historical resources are found during grading.

City shall verify developer has retained a qualified professional if needed | | compliance verified |
| 4.5.6.4A If paleontological resources are discovered during monitoring activities outlined in Mitigation Measure 4.5.6.2A, a qualified professional shall be consulted and/or retained to evaluate and determine the most appropriate disposition for significant paleontological resources found during project grading. If the City determines that significant paleontological resources will be directly impacted by project grading, the significant resources shall be collected by a qualified professional following appropriate professional guidelines. Any paleontological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the City where they would be afforded long-term preservation to allow future scientific study. | City Planning Department | Anytime during grading | Discovery of paleontological resources | City verifies grading plans require City to be notified if any fossils are found during grading.

City shall verify developer has retained a paleo monitor if needed | | Issue "Stop Work" Order until compliance verified |
| 4.6 GEOLOGY AND SOILS | | | | | | |
| 4.6.6.1A Prior to the issuance of a grading permit for the 10.6-acre travel center, the project proponent shall demonstrate to the City that the siting, design and construction of all structures and facilities within the project limits are in accordance with the recommendations provided in the site-specific Final Geotechnical Investigation and regulations established in the California Building Code. These California Building Codes are specifically designed to ensure | City Building and Safety Department | Once | Prior to issuance of grading permit | City verifies grading plans contain required language | | Withhold grading permit |

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| structural safety in the event of a seismic event. | | | | | | |
| 4.7 CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS | | | | | | |
| <p>4.7.6.1A Prior to issuance of a building permit, the applicant shall demonstrate that buildings of the 10.6-acre travel center project will employ energy and water conservation measures in accordance with applicable state and local standards. To that end, the following shall be incorporated into the design, plans, and construction of the project:</p> <p>Construction and Building Materials</p> <ul style="list-style-type: none"> ○ Use locally produced and/or manufactured building materials for at least 10 percent of the construction materials used for the project. ○ Use "Green Building Materials," such as those materials that are resource efficient, and recycled and manufactured in an environmentally friendly way, for at least 10 percent of the project. ○ Limit unnecessary idling of construction equipment. A reduction in equipment idling would reduce fuel consumption, and therefore, GHG emissions. ○ Maximize the use of electricity from the power grid by replacing diesel- or gasoline-powered equipment. This would reduce GHG emissions because electricity can be produced more efficiently at centralized power plants. <p>Energy Efficiency</p> <ul style="list-style-type: none"> ○ Design all project buildings to exceed the California Building Code's (CBC) Title 24 | City Building and Safety and Planning Departments | Once | Prior to issuance of building permit | City verifies project plans show required compliance | | Withhold building permit |

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| <p>energy standard by ten (10) percent, including, but not limited to, any combination of the following:</p> <ul style="list-style-type: none"> ○ Increase insulation such that heat transfer and thermal bridging is minimized. ○ Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption. ○ Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment. ○ Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping. ○ Install efficient lighting and lighting control systems, and use daylight as an integral part of the lighting systems in buildings. ○ Install light-colored "cool" roofs and cool pavements. ○ Install energy-efficient heating and cooling systems, appliances and equipment, and control systems. ○ Install solar or light-emitting diodes (LEDs) for outdoor lighting. ○ The project applicant shall use less than 3,900 Global Warming Potential (GWP) hydrofluorocarbon (HFC) refrigerants or natural refrigerants (ammonia, propane, carbon dioxide [CO₂]) for refrigeration and fire suppression equipment. ○ Provide vegetative or man-made exterior wall | | | | | | |

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| <p>shading devices for east-, south-, and west-facing walls with windows.</p> <ul style="list-style-type: none"> o Exterior windows shall utilize window treatments for efficient energy conservation. o Use low-emission and/or solar water heaters as appropriate. <p>Water Conservation</p> <ul style="list-style-type: none"> o Install drought-tolerant plants for landscaping. o If available, use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water if and when it is available. o Install water-efficient irrigations systems, such as weather-based and soil-moisture-based irrigation controllers and sensors for landscaping according to the California Department of Water Resources Model Efficient Landscape Ordinance. o Per CALGreen Code requirements, water-efficient fixtures and appliances, including but not limited to low-flow faucets and dual-flush toilets minimizing water consumption by 20 percent from the CALGreen Code baseline water consumption, shall be used. o Per CALGreen Code requirements, a Commissioning Plan shall be prepared and all building systems (e.g., heating, ventilation and air-conditioning [HVAC], irrigation systems, lighting, water heating) shall be commissioned by the Commissioning Authority. o Per the CALGreen Code, restrict watering methods (e.g., prohibit systems that apply | | | | | | |

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| <p>water to nonvegetated surfaces) and control runoff.</p> <p>Solid Waste</p> <p>Provide employee education about reducing waste and available recycling services on an ongoing basis.</p> | | | | | | |
| 4.9 HYDROLOGY AND WATER QUALITY | | | | | | |
| <p>4.9.6.1A Prior to grading plan approval and issuance of a grading permit by the City, the project applicant shall provide evidence to the City that a Notice of Intent (NOI) has been filed with the Regional Water Quality Control Board for coverage under the State NPDES General Construction Permit for discharge of stormwater associated with construction activities.</p> | City Building and Safety Department | Once | Prior to grading plan approval and issuance of grading permit | City verifies developer has filed a NOI with the LA RWQCB per state requirements | | Withhold grading plan approval and grading permit |
| <p>4.9.6.1B Prior to grading plan approval and the first issuance of a grading permit by the City, the project applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the City of Hesperia. The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to control onsite and off-site erosion during the entire grading and construction period. Additionally, the SWPPP shall identify structural and nonstructural BMPs to control sediment and nonvisible discharges from the site. BMPs to be implemented in the SWPPP may include (but shall not be limited to) the following:</p> <ul style="list-style-type: none"> • Sediment discharges from the site may be controlled by the following: sandbags, silt fences, straw wattles and temporary debris basins (if deemed necessary), and other discharge control | City Building and Safety Department | Once | Prior to grading plan approval and first issuance of grading permit | City verifies developer has a SWPPP approved by the LA RWQCB per state requirements | | Withhold grading plan approval and grading permit |

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| <p>devices. The construction and condition of the BMPs will be periodically inspected during construction, and repairs will be made when necessary as required by the SWPPP.</p> <ul style="list-style-type: none"> • No materials of any kind shall be placed in drainage ways. • Materials that could contribute nonvisible pollutants to stormwater must be contained, elevated, and placed in temporary storage containment areas. • All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be protected per RWQCB standards to eliminate any discharge from the site. Stockpiles will be surrounded by silt fences. • The SWPPP will include inspection forms for routine monitoring of the site during the construction phase to ensure NPDES compliance. • Additional BMPs and erosion control measures will be documented in the SWPPP and utilized if necessary. • The SWPPP will be kept on site for the entire duration of project construction and will also be available to the local RWQCB for inspection at any time. <p>In the event that it is not feasible to implement the above BMPs, the City of Hesperia can make a determination that other BMPs will provide equivalent or superior treatment either on or off site.</p> <p>4.9.6.1C Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that the following provisions have been added to</p> | City Building and Safety Department | Once | Prior to issuance of grading permit | City verifies developer has a SWPPP | | Withhold grading permit |

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| <p>construction contracts for the project:</p> <p>The Construction Contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sediment control measures called for in the SWPPP. Monthly reports shall be maintained by the Contractor and submitted to the City for inspection. In addition, the Contractor will also be required to maintain an inspection log and have the log on site to be reviewed by the City of Hesperia and the representatives of the Regional Water Quality Control Board.</p> | | | | <p>approved by the LA RWQCB per state requirements</p> | | |
| <p>4.9.6.2A Prior to the first issuance of a building permit by the City, the project applicant shall receive approval from the City of Hesperia of a project-specific Final Water Quality Management Plan (WQMP). The Final WQMP shall specifically identify pollution prevention, source control, treatment control measures, and other BMPs that shall be used on site to control predictable pollutant runoff in order to reduce impacts to water quality to the maximum extent practicable.</p> | <p>City Engineering Department</p> | <p>Once</p> | <p>Prior to first issuance of building permit</p> | <p>City approves of the WQMP submitted by the developer per state requirements</p> | | <p>Withhold building permit</p> |
| 4.12 NOISE | | | | | | |
| <p>4.12.6.1A During all site construction activities related to the travel center project, the construction contractor shall limit all construction-related activities that would result in noise levels in excess of City standards to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. No construction activities shall be allowed on Sundays and public holidays.</p> | <p>City Building and Safety Department</p> | <p>Anytime during construction</p> | <p>During construction</p> | <p>City inspector verifies compliance with city noise standards</p> | | <p>Suspend building permit</p> |
| 4.16 TRANSPORTATION AND TRAFFIC | | | | | | |
| <p>4.16.6.1A. Prior to issuance of an occupancy permit, the project applicant shall fully construct the following improvements to the Outpost Road/Joshua Street</p> | <p>City Engineer or Public Works Department</p> | <p>Once</p> | <p>Prior to issuance of occupancy permit</p> | <p>City inspector shall verify indicated signal</p> | | <p>Withhold occupancy permit</p> |

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| <p>intersection:</p> <ul style="list-style-type: none"> • Install traffic signal; • Add a northbound left-turn lane; • Add a northbound right-turn lane with overlap phasing; • Add an eastbound left-turn lane; • Add an eastbound through lane; • Add an eastbound right-turn lane; • Add two westbound left-turn lanes; • Add a westbound through lane, and • Add a westbound right-turn lane. <p>This measure shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.</p> | City Engineer or Public Works Department | Once | Prior to issuance of occupancy permit | and circulation improvements have been installed | | Withhold occupancy permit |
| <p>4.16.6.1B Prior to issuance of an occupancy permit, the project applicant shall contribute to the construct of the following improvements to the Highway 395/Joshua Street intersection:</p> <ul style="list-style-type: none"> • Add a northbound through lane; (shared by the project and Hesperia Commerce Center); • Add a southbound left-turn lane; (shared by the project and Hesperia Commerce Center; and • Add a westbound left-turn lane (project design feature). <p>This measure shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.</p> | City Engineer or Public Works Department | Once | Prior to issuance of occupancy permit | City inspector shall verify indicated circulation improvements have been installed | | Withhold occupancy permit |
| <p>4.16.6.1C. Prior to issuance of an occupancy permit, the project applicant shall fully construct the widening of Joshua Street between Highway 395 and I-15 SB Off-Ramp from a 2-lane undivided arterial to a 4-lane divided arterial.</p> <p>This measure shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.</p> | City Engineer or Public Works Department | Once | Prior to issuance of occupancy permit | City inspector shall verify indicated circulation improvements have been installed | | Withhold occupancy permit |

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| <p>4.16.6.1D. Prior to the issuance of an occupancy permit, the project applicant shall pay the appropriate DIF payment for the following improvements:</p> <ul style="list-style-type: none"> Main Street between Escondido Avenue and Topaz Street – Widen from 4-lane undivided to 6-lane divided roadway; Main Street East of Topaz Street – Widen from 4-lane undivided to 6-lane divided roadway. <p>This measure shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.</p> | City Engineer or Public Works Department | Once | Prior to issuance of occupancy permit | City inspector shall verify indicated circulation improvements have been installed | | Withhold occupancy permit |
| <p>4.16.6.1E. Prior to issuance of an occupancy permit, the project applicant shall pay a fair share for the following improvements to the segment of Highway 395 north of Main Street.</p> <ul style="list-style-type: none"> Convert 2-lane undivided roadway to 2-lane divided roadway. <p>This measure shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.</p> <p>In order to meet the City's intersection service standard of LOS D (and LOS E for intersections on Main Street/Phelan Road and Highway 395) for opening year 2016 and beyond, traffic improvements would be required at the Calleinte Road/Joshua Street, Highway 395/Poplar Street and Outpost Road/Joshua Street intersections prior to the start of operation of the proposed project. However, the improvements defined as part of Mitigation Measures 4.16.6.1A 4.16.6.1E, and 4.16.6.1F provide full mitigation for the Outpost Road/Joshua Street, Calleinte Road/Joshua Street, and Highway 395/Poplar Street intersections. To ensure that potential cumulative impacts to the</p> | City Engineer or Public Works Department | Once | Prior to issuance of building permit | City inspector shall verify indicated circulation improvements have been installed | | Withhold building permit |

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| <p>Calliente Road/Joshua Street and Highway 395/Poplar Street in opening year 2016 are reduced to less than significant level, the following mitigation measures shall be implemented:</p> | | | | | | |
| <p>4.16.6.1F. Calliente Road/Joshua Street intersection: conversion from two way stop control to all way stop control, add a westbound left-turn lane, re-stripe the westbound left-through-right-turn lane to a through-right turn lane. The improvements identified for this intersection are project specific mitigations for the proposed Hesperia Commerce Center. This project will not be contributing any funding for these improvements. If the Hesperia Commerce Center does not develop, the project will pay its fair share for these improvements.</p> | City Engineer or Public Works Department | Once | Prior to issuance of occupancy permit | City inspector shall verify indicated circulation improvements have been installed | | Withhold occupancy permit |
| <p>4.16.6.1G Prior to issuance of an occupancy permit, the project applicant shall pay its fair share for the following improvements to the Highway 395/Poplar Street intersection:</p> <ul style="list-style-type: none"> • Install a traffic signal. <p>This measure shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.</p> | City Engineer or Public Works Department | Once | Prior to issuance of occupancy permit | City verifies developers payment of fair share | | Withhold occupancy permit |
| <p>4.16.6.1H Prior to issuance of an occupancy permit, the project applicant shall fully construct the following improvements to the Highway 395/Joshua Street intersection:</p> <ul style="list-style-type: none"> • Widen the westbound approach lanes (east leg) to ultimate width to accommodate two left-turn lanes, two through lanes, and one right turn as described for the Year 2035 plus project scenarios. <p>This measure shall be implemented to the satisfaction</p> | City Engineer or Public Works Department | Once | Prior to issuance of occupancy permit | | | Withhold occupancy permit |

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| <p>of the City Engineer or Public Works Department as appropriate. The right-of-way for this improvement will be provided as a project design feature.</p> <p>4.16.6.1I Prior to the issuance of building permits, the project applicant shall make the appropriate Development Impact Fee (DIF) payment or pay its fair share to cover the applicant's proportional impacts associated with the following roadway segment improvements:</p> <ul style="list-style-type: none"> • US-395: North of Main Street - Widen 2-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a fair share for the improvements.; • US-395: Main Street to Poplar Street - Convert 2-lane undivided roadway to 2-lane divided roadway. The project applicant shall pay its fair share for the improvements; • Main Street: Escondido Avenue to Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay the DIF for the improvements; and • Main Street: East of Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay the DIF for the improvements. <p>These measures shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.</p> | <p>City Engineer or Public Works Department</p> | <p>Once</p> | <p>Prior to issuance of building permit</p> | <p>City verifies developers payment of DIF</p> | | <p>Withhold building permit</p> |
| <p>4.16.6.1J Prior to the issuance of building permits, the project applicant shall make the appropriate Development Impact Fee (DIF) payment or pay its fair share to cover the applicant's proportional impacts associated with the following intersection improvements:</p> <ul style="list-style-type: none"> • Caliente Road/Joshua Street - Install a | <p>City Engineer or Public Works Department</p> | <p>Once</p> | <p>Prior to issuance of building permit</p> | <p>City verifies developers payment of DIF</p> | | <p>Withhold building permit</p> |

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| <p>traffic signal. Add two westbound left-turn lanes. Re-stripe the westbound left-through-right turn lane to a through-right turn lane. The improvements identified for this intersection are project specific mitigations for the proposed Hesperia Commerce Center. The project will not be contributing any funding for these improvements. If the Hesperia Commerce Center does not develop, the project will pay its fair share for these improvements.</p> | | | | | | |
| <ul style="list-style-type: none"> US-395/Phealan Road-Main Street – Add a northbound left-turn lane, a northbound through lane, a northbound right-turn lane, a southbound left-turn lane, a southbound through lane, a southbound right-turn lane with overlap phasing, a eastbound left-turn lane, an eastbound through lane, convert the eastbound right-turn lane to a free-right turn lane, a westbound left-turn lane, and a westbound through lane. The project applicant shall pay its fair share for the improvements. | | | | | | |
| <ul style="list-style-type: none"> US-395/Poplar Street – Install a traffic signal. Add two southbound through lanes. The project applicant shall pay its fair share for the improvements. | | | | | | |
| <ul style="list-style-type: none"> US-395/Three Flags Road – Add a southbound through lane. The project applicant shall pay its fair share for the improvements. | | | | | | |
| <ul style="list-style-type: none"> US-395/Joshua Street – Add a northbound through lane, a southbound left-turn lane, a southbound through lane, add overlap phasing to the southbound right-turn lane, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane with overlap phasing, a westbound left-turn | | | | | | |

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| <p>lane, a westbound through lane, and a westbound right-turn lane with overlap phasing. The east leg improvements will be a project design feature, the west leg improvements recommended under opening year are project specific mitigations for the Hesperia Commerce Center. If the Hesperia Commerce Center does not develop, the project will pay its fair share for these improvements. The project applicant shall pay its fair share contribution for those improvements required for the west, north and south legs beyond opening year.</p> <ul style="list-style-type: none"> • Outpost Road/Joshua Street -- Install a traffic signal. Add a northbound left-turn lane, a northbound right-turn lane with overlap phasing, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane, two westbound left-turn lanes, a westbound through lane, and a westbound right-turn lane. The improvements will be provided as a project design feature. • I-15 Southbound Off-Ramp/Joshua Street -- Installation of a traffic signal and addition of a second eastbound through lane and second southbound right lane. The project applicant shall pay the DIF for the improvements. • Mariposa Road/Joshua Street -- Installation of a traffic signal and an eastbound right-turn lane. The project applicant shall pay the DIF for the improvements. • Mesa Linda Road/Main Street -- Installation of a traffic signal. The project applicant shall pay the DIF for the improvements. • Key Pointe Drive/Main Street -- Add a westbound left turn lane consistent with the | | | | | | |

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| <ul style="list-style-type: none"> Major Arterial Highway designation for Main Street. The project applicant shall pay the DIF for the improvements. I-15 Southbound Ramps/Main Street – Add a second receiving lane to the southbound on-ramp. The improvements will be provided as a project design feature. I-15 Northbound Ramps/Main Street – Restripe the left-turn lane to a shared left-through lane, restripe the shared through-right turn lane to a dedicated right-turn lane. The project applicant shall pay the DIF for the improvements. Escondido Avenue/Main Street – Add a northbound through lane, southbound through lane, eastbound left-turn lane, westbound through lane, a westbound right-turn lane with overlap phasing, overlap phasing to northbound right-turn lane, and overlap phasing to eastbound right-turn lane. The project applicant shall pay the DIF for the improvements. Topaz Avenue/Main Street – Add a westbound through lane and an eastbound through lane. The project applicant shall pay the DIF for the improvements. | | | | | | |
| <p>These measures shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.</p> <p>4.16.6.1K Prior to the issuance of building permits, the project applicant shall make the appropriate Development Impact Fee (DIF) payment or fair share contribution to cover the applicant's proportional impacts associated with the following intersection improvements:</p> <ul style="list-style-type: none"> US-395: North of Main Street - Widen 2-lane undivided roadway to 6-lane divided | City Engineer or Public Works Department | Once | Prior to issuance of building permit | City verifies developers payment of DIF | | Withhold building permit |

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| <p>roadway. The project applicant shall pay its fair share for the improvements;</p> <ul style="list-style-type: none"> • 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements; • US-395: Poplar Street to Three Flags Road - Widen 3-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements; • US-395: Three Flags Road to Joshua Street - Widen 5-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements; • US-395: South of Joshua Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements; • Joshua Street: Caliente Road to US-395 - Widen 2-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay the DJF for the improvements; • Joshua Street: US-395 to Outpost Road - Widen 2-lane undivided roadway to 4-lane divided roadway. The improvements will be provided as a project design feature; • Joshua Street: Outpost Road to I-15 Southbound Off-Ramp - Widen 2-lane undivided roadway to 4-lane divided roadway. The improvements will be provided as a project design feature; • Joshua Street: I-15 Southbound Off-Ramp to I-15 Northbound On-Ramp - Widen 2-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay the DJF for the improvements; • Main Street: West of US-395 - Convert 4-lane undivided roadway to 4-lane divided roadway. | | | | | | |

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| <p>The project applicant shall pay the DIF for the improvements;</p> <ul style="list-style-type: none"> • Main Street: US-395 to Mesa Linda Street - Convert 4-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay the DIF for the improvements; • Main Street: Escondido Avenue to Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay the DIF for the improvements; and • Main Street: East of Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay the DIF for the improvements. <p>These measures shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.</p> | City Engineer or Public Works Department | Once | Prior to issuance of building permit | City verifies developers payment of DIF | | Withhold building permit |
| <p>4.16.6.1L Prior to the issuance of building permits, the project applicant shall make the appropriate Development Impact Fee (DIF) payment or its fair share contribution to cover the applicant's proportional impacts associated with the following intersection improvements as outlined in Table V of the project traffic study:</p> <ul style="list-style-type: none"> • Caliente Road/Joshua Street - conversion from two-way stop control to all-way stop control, add a westbound left-turn lane, re-stripe the westbound left-through-right-turn lane to a through-right turn lane. The improvements identified for this intersection are project specific mitigations for the proposed Hesperia Commerce Center. The project will not be contributing any funding for these improvements. If the Hesperia Commerce Center does not develop, the project will pay its fair share for these | | | | | | |

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| <ul style="list-style-type: none"> improvements.
US-395/Phelan Road-Main Street – Add a northbound left-turn lane, a northbound through lane, a northbound right-turn lane, a southbound left-turn lane, a southbound through lane, a southbound right-turn lane with overlap phasing, an eastbound through lane, convert the eastbound right-turn lane to a free-right turn lane, and a westbound through lane. The project applicant shall pay its fair share for the improvements. | | | | | | |
| <ul style="list-style-type: none"> US-395/Poplar Street – Install a traffic signal. Add a northbound through lane, a northbound right-turn lane, two southbound through lanes, a westbound left-turn lane, and a westbound right-turn lane. The project applicant shall pay its fair share for the improvements. | | | | | | |
| <ul style="list-style-type: none"> US-395/Three Flags Road – Add a southbound through lane. The project applicant shall pay its fair share for the improvements. | | | | | | |
| <ul style="list-style-type: none"> US-395/Joshua Street – Add a northbound through lane, a southbound left-turn lane, a southbound through lane, add overlap phasing to the southbound right-turn lane, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane with overlap phasing, a westbound left-turn lane, a westbound through lane, and a westbound right-turn lane with overlap phasing. The east leg improvements will be a project design feature, the west leg improvements recommended under opening year are project specific mitigations for the Hesperia Commerce Center. Improvements beyond opening year for the west, north and south legs will be a fair share contribution by | | | | | | |

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| <ul style="list-style-type: none"> the project. If the Hesperia Commerce Center does not develop, the project will pay its fair share for these improvements. Outpost Road/Joshua Street – Install a traffic signal. Add a northbound left-turn lane, a northbound right-turn lane with overlap phasing, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane, two westbound left-turn lanes, a westbound through lane, and a westbound right-turn lane. The improvements will be provided as a project design feature. Manposa Road/Joshua Street – Installation of a traffic signal and an eastbound right-turn lane. The project applicant shall pay the DIF for the improvements. Mesa Linda Road/Main Street – Installation of a traffic signal. The project applicant shall pay the DIF for the improvements. Three Flags Avenue-Lassen Road/Poplar Street – Installation of a traffic signal. The project applicant shall pay the DIF for the improvements. I-15 Northbound Ramps/Muscotel Street – Add a northbound left-turn lane. The project applicant shall pay the DIF for the improvements. I-15 Northbound Ramps/Main Street – Restripe the left-turn lane to a shared left-through lane, restripe the shared through-right turn lane to a dedicated right-turn lane. The project applicant shall pay the DIF for the improvements. Escondido Avenue/Main Street – Add a northbound through lane, southbound through lane, eastbound left-turn lane, westbound through lane, a westbound right- | | | | | | |

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| <p>turn lane with overlap phasing, overlap phasing to northbound right-turn lane, and overlap phasing to eastbound right-turn lane. The project applicant shall pay the DIF for the improvements.</p> <ul style="list-style-type: none"> Topaz Avenue/Main Street – Add a westbound through lane and an eastbound through lane. The project applicant shall pay the DIF for the improvements. <p>These measures shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.</p> | | | | | | |
| <p>4.16.6.1M Prior to the issuance of building permits, the project applicant shall make the appropriate Development Impact Fee (DIF) payment or its fair share to cover the applicant's proportional impacts associated with the following intersection improvements as outlined in Table U of the project traffic study:</p> <ul style="list-style-type: none"> US-395: North of Main Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements; US-395: Main Street to Poplar Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements; US-395: Poplar Street to Three Flags Road - Widen 3-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements; US-395: Three Flags Road to Joshua Street - Widen 5-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements; US-395: South of Joshua Street - Widen 2- | City Engineer or Public Works Department | Once | Prior to issuance of building permit | City verifies developers payment of DIF | | Withhold building permit |

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| <ul style="list-style-type: none"> lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements; Joshua Street: US-395 to Outpost Road - Widen 2-lane undivided roadway to 4-lane divided roadway. The improvements will be provided as a project design feature; Poplar Street: US-395 to Three Flags Road-Lassen Road - Widen 3-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay the DIF for the improvements; Main Street: West of US-395 - Convert 4-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay the DIF for the improvements; Main Street: Escondido Avenue to Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay the DIF for the improvements; and Main Street: East of Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay the DIF for the improvements. | | | | | | |
| <p>These measures shall be implemented to the satisfaction of the City Engineer or Public Works Department as appropriate.</p> | | | | | | |

Table 1.D: Air Quality Measures - Best Available Control Measures for Fugitive Dust (Apply to All Construction Activities)

| Source Category | Control Measures | Guidance |
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| Backfilling | <ul style="list-style-type: none"> • Stabilize backfill material when not actively handling; and • Stabilize backfill material during handling; and • Stabilize soil at completion of activity. | <ul style="list-style-type: none"> • Mix backfill soil with water prior to moving; and • Dedicate water truck or high capacity hose to backfilling equipment; and • Empty loader bucket slowly so that no dust plumes are generated; and • Minimize drop height from loader bucket. |
| Clearing and grubbing | <ul style="list-style-type: none"> • Maintain stability of soil through pre-watering of site prior to clearing and grubbing; and • Stabilize soil during clearing and grubbing activities; and • Stabilize soil immediately after clearing and grubbing activities. | <ul style="list-style-type: none"> • Maintain live perennial vegetation where possible; and • Apply water in sufficient quantity to prevent generation of dust plumes. |
| Clearing forms | <ul style="list-style-type: none"> • Use water spray to clear forms; or • Use sweeping and water spray to clear forms; or • Use vacuum system to clear forms. | <ul style="list-style-type: none"> • Use of high pressure air to clear forms may cause exceedance of Rule requirements. |
| Crushing | <ul style="list-style-type: none"> • Stabilize surface soils prior to operation of support equipment; and • Stabilize material after crushing. | <ul style="list-style-type: none"> • Follow permit conditions for crushing equipment; and • Pre-water material prior to loading into crusher; and • Monitor crusher emissions opacity; and • Apply water to crushed material to prevent dust plumes. |
| Cut and fill | <ul style="list-style-type: none"> • Pre-water soils prior to cut and fill activities; and • Stabilize soil during and after cut and fill activities. | <ul style="list-style-type: none"> • For large sites, pre-water with sprinklers or water trucks and allow time for penetration; and • Pre-apply water to depth of proposed cuts and continue watering prior to subsequent cuts. |
| Demolition – mechanical/manual | <ul style="list-style-type: none"> • Stabilize wind erodible surfaces to reduce dust; and • Stabilize surface soil where support equipment and vehicles will operate; and • Stabilize loose soil and demolition debris; and • Comply with AQMD Rule 1403. | <ul style="list-style-type: none"> • Apply water in sufficient quantities to prevent the generation of visible dust plumes. |

Table 1.D: Air Quality Measures - Best Available Control Measures for Fugitive Dust (Apply to All Construction Activities)

| Source Category | Control Measures | Guidance |
|---------------------------------------|---|---|
| Disturbed soil | <ul style="list-style-type: none"> Stabilize disturbed soil throughout the construction site; and Stabilize disturbed soil between structures. | <ul style="list-style-type: none"> Limit vehicular traffic and disturbances on soils where possible; and If interior block walls are planned, install as early as possible; and Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes. |
| Earthmoving activities | <ul style="list-style-type: none"> Pre-apply water to depth of proposed cuts; and Re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 ft in any direction; and Stabilize soils once earth-moving activities are complete. | <ul style="list-style-type: none"> Grade each Project phase separately, timed to coincide with construction phase; and Upwind fencing can prevent material movement on site; and Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes. |
| Importing/exporting of bulk materials | <ul style="list-style-type: none"> Stabilize material while loading to reduce fugitive dust emissions; and Maintain at least 6 inches of freeboard on haul vehicles; and Stabilize material while transporting to reduce fugitive dust emissions; and Stabilize material while unloading to reduce fugitive dust emissions; and Comply with CVC Section 23114. | <ul style="list-style-type: none"> Use tarps or other suitable enclosures on haul trucks; and Check belly-dump truck seals regularly and remove any trapped rocks to prevent spillage; and Comply with track-out prevention/mitigation requirements; and Provide water while loading and unloading to reduce visible dust plumes. |
| Landscaping | <ul style="list-style-type: none"> Stabilize soils, materials, slopes | <ul style="list-style-type: none"> Apply water to materials to stabilize; and Maintain materials in a crusted condition; and Maintain effective cover over materials; and Stabilize sloping surfaces using soil binders until vegetation or ground cover can effectively stabilize the slopes; and hydro seed prior to rain season. |
| Road shoulder maintenance | <ul style="list-style-type: none"> Apply water to unpaved shoulders prior to clearing; and Apply chemical dust suppressants and/or washed gravel to maintain a stabilized surface after completing road shoulder maintenance. | <ul style="list-style-type: none"> Installation of curbing and/or paving of road shoulders can reduce recurring maintenance costs; and Use of chemical dust suppressants can inhibit vegetation growth and reduce future road shoulder maintenance costs. |

Table 1.D: Air Quality Measures - Best Available Control Measures for Fugitive Dust (Apply to All Construction Activities)

| Source Category | Control Measures | Guidance |
|---|---|--|
| Screening | <ul style="list-style-type: none"> • Pre-water material prior to screening; and • Limit fugitive dust emissions to opacity and plume length standards; and • Stabilize material immediately after screening. | <ul style="list-style-type: none"> • Dedicate water truck or high capacity hose to screening operation; and • Drop material through the screen slowly and minimize drop height; and • Install wind barrier with a porosity of no more than 50 percent upwind of screen to the height of the drop point. |
| Staging areas | <ul style="list-style-type: none"> • Stabilize staging areas during use; and • Stabilize staging area soils at project completion. | <ul style="list-style-type: none"> • Limit size of staging area; and • Limit vehicle speeds to 15 miles per hour; and • Limit number and size of staging area entrances/exits. |
| Stockpiles/bulk material handling | <ul style="list-style-type: none"> • Stabilize stockpiled materials, and stockpiles within 100 yards of off-site occupied buildings must not be greater than 8 ft in height; or must have a road bladed to the top to allow water truck access or must have an operational water irrigation system that is capable of complete stockpile coverage. | <ul style="list-style-type: none"> • Add or remove material from the downwind portion of the storage pile; and • Maintain storage piles to avoid steep sides or faces. |
| Traffic areas for construction activities | <ul style="list-style-type: none"> • Stabilize all off-road traffic and parking areas; and • Stabilize all haul routes; and • Direct construction traffic over established haul routes. | <ul style="list-style-type: none"> • Apply gravel/paving to all haul routes as soon as possible to all future roadway areas; and • Barriers can be used to ensure vehicles are only used on established parking areas/haul routes. |
| Trenching | <ul style="list-style-type: none"> • Stabilize surface soils where trencher or excavator and support equipment will operate; and • Stabilize soils at the completion of trenching activities. | <ul style="list-style-type: none"> • Pre-watering of soils prior to trenching is an effective preventive measure. For deep trenching activities, pre-trench to 18 inches, soak soils via the pre-trench and resuming trenching; and • Washing mud and soils from equipment at the conclusion of trenching activities can prevent crusting and drying of soil on equipment. |
| Truck loading | <ul style="list-style-type: none"> • Pre-water material prior to loading; and • Ensure that freeboard exceeds 6 inches (CVC 23114). | <ul style="list-style-type: none"> • Empty loader bucket such that no visible dust plumes are created; and • Ensure that the loader bucket is close to the truck to minimize drop height while loading. |
| Turf overseeding | <ul style="list-style-type: none"> • Apply sufficient water immediately prior to conducting turf vacuuming activities to meet opacity and plume length standards; and • Cover haul vehicles prior to exiting the site. | <ul style="list-style-type: none"> • Haul waste material immediately off site. |

Table 1.D: Air Quality Measures - Best Available Control Measures for Fugitive Dust (Apply to All Construction Activities)

| Source Category | Control Measures | Guidance |
|----------------------------|---|--|
| Unpaved roads/parking lots | <ul style="list-style-type: none"> Stabilize soils to meet the applicable performance standards; and Limit vehicular travel to established unpaved roads (haul routes) and unpaved parking lots. | <ul style="list-style-type: none"> Restricting vehicular access to established unpaved travel paths and parking lots can reduce stabilization requirements. |
| Vacant land | <ul style="list-style-type: none"> In instances where vacant lots are 0.10 acre or larger and have a cumulative area of 500 sf or more that are driven over and/or used by motor vehicles and/or off-road vehicles, prevent motor vehicle and/or off-road vehicle trespassing, parking and/or access by installing barriers, curbs, fences, gates, posts, signs, shrubs, trees, or other effective control measures. | |
| ac = acre(s) | ACMD = Air Quality Management District | CVC = California Vehicle Code |
| | ft = feet | sf = square feet |

Table 1.E: Air Quality Measure 4.3.6.2M Contingency Control Measures for Fugitive Dust (During High Winds in Excess of 25 MPH)

| Fugitive Dust Source Category | Control Measures |
|-------------------------------|---|
| Earthmoving | <ul style="list-style-type: none"> Cease all active operations; or Apply water to soil not more than 15 minutes prior to moving such soil. |
| Disturbed surface areas | <ul style="list-style-type: none"> On the last day of active operations prior to a weekend, holiday, or any other period when active operations will not occur for not more than 4 consecutive days: apply water with a mixture of chemical stabilizer diluted to not less than 1/20 of the concentration required to maintain a stabilized surface for a period of 6 months; or Apply chemical stabilizers prior to wind event; or Apply water to all unstabilized disturbed areas 3 times per day. If there is any evidence of wind driven fugitive dust, watering frequency is increased to a minimum of 4 times per day; or Establish a vegetative ground cover within 21 days after active operations have ceased. Ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter; or Utilize any combination of these control actions such that, in total, these actions apply to all disturbed surface areas. |
| Unpaved roads | <ul style="list-style-type: none"> Apply chemical stabilizers prior to wind event; or Apply water 2 times per hour during active operation; or Stop all vehicular traffic. |
| Open storage piles | <ul style="list-style-type: none"> Apply water 2 times per hour; or Install temporary coverings. |
| Paved road track-out | <ul style="list-style-type: none"> Cover all haul vehicles; or Comply with the vehicle freeboard requirements of Section 23114 of the CVC for both public and private roads. |
| All categories | <ul style="list-style-type: none"> Executive Officer and the USEPA as equivalent to the methods specified in this table may be used. |

CVC = California Vehicle Code
 USEPA = United States Environmental Protection Agency

ATTACHMENT 7

RESOLUTION NO. PC-2015-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND THE OFFICIAL GENERAL PLAN AND ZONING MAP BY RECLASSIFYING CERTAIN REAL PROPERTY HEREIN DESCRIBED WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM NEIGHBORHOOD COMMERCIAL (NC) TO COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ON APPROXIMATELY 10.6 GROSS ACRES LOCATED ON THE SOUTHEAST CORNER OF OUTPOST ROAD AND JOSHUA STREET (SPLA13-00004)

WHEREAS, Love's Travel Stops and Country Stores, Inc. has filed an application requesting approval of SPLA13-00004 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 10.6 gross acres within the Neighborhood Commercial (NC) District of the Main Street and Freeway Corridor Specific Plan located on the southeast corner of Outpost Road and Joshua Street and consists of Assessor's Parcel Number 3039-361-01; and

WHEREAS, the Application, as contemplated, proposes to change the District of the subject property within the Main Street and Freeway Corridor Specific Plan (Specific Plan) from the Neighborhood Commercial (NC) to the Commercial Industrial Business Park (CIBP) District; and

WHEREAS, Love's Travel Stops and Country Stores, Inc. has also filed an application requesting approval of Conditional Use Permit CUP12-10189, to construct a 12,271 square foot travel center including a convenience store and vehicle service center, fuel islands for both semi-trucks and passenger vehicles, a drive-thru restaurant, and the sale of beer and wine for off-site consumption on the 10.6 gross acre site; and

WHEREAS, the subject site is vacant, with the exception of two billboards; which shall be removed prior to development. The site is partially graded due to road improvements at the intersection of Outpost Road and Joshua Street. The property to the north contains a travel center. The site is bounded to the south, east, and west by vacant properties; and

WHEREAS, the subject property is currently within the Neighborhood Commercial (NC) District of the Specific Plan. The properties to the north and west are within the Commercial Industrial Business Park (CIBP) District and the property to the south is also within the NC District. The properties to the south and east beyond Interstate 15, are within the Regional Commercial (RC) District of the Specific Plan; and

WHEREAS, on June 11, 2015, the Planning Commission of the City of Hesperia adopted Resolution PC-2015-12, recommending that the City Council adopt the environmental findings pursuant to California Environmental Quality Act (CEQA), adopting a Statement of Overriding Considerations, certifying the Final Environmental Impact Report (SCH # 2013051059), and adopting a Mitigation Monitoring and Reporting Plan; and

WHEREAS, on June 11, 2015, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced June 11, 2015 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based on adoption of Resolution PC-2015-12, the Environmental Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting have been adopted and the Final Environmental Impact Report (SCH # 2013051059) has been certified pursuant to the California Environmental Quality Act (CEQA) for this project.
- (b) The site of the proposed amendment to the Specific Plan is suitable for any of the land uses permitted within the proposed District, because the land uses can meet the standards for setbacks, parking, circulation, and access within the proposed zone district.
- (c) The current Neighborhood Commercial (NC) District within the Specific Plan does not permit a truck stop or truck repair and the proposed Commercial Industrial Business Park (CIBP) District provides for the proposed travel center. In addition, properties within the CIBP District exist north and west of the subject property. Therefore, the proposed Specific Plan Amendment is reasonable and beneficial at this time, because it will facilitate the planning and development of this area that is needed to support the well-planned growth of Hesperia.
- (d) The proposed Specific Plan Amendment will not have a significant adverse impact on surrounding properties or the community in general, because the project will be subject to the City's policies governing design and the mitigation measures for the Certified EIR.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia, with approval of this Specific Plan Amendment.
- (f) The proposed Specific Plan Amendment is consistent with the adopted General Plan of the City of Hesperia because an objective in the City's General Plan seeks to "...Promote industrial development within the City which will expand its tax base and provide a range of employment activities, while not adversely impacting the community or environment." The proposed project will expand employment opportunities for City residents.

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

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends approval of Specific Plan Amendment SPLA13-00004, amending the Official General Plan and Zoning Map of the City of Hesperia as shown on Exhibit "A."

Section 5. That the Secretary shall certify to the adoption of this Resolution.

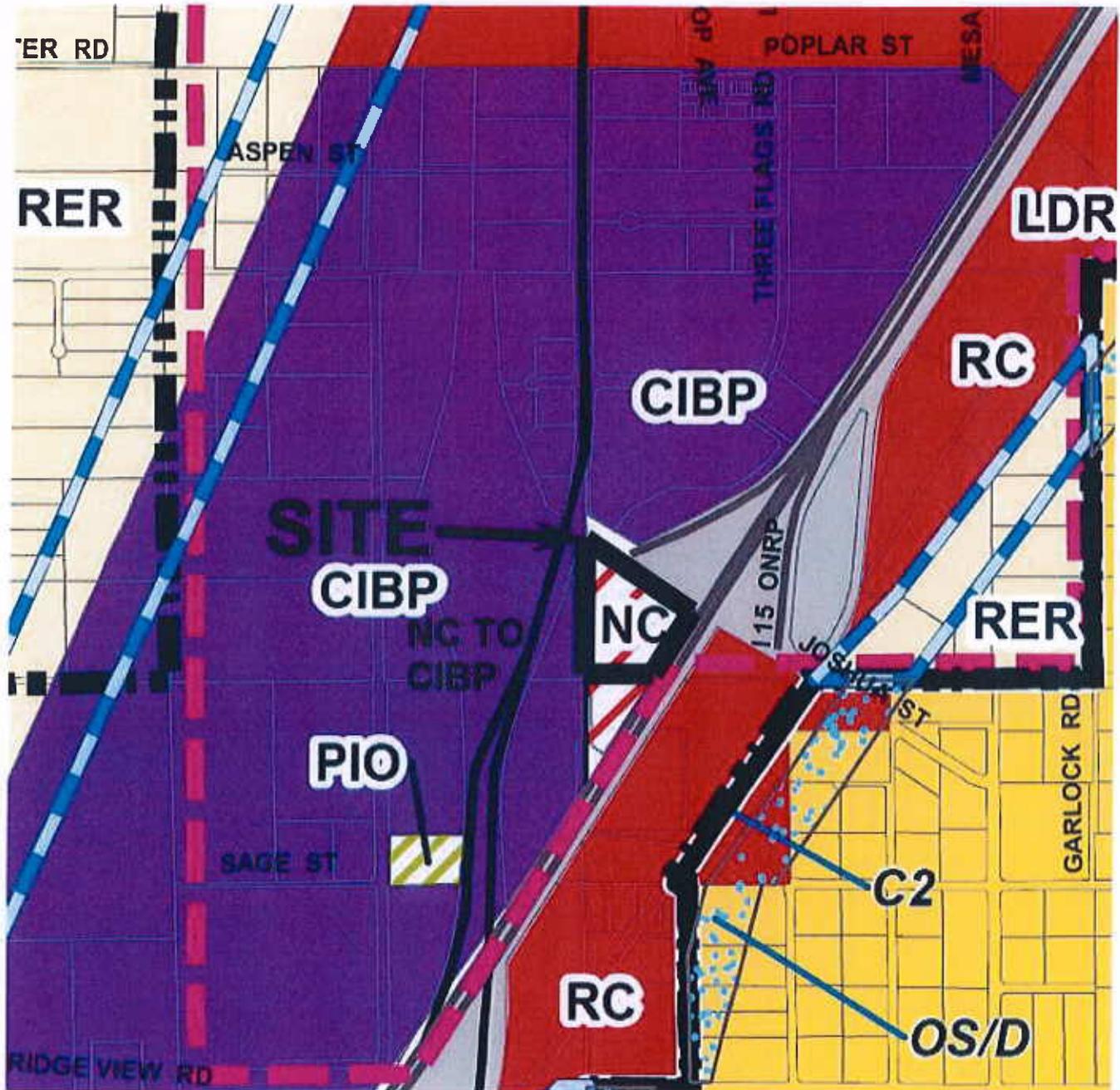
ADOPTED AND APPROVED on this 11th day of June 2015

Tom Murphy, Chair, Planning Commission

ATTEST:

Andrea Ngalo, Secretary, Planning Commission

Exhibit "A"



SPLA13-00004

A SPECIFIC PLAN AMENDMENT WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM NEIGHBORHOOD COMMERCIAL (NC) TO COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ON APPROXIMATELY 10.6 GROSS ACRES LOCATED ON THE SOUTHEAST CORNER OF OUTPOST ROAD AND JOSHUA STREET

ATTACHMENT 8

RESOLUTION NO. PC-2015-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A CONDITIONAL USE PERMIT TO CONSTRUCT A 12,271 SQUARE FOOT TRAVEL CENTER, INCLUDING A CONVENIENCE STORE AND VEHICLE SERVICE CENTER, FUEL ISLANDS FOR BOTH SEMI-TRUCKS AND PASSENGER VEHICLES, A DRIVE-THRU RESTAURANT AND THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION ON APPROXIMATELY 10.6 GROSS ACRES LOCATED ON THE SOUTHEAST CORNER OF OUTPOST ROAD AND JOSHUA STREET (CUP12-10189)

WHEREAS, Love's Travel Stops and Country Stores, Inc. has filed an application requesting approval of Conditional Use Permit CUP12-10189 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 10.6 gross acres within the Neighborhood Commercial (NC) District of the Main Street and Freeway Corridor Specific Plan, located on the southeast corner of Outpost Road and Joshua Street and consists of Assessor's Parcel Number 3039-361-01; and

WHEREAS, the Application, as contemplated, proposes to construct a 12,271 square foot travel center including a convenience store and vehicle service center, fuel islands for both semi-trucks and passenger vehicles, a drive-thru restaurant, and the sale of beer and wine for off-site consumption; and

WHEREAS, Love's Travel Stops and Country Stores, Inc. has also filed an application requesting approval of Specific Plan Amendment SPLA13-00004, to amend the Main Street and Freeway Corridor Specific Plan (Specific Plan) from the Neighborhood Commercial (NC) to the Commercial Industrial Business Park (CIBP) District to allow the proposed travel center with approval of a conditional use permit; and

WHEREAS, the subject site is vacant, with the exception of two billboards; which shall be removed prior to development. The site is partially graded due to road improvements at the intersection of Outpost Road and Joshua Street. The property to the north contains a travel center. The site is bounded to the south, east, and west by vacant properties; and

WHEREAS, the subject property is currently within the Neighborhood Commercial (NC) District of the Specific Plan. The properties to the north and west are within the Commercial Industrial Business Park (CIBP) District. The property to the south is also NC, and the properties to the east, beyond Interstate 15, are within the Regional Commercial (RC) District of the Specific Plan; and

WHEREAS, on June 11, 2015, the Planning Commission of the City of Hesperia adopted Resolution PC-2015-12, recommending that the City Council adopt the environmental findings pursuant to California Environmental Quality Act (CEQA), adopting a Statement of Overriding Considerations, certifying the Final Environmental Impact Report (SCH # 2013051059), and adopting a Mitigation Monitoring and Reporting Plan; and

WHEREAS, on June 11, 2015, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF HESPERIA AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced June 11, 2015 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based on adoption of Resolution PC-2015-12, the Environmental Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting have been adopted and the Final Environmental Impact Report (SCH # 2013051059) has been certified pursuant to the California Environmental Quality Act (CEQA) for this project.
- (b) The site for the proposed use is adequate in size and shape to accommodate the proposed use because the site can accommodate all proposed improvements in conformance with the development code.
- (c) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the project is adjacent to properties within the Commercial Industrial Business Park (CIBP) District of the Main Street and Freeway Corridor Specific Plan. In addition, the property to the north is developed with similar uses. The site of the proposed change in district classification is suitable for any of the land uses permitted within the proposed zone district, because the land uses can meet the standards for setbacks, parking, circulation, and access within the proposed zone district. The development also complies with the Americans with Disability Act (ADA) by providing the required accessible parking spaces and path of travel. Additionally, the development will be constructed pursuant to the California Building and Fire Codes and adopted amendments.
- (d) The current Neighborhood Commercial (NC) Specific Plan District does not permit a truck stop and truck repair. The proposed Commercial Industrial Business Park (CIBP) District provides for the approval of the travel center with a conditional use permit. Therefore, the proposed Specific Plan Amendment is reasonable and beneficial at this time, because it will facilitate the planning and development of this area that is needed to support the well-planned growth of Hesperia.
- (e) The proposed use is conditionally allowed within, and would not impair the integrity and character of, the Commercial Industrial Business Park (CIBP) District of the Main Street and Freeway Corridor Specific Plan and complies with all applicable provisions of the Development Code as per Section 16.12.120. The site is suitable

for the type and intensity of the use that is proposed. The sale of alcoholic beverages is restricted to the sale of beer and wine.

- (f) The site for the proposed use will have adequate access based upon the site's access from Joshua Street and Outpost Road, which will be constructed to City standards as well as the off-site improvements identified within the EIR prepared for this development.
- (g) The proposed truck stop, drive-thru and sale of beer and wine are consistent with the adopted General Plan of the City of Hesperie with approval of the Specific Plan Amendment and conditional use permit.
- (h) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or be adverse to the public health, safety or general welfare with construction of the improvements identified in the traffic study. Further, the proposed sale of beer and wine as part of the Love's store will not have a detrimental impact on adjacent properties.
- (i) The proposed sale of beer and wine for off-site consumption is consistent with the objectives, policies, general land uses and programs of the General Plan, Specific Plan and Development Code. The sale of beer and wine is consistent with the allowable uses within the Commercial Industrial Business Park (CIBP) District with approval of a conditional use permit.
- (j) There are adequate provisions for sanitation, water and public utilities and other services to ensure the public health, safety and general welfare. The proposed use will occur in a travel center with adequate infrastructure. The transportation infrastructure enhanced by the improvements identified in the traffic study will be adequate to support the type and quantity of traffic that will be generated by the proposed use.

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

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council approve Conditional Use Permit CUP12-10189, subject to the Conditions of Approval as set forth in ATTACHMENT "A."

Section 4. The Secretary shall certify to the adoption of this Resolution.

ADDPED AND APPROVED this 11th day of June 2015.

Tom Murphy, Chair, Planning Commission

ATTEST:

Andrea Ngalo, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP12-10189

Approval Date: July 7, 2015
Effective Date: August 21, 2015
Expiration Date: August 21, 2018

This list of conditions apply to a Conditional Use Permit to construct a travel center including a drive-thru restaurant and the sale of beer and wine for off-premise consumption on 10.6 gross acres located on the southeast corner of Outpost Road and Joshua Street. Any change of use or expansion of area may require approval of a revised conditional use permit application [Applicant: Love's Travel Stops and Country Stores, Inc.; APN: 3039-361-01].

The use shall not be established until all conditions of this Conditional Use Permit application have been met. This approved Conditional Use Permit shall become null and void if all conditions have not been completed within three [3] years of the effective date. Extensions of time of up to twelve [12] months may be granted upon submittal of the required application and fee prior to the expiration date.

[Note: The "Init" and "Date" spaces are for internal city use only].
Init Date

SUBMITTAL OF PUBLIC IMPROVEMENT PLANS SHALL INCLUDE THE FOLLOWING:

Zoning. These conditions are concurrent with Specific Plan Amendment SPL11-10206 becoming effective. [P]

- _____ 1. **Title Report.** The Developer shall provide a complete title report 90 days or newer from the date of submittal. [E]
- _____ 2. **Plan Check Fees.** Prior to improvement plan submittal, the Developer shall pay applicable plan-checking fees. Fees must be paid along with plan submittal. The Improvement Plans and requested studies must be submitted as a package. [E]
- _____ 3. **Drainage Study.** The Developer shall submit a Final Hydrology/Hydraulic study identifying the method of collection and conveyance of tributary flows from off-site as well as the method of control for increased run-off generated on-site. [E]
- _____ 4. **Utility Non-interference/Quitclaim Documents.** The Developer shall provide non-interference and or quitclaim letter[s] from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. **The Improvement plans will not be accepted without the required documents and approval from the affected agencies.** [E]

- _____ 5. **Offer of Dedication [I.O.D.]**. The Developer shall submit "Offer of Dedications" to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. **[E]**
- _____ 6. **Percolation Test**. Where onsite retention/detention is proposed, the applicant shall submit a percolation test, performed by a California licensed civil or soils engineer, and approved by the San Bernardino County Department of Environmental Health Services. The applicability of any percolation test for use in designing the retention/detention method shall be subject to review and approval by the Building and Safety Division. In the event a tract map or parcel map has previously been recorded on the project site, the City of Hesperia has a percolation test on file, and no unusual conditions apply, this requirement may be waived by the Building and Safety Division. **[B]**
- _____ 7. **Geotechnical Report**. The Developer shall provide two copies of the soils report with the grading plan. The soils report shall substantiate with all grading, building, and public improvement plans. Include "R" value testing and pavement recommendations for public streets. **[E, B]**
- _____ 8. **NPDES**. The Developer shall apply for the required NPDES [National Pollutant Discharge Elimination System] permit with the Regional Water Quality Control Board and pay applicable fees. **[E]**
- _____ 9. **Storm Water Pollution Prevention Plan**. The Developer shall provide a Storm Water Pollution Prevention Plan [SWPPP], which addresses the method of storm water run-off collection during construction. **[E]**
- _____ 10. **Grant of Easement**. The Developer shall submit a "Grant of Easement", for any necessary easement[s], to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. **[E]**
- _____ 11. **Specialty Plans**. The following additional plans/reports shall be required for businesses with special environmental concerns: **[B]**
- _____ A. Restaurants and food handling facilities shall submit plans to the San Bernardino County Department of Environmental Health Services. One set of the approved plans shall be submitted to the Building Division with the required application fees.
- _____ B. Three sets of plans for underground fuel storage tanks shall be submitted to the Building Division with required application fees.
- _____ 12. **Building Construction Plans**. Five complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division with the required application fees for review. **[B]**

- _____ 13. **Construction Plans for High Pile Storage.** Five complete sets of construction plans shall be submitted for all high pile storage. The plans shall be prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect and shall be submitted to the Building Division with the required application fees for review. [B]
- _____ 14. **Grading Plans [Mitigation Measure 4.3.6.1D].** Grading plans, construction specifications and bid documents shall also include the following notations: [B, E]
- A. Prepare and implement a dust control plan for earthmoving equipment;
 - B. Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;
 - C. Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;
 - D. Transport of soil materials to, from and within the project limits shall be effectively watered, covered, and filled to no less than six inches of the transport container in accordance with state law;
 - E. All streets shall be swept at least once a day with street sweepers utilizing reclaimed water trucks if visible soil materials are carried to adjacent streets.
 - F. Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil;
 - G. Onsite stockpiles of debris, soil, or other potentially windborne materials shall be covered or watered three times a day;
 - H. Provide temporary traffic control personnel [flag person] during construction when necessary to maintain smooth traffic flow on Joshua Street and Highway 395;
 - I. The contractor or builder shall designate a person or person[s] to monitor dust control and to order increased watering, as necessary, to prevent transport of dust off site;
 - J. The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours.
- _____ 15. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding [whether legal or administrative], arbitration, mediation, or alternative dispute resolution process], order, or judgment and from and against any liability, loss, damage, or costs and expenses [including, but not limited to, attorney's fees, expert fees, and court costs], which arise out of, or are in any way related to, the approval issued by the City [whether by the City Council, the Planning Commission, or other City reviewing authority], and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on

Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. [P]

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

- _____ 16. **Approval of Improvement Plans.** All improvement plans shall be prepared by a Registered Civil Engineer per City Standards and shall be approved and signed by the City Engineer. [E]
- _____ 17. **NPDES.** The Developer shall provide a copy of the approved original NPDES [National Pollutant Discharge Elimination System] permit from the Regional Water Quality Control Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department. [E]
- _____ 18. **Storm Water Pollution Prevention Plan.** All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. No clearing or grading shall commence until the SWPPP has been accepted and the perimeter protection required in the plan is installed and approved by the City. [E]
- _____ 19. **Off-Site/On-Site Improvements.** The Developer shall design the following off-site/on-site improvements: [E]
- A. **Improvement Plans [Streets, Water, Sewer, Grading, Storm Drain, etc.].**
- i. **Dedication[s] City.** The Developer shall grant to the City an Irrevocable Offer of Dedication for Outpost Road and Joshua Street across the project frontage. The right-of-way full-width for Outpost Road and Joshua Street shall be per the approved Traffic Impact Analysis. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property.
- ii. **Dadication[s] Caltrans.** The Developer shall also obtain an Irrevocable Offer of Dedication for U.S. Highway 395 as indicated in the approved Traffic Impact Analysis. The developer shall make a good faith effort to facilitate acceptance of the right-of-way by Caltrans. Evidence of good faith effort shall be provided, showing the meeting dates and including written minutes. **Corner cut-off right of way dadication per City standards ia required at all intersectiona, including Intarlor roadways.**

_____ i. **Outpost Road:** Construct full-width street improvements on Outpost Road across the project frontage, based on City's 66-foot Commercial/Industrial Collector Roadway Standard and as identified in the approved Traffic Impact Analysis. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred [300] feet beyond the project boundaries where applicable. These improvements shall consist of:

1. 8" Curb and Gutter per City standards.
2. Sidewalk [width = 6 feet] per City standards.
3. Roadway drainage device[s].
4. Streetlights per City standards.
5. Intersection improvements at Joshue Street including ADA accessibility per City standards.
6. Commercial driveway approaches per City standards.
7. Pavement transitions per City Standards.
8. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 12 and per the soils report.
9. Full traffic signal improvements per Caltrans and/or City Standards at the Joshua Street/Outpost Road intersection. The signal shall be designed so that it operates in coordination with the signal at the corner of Joshua Street and U. S. Highway 395.
10. Provide a signage end striping plan per City standards.

_____ ii. **Joshua Street [Off-Site]:** Construct street improvements on Joshua Street from Highway 395 across project frontage as identified in the approved Traffic Impact Analysis. Improvements shall include an ADA accessible path of travel from Highway 395 to the project.

_____ iii. **U.S. Highway 395 [Off-Site]:** Construct street improvements on Highway 395 from Joshua Street across project frontage per approved Traffic Impact Analysis. Improvements shall include an ADA accessible path of travel from Highway 395 to the project.

C. **Utility Plan.** The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. **Any existing water, sewer, or storm drain infrastructures that are effected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developer's expense.**

_____ i. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.

_____ ii. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the proposed 8" PVC water line in Outpost Road per City Standards.

_____ iii. It is the Developer's responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the proposed 8" PVC sewer main in Outpost Road per City standards.

- _____ iv. Complete V.V.W.R.A.'s "Wastewater Questionnaire for Commercial / Industrial Establishments" and submit to the Engineering Department. Complete the "Certification Statement for Photographic and X-ray Processing Facilities" as required.
- _____ v. Design fire hydrant[s] within 150 feet of each building. [F]
- _____ D. **Water / Sewer Improvement Plan.** The Developer shall design water and sewer improvements in accordance with City standards, and as indicated below. [E]
- _____ E. **Water Improvement Plan.** The Developer shall abandoned the existing 8" ACP located in the old alignment of Outpost Road and design and construct an 8" minimum PVC water main in the new alignment of Outpost Road across project frontage to Joshue Street. The Developer shall also design and construct an 8" minimum PVC water main in Joshua Street from Outpost Road and tie into existing 8" ACP. Design shall consist of plan and profile per City standards. [E]
- _____ F. **Sewer Improvement Plan.** The Developer shall abandoned the existing 8" PVC located in the old alignment of Outpost Road and design and construct an 8" minimum PVC sewer main in the new alignment of Outpost Road across project frontage and tie into existing manhole on the north side of Joshua Street. Design shall consist of plan and profile per City standards. [E]
- _____ 20. **Traffic Study.** A Final Traffic Impact Analysis shall be prepared by a Registered Traffic Engineer and submitted to Caltrans for review. Upon approval by Caltrans, the report shall be submitted to the City for review. Prior to approval of improvement plans by the City Engineer, the City shall receive written approval from Caltrans of the Traffic Impact Analysis as well as any improvement plans [street, signal, striping, and any other Caltrans required improvements. [E]
- _____ 21. **Fire Protection.** Plans for fire protection requirements shall be submitted to the Building Division as follows: [F]
 - A. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property.
- _____ 22. **Fish & Game Fee.** The applicant shall submit a check to the City in the amount of \$3,119.75 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. [P]
- _____ 23. **Protected Plants.** Three copies of a protected plant plan shall be submitted to the Planning Division showing the present location and proposed treatment of species in the Dalea and Spinose [smoketree]; Agavaceae [century plants, nolinias, and yuccas, including Joshue Trees]; Prosopis [mesquites]; Larrea [Creosote rings ten feet or greater in diameter]; and all plants protected by the State Desert Native Plants Act, which shall be handled in accordance with the provisions of the Development Code and State law. The grading plan shall be consistent

with the approved protected plant plan. Ground disturbing activities shall not commence until the protected plant plan is approved and the site is inspected and approved for clearing. [P]

- _____ 24. **Pre-construction Meetings.** Pre-construction meetings shall be held between the City, the Developer, grading contractors, and special inspectors to discuss permit requirements, monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. [B, E]
- _____ 25. **Design for Required Improvements.** Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review application with the following revisions made to the improvement plans: [P]
- _____ A. The above-ground fuel tanks and outdoor tire storage area shall be screened by a wrought-iron fence with mesh or other decorative view-obscuring metal fencing as approved by Planning staff. Landscaping may also be incorporated to reduce the visual impact;
- _____ B. The drive-thru lane shall be a minimum of 12 feet wide, with a minimum 13-foot width on each curve between curb faces;
- _____ C. The on-site lighting shall be designed to provide minimum 0.1 foot-candle illumination within the entire parking lot while not exceeding 0.5 foot-candle illumination at the property lines abutting the streets. A photometric plan shall be submitted evidencing compliance with the minimum and maximum illumination standard;
- _____ D. A minimum four-foot wide landscaping and one-foot sidewalk in combination with the required six-inch concrete curbing shall be provided at both ends of every row of parking spaces designed for automobiles in accordance with the Development Code.
- _____ 26. **Existing Billboards.** Prior to issuance of a grading permit, a demolition permit for removal of billboards shall be obtained. [P]
- _____ 27. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. Per the Professional Land Surveyors Act, a record of survey shall be completed and filed with the County Surveyors office. [B, E]
- _____ 28. **Jurisdiction.** Prior to any construction occurring on any parcel, the applicant shall contact the San Bernardino County Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F-1]
- _____ 29. **Access.** The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. [F-41]

- A. **Single Story Road Access Width.** All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six [26] foot unobstructed width and vertically to fourteen [14] feet six [6] inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.
- B. **Multi-Story Road Access Width.** Buildings three [3] stories in height or more shall have a minimum access of thirty [30] feet unobstructed width and vertically to fourteen [14] feet six [6] inches in height.
- _____ 30. **Combustible Protection.** Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. [F-44]
- _____ 31. **Water System Commercial.** A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. The applicant is required to provide a minimum of one new six [6] inch fire hydrant assembly with two [2] two end one half [2 1/2] inch and one [1] four [4] inch outlet. All fire hydrants shall be spaced no more than three hundred [300] feet apart [as measured along vehicular travel-ways] and no more than one hundred fifty [150] feet from any portion of a structure. [F-54]
- _____ 32. **Diesel Equipment [Mitigation Measure 4.3.6.1B].** Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all diesel construction equipment with 50 or more horsepower shall be configured to meet or exceed the EPA Tier 3 emissions standards with available CARB verified or USEPA certified technologies. Diesel equipment shall use water emulsified diesel fuel such as PURINOx unless it is unavailable in San Bernardino County at the time of project construction activities. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City. [B]
- _____ 33. **Desert Tortoise Focused Study [Mitigation Measure 4.4.6.1A].** Prior to the issuance of grading permits for any ground-disturbing, construction-related activities on the 10.6-acre travel center site, the project proponent shall submit to the City an updated Desert Tortoise Focused Survey. This survey shall be conducted in accordance with the United States Fish and Wildlife Service [USFWS] Field Survey Protocol for Desert Tortoises. In the event that the desert tortoise is identified during any subsequent study, Mitigation Measure 4.2.6.1B shall apply. If the Desert Tortoise Focused Survey does not detect the presence of desert tortoises on the project site, no further mitigation would be required. [P]

34. **Desert Tortoise Mitigation [Mitigation Measure 4.4.6.1B]**. If the survey required in Mitigation Measure 4.2.6.1A indicates the onsite presence of desert tortoise, ground-disturbing activity within the project limits shall not commence until such time that the project proponent has consulted with the USFWS in regard to impacts to the desert tortoise. The project proponent shall submit evidence to the City that consultation with the USFWS has occurred and that mitigation for onsite impacts to the desert tortoise has been appropriately provided. Any mitigation for onsite impacts to the desert tortoise shall be included as part of the conditions of approval for the project. Mitigation measures include but may not be limited to the following: **[P]**

- A. The project proponent shall submit the name[s] of proposed Authorized Biologist[s] to USFWS and CDFW for approval at least 15 days prior to anticipated need. An "Authorized Biologist" is defined as a wildlife biologist who has been authorized to handle desert tortoises by USFWS and CDFW.
- B. Prior to the issuance of grading permits, the project proponent shall provide evidence to the City that a Field Contact Representative [FCR] has been selected for the proposed project. The FCR is defined as a person designated by the project proponent who is responsible for overseeing compliance with desert tortoise protective measures identified in Mitigation Measure 4.2.6.1B and for coordination with the agency compliance officer. The FCR must be on site during all project construction activities and shall have the authority to halt all project construction activities that are in violation of the desert tortoise protective measures. The FCR shall have a copy of all tortoise protective measures when work is being conducted on the site. The FCR may be an agent for the company, the site manager, any other project employee, a biological monitor, or other contracted biologist.
- C. Prior to the issuance of grading permits, the project proponent shall provide evidence to the City that all workers, including all participating agency employees, construction and maintenance personnel, and others who implement authorized actions shall receive training on the desert tortoise. This instruction will include training on distribution, general behavior and ecology, protection afforded by State and Federal Endangered Species Acts [including prohibitions and penalties], and procedures for reporting encounters, and the importance of following the protection measures. The education program may consist of a class or video presented by a Qualified Biologist.
- D. During construction activities for the proposed project, any incident occurring during project construction activities which is considered by the biological monitor to be in non-compliance with the mitigation plan shall be documented immediately by the biological monitor. The FCR shall ensure that appropriate corrective action is taken and corrective actions shall be documented by the monitor. The following incidents shall require immediate cessation of the construction activities causing the incident, including [1] imminent threat of injury or death to a desert tortoise; [2] unauthorized handling of a desert tortoise,

- regardless of intent; [3] operation of construction equipment or vehicles outside a project area cleared of desert tortoise, except on designated roads, and [4] conducting any construction activity without a biological monitor where one is required. If the monitor and FCR do not agree, the federal agency's compliance officer shall be contacted for resolution. All parties may refer the resolution to the federal agency's authorized officer.
- E. A mitigation fee based on the amount of acreage disturbed shall be required of the project proponent. The formula used to determine the amount of acreage to be acquired is described in the Management Oversight Group [MOG] Desert Tortoise Management Policy and considers habitat category, impact on adjacent lands reducing tortoise densities, whether or not the use will tend to induce growth, duration of the effect [i.e., short term is less than 10 years and long term is greater than 10 years], and whether or not there is moderate to heavy existing disturbance. The project proponent shall consult with the USFWS as to what the compensation rate for habitat shall be based on in the MOG Desert Tortoise Management Policy document.
 - F. Pre-construction surveys shall be conducted to locate and remove desert tortoises prior to grading or actions which might result in harm to a desert tortoise or which remove tortoise habitat. The survey shall be conducted by an Authorized Biologist within 24 hours of the onset of the surface disturbance unless a tortoise-proof fence has been installed that would prevent reentry of the animals.
 - G. If construction is to occur during the tortoise active season [March 15 through November 1], no overnight hazards to desert tortoises [e.g., euger holes, trenches, pits, or other steep-sided depressions] shall be left unfenced or uncovered; such hazards shall be eliminated each day prior to the work crew leaving the site. Large or long-term project areas shall be enclosed with tortoise-proof fencing to keep desert tortoises out of the work area. The fencing shall be wire mesh with a maximum mesh size of 1/2" square fastened securely to posts. The wire mesh shall extend at least 18 inches above the ground and preferably about 12 inches underground. Where burial is not possible, the lower 12 inches shall be folded outward and fastened to the ground. Any gates or gaps in the fence shall be constructed to prevent entry of tortoises. The fencing shall be removed when restoration of the site is completed.
 - H. Temporary fencing shall be required around test sites where trenching or drill holes could trap animals or around other small, short-term projects where tortoises could move into the work area. Occasionally, seasonal restrictions and/or monitoring may be substituted to alleviate the need for fencing. Fenced areas are to be cleared of tortoises by an Authorized Biologist prior to project activities.
 - I. All surface-disturbing activity shall be limited to the land area essential for the project. In determining these limits, consideration shall be given to topography, public health and safety, placement of facilities, and other limiting factors. Work area boundaries and special habitat features shall be appropriately marked to minimize disturbance. All workers shall strictly limit their activities and vehicles

to the areas marked. All workers shall be trained to recognize work area markers and to understand equipment movement restrictions. Where possible, previously disturbed areas shall be used as worksites end for storage of equipment, supplies, end excavated material.

- J. Blading of work areas shall be minimized to the extent possible. Pre-construction activity, such as removal of vegetation, shall occur in the presence of a Qualified Biologist. Disturbance of shrubs shall be avoided to the extent possible. Where shrubs must be disturbed, they shall be crushed rather than bladed or excavated.
- K. Project maintenance and construction, stockpiles of excavated materials, equipment storage, and vehicle parking shall be limited to existing disturbed areas wherever possible. Should use of existing disturbed areas prove infeasible, any new disturbance shall be confined to the smallest practical area, considering topography, placement of facilities, location of burrows or vegetation, public health and safety, and other limiting factors. Special habitat features, particularly tortoise burrows, shall be flagged by the Qualified Biologist so that they may be avoided by installation equipment and during placement of poles and anchors.
- L. For activities conducted between March 15 and November 1, construction and operation activities shall be monitored by a Qualified Biologist approved by USFWS. The Qualified Biologist shall be present during all activities in which encounters with tortoises may occur. The Qualified Biologist shall watch for tortoises wending into the construction areas, check under vehicles, examine excavations and other potential pitfalls for entrapped animals, examine exclusion fencing, and conduct other activities necessary to ensure that death or injuries of tortoises is minimized.
- M. All trash and food items generated by construction and maintenance activities shall be promptly contained and regularly removed from the project site to reduce the attractiveness of the area to common ravens and other desert predators. Portable toilets shall be provided on site if appropriate.

_____ 35. **Mojave Ground Squirrel Survey [Mitigation Measure 4.4.6.1C]**. The project applicant shall consult with the California Department of Fish and Wildlife to determine if a focused Mojave Ground Squirrel Survey is required for the 10.6-acre travel center site, and that the absence of any Mojave ground squirrel is confirmed. If the Department does not require a survey, it can be assumed the species is absent from the site. If the Department requires a survey, Mitigation Measure 4.2.6.1D shall apply. **[P]**

_____ 36. **Mojave Ground Squirrel Survey [Mitigation Measure 4.4.6.1D]**. If the Mojave Ground Squirrel focused survey required in Mitigation Measure 4.2.6.1C indicates the presence of the MGS, the project proponent shall acquire an incidental take permit [2081 permit] from CDFW for the MGS prior to construction and implement the conditions contained therein. The project proponent shall submit evidence to the City that consultation with the CDFW has occurred and that mitigation for onsite impacts to the

MGS has been appropriately provided. Any mitigation for onsite impacts to the MGS shall be included as part of the conditions of approval for the project. These conditions include but may not be limited to the following:
[P]

- A. Prior to the issuance of grading permits, the project proponent shall provide evidence to the City that a qualified biologist has been retained to oversee onsite monitoring of ground disturbance activities in all areas with the potential to support the Mohave ground squirrel. During construction activities, the qualified biologist shall prepare and submit monthly and final compliance reports to CDFW, the City, and other relevant regulatory agencies documenting the effectiveness of mitigation measures identified by the CDFW for the Mohave ground squirrel and the level of take associated with the project.
- B. For permanent impacts to the Mohave ground squirrel, conservation of in-kind habitat of equal or greater value than that disturbed by the proposed project shall be provided by the project proponent. The location, ratio, and long-term conservation management of the identified lands shall be approved by the Department of Fish and Wildlife pursuant to Section 2081 of the California Fish and Game Code. Any replacement land should be within the general project region with a minimum replacement ratio of 1/1.

37. **Burrowing Owl Survey [Mitigation Measure 4.4.6.2B]**. Within 30 days before the start of grading activities, a qualified biologist shall conduct a pre-construction focused survey for the burrowing owl to determine if burrowing owls have subsequently occupied the project site. The results of the pre-construction focused survey shall be submitted by the project proponent to the City as evidence that the pre-construction focused survey has been conducted. If future surveys determine the burrowing owl to be present on the project site, individuals will be relocated according to applicable protocols. If future surveys determine the burrowing owl absent from the project site, no further action is required.
[P]

- A. Occupied burrows shall not be disturbed during nesting season [February 1 through August 31] unless a qualified biologist verifies through non-invasive methods that either [1] the birds have not begun egg-laying or incubation or [2] that juveniles from the occupied burrows are foraging independently and are capable of independent survival flight.
- B. Owls must be relocated by a qualified biologist from any occupied burrows that will be impacted by project activities. Suitable habitat must be available adjacent to or near the disturbance site or artificial burrows will be provided nearby. Once the biologist has confirmed that the owls have left the burrow, burrows should be excavated using hand tools and refilled to prevent reoccupation.
- C. All relocation shall be approved by the California Department of Fish and Wildlife. The permitted biologist shall monitor relocated owls a minimum of three days per week for a minimum of three weeks. A report summarizing the results of the relocation and monitoring shall

be submitted to the California Department of Fish and Wildlife within 30 days following completion of the relocation and monitoring of the owls.

38. **Migratory Bird Survey [Mitigation Measure 4.4.6.2A]**. If vegetation removal is to take place during the breeding/nesting season [i.e., March 15 through August 15] that may impact raptors or other avian species protected under the Migratory Bird Treaty Act, then a pre-construction nest survey shall be conducted by a qualified biologist to ensure that active nests are protected. Any such nest survey may be conducted at the same time as the pre-construction burrowing owl survey. The last survey day shall be conducted no more than 30 days prior to the commencement of construction activity. If nesting birds are found, a qualified biologist shall be consulted regarding the relocation or extent of the buffer area around those nesting areas. [P]

39. **Human Remains [Mitigation Measure 4.5.6.1A]**. In the event that human remains [or remains that may be human] are discovered during grading or earthmoving of the 10.6-acre travel center site, the construction contractors shall immediately stop all activities in the area of the find. The project proponent shall then inform the San Bernardino County Coroner and the City of Hesperia Planning Division immediately, and the coroner will be permitted to examine the remains. [P]

- A. If the coroner determines that the remains are of Native American origin, the coroner will notify the NAHC, which will identify the "Most Likely Descendant" [MLD]. Despite affiliation with any Native American representatives at the site, the NAHC's identification of the MLD will stand. The MLD shall be granted access to inspect the site of the discovery of Native American human remains and may recommend to the project proponent means for treatment or disposition, with appropriate dignity of the human remains and any associated grave goods. The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The disposition of the remains will be determined in consultation with the project proponent, the MLD, and the City of Hesperia. In the event that the project proponent and the MLD are in disagreement regarding the disposition of the remains, the City of Hesperia will be responsible for the final decision based upon input from the various stakeholders.
- B. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The locations will be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings will be filed with the San Bernardino Archaeological Information Center [SBAIC].
- C. If the human remains are determined to be other than Native American in origin, but still of archeological value, the remains will be recovered for analysis and subject to curation or reburial at the expense of the project proponent. If deemed appropriate, the remains will be recovered by the Coroner and handled through the Coroner's Office.

40. **Cultural Resources [Mitigation Measure 4.5.6.2A]**. In the event potential cultural or archaeological resources are uncovered or discovered during construction activities within the 10.6-acre travel center site, no further excavation or disturbance of the area where the resources were found shall occur until a qualified archaeologist evaluates the find. If the find is determined to be a potentially significant archaeological resource, the project applicant shall consult with the City to determine the appropriate actions as required by Public Resources Code Section 21083.2[b], [c] and [d] which requires that: **[P]**
- A. If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:
 - B. Planning construction to avoid archaeological sites.
 - C. Deeding archaeological sites into permanent conservation easements.
 - D. Capping or covering archaeological sites with a layer of soil before building on the sites.
 - E. Planning parks, greenspace, or other open space to incorporate archaeological sites.
 - F. To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision. The project applicant shall provide a guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state. When a final decision is made to carry out or approve the project, the lead agency shall, if necessary, reduce the specified mitigation measures to those which can be funded with the money guaranteed by the project applicant plus the money voluntarily guaranteed by any other person or persons for those mitigation purposes. In order to allow time for interested persons to provide the funding guarantee referred to in this subdivision, a final decision to carry out or approve a project shall not occur sooner than 60 days after completion of the recommended special environmental impact report required by this section.
 - G. Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.

H. Prior to the continuation of ground-disturbing activities in the vicinity of the find, the project applicant shall provide evidence to the City that appropriate measures have been taken to fully satisfy applicable cultural resource protection requirements established by the City, State, and/or other authority.

_____ 41. **Tribal Invitation [Mitigation Measure 4.5.6.2B]**. If archaeological resources are found during grading, as outlined in Measure 4.5.6.2A, the City and the applicant shall invite interested Tribal Group[s] representatives to provide input on the resources if they so desire. This measure shall be implemented to the satisfaction of the City Planning Division. [P]

_____ 42. **Historical Resources [Mitigation Measure 4.5.6.3A]**. If historical resources are discovered during monitoring activities outlined in Mitigation Measure 4.5.6.2A, a qualified professional shall be consulted and/or retained to evaluate and determine the most appropriate disposition for significant historical resources found during project grading. If the City determines that a significant historical cultural resource will be directly impacted by project grading, and the qualities that make the resource significant will be lost during as a result of project grading, the development, the significant cultural resource must either be avoided or data collected by a qualified professional following guidelines established for this type of research by the California SHPO. [P]

_____ 43. **Paleontological Resources [Mitigation Measure 4.5.6.4A]**. If paleontological resources are discovered during monitoring activities outlined in Mitigation Measure 4.5.6.2A, a qualified professional shall be consulted and/or retained to evaluate and determine the most appropriate disposition for significant paleontological resources found during project grading. If the City determines that significant paleontological resources will be directly impacted by project grading, the significant resources shall be collected by a qualified professional following appropriate professional guidelines. Any paleontological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the City where they would be afforded long-term preservation to allow future scientific study. [P]

_____ 44. **Final Geotechnical Investigation [Mitigation Measure 4.6.6.1A]**. Prior to the issuance of a grading permit for the 10.6-acre travel center, the project proponent shall demonstrate to the City that the siting, design and construction of all structures and facilities within the project limits are in accordance with the recommendations provided in the site-specific Final Geotechnical Investigation and regulations established in the California Building Code. These California Building Codes are specifically designed to ensure structural safety in the event of a seismic event. [P]

_____ 45. **Notice of Intent [Mitigation Measure 4.9.6.1A]**. Prior to grading plan approval and issuance of a grading permit by the City, the project applicant shall provide evidence to the City that a Notice of Intent [NOI] has been filed with the Regional Water Quality Control Board for

coverage under the State NPDES General Construction Permit for discharge of stormwater associated with construction activities. **[B]**

_____ 46. **Notice of Intent [Mitigation Measure 4.9.6.1A]**. Prior to grading plan approval and issuance of a grading permit by the City, the project applicant shall provide evidence to the City that a Notice of Intent [NOI] has been filed with the Regional Water Quality Control Board for coverage under the State NPDES General Construction Permit for discharge of stormwater associated with construction activities. **[B]**

_____ 47. **SWWPPP [Mitigation Measure 4.9.6.1B]**. Prior to grading plan approval and the first issuance of a grading permit by the City, the project applicant shall submit a Storm Water Pollution Prevention Plan [SWPPP] for review and approval by the City of Hesperia. The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to control onsite and off-site erosion during the entire grading and construction period. Additionally, the SWPPP shall identify structural and nonstructural BMPs to control sediment and nonvisible discharges from the site. BMPs to be implemented in the SWPPP may include [but shall not be limited to] the following: **[B, E]**

- A. Sediment discharges from the site may be controlled by the following: sandbags, silt fences, straw wattles and temporary debris basins [if deemed necessary], and other discharge control devices. The construction and condition of the BMPs will be periodically inspected during construction, and repairs will be made when necessary as required by the SWPPP.
- B. No materials of any kind shall be placed in drainage ways.
- C. Materials that could contribute nonvisible pollutants to stormwater must be contained, elevated, and placed in temporary storage containment areas.
- D. All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be protected per RWQCB standards to eliminate any discharge from the site. Stockpiles will be surrounded by silt fences.
- E. The SWPPP will include inspection forms for routine monitoring of the site during the construction phase to ensure NPDES compliance.
- F. Additional BMPs and erosion control measures will be documented in the SWPPP and utilized if necessary.
- G. The SWPPP will be kept on site for the entire duration of project construction and will also be available to the local RWQCB for inspection at any time.
- H. In the event that it is not feasible to implement the above BMPs, the City of Hesperia can make a determination that other BMPs will provide equivalent or superior treatment either on or off site.

_____ 48. **SWWPPP [Mitigation Measure 4.9.6.1C]**. Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that the following provisions have been added to construction contracts for the project: **[B]**

- A. The Construction Contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sediment control measures

called for in the SWPPP. Monthly reports shall be maintained by the Contractor and submitted to the City for inspection. In addition, the Contractor will also be required to maintain an inspection log and have the log on site to be reviewed by the City of Hesperia and the representatives of the Regional Water Quality Control Board.

_____ 49. **Construction Noise Limitations [Mitigation Measure 4.12.6.1A].**

During all site construction activities related to the travel center project, the construction contractor shall limit all construction-related activities that would result in noise levels in excess of City standards to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. No construction activities shall be allowed on Sundays and public holidays.

[B]

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

_____ 50. **Construction Waste.** The developer or builder shall contract with the

City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. [B]

_____ 51. **Landscape Plans.** The Developer shall submit three sets of landscape

and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. [P]

_____ 52. **Development Fees.** The Developer shall pay required development fees as follows:

A. School Fees [B]

_____ 53. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. [B]

_____ 54. **Light and Landscape District Annexation.** Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. [B, RPD]

- _____ 55. **Fire Sprinkler-NFPA #13**. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three [3] sets of detailed plans to the Building and Safety Department for review and approval. The plans [minimum 1/8" scale] shall include hydraulic calculations and manufacturer's specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. [F-59]
- _____ 56. **Fire Alarm**. An automatic fire sprinkler **monitoring** fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for 20 heads or more. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three [3] sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F-62]
- _____ 57. **Architectural Coatings [Mitigation Measure 4.3.6.1A]**. Prior to the issuance of building permits, the project applicant shall require by contract specifications that architectural coatings require the use of either HVLP spraying equipment with a minimum transfer efficiency of at least 50 percent or manual application techniques to apply architectural coatings. The project designer and contractor shall also reduce the use of paints and solvents by utilizing pre-coated materials [e.g., bathroom stall dividers, metal awning], materials that do not require painting, and require coatings and solvents with a VOC content lower than required under Rule 1113 to be utilized. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City. [B]
- _____ 58. **Solar/Low Emission Heaters [Mitigation Measure 4.3.6.2A]**. Prior to the issuance of building permits, the applicant shall demonstrate that the project buildings include solar and low-emission water heaters and window treatments for energy conservation. [B]
- _____ 59. **Electrical Hookup [Mitigation Measure 4.3.6.2B]**. Prior to the issuance of building permits, the applicant shall demonstrate that the project buildings have at least one electrical hookup at each loading door to accommodate trucks with refrigerated storage to help reduce excessive truck idling to power on board refrigeration units. [B]
- _____ 60. **10% Exceedance of Title 24 [Mitigation Measure 4.3.6.2C]**. Prior to the issuance of building permits, the applicant shall demonstrate that all project buildings are designed to exceed current Title 24 requirements by ten percent [10%]. This can be achieved at the discretion of the applicant through insulation, lighting, etc. to the satisfaction of the City Building and Safety. [B]

_____ 61. **Conservation Measures [Mitigation Measure 4.7.6.1A]**. Prior to issuance of a building permit, the applicant shall demonstrate that buildings of the 10.6-acre travel center project will employ energy and water conservation measures in accordance with applicable state and local standards. To that end, the following shall be incorporated into the design, plans, and construction of the project: **[B, P]**

A. Construction and Building Materials

- _____ i. Use locally produced and/or manufactured building materials for at least 10 percent of the construction materials used for the project.
- _____ ii. Use "Green Building Materials," such as those materials that are resource efficient, and recycled and manufactured in an environmentally friendly way, for at least 10 percent of the project.
- _____ iii. Limit unnecessary idling of construction equipment. A reduction in equipment idling would reduce fuel consumption, and therefore, GHG emissions.
- _____ iv. Maximize the use of electricity from the power grid by replacing diesel- or gasoline-powered equipment. This would reduce GHG emissions because electricity can be produced more efficiently at centralized power plants.

B. Energy Efficiency

- _____ i. Design all project buildings to exceed the California Building Code's [CBC] Title 24 energy standard by ten [10] percent, including, but not limited to, any combination of the following:
- _____ ii. Increase insulation such that heat transfer and thermal bridging is minimized.
- _____ iii. Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
- _____ iv. Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment.
- _____ v. Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping.
- _____ vi. Install efficient lighting and lighting control systems, and use daylight as an integral part of the lighting systems in buildings.
- _____ vii. Install light-colored "cool" roofs and cool pavements.
- _____ viii. Install energy-efficient heating and cooling systems, appliances and equipment, and control systems.
- _____ ix. Install solar or light-emitting diodes [LEDs] for outdoor lighting.
- _____ x. The project applicant shall use less than 3,900 Global Warming Potential [GWP] hydrofluorocarbon [HFC] refrigerants or natural refrigerants [ammonia, propane, carbon dioxide [CO₂]] for refrigeration and fire suppression equipment.
- _____ xi. Provide vegetative or man-made exterior wall shading devices for east-, south-, and west-facing walls with windows.
- _____ xii. Exterior windows shall utilize window treatments for efficient energy conservation.
- _____ xiii. Use low-emission and/or solar water heaters as appropriate.

_____ 62. **Water/Solid Waste Conservation Measures [Mitigation Measure 4.7.6.1A].**

A. Water Conservation

- _____ i. Install drought-tolerant plants for landscaping.
- _____ ii. If available, use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water if and when it is available.
- _____ iii. Install water-efficient irrigations systems, such as weather-based and soil-moisture-based irrigation controllers and sensors for landscaping according to the California Department of Water Resources Model Efficient Landscape Ordinance.
- _____ iv. Per CALGreen Code requirements, water-efficient fixtures and appliances, including but not limited to low-flow faucets and dual-flush toilets minimizing water consumption by 20 percent from the CALGreen Code baseline water consumption, shall be used.
- _____ v. Per CALGraen Code requirements, a Commissioning Plan shall be prepared and all building systems [e.g., heating, ventilation, and air-conditioning [HVAC], irrigation systems, lighting, and water heating] shall be commissioned by the Commissioning Authority.
- _____ vi. Per the CALGrean Code, restrict watering methods [e.g., prohibit systems that apply water to nonvegetated surfaces] and control runoff.

B. Solid Waste

- _____ i. Provide employee education about reducing waste and available recycling services on an ongoing basis. **[B, P]**

_____ 63. **Water Quality Management Plan [Mitigation Measure 4.9.6.2A].** Prior to the first issuance of a building permit by the City, the project applicant shall receive approval from the City of Hesperia of a project-specific Final Water Quelity Management Plan [WQMP]. The Finel WQMP shall specifically identify pollution prevention, source control, treatment control measures, and other BMPs that shall be used on site to control predictable pollutant runoff in order to reduce impacts to water quality to the maximum extent practicable. **[B]**

_____ 64. **Off-site Improvements DIF or Fair Share [Mitigation Measure 4.16.6.1I].** Prior to the issuance of building permits, the project applicant shall make the appropriate Development Impact Fee [DIF] payment or pay its fair share to cover the applicant's proportional impacts associated with the following roadway segment improvements: **[E]**

- _____ A. US-395: North of Main Street - Widen 2-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay a fair share for the improvements;

- _____ B. US-395: Main Street to Poplar Street - Convert 2-lane undivided roadway to 2-lane divided roadway. The project applicant shall pay its fair share for the improvements;
- _____ C. Main Street: Escondido Avenue to Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay the DIF for the improvements; and
- _____ D. Main Street: East of Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay the DIF for the improvements.

65. **Off-site Improvements DIF or Fair Share [Mitigation Measure 4.16.6.1J]**, Prior to the issuance of building permits, the project applicant shall make the appropriate Development Impact Fee [DIF] payment or pay its fair share to cover the applicant's proportional impacts associated with the following intersection improvements: **[E]**

- _____ A. Calienta Road/Joshua Street – Install a traffic signal. Add two westbound left-turn lanes. Re-stripe the westbound left-through-right turn lane to a through-right turn lane. The improvements identified for this intersection are project specific mitigations for the proposed Hesperia Commerce Center. The project will not be contributing any funding for these improvements. If the Hesperia Commerce Center does not develop, the project will pay its fair share for these improvements.
- _____ B. US-395/Phalan Road-Main Street – Add a northbound left-turn lane, a northbound through lane, a northbound right-turn lane, a southbound left-turn lane, a southbound through lane, a southbound right-turn lane with overlap phasing, an eastbound left-turn lane, an eastbound through lane, convert the eastbound right-turn lane to a free-right turn lane, a westbound left-turn lane, and a westbound through lane. The project applicant shall pay its fair share for the improvements.
- _____ C. US-395/Poplar Street – Install a traffic signal. Add two southbound through lanes. The project applicant shall pay its fair share for the improvements.
- _____ D. US-395/Thraa Flags Road – Add a southbound through lane. The project applicant shall pay its fair share for the improvements.
- _____ E. US-395/Joshua Street – Add a northbound through lane, a southbound left-turn lane, a southbound through lane, add overlap phasing to the southbound right-turn lane, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane with overlap phasing, a westbound left-turn lane, a westbound through lane, and a westbound right-turn lane with overlap phasing. The east leg improvements will be a project design feature, the west leg improvements recommended under opening year are project specific mitigations for the Hesperia Commerce Center. If the Hesperia Commerce Center does not develop, the project will pay its fair share for these improvements. The project applicant shall pay its fair share contribution for those improvements required for the west, north and south legs beyond opening year.
- _____ F. Outpost Road/Joshua Street – Install a traffic signal. Add a northbound left-turn lane, a northbound right-turn lane with overlap phasing, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane, two westbound left-turn lanes, a westbound through lane, and a

- westbound right-turn lane. The improvements will be provided as a project design feature.
- _____ G. I-15 Southbound Off-Ramp/Joshua Street – Installation of a traffic signal and addition of a second eastbound through lane and second southbound right lane. The project applicant shall pay the DIF for the improvements.
 - _____ H. Mariposa Road/Joshua Street – Installation of a traffic signal and an eastbound right-turn lane. The project applicant shall pay the DIF for the improvements.
 - _____ I. Mesa Linda Road/Main Street – Installation of a traffic signal. The project applicant shall pay the DIF for the improvements.
 - _____ J. Key Pointe Drive/Main Street – Add a westbound left turn lane consistent with the Major Arterial Highway designation for Main Street. The project applicant shall pay the DIF for the improvements.
 - _____ K. I-15 Southbound Ramps/Main Street – Add a second receiving lane to the southbound on-ramp. The improvements will be provided as a project design feature.
 - _____ L. I-15 Northbound Ramps/Main Street – Restripe the left-turn lane to a shared left-through lane, restripe the shared through-right turn lane to a dedicated right-turn lane. The project applicant shall pay the DIF for the improvements.
 - _____ M. Escondido Avenue/Main Street – Add a northbound through lane, southbound through lane, eastbound left-turn lane, westbound through lane, a westbound right-turn lane with overlap phasing, overlap phasing to northbound right-turn lane, and overlap phasing to eastbound right-turn lane. The project applicant shall pay the DIF for the improvements.
 - _____ N. Topaz Avenue/Main Street – Add a westbound through lane and an eastbound through lane. The project applicant shall pay the DIF for the improvements.
66. **Off-site Improvements DIF or Fair Share [Mitigation Measure 4.16.6.1K]**. Prior to the issuance of building permits, the project applicant shall make the appropriate Development Impact Fee [DIF] payment or fair share contribution to cover the applicant's proportional impacts associated with the following intersection improvements: **[E]**
- _____ A. US-395: North of Main Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements;
 - _____ B. US-395: Main Street to Poplar Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements;
 - _____ C. US-395: Poplar Street to Three Flags Road - Widen 3-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements;
 - _____ D. US-395: Three Flags Road to Joshua Street - Widen 5-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements;
 - _____ E. US-395: South of Joshua Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements;

- _____ F. Joshue Street: Caliente Road to US-395 - Widen 2-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay the DIF for the improvements;
 - _____ G. Joshue Street: US-395 to Outpost Road - Widen 2-lane undivided roadway to 4-lane divided roadway. The improvements will be provided as a project design feature;
 - _____ H. Joshue Street: Outpost Road to I-15 Southbound Off-Ramp - Widen 2-lane undivided roadway to 4-lane divided roadway. The improvements will be provided as a project design feature;
 - _____ I. Joshua Street: I-15 Southbound Off-Ramp to I-15 Northbound On-Ramp - Widen 2-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay the DIF for the improvements;
 - _____ J. Main Street: West of US-395 - Convert 4-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay the DIF for the improvements;
 - _____ K. Main Street: US-395 to Mesa Linda Street - Convert 4-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay the DIF for the improvements;
 - _____ L. Main Street: Escondido Avenue to Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay the DIF for the improvements; and
 - _____ M. Main Street: East of Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay the DIF for the improvements.
67. **Off-site Improvements DIF or Fair Share [Mitigation Measure 4.16.6.1L]**. Prior to the issuance of building permits, the project applicant shall make the appropriate Development Impact Fee [DIF] payment or its fair share contribution to cover the applicant's proportional impacts associated with the following intersection improvements as outlined in Table V of the project traffic study: **[B, E]**
- _____ A. Caliente Road/Joshua Street – conversion from two-way stop control to all-way stop control, add a westbound left-turn lane, re-stripe the westbound left-through-right-turn lane to a through-right turn lane. The improvements identified for this intersection are project specific mitigations for the proposed Hesperia Commerce Center. The project will not be contributing any funding for these improvements. If the Hesperia Commerce Center does not develop, the project will pay its fair share for these improvements.
 - _____ B. US-395/Phelen Road-Mein Street – Add a northbound left-turn lane, a northbound through lane, a northbound right-turn lane, a southbound left-turn lane, a southbound through lane, a southbound right-turn lane with overlapping phasing, an eastbound through lane, convert the eastbound right-turn lane to a free-right turn lane, and a westbound through lane. The project applicant shall pay its fair share for the improvements.
 - _____ C. US-395/Poplar Street – Install a traffic signal. Add a northbound through lane, a northbound right-turn lane, two southbound through lanes, a westbound left-turn lane, and a westbound right-turn lane. The project applicant shall pay its fair share for the improvements.
 - _____ D. US-395/Three Flags Road – Add a southbound through lane. The project applicant shall pay its fair share for the improvements.

- _____ E. US-395/Joshua Street – Add a northbound through lane, a southbound left-turn lane, a southbound through lane, add overlap phasing to the southbound right-turn lane, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane with overlap phasing, a westbound left-turn lane, a westbound through lane, and a westbound right-turn lane with overlap phasing. The east leg improvements will be a project design feature, the west leg improvements recommended under opening year are project specific mitigations for the Hesperia Commerce Center. Improvements beyond opening year for the west, north and south legs will be a fair share contribution by the project. If the Hesperia Commerce Center does not develop, the project will pay its fair share for these improvements.
- _____ F. Outpost Road/Joshua Street – Install a traffic signal. Add a northbound left-turn lane, a northbound right-turn lane with overlap phasing, an eastbound left-turn lane, an eastbound through lane, an eastbound right-turn lane, two westbound left-turn lanes, a westbound through lane, and a westbound right-turn lane. The improvements will be provided as a project design feature.
- _____ G. Meriposa Road/Joshua Street – Installation of a traffic signal and an eastbound right-turn lane. The project applicant shall pay the DIF for the improvements.
- _____ H. Mesa Linda Road/Mein Street – Installation of a traffic signal. The project applicant shall pay the DIF for the improvements.
- _____ I. Three Flags Avenue-Lassen Road/Poplar Street – Installation of a traffic signal. The project applicant shall pay the DIF for the improvements.
- _____ J. I-15 Northbound Ramps/Muscateel Street – Add a northbound left-turn lane. The project applicant shall pay the DIF for the improvements.
- _____ K. I-15 Northbound Ramps/Mein Street – Restripe the left-turn lane to a shared left-through lane, restripe the shared through-right turn lane to a dedicated right-turn lane. The project applicant shall pay the DIF for the improvements.
- _____ L. Escondido Avenue/Main Street – Add a northbound through lane, southbound through lane, eastbound left-turn lane, westbound through lane, a westbound right-turn lane with overlap phasing, overlap phasing to northbound right-turn lane, and overlap phasing to eastbound right-turn lane. The project applicant shall pay the DIF for the improvements.
- _____ M. Topaz Avenue/Main Street – Add a westbound through lane and an eastbound through lane. The project applicant shall pay the DIF for the improvements.
- _____ 68. **Off-site Improvements DIF or Fair Share [Mitigation Measure 4.16.6.1M]**. Prior to the issuance of building permits, the project applicant shall make the appropriate Development Impact Fee [DIF] payment or its fair share to cover the applicant's proportional impacts associated with the following intersection improvements as outlined in Table U of the project traffic study: **[B, E]**
- _____ A. US-395: North of Main Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements;

- _____ B. US-395: Mein Street to Poplar Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements;
- _____ C. US-395: Poplar Street to Three Flags Road - Widen 3-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements;
- _____ D. US-395: Three Flags Road to Joshua Street - Widen 5-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements;
- _____ E. US-395: South of Joshua Street - Widen 2-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay its fair share for the improvements;
- _____ F. Joshua Street: US-395 to Outpost Road - Widen 2-lane undivided roadway to 4-lane divided roadway. The improvements will be provided as a project design feature;
- _____ G. Poplar Street: US-395 to Three Flags Road-Lassen Road - Widen 3-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay the DIF for the improvements;
- _____ H. Main Street: West of US-395 - Convert 4-lane undivided roadway to 4-lane divided roadway. The project applicant shall pay the DIF for the improvements;
- _____ I. Main Street: Escondido Avenue to Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay the DIF for the improvements; and
- _____ J. Main Street: East of Topaz Street - Widen 4-lane undivided roadway to 6-lane divided roadway. The project applicant shall pay the DIF for the improvements.

- _____ 69. **Air Quality Measures - Best Available Control Measures for Fugitive Dust [Mitigation Measure Tables 1.D thru 1.E].** The project applicant shall comply with the following Best Available Control Measures: **[B, E]**

Table 1.D: Air Quality Measures - Best Available Control Measures for Fugitive Dust [Apply to All Construction Activities]

| Source Category | Control Measures | Guidance |
|-----------------------|--|---|
| Backfilling | <ul style="list-style-type: none"> • Stabilize backfill material when not actively handling; and • Stabilize backfill material during handling; and • Stabilize soil at completion of activity. | <ul style="list-style-type: none"> • Mix backfill soil with water prior to moving; and • Dedicate water truck or high capacity hose to backfilling equipment; and • Empty loader bucket slowly so that no dust plumes are generated; and • Minimize drop height from loader bucket. |
| Clearing and grubbing | <ul style="list-style-type: none"> • Maintain stability of soil through pre-watering of site prior to clearing and grubbing; and • Stabilize soil during clearing and grubbing activities; and • Stabilize soil immediately after clearing and grubbing activities. | <ul style="list-style-type: none"> • Maintain live perennial vegetation where possible; and • Apply water in sufficient quantity to prevent generation of dust plumes. |
| Clearing forms | <ul style="list-style-type: none"> • Use water spray to clear forms; or • Use sweeping and water spray to clear forms; or • Use vacuum system to clear forms. | <ul style="list-style-type: none"> • Use of high pressure air to clear forms may cause exceedance of Rule requirements. |

Table 1.D: Air Quality Measures - Best Available Control Measures for Fugitive Dust [Apply to All Construction Activities]

| Source Category | Control Measures | Guidance |
|---------------------------------------|---|---|
| Crushing | <ul style="list-style-type: none"> Stabilize surface soils prior to operation of support equipment; and Stabilize material after crushing. | <ul style="list-style-type: none"> Follow permit conditions for crushing equipment; and Pre-water material prior to loading into crusher; and Monitor crusher emissions opacity; and Apply water to crushed material to prevent dust plumes. |
| Cut and fill | <ul style="list-style-type: none"> Pre-water soils prior to cut and fill activities; and Stabilize soil during and after cut and fill activities. | <ul style="list-style-type: none"> For large sites, pre-water with sprinklers or water trucks and allow time for penetration; and Pre-apply water to depth of proposed cuts and continue watering prior to subsequent cuts. |
| Demolition – mechanical/manual | <ul style="list-style-type: none"> Stabilize wind erodible surfaces to reduce dust; and Stabilize surface soil where support equipment and vehicles will operate; and Stabilize loose soil and demolition debris; and Comply with AQMD Rule 1403. | <ul style="list-style-type: none"> Apply water in sufficient quantities to prevent the generation of visible dust plumes. |
| Disturbed soil | <ul style="list-style-type: none"> Stabilize disturbed soil throughout the construction site; and Stabilize disturbed soil between structures. | <ul style="list-style-type: none"> Limit vehicular traffic and disturbances on soils where possible; and If interior block walls are planned, install as early as possible; and Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes. |
| Earthmoving activities | <ul style="list-style-type: none"> Pre-apply water to depth of proposed cuts; and Re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 ft. in any direction; and Stabilize soils once earth-moving activities are complete. | <ul style="list-style-type: none"> Grade each Project phase separately, timed to coincide with construction phase; and Upwind fencing can prevent material movement on site; and Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes. |
| Importing/exporting of bulk materials | <ul style="list-style-type: none"> Stabilize material while loading to reduce fugitive dust emissions; and Maintain at least 6 inches of freeboard on haul vehicles; and Stabilize material while transporting to reduce fugitive dust emissions; and Stabilize material while unloading to reduce fugitive dust emissions; and Comply with CVC Section 23114. | <ul style="list-style-type: none"> Use tarps or other suitable enclosures on haul trucks; and Check belly-dump truck seals regularly and remove any trapped rocks to prevent spillage; and Comply with track-out prevention/mitigation requirements; and Provide water while loading and unloading to reduce visible dust plumes. |

Tabla 1.D: Air Quality Measures - Best Available Control Measures for Fugitiva Dust [Apply to All Construction Activities]

| Source Category | Control Measures | Guidance |
|---|--|--|
| Landscaping | <ul style="list-style-type: none"> • Stabilize soils, materials, slopes | <ul style="list-style-type: none"> • Apply water to materials to stabilize; and • Maintain materials in a crusted condition; and Maintain effective cover over materials; and • Stabilize sloping surfaces using soil binders until vegetation or ground cover can effectively stabilize the slopes; and hydro seed prior to rain season. |
| Road shoulder maintenance | <ul style="list-style-type: none"> • Apply water to unpaved shoulders prior to clearing; and • Apply chemical dust suppressants and/or washed gravel to maintain a stabilized surface after completing road shoulder maintenance. | <ul style="list-style-type: none"> • Installation of curbing and/or paving of road shoulders can reduce recurring maintenance costs; and • Use of chemical dust suppressants can inhibit vegetation growth and reduce future road shoulder maintenance costs. |
| Screening | <ul style="list-style-type: none"> • Pre-water material prior to screening; and • Limit fugitive dust emissions to opacity and plume length standards; and • Stabilize material immediately after screening. | <ul style="list-style-type: none"> • Dedicate water truck or high capacity hose to screening operation; and • Drop material through the screen slowly and minimize drop height; and • Install wind barrier with a porosity of no more than 50 percent upwind of screen to the height of the drop point. |
| Staging areas | <ul style="list-style-type: none"> • Stabilize staging areas during use; and • Stabilize staging area soils at project completion. | <ul style="list-style-type: none"> • Limit size of staging area; and • Limit vehicle speeds to 15 miles per hour; and • Limit number and size of staging area entrances/exits. |
| Stockpiles/bulk material handling | <ul style="list-style-type: none"> • Stabilize stockpiled materials, and stockpiles within 100 yards of off-site occupied buildings must not be greater than 8 ft. in height; or must have a road bladed to the top to allow water truck access or must have an operational water irrigation system that is capable of complete stockpile coverage. | <ul style="list-style-type: none"> • Add or remove material from the downwind portion of the storage pile; and • Maintain storage piles to avoid steep sides or faces. |
| Traffic areas for construction activities | <ul style="list-style-type: none"> • Stabilize all off-road traffic and parking areas; and • Stabilize all haul routes; and • Direct construction traffic over established haul routes. | <ul style="list-style-type: none"> • Apply gravel/paving to all haul routes as soon as possible to all future roadway areas; and • Barriers can be used to ensure vehicles are only used on established parking areas/haul routes. |

Table 1.D: Air Quality Measures - Best Available Control Measures for Fugitive Dust [Apply to All Construction Activities]

| Source Category | Control Measures | Guidance |
|----------------------------|---|--|
| Trenching | <ul style="list-style-type: none"> Stabilize surface soils where trencher or excavator and support equipment will operate; and Stabilize soils at the completion of trenching activities. | <ul style="list-style-type: none"> Pre-watering of soils prior to trenching is an effective preventive measure. For deep trenching activities, pre-trench to 18 inches, soak soils via the pre-trench and resuming trenching; and Washing mud and soils from equipment at the conclusion of trenching activities can prevent crusting and drying of soil on equipment. |
| Truck loading | <ul style="list-style-type: none"> Pre-water material prior to loading; and Ensure that freeboard exceeds 6 inches [CVC 23114]. | <ul style="list-style-type: none"> Empty loader bucket such that no visible dust plumes are created; and Ensure that the loader bucket is close to the truck to minimize drop height while loading. |
| Turf overseeding | <ul style="list-style-type: none"> Apply sufficient water immediately prior to conducting turf vacuuming activities to meet opacity and plume length standards; and Cover haul vehicles prior to exiting the site. | <ul style="list-style-type: none"> Haul waste material immediately off site. |
| Unpaved roads/parking lots | <ul style="list-style-type: none"> Stabilize soils to meet the applicable performance standards; and Limit vehicular travel to established unpaved roads [haul routes] and unpaved parking lots. | <ul style="list-style-type: none"> Restricting vehicular access to established unpaved travel paths and parking lots can reduce stabilization requirements. |
| Vacant land | <ul style="list-style-type: none"> In instances where vacant lots are 0.10 acre or larger and have a cumulative area of 500 sf or more that are driven over and/or used by motor vehicles and/or off-road vehicles, prevent motor vehicle and/or off-road vehicle trespassing, parking and/or access by installing barriers, curbs, fences, gates, posts, signs, shrubs, trees, or other effective control measures. | |

ac = acre(s) AQMD = Air Quality Management District CVC = California Vehicle Code ft. = feet sf = square feet

Table 1.E: Air Quality Measure 4.3.6.2M Contingency Control Measure for Fugitive Dust [During High Winds in Excess of 25 MPH]

| Fugitive Dust Source Category | Control Measures |
|-------------------------------|---|
| Earthmoving | <ul style="list-style-type: none"> Cease all active operations; or Apply water to soil not more than 15 minutes prior to moving such soil. |
| Disturbed surface areas | <ul style="list-style-type: none"> On the last day of active operations prior to a weekend, holiday, or any other period when active operations will not occur for not more than 4 consecutive days: apply water with a mixture of chemical stabilizer diluted to not less than 1/20 of the concentration required to maintain a stabilized surface for a period of 6 months; or Apply chemical stabilizers prior to wind event; or Apply water to all unstabilized disturbed areas 3 times per day. If there is any evidence of wind driven fugitive dust, watering frequency is increased to a minimum of 4 times per day; or Establish a vegetative ground cover within 21 days after active operations have ceased. Ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter; or Utilize any combination of these control actions such that, in total, these actions apply to all disturbed surface areas. |

Table 1.E: Air Quality Measures 4.3.6.2M Contingency Control Measures for Fugitive Dust [During High Winds in Excess of 25 MPH]

| Fugitive Dust Source Category | Control Measures |
|-------------------------------|---|
| Unpaved roads | <ul style="list-style-type: none"> • Apply chemical stabilizers prior to wind event; or • Apply water 2 times per hour during active operation; or • Stop all vehicular traffic. |
| Open storage piles | <ul style="list-style-type: none"> • Apply water 2 times per hour; or • Install temporary coverings. |
| Paved road track-out | <ul style="list-style-type: none"> • Cover all haul vehicles; or • Comply with the vehicle freeboard requirements of Section 23114 of the CVC for both public and private roads. |
| All categories | <ul style="list-style-type: none"> • Executive Officer and the USEPA as equivalent to the methods specified in this table may be used. |

CVC = California Vehicle Code
 USEPA = United States Environmental Protection Agency

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 70. **As-Built Plans.** The Developer shall provide as-built plans in AutoCAD 2010 Format. **[E]**

- _____ 71. **Public Improvements.** All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. All documentation required by Caltrans shall be received by the City. **[E]**

- _____ 72. **Development Fees.** The Developer shall pay required development fees as follows:
 - A. Development Impact Fees **[B]**
 - B. Utility Fees **[P]**

- _____ 73. **Utility Clearance[s]/Certificate of Occupancy.** The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. **[B]**

- _____ 74. **On-Site Improvements.** All on-site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit "A." Any exceptions shall be approved by the Director of Development Services. **[P]**

- _____ 75. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three [3] feet from the hydrant and at least six [6] feet high above the adjacent road. [F80]
- _____ 76. **KNOX Box®.** An approved Fire Department key box is required. The KNOX Box® shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. [F85]
- _____ 77. **Condition Compliance.** All conditions are subject to review during the Plans Review Process. [F87]
- _____ 78. **Diesel Equipment [Mitigation Measure 4.3.6.1C].** The project applicant shall ensure that all contractors turn off all diesel-powered construction equipment when vehicles/equipment are not in use, and contractors shall prohibit idling of vehicles for longer than three minutes. [B]
- _____ 79. **Equipment Maintenance [Mitigation Measure 4.3.6.1D].** During construction, ozone precursor emissions from mobile source equipment shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturers' specifications to the satisfaction of the City of Hesperia Building and Safety Division. Equipment maintenance records and equipment design specification data shall be kept onsite during construction. Compliance with this measure shall be subject to periodic inspections by the City of Hesperia Building and Safety Division. [B]
- _____ 80. **Signage at Loading Areas [Mitigation Measure 4.3.6.2D].** Signage shall be posted at loading doors and all entrances to loading areas prohibiting all onsite truck idling in excess of five minutes. [B]
- _____ 81. **Outpost Rd/Joshua St Improvements [Mitigation Measure 4.16.6.1A].** Prior to issuance of an occupancy permit, the project applicant shall fully construct the following improvements to the Outpost Road/Joshua Street intersection: [E]
- A. Install traffic signal;
 - B. Add a northbound left-turn lane;
 - C. Add a northbound right-turn lane with overlap phasing;
 - D. Add an eastbound left-turn lane;
 - E. Add an eastbound through lane;
 - F. Add an eastbound right-turn lane;
 - G. Add two westbound left-turn lanes;
 - H. Add a westbound through lane, and
 - I. Add a westbound right-turn lane.

- _____ 82. **US 395/Joshua Street Improvements [Mitigation Measure 4.16.6.1B].** Prior to issuance of an occupancy permit, the project applicant shall contribute to the construct of the following improvements to the Highway 395/Joshua Street intersection: **[E]**
 - A. Add a northbound through lane; [shared by the project and Hesperia Commerce Center;
 - B. Add a southbound left-turn lane; [shared by the project and Hesperia Commerce Center; and
 - C. Add a westbound left-turn lane [project design feature].

- _____ 83. **Joshua Street Improvements [Mitigation Measure 4.16.6.1C].** Prior to issuance of an occupancy permit, the project applicant shall fully construct the widening of Joshua Street between Highway 395 and I-15 SB Off-Ramp from a 2-lane undivided arterial to a 4-lane divided arterial. **[E]**

- _____ 84. **Main Street Improvements DIF [Mitigation Measure 4.16.6.1D].** Prior to the issuance of an occupancy permit, the project applicant shall pay the appropriate DIF payment for the following improvements: **[E]**
 - A. Main Street between Escondido Avenue and Topaz Street – Widen from 4-lane undivided to 6-lane divided roadway;
 - B. Main Street East of Topez Street – Widen from 4-lane undivided to 6-lane divided roadway.

- _____ 85. **Off-site Improvements Fair Share [Mitigation Measure 4.16.6.1E].** Prior to issuance of an occupancy permit, the project applicant shall pay a fair share for the following improvements to the segment of Highway 395 north of Mein Street: **[E]**
 - _____ A. Convert 2-lane undivided roadway to 2-lane divided roadway.
 - _____ B. In order to meet the City's intersection service standard of LOS D [end LOS E for intersections on Main Street/Phelan Road and Highway 395] for opening year 2016 and beyond, traffic improvements would be required at the Caliente Road/Joshua Street, Highway 395/Poplar Street and Outpost Road/Joshua Street intersections prior to the start of operation of the proposed project. However, the improvements defined as part of **Mitigation Measures 4.16.6.1A 4.16.6.1E, and 4.16.6.1F** provide full mitigation for the Outpost Road/Joshua Street, Caliente Road/Joshua Street, and Highway 395/Poplar Street intersections. To ensure that potential cumulative impacts to the Caliente Road/Joshua Street and Highway 395/Poplar Street in opening year 2016 are reduced to less than significant level, the following mitigation measures shall be implemented:
 - _____ i. **4.16.6.1F.** Caliente Road/Joshua Street intersection: conversion from two way stop control to all way stop control, add a westbound left-turn lane, re-stripe the westbound left-through-right-turn lane to a through-right turn lane. The improvements identified for this intersection are project specific mitigations for the proposed Hesperia Commerce Center. This project will not be contributing any funding for these improvements. If the Hesperia Commerce Center does not develop, the project will pay its fair share for these improvements.

- _____ ii. **4.16.6.1G.** Prior to issuance of an occupancy permit, the project applicant shall pay its fair share for the following improvements to the Highway 395/Poplar Street intersection:
- _____ iii. Install a traffic signal.
- _____ iv. **4.16.6.1H** Prior to issuance of an occupancy permit, the project applicant shall fully construct the following improvements to the Highway 395/Joshua Street intersection:
- _____ 1. Widen the westbound approach lanes [east leg] to ultimate width to accommodate two left-turn lanes, two through lanes, and one right turn as described for the Year 2035 plus project scenarios.

THE FOLLOWING ARE CONTINUING CONDITIONS. FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN REVOCATION OF THE CONDITIONAL USE PERMIT:

- _____ 86. **ABC Requirements.** The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. [P]
- _____ 87. **Battery and Used Tire Storage.** All used batteries and storage of all other vehicle parts shall be handled in accordance with Fire Department hazardous material regulations. [F]

IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CALL THE APPROPRIATE DIVISION LISTED BELOW:

| | | |
|-------|--------------------------------------|----------|
| [P] | Planning Division | 947-1200 |
| [B] | Building Division | 947-1300 |
| [E] | Engineering Division | 947-1414 |
| [F] | Fire Prevention Division | 947-1012 |
| [RPD] | Heperia Recreation and Park District | 244-5488 |



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, June 3, 2015**

A. PROPOSALS:

1. MANCINELLI-CHIRCO (SPLA14-00005/SPR14-00006)

Proposal: A Specific Plan Amendment from Regional Commercial (RC) to Low Density Residential (LDR) on 6 acres, and Site Plan Review to construct a 200-unit residential development on 50 acres

Location: 430 feet west of Mesa Linda Avenue on the north side of Main Street (APN: 3064-441-01, 02, and 03)

Planner: Daniel Alcayaga

2. STEVE ESPINOZA (ME15-00006)

Proposal: To construct a 2,400 square foot metal garage

Location: 14921 Poplar Street (APN: 0409-052-04)

Planner: Daniel Alcayaga

3. JMS SALES INC. (SPRR15-00004)

Proposal: To establish a mobile home sales business with outdoor display

Location: 6566 Caliente Road (APN: 0357-611-15)

Planner: Stan Liudahl

4. PACIFIC/LEWIS PROPERTIES (SSP15-00003)

Proposal: To establish sign standards specific to one parcel within the Walmart shopping center

Location: 13225 Main Street (APN: 3057-011-44)

Planner: Stan Liudahl



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, May 20, 2015**

A. PROPOSALS:

1. KENNETH KNIGHT (ME15-00005)

Proposal: To construct a 1,617 square foot accessory garage which exceeds the 5% accessory building limitation.

Location: 9410 Pecan Avenue (APN: 0411-332-18)

Planner: Stan Liudahl

2. DON DE FILIPPO (SPR15-00003)

Proposal: To construct a two-story, 40 unit multi-family development on 2.7 gross acres

Location: Southwest corner of Primrose Avenue and Yucca Street (APN: 3057-131-33)

Planner: Daniel Alcayaga

3. JAMES VANDENBERG CONSTRUCTION (GPA15-00001/ TPM15-00001)

Proposal: A General Plan Amendment to change the land use designation from R1-18000 to RR-1 on 5.0 gross acres and from RR-2½ to RR-1 on approximately 38.6 gross acres in conjunction with Tentative Parcel Map (PM-19608), to create four parcels and a remainder on 5.0 gross acres.

Location: Generally north of Mesquite Street, south of the California Aqueduct, east of Topaz Avenue and west of the Southern California Edison transmission line (APN: 3046-131-27; GPA15-00001 expanded to include APNs: 3046-101-25, 3046-131-29 thru 32, 46 thru 49, and 54 thru 61)

Planner: Stan Liudahl