

PLANNING COMMISSION

ATTACHMENT F

CEQA Facts and Findings

Facts and Findings Regarding the Environmental
Effects from the Environmental Impact Report for
the

Mojave 68 Project

State Clearinghouse No. 2023030145

Facts and Findings
Regarding the Environmental Effects from the Approval of the Mojave 68
Project
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1.0 STATEMENT OF FACTS AND FINDINGS.

1.1 INTRODUCTION.

The California Environmental Quality Act (“**CEQA**”) requires that a Lead Agency issue two sets of findings prior to approving a project that will generate a significant impact on the environment. The Statement of Facts and Findings is the first set of findings where the Lead Agency identifies the significant environmental impacts as identified in the Environmental Impact Report (“**EIR**”); presents facts supporting the conclusions reached in the analysis; makes one or more of three findings for each impact; and explains the reasoning behind the agency’s findings.

The second set of findings consisting of a Statement of Overriding Considerations (as discussed under Section 15093 of the CEQA Guidelines) is not required for this Project because all impacts can be mitigated to below a level of significance.

The EIR was prepared by the City of Victorville (“**City**”) acting as lead agency pursuant to CEQA. Hereafter, the Initial Study/Notice of Preparation, Notice of Availability/Notice of Completion, Draft EIR (“**DEIR**”), Technical Studies, Final EIR containing Responses to Comments and textual revisions to the DEIR, and the Mitigation Monitoring and Reporting Program (“**MMRP**”) will be referred to collectively herein as the “EIR”. The following Statement of Facts and Findings has been prepared in accordance with the CEQA Guidelines (14 California Code of Regulations, Section 15091), and *California Public Resources Code*, Section 21081 (collectively, CEQA). Section 15091 of the CEQA Guidelines provides that:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes

have been adopted by such other agency or can or should be adopted by such other agency.

- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The City of Victorville, serving as the CEQA Lead Agency, finds and declares that the proposed Mojave 68 Project EIR (State Clearinghouse No. 2023030145) has been completed in compliance with CEQA and the CEQA Guidelines. The City finds and certifies that the EIR was reviewed and that information contained in the EIR was considered prior to approving the proposed Mojave 68 Project, hereinafter referred to as the “**Project**”.

Having received, reviewed and considered the EIR for the Project, as well as all other information in the record of proceedings on this matter, the Facts and Findings included in this document are hereby adopted by the City in its capacity as the CEQA Lead Agency. Based upon its review of the EIR, the City finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the proposed Project; represents the independent judgment of the City; and sets forth an adequate range of alternatives to the Project.

As further described in the Final EIR document, the Final EIR is composed of the following elements:

- Mojave 68 Project DEIR;
- Comment Letters Received and Responses to Comments;

- Corrections and Changes from the DEIR to the Final EIR; and
- Mitigation Monitoring and Reporting Program.

All acronyms used herein shall have the meaning as defined in the DEIR unless otherwise noted.

1.2 CUSTODIAN AND LOCATION OF RECORDS.

The documents and other materials that constitute the administrative record for the City's approval of the EIR and actions related to the project are located at the City of Victorville Development Department, 14343 Civic Drive, Victorville, CA 92395. The City of Victorville is the custodian of the project's Administrative Record. Copies of the documents and other materials that constitute the record of proceedings are, at all relevant times have been, and will be available upon request directed to the City's Development Department.

2.0 PROJECT SUMMARY.

2.1 INTRODUCTION.

The DEIR was prepared pursuant to CEQA (California Public Resources Code, Sections 21000, et seq.) to assess the potential environmental effects of the Mojave 68 Project, which would develop an approximately 66.4-acre vacant site with a 1,097,300-square-foot industrial building with 1,057,300 square feet allocated to warehousing use, and 40,000 square feet allocated to office use (includes four potential offices of 10,000 square feet each) and related site improvements, including landscaping, parking, and infrastructure facilities. Although the future tenant of the building is not known, the building would include an 877,800-square-foot high-cube transload warehouse and a 219,500-square-foot high-cube cold storage warehouse with loading docks lining the east side and west side of the building.

2.2 PROJECT DESCRIPTION.

The Project site is bordered by Mojave Drive on the south, Cactus Road on the north, Onyx Road on the east, and Mesa Linda Avenue on the west. The Project site is within an area of the City zoned Light Industrial, which is category of land use is characterized by industrial development either located in industrial and/or business parks or in mixed industrial/business park use areas.

The Project site is generally a flag-shaped lot, with a smaller "leg" fronting Cactus Road, extending to Onyx Road, but not to Mesa Linda Avenue. The remainder of the "flag" extends fully between Mesa Linda Avenue and Onyx Road. The proposed building is designed as a rectangular-shaped building with its elongated sides oriented parallel to the Project site's eastern and western boundaries, covering 38% of the Project site, where up to 60% is allowed. The front of the building would be Mojave Drive. The offices are located along each of the corners of the building. A dedicated auto parking lot is located in the smaller portion along Cactus Road. The proposed building would have 93 dock doors on the west side and 94 dock doors on the east side, with the 726 trailer parking stalls also located along the east and west sides of the building. The planned 458 auto parking stalls are located primarily along the front of the building that faces Mojave Drive

and along the northern boundary along Cactus Road, which reduces the potential for pedestrian/truck conflicts as the docks are on the east and west sides. The truck loading areas and northern passenger parking area would be enclosed and screened from public viewing areas by landscaping and minimum 8-foot-tall wrought iron fencing with a concrete pilaster every 100 feet. Access to the Project site is provided by one driveway along Mojave Drive, two driveways along Mesa Linda Avenue, one driveway along Cactus Road, and two driveways along Onyx Road. Site access from Mojave Drive and Cactus Road are primarily designed for passenger vehicles, and the Onyx Road and Mesa Linda access is designed for truck access.

A 26-foot wide paved fire access road is proposed within the existing seventy six (76) foot right-of-way of Cactus Road. The transition occurs at the westerly end of the northernmost property boundary and ending at a point adjacent to the High Desert Truck Stop located at 15655 US-395 in Victorville.

The industrial building would be designed in a contemporary architectural style that features painted concrete tilt-up panels of neutral shades of white, grey, and blue. The windows would consist of low reflective glass. Site lighting will be low-level light emitting diode (LED) that will be pointed downward at the parking lot and/or along the edges of the building.

Landscaping is provided around the perimeter of the building in varying widths, with larger landscaped areas located along the east and west corners of Mojave Drive and near the dedicated auto parking lot along Cactus Road. The truck loading areas and northern passenger parking area would be enclosed and screened from public viewing areas by landscaping and minimum 8-foot-tall wrought iron fencing with a concrete pilaster every 100 feet. Overall, approximately 490,994 square feet of landscaping is provided, representing 17.4% of the Project site.

Catch basins and storm drains will collect runoff from the roof and the impervious areas throughout and will convey stormwater to the infiltration basin at the northeast corner of the site. A reinforced concrete storm drain is proposed to convey stormwater from the existing two 48" culverts to and will outlet to an existing channel east of Onyx Road. This storm drain will outlet through a headwall and will remain within the right-of-way of Onyx Road.

At this time, the occupant of the proposed building is unknown. It is assumed the facility would be operational 24 hours per day, 365 days per year. Because user(s) of the Project's building are not yet known, the number of jobs that the Project would generate cannot be precisely determined; therefore, for purposes of analysis, employment estimates have been calculated using data and average employment density factors. Based on an employment generation factor of 1 employee per 1,500 square feet for Light Industrial uses, and 1 employee per 600 square feet for office use, The Project is anticipated to generate approximately 520 employees.

2.3 PROJECT GOALS AND OBJECTIVES.

Per Section 15124 (b) of the CEQA Guidelines, an EIR needs to include a statement of the objectives of a project which help the City develop a reasonable range of alternatives. The objectives need to outline the general purpose of the Project. The purpose of the proposed Project

is to develop a modern industrial warehouse building in the City of Victorville along a City truck route that is also in proximity to the state highway system in order to increase employment opportunities and improve the City's economic competitiveness. The Project Objectives are as follows:

1. To efficiently develop a vacant and underutilized property with industrial uses, consistent with the property's zoning and land use, to help meet the substantial and unmet regional demands for goods movement facilities consistent with the Southern California Association of Governments' 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (SCAG, 2020).
2. To establish new business to the City of Victorville and thereby provide a more equal jobs to housing balance in the City of Victorville that will reduce the need for members of the local workforce to commute outside the area for employment.
3. To develop an industrial building along a City-established truck route that is in proximity to I-15 and U.S. Highway 395 that can be used as part of the region's goods movement network.
4. To develop a use that maximizes energy conservation measures that are sustainable and consistent with Smart Growth principles.
5. To develop a vacant property that has access to available infrastructure, including roads and utilities.

2.4 REQUIRED DISCRETIONARY ACTIONS AND PERMITS.

The EIR serves as an informational document for use by public agencies, the general public, and decision makers. The EIR discusses the impacts of development pursuant to the proposed Project and related components and analyzes project alternatives. The EIR will be used by the City of Victorville and responsible agencies in assessing impacts of the proposed Project.

The following approvals and permits are required from the City of Victorville to implement the proposed Project:

- **Certify the Environmental Impact Report (EIR)** with the appropriate determinations and statements prepared in compliance with the requirements of CEQA.
- **Site Plan PLAN22-00023** to develop a 1,097,300-square-foot industrial building along with associated parking, landscaping, road improvements, and related infrastructure.
- **Tentative Parcel Map PLAN22-00023** to merge Assessor Parcel Numbers (APNs) 3128-621-02, 3128-621-03, 3128-621-04, 3128-621-05, and 3128-621-06 into one new parcel.

- **PLAN22-00023 – Deviation Request** – Building Height requesting a deviation from the application of the prescribed 50-foot building height of the M-1 zoning district to allow for a 55’ tall Class A Industrial Warehouse/Distribution facility.

Other non-discretionary actions anticipated to be taken by the City at the staff level as part of the proposed Project include:

- Review and approval of all off-site infrastructure plans, including street and utility improvements pursuant to the conditions of approval;
- Review all on-site plans, including grading and on-site utilities, building plans; and
- Approval of a Preliminary Water Quality Management Plan (PWQMP) to mitigate post-construction runoff flows.

Approvals and permits that may be required by other agencies include:

Federal Agencies:

- U.S. Army Corps of Engineers – Clean Water Act Section 404 Permit

State Agencies:

- Lahontan Regional Water Quality Control Board – Clean Water Act Section 401 Permit
- California Department of Fish and Wildlife – Section 1602 Streambed Alteration Agreement

Local Agencies:

- Mojave Desert Air Quality Management District – issuance of construction-related permits
- City of Victorville – approval of Site Plan and Tentative Parcel Map, grading permits, encroachment permits, water and sewer connections, and related plans.

2.5 OTHER CEQA DOCUMENTS REFERENCED.

Under Section 15150 of the CEQA Guidelines, an EIR may incorporate by reference all or portions of another document that are a matter of public record or are generally available to the public. The previously prepared EIRs and environmental analyses listed below were relied upon or consulted in the preparation of the project’s EIR and were incorporated by reference:

- City of Victorville General Plan 2030, adopted by the City Council on September 24, 2008 (Victorville, 2008).

- Comprehensive Planning Services, August 14, 2008, Draft Program Environmental Impact Report, City of Victorville General Plan 2030, SCH No. 2008021086 (CPS, August 2008).
- City of Victorville 2045 Land Use Element, December 2022, (Victorville, 2022). Harris & Associates, Draft Program Environmental Impact Report, City of Victorville General Plan Update, September 2022 (H&A, 2002)
- City of Victorville Zoning Map, as accessed 6/10/23:
<https://victorville.maps.arcgis.com/apps/webappviewer/index.html?id=f7698c1fc6f742e681ae b3c3e3884443>.
- City of Victorville Municipal Code (various chapters)
- City of Victorville Zoning Ordinance, codified through Ordinance No. 2432, enacted February 21, 2023 (Supp. No. 51), online content updated on April 12, 2023.
- The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments (Connect SoCal), adopted on September 3, 2020.

3.0 ENVIRONMENTAL REVIEW/PUBLIC PARTICIPATION.

The City conducted an extensive review of this Project which included a DEIR and a Final EIR, including related technical reports, which were subject to a public review and comment period. The following is a summary of the City's environmental review of this Project:

- On March 3, 2023 the City circulated a Notice of Preparation (NOP) identifying the environmental issues to be analyzed in the Project's EIR to the State Clearinghouse, responsible agencies, and other interested parties.
- The NOP public review period ran for 30 days. Written comments on the NOP were received from various agencies. The scope of the issues identified in the comments expressing concern included potential impacts associated with air quality, tribal cultural resources and utility service.
- An EIR Scoping Meeting was held on April 12, 2023. The scoping meeting was held during a regularly scheduled Planning Commission Hearing, at City Hall Council Chambers, 14343 Civic Drive, Victorville, California.
- The Notice of Availability (NOA) and DEIR were circulated for public review for a 45-day review period from August 18, 2023 to October 2, 2023.
- The City received a total of one comment letter from Blum, Collins and Ho on behalf of Golden State Environmental Justice Alliance. The City did not receive any comments from public agencies/individuals. The City prepared specific responses to comments. The responses to comments are in Section 2 of the Final EIR.

- On November 8, 2023, the Planning Commission conducted a duly noticed public hearing to consider the Project. The Planning 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 Planning Commission decided to certify the EIR, adopt these Findings and to take action to approve the Project as recommended by the Staff Report.

4.0 INDEPENDENT JUDGMENT AND FINDING.

EPC Environmental, Inc. was retained by the applicant to prepare the EIR. EPC Environmental prepared the EIR under the supervision, direction and review of the City planning staff.

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.

4.1 GENERAL FINDING ON MITIGATION MEASURES.

In preparing the Discretionary Actions and Permits for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Discretionary Actions and Permits do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Discretionary Actions and Permits 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 Commission’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 Discretionary Actions and Permits or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Discretionary Actions and Permits 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.

5.0 ENVIRONMENTAL IMPACTS AND FINDINGS

As discussed in more detail below, these Facts and Findings are intended to meet the requirements of CEQA Guidelines Sections 15091 and 15093. City staff reports, the EIR, written and oral testimony at public meetings or hearings, these Facts and Findings and other information in the administrative record, serve as the basis for the City's environmental determination.

Detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 4.0 of the DEIR and Section 3 of the Final EIR. Responses to comments from the public and from other government agencies on the EIR are provided in Section 2 of the Final EIR.

As discussed in Section 5.4 of the DEIR, the Project was determined to not result in any impacts to the following environmental categories: Agriculture and Forestry Resources, Mineral Resources, Population and Housing, Public Services, Recreation and Wildfire. Therefore, these topics were not discussed in detail within Section 4.0 of the DEIR. The Planning Commission concurs with the conclusions of the DEIR that the Project would not result in any impacts related to these issue areas.

The DEIR evaluated 14 major environmental categories for potential impacts including Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Transportation, Tribal Cultural Resources and Utilities and Service Systems. Both Project-specific and cumulative impacts were evaluated. Of these 14 major environmental categories, the Planning Commission concurs with the conclusions in the EIR that the issues and sub issues discussed in Section 5.1 below are less than significant without the need for mitigation; and that the issues and sub issues discussed in Section 5.2 below can be mitigated below a level of significance. The Project will not result in any significant unavoidable impacts.

5.1 IMPACTS THAT ARE LESS THAN SIGNIFICANT WITHOUT THE NEED FOR MITIGATION.

The Planning Commission finds that impacts of the Project related to Aesthetics, Air Quality, Energy, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise and Transportation (all issue areas) and their respective cumulative impacts are less than significant without the need for mitigation, in whole or in part due to various design features and efficiency standards that have been incorporated into the Project, including mandatory compliance with applicable standards under CALGreen, Title 24 and other regulations and a commitment by the Project applicant to obtain LEED certification (or the equivalent) for the Project building.

With respect to Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gases, Tribal Cultural Resources and Utilities impacts, the Planning Commission finds that with the exception of those specific sub-issue areas identified in Section 5.2 below as requiring mitigation, all other impacts of the Project are less than significant without the need for mitigation.

5.2 POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE WITH MITIGATION MEASURES.

Public Resources Code Section 21081 and CEQA Guidelines Section 15091(a)(1) state 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 finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

The following issues from the environmental categories analyzed in the EIR, including Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gases, Tribal Cultural Resources and Utilities were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures. Likewise, all cumulative impacts related to these issue areas were found to be less than significant with mitigation. The Planning Commission hereby finds pursuant to *Public Resources Code* Section 21081 and CEQA Guidelines Section 15091(a)(1) that all potentially significant Project-level and cumulative impacts related to the environmental categories 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 MMRP adopted by the Planning Commission. Specific findings for each category of such impacts are set forth in detail below.

Each mitigation measure discussed in this Section of the findings has a letter and number code correlating it with the environmental category used in the MMRP and DEIR.

5.2.1 Biological Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.

Finding: Based on the entire record, the Planning Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures BIO-1 to BIO-7. The Mitigation Measures are adopted and incorporated into the MMRP for the Project and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.3 of the DEIR. The following Mitigation Measures will mitigate Project-level and cumulative impacts to biological resources to below a level of significance:

Mitigation Measures

BIO-1 Incidental Take Permit for Joshua Tree. Prior to issuance of grading permits, for any Western Joshua Trees that would be removed, the Applicant shall either obtain

an Incidental Take Permit (ITP) from California Department of Fish and Wildlife (CDFW) under CDFW under §2081 of the California Endangered Species Act (CESA) or obtain a permit as described by AB 1008, whichever is applicable at the time of grading permit issuance. Mitigation is to be determined by the CDFW through its issuance of the ITP or other permit as described in AB 1008, and could consist of purchase of credits from an approved conservation bank, third-party seed collection, Joshua Tree relocation, payment into the state's Western Joshua Tree Mitigation Fund, and/or purchase of mitigation lands.

BIO-2

Pre-Construction Desert Tortoise Presence/Absence Surveys: A USFWS Qualified/CDFW-approved biologist shall conduct pre-construction presence/absence surveys for desert tortoise during the desert tortoise active season (April to May or September to October) 48 hours prior to initiation of Project activities and after any pause in Project activities lasting 30 days or more. Desert tortoise preconstruction surveys shall be conducted in accordance with the U.S. Fish and Wildlife Service (USFWS) 2019 desert tortoise survey methodology. Preconstruction surveys shall be completed using 100% visual coverage for desert tortoise and their sign and shall use perpendicular survey routes within the Project site and 50-foot buffer zone. Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project Activities cannot start until 2 negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented.

Results of the survey shall be submitted to CDFW prior to start of Project activities. If the survey confirms desert tortoise absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. If desert tortoise presence is confirmed during the survey, the Project Proponent shall submit to CDFW for review and approval a desert tortoise specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take (California Fish and Game Code §86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") to desert tortoise.

If complete avoidance of desert tortoise cannot be achieved, the Project Proponent will not undertake Project activities, and Project activities be postponed until appropriate authorization (i.e., California Endangered Species Act (CESA) Incidental Take Permit (ITP) under Fish and Game Code §2081) is obtained. If complete avoidance of desert tortoise is infeasible, the Project Proponent would be required to apply for a CESA ITP and prepare a site-specific Desert Tortoise Translocation Plan (Plan) that will provide details on the proposed recipient site, desert tortoise clearance surveys and relocation, definitions for Authorized Biologists and qualified desert tortoise biologists, exclusion fencing guidelines, protocols for managing desert tortoise found during active versus inactive seasons, protocols for incidental tortoise death or injury, and will be consistent with project permits and current USFWS and CDFW guidelines.

The Plan shall also include a requirement for communication and coordination with Randel Wildlife Consulting, Inc. Prior to construction, the Plan shall be subject to the review and approval of the CDFW and the USFWS.

- BIO-3** **Desert Tortoise Worker Environmental Awareness Training:** A qualified biologist must present a biological resource information training for desert tortoise, as well as other species typically found in the area such as burrowing owl and Mohave ground squirrel, prior to project activities to all personnel that will be present within the Project site for longer than 30 minutes at any given time.
- BIO-4** **Desert Tortoise Avoidance:** If during project activities a desert tortoise is discovered within the project site, all activities must stop within 50-feet and the CDFW-approved biologist must be notified. Coordination with respective state and federal resource agencies will be required prior to restarting activities.
- BIO-5** **Pre-Construction Burrowing Owl Survey.** A Pre-construction Burrowing Owl Survey shall be conducted by a qualified biologist no later than 14 prior to any Project ground-disturbing activities, at any time of year. Surveys shall be completed following the recommendations and guidelines provided within the Staff Report on Burrowing Owl Mitigation (CDFG, March 2012) or most recent version by a qualified biologist. If an active burrowing owl burrow is detected within any Project disturbance area, or within a 500-foot buffer of the disturbance area, a 300-foot radius buffer zone surrounding the burrow shall be flagged, and no impacts to soils or vegetation or noise levels above 65 dBA shall be permitted while the burrow remains active or occupied. Disturbance-free buffers may be modified based on site-specific conditions in consultation with CDFW. The qualified biologist shall monitor active burrows daily and will increase buffer sizes as needed if owls show signs of disturbance. If active burrowing owl burrows are located within any work area and impact cannot be avoided, a qualified biologist shall submit a burrowing owl exclusion plan to CDFW for review and approval. The burrowing owl exclusion plan shall include permanent compensatory mitigation consistent with the recommendations in the Staff Report on Burrowing Owl Mitigation such that the habitat acreage, number of burrows and burrowing owls impacted are replaced. If passive relocation is required, a Burrowing Owl Relocation and Protection Plan that shall document the relocation procedures, and the Plan shall be submitted to the CDFW and approved by the CDFW prior to any BUOW relocation. If burrowing owls are not detected during the pre-disturbance surveys, then no additional action is required.
- BIO-6** **Mohave Ground Squirrel Worker Environmental Awareness Training:** Implement Construction Monitoring and Worker Environmental Awareness Program. To reduce the potential of take of Mohave ground squirrels, and prior to ground disturbing activity, a qualified biologist will deliver a Worker Environmental Awareness Program (WEAP) on the ecology of the Mohave ground squirrel to the construction employees.
- BIO-7** **Mohave Ground Squirrel Construction Monitoring and Worker Environmental Awareness Program.** To reduce the potential of take of Mohave ground squirrels, and prior to ground disturbing activity, a qualified biologist will deliver a Worker Environmental Awareness Program (WEAP) on the ecology of the Mohave ground squirrel to the construction employees. A qualified biological monitor shall be on site during initial ground disturbing activities. The name and

phone number of the biological monitor shall be provided to a CDFW regional representative at least 14 days before ground disturbing activities. If the biological monitor observes a living Mohave ground squirrel on the construction site and/or determines that a Mohave ground squirrel was killed by project related activities during construction or otherwise found dead, a written report will be sent to CDFW within 5 calendar days. The report will include the date, time of the finding or incident (if known), location of the carcass and the circumstances (if known). Mohave ground squirrel remains shall be collected and frozen as soon as possible. The California Department of Fish and Wildlife shall be contacted as to the ultimate disposition of the remains.

Facts in Support of the Finding: The Project site did not contain any special status plants other than the western Joshua Tree, which is currently a candidate-threatened species under the California Endangered Species Act. The Project's removal of 30 individual Joshua trees would be considered potentially significant. **(DEIR at 4.3-10)**. Therefore, Mitigation Measure BIO-1 (Incidental Take Permit for Joshua Tree) as described below is required.

The Project site has been determined to be potentially suitable habitat for desert tortoise, which is listed as threatened by both the federal and state Endangered Species Acts. The surrounding habitat has a low potential to harbor desert tortoises due to edge effects and residential activities such as OHV use, dogs, illegal dumping, and pedestrian use. The possibility for a desert tortoise to appear on the site from potential adjacent habitat is low because of high levels of development and recent construction surrounding the project. Roadways including Mojave Drive and Highway 395 also serve as impediments to habitat connectivity. However, due to the large vacant lands to the north, east and west of the Project site, desert tortoise may enter the Project site at any time. **(DEIR at 4.3-12)**. Therefore, Mitigation Measures BIO-2, Pre-Construction Desert Tortoise Presence/Absence Surveys, BIO-3, Desert Tortoise Worker Environmental Awareness Training, BIO-4, Desert Tortoise Avoidance as described below are required.

A single burrowing owl ("**BUOW**") was observed on the January 31, 2023 site visit, located near the above-noted suspected coyote burrows. During the March 31, 2023 and May 12, 2023 site visits, signs of burrowing owl were observed at the above-noted mammal (coyote) dens. These mammals' dens are suspected coyote burrows or used by feral dogs. No signs of BUOW nesting, were observed such as feathers or eggshell fragments. However, the dens are likely suitable for hunting given the existing rodent prey base on site. Potential hunting and foraging habitat for BUOW is thus considered on site, however, no signs of nesting were observed. Due to the lack of active nesting burrows, and with implementation of the recommended avoidance and minimization measures, an Incidental Take Permit (ITP) would not be required pursuant to California Fish and Game Code. However, due to occurrences in the area as identified by the California Natural Diversity Database (CNDDDB), Mitigation Measure BIO-5 as described below is required. **(DEIR at 4.3-12)**.

Habitat for the Mohave ground squirrel (MGS) is identified on the Project site, and trapping to confirm presence was conducted using the latest CDFW protocols, with the last survey window being June 15 to July 15. While no MGS were found, the site has the potential for MGS to enter the site because the lands to the north, east and west of the Project site are vacant. **(DEIR at 4.3-**

12). Because suitable habitat is present, Mitigation Measure BIO-7, Mojave Ground Squirrel Construction Monitoring and Worker Environmental Awareness Program is required as described below is required.

Potential Significant Impact: The EIR evaluated and concluded that the Project could have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Finding: Based on the entire record, the Planning Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures BIO-8 and BIO-9, as discussed below. The Mitigation Measures are adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.3 of the DEIR. The following Mitigation Measures will mitigate Project-specific and cumulative impacts to state or federally protected wetlands:

Mitigation Measures

BIO-8 Regulatory Permits-Jurisdictional Waters. Prior to issuance of grading permits or other permits authorizing ground disturbance (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging), the Project applicant shall obtain all necessary authorizations from the Corps and Water Board for discharging fill material into a total of 0.12 acres of ephemeral stream habitat and authorization from the CDFW for discharging fill material into a total of 0.029 acres of ephemeral stream habitat.

BIO-9 Mitigation and Monitoring Plan-Jurisdictional Waters. Prior to issuance of grading permits or other permits authorizing ground disturbance (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging), The applicant shall either purchase agency authorized mitigation bank credits or prepare a detailed Mitigation and Monitoring Plan (MMP) to be submitted to the Corps, Water Board, and CDFW for review and approval as part of the process for obtaining permits from the agencies. The Wetland Mitigation Plan will address the loss of ephemeral drainage impact due to the proposed project development. The MMP once implemented at a minimum shall compensation for impacts to ephemeral drainages at a minimum 1:1 mitigation ratio or 0.12-acre for impacts to Corps and Water Board jurisdiction waters and 0.29-acre for impacts CDFW jurisdictional waters.

Facts in Support of the Finding: No wetlands were found within the Project site. Two ephemeral streams locally referred to as dry washes were found in the Project site. The streams are potentially subject to Corps jurisdiction under Section 404 of the CWA, Water Board jurisdiction under Section 401 of the CWA and the Porter-Cologne Act and CDFW CFGC Sections 1600 to 1616 jurisdiction. The permitting and compensatory mitigation requirements under MM

BIO-8 and BIO-9 will reduce potential impacts to less than significant.

Potential Significant Impact: The EIR evaluated and concluded that the Project could 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.

Finding: Based on the entire record, the Planning Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measure BIO-10, as discussed below. The Mitigation Measure is adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.3 of the DEIR. The following Mitigation Measure will mitigate Project-specific and cumulative impacts to the movement of any native resident or migratory fish or wildlife species:

Mitigation Measures

BIO-10 Migratory Bird Treaty Act Compliance Methods: To avoid violation of the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code, site-preparation activities (removal of trees and vegetation) for all projects shall be avoided, to the greatest extent possible, during the nesting season (generally February 1 to August 31) of potentially occurring native and migratory bird species. If site-preparation activities for implementing projects are proposed during the nesting/breeding season (February 1 to August 31), a pre-activity field survey shall be conducted by a qualified biologist prior to the issuance of grading permits for such project, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. If active nests are not located within the implementing project site and an appropriate buffer of 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (non-listed), or 100 feet of sensitive or protected songbird nests, construction may be conducted during the nesting/breeding season. However, if active nests are located during the pre-activity field survey, no grading or heavy equipment activity shall take place within at least 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected (under MBTA or California Fish and Game Code) bird nests (non-listed), or within 100 feet of sensitive or protected songbird nests until the nest is no longer active.

Facts in Support of the Finding: The Project site is not located within, or designated as, an established native resident or migratory wildlife corridor, or native wildlife nursery site. However, the Project site offers forage and nesting for birds covered under the Migratory Bird Treaty Act. Take of a nesting bird during Project construction would be potentially significant. Implementation of Mitigation Measure BIO-10, which requires a pre-construction nesting bird survey, would reduce the potential to interfere with the movement of any native resident or migratory wildlife species to less than significant. (**DEIR at 4.3-20**).

Potential Significant Impact: The EIR evaluated and concluded that the Project could conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Finding: Based on the entire record, the Planning Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measure BIO-1, as discussed above. The Mitigation Measure is adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.3 of the DEIR. The following Mitigation Measure will mitigate Project-specific and cumulative impacts related to conflict with local policies or ordinances protecting biological resources:

Mitigation Measures

MM BIO-1

Facts in Support of the Finding: City of Victorville Code Title 13, Chapter 13.33, Preservation and Removal of Joshua Trees makes it unlawful for any person to cut, damage, destroy, dig up, or harvest any Joshua tree without the prior written consent of the Director of Parks and Recreation or his designee. The Project would remove 30 Joshua Trees. Because the Joshua Tree is identified as a Candidate Threatened species under CESA, the state's CESA regulations take precedence over the City's local ordinance. Implementation of Mitigation Measure BIO-1 would reduce impacts to less than significant, because it would require the Project Applicant to obtain a State Incidental Take Permit prior to issuance of grading permits. (**DEIR at 4.3-21**).

5.2.2 Cultural Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5.

Findings: Potential impacts of the Project on cultural resources are discussed in Section 4.4 of the DEIR. Based on the entire record, the Planning Commission finds there is the potential for discovery of archeological resources. Impacts could be significant without mitigation. Based on the entire record, the Planning Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures CUL-1 and CUL-2. These Mitigation Measures are adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The following Mitigation Measures will mitigate Project-level and cumulative impacts related to archaeological resources to below a level of significance:

Mitigation Measures

- CUL-1 Cultural Resources Discovery During Project Construction.** In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
- CUL-2 Monitoring and Treatment Program for Significant Cultural Resources.** If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

Facts in Support of the Finding: It is always possible that intact archaeological deposits could be present at subsurface levels. For this reason, the Project site should be treated as potentially sensitive for archaeological resources. Implementation of Mitigation Measures CUL-1 and CUL-2 are required to manage unanticipated discoveries of archaeological and Native American resources when monitoring is not required by the Phase 1 cultural resources survey. Implementation of Mitigation Measures CUL-1 and CUL-2 would reduce potential impacts to unanticipated discoveries of archaeological resources. (**DEIR at 4.4-7**).

Potential Significant Impact: The EIR evaluated and concluded that the Project could disturb any human remains, including those interred outside of dedicated cemeteries.

Finding: Based on the entire record, the Planning Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measure CUL-3. This Mitigation Measure is adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.4 of the DEIR. The following Mitigation Measure will mitigate Project-level and cumulative impacts related to the inadvertent disturbance of human remains to below a level of significance:

Mitigation Measure

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

Facts in Support of the Finding: Based on an analysis of records and surveys of the property, it has been determined that the Project site does not include a formal cemetery or any archaeological resources that might contain interred human remains. If human remains are unearthed during Project construction, the construction contractor would be required by law to comply with California Health and Safety Code §7050.5 “Disturbance of Human Remains.” Implementation of Mitigation Measure CUL-3 to manage unanticipated discoveries of human remains is required to ensure that potentially significant impacts would be less than significant after implementation. **(DEIR at 4.4-8).**

5.2.3 Geology and Soils

Potential Significant Impact: The EIR evaluated and concluded that the Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Finding: Based on the entire record, the Planning Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Project-Specific Mitigation Measure GEO-1. This Mitigation Measure is adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.6 of the DEIR. The following Mitigation Measure will mitigate Project-level and cumulative impacts related to inadvertent destruction of a unique paleontological resource or site or unique geologic feature to below a level of significance:

Mitigation Measure

GEO- 1 Discovery of Paleontological Resources during Construction. If evidence of subsurface paleontological resources is found during construction, excavation and other construction activity in that area shall cease and the construction contractor shall contact the City of Victorville Planning Director. With direction from the Planning Director, a paleontologist certified by the County of San Bernardino shall evaluate the find prior to resuming ground disturbing activities in the immediate vicinity. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.

Facts in Support of the Finding: The Project site has a low potential for uncovering paleontological resources since the Project site is underlain by Holocene-age deposits at the surface and Quaternary alluvium at nearly 50 feet below ground surface. The Quaternary alluvium has the

potential to contain fossorial elements, and excavations are anticipated to not to be deep enough to reach the Quaternary alluvium or fossorial elements. However, due to the anticipated variations in subsurface materials, unearthing an unanticipated paleontological resource during Project construction would be potentially significant. The provisions outlined in Mitigation Measure GEO-1 aim to guarantee the appropriate identification and subsequent handling of any noteworthy paleontological resources that might be encountered during ground-disturbing activities linked to the execution of the proposed Project. By implementing the necessary mitigation measures, the potential impacts of the Project on paleontological resources would be diminished to a level that is considered insignificant. (DEIR at 4.6-9 to 4.6-10).

5.2.4 Greenhouse Gas Emissions

Potential significant impact: The EIR evaluated and concluded that the Project could conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Finding: Based on the entire record, the Planning Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measure GHG-1. This Mitigation Measure is adopted and incorporated into the MMRP for the Project and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.7 of the DEIR. The following Mitigation Measure will mitigate Project-level and cumulative impacts related to greenhouse gas emissions to below a level of significance:

Mitigation Measure

GHG-1 GHG Emissions Screening Table Review Measures: The project shall implement the Greenhouse Gas Emissions Screening Table Review Measures (GHG Screening Table Measures) providing for a minimum 100 points per the City's Greenhouse Gas Emissions Screening Table Review form. The City shall verify incorporation of the identified GHG Screening Table Measures or equivalent replacement measures within the Project building plans and site design prior to the issuance of building permit(s) and/or site plans as applicable.

Facts in Support of the Finding: On December 15, 2022, CARB adopted the Final 2022 Scoping Plan Update, which identifies the state's progress towards the statutory 2030 target, while providing a path towards carbon neutrality and reduce greenhouse gases emissions by 85% below 1990 levels by 2045. Recent studies show that the state's existing and proposed regulatory framework will allow the state to reduce its GHG emissions level to 40% below 1990 levels by 2030. The Project would not conflict with any of the 2022 Scoping Plan elements as any regulations adopted would apply directly or indirectly to the Project. Additionally, the Project is consistent with the general plan land use designation, density, building intensity, and applicable policies specified for the Project area in SCAG's Sustainable Community Strategy/Regional Transportation Plan, which pursuant to SB 375 calls for the integration of transportation, land-use and housing policies to plan for achievement of the GHG-emissions target for the region.

Therefore, the Project will have a less than significant impact related to GHG emissions from construction and operation. The Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. Furthermore, the Project will comply with applicable Green Building Standards and the City of Victorville's CAP policies including the completion of the GHG Emissions Screening Table Review Measures with the required Mitigation Measure GHG-1. Individual projects that do not generate operational or construction emissions that exceed the MDAQMD's recommended daily and annual thresholds for project-specific impacts would also not cause a cumulatively considerable increase in GHG, and, therefore, would not be considered to have a significant, adverse GHG impact. **(DEIR at 4.7-24 to 4.7-25).**

5.2.5 Tribal Cultural Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could cause a substantial adverse change in the significance of a tribal cultural resource defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (i) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or (ii) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency will consider the significance of the resource to a California Native American tribe.

Finding: Based on the entire record, the Planning Commission finds that these impacts are potentially significant but can be mitigated to a less than significant level through implementation of Project-Specific Mitigation Measures TCR-1 and TCR-2. These Mitigation Measures are adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.13 of the DEIR. The following Mitigation Measures will mitigate Project-level and cumulative impacts related to tribal cultural resources to below a level of significance:

Mitigation Measures

TCR-1 Discovery of Tribal Cultural Resources During Construction. The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in Mitigation Measure CUL-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. If the find is deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and

Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

TCR-2 Provide Architectural/Cultural Documents to YSMN. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project. Note: Yuhaaviatam of San Manuel Nation on realizes that there may be additional tribes claiming cultural affiliation to the area; however, Yuhaaviatam of San Manuel Na on can only speak for itself. The Tribe has no objection if the agency, developer, and/or archaeologist wishes to consult with other tribes in addition to YSMN and if the Lead Agency wishes to revise the conditions to recognize additional tribes.

Facts in Support of the Finding: There were no resources that were identified as eligible for listing to the California Register of Historic Places within or near the Project site during the cultural resources assessment. Therefore, there would be no impact to known tribal cultural resources. However, On June 28, 2022, the Yuhaaviatam of San Manuel Nation (YSMN) informed the City of Victorville during the AB 52 process that the proposed Project area exists within Serrano ancestral territory and, therefore, is of interest to the Tribe. However, due to the nature and location of the proposed project, and given the YSMN's present state of knowledge, YSMN did not have any concerns with the Project's implementation, as planned, at this time. However, the YSMN requested that Mitigation Measures TCR-1 and TCR-2 be made a part of the project/permit/plan conditions to protect unidentified resources. **(DEIR at 4.13-3).**

The Project site is previously disturbed land and are no resources that have been identified as significant within or near the Project site. Although ground-disturbing activities would occur on previously disturbed land, there is the potential to uncover unanticipated tribal cultural resources. There are no resources that have been identified as eligible for listing to the California Register of Historic Places within or near the Project site. Mitigation Measures TCR-1 and Mitigation Measure TCR-2 would be implemented to avoid potential impacts to tribal cultural resources that may be unearthed by Project construction activities. **(DEIR at 4.13-4).**

5.2.6 Utilities and Service Systems

Potential Significant Impact: The EIR evaluated and concluded that the Project could require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Finding: Based on the entire record, the Planning Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation

of Mitigation Measures BIO-1 through BIO-10, CUL-1, CUL-3, GEO-1, GHG-1, and TCR-1 through TCR-2. These Mitigation Measures are adopted and incorporated into the MMRP for the Project and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.14 of the DEIR. The following Mitigation Measures will mitigate Project-level and cumulative impacts related to impacts from utility infrastructure construction to below a level of significance:

Mitigation Measures

Implement BIO-1 through BIO-10, CUL-1, CUL-3, GEO-1, GHG-1, and TCR-1 through TCR-2.

Facts in Support of Finding: The Project would construct new and expanded utilities. The Project would include the installation of water and wastewater lines within the project site, connecting to existing facilities south on Mojave Drive. The Project also proposes construction of water and sewer lines along the northern border of the Project along Cactus Road, extending sewer lines to Diamond Road to the east and to High Desert Truck Stop, adjacent to U.S. Highway 395 to the west. Installation of water and wastewater lines on the Project site is considered an inherent component of the Project's construction process, and less than significant impacts have been identified throughout this EIR specifically related to installation of the water and sewer lines. Water service to the Project site would be provided by VWD. Water service would connect to the existing 12- inch diameter waterline in Mojave Drive along the southern border of the project site. The new waterlines would extend north on both the eastern and western border of the site and extend across the northern border of the site. Sewer services would connect to existing 10-inch sewer lines along Mojave Drive. The Project proposes to construct new sewer lines along the northern border of the site extending from Diamond Road to approximately 350 feet from U.S. Highway 395, which will connect to the existing sewer lines on Diamond Road. New sewer lines would also be constructed along the western boundary of the Project as well.

The Project would include the installation of an integrated, on-site system of underground storm drainpipes, and an underground pipe retention/infiltration system. The integrated storm water system is designed to capture on-site stormwater runoff flows, convey the runoff across the site, and treat the runoff to minimize the amount of waterborne pollutants transported from the Project site. The site includes an infiltration basin in the northeast portion of the site. Catch basins and storm drains will collect runoff from the roof and the impervious areas throughout and will convey stormwater to the infiltration basin at the low end of the site. A reinforced concrete storm drain is proposed to convey stormwater from the existing two 48-inch culverts to and will outlet to an existing channel east of Onyx Road. This storm drain will outlet through a headwall and will remain within the City of Victorville right-of-way. The Project also would not require the installation of natural gas lines. The Project would also involve utility connections to provide electric power and telecommunications services to the Project site. Installation of dry utilities on the Project site is considered an inherent component of the Project's construction process, and no significant impacts were identified throughout the EIR specifically related to their installation. Construction or installation of the infrastructure and utilities needed to serve the Project will result in a ground disturbance that may impact Biological Resources, Cultural Resources, Geology and Soils (Paleontological Resources), and Tribal Cultural resources. Mitigation Measures BIO-1

through BIO-10, CUL-1, CUL-3, GEO-1, GHG-1, and TCR-1 through TCR-2 are required. With these mitigation measures, the impacts will be less than significant. **(DEIR at 4.14-6 to 4.14-7; Final EIR page 52).**

5.2 ALTERNATIVES TO THE PROPOSED PROJECT

The EIR analyzed two alternative to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives. CEQA requires evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the Project." Thus, the Project objectives must be considered when the Planning Commission is evaluating alternatives.

The DEIR evaluated a No Project/No Development Alternative and a Reduced Intensity Alternative.

5.2.1 Alternative 1: No Project/ No Development Alternative

Pursuant to CEQA Guidelines Section 15126.6(e)(3)(B), the No Project Alternative for a development project on identifiable property is the circumstance under which the proposed Project does not proceed, and the discussion of the No Project Alternative must compare the environmental effects from the Project site remaining in its existing state, versus the environmental effects that would occur if the proposed Project is approved. Accordingly, under the No Project/No Development Alternative, the site would remain in its existing condition and no development would occur.

Because no construction or development would occur and the Project site would remain vacant under the No Project/No Development Alternative, no impacts would occur relative to most of the environmental issue areas evaluated within the DEIR. **(DEIR at 6-4 to 6-6).** However, with regard to land use and planning, this alternative would not help to implement the land uses assumed in the General Plan and would not help to meet substantial and unmet regional demands for this type of building space consistent with SCAG's Connect SoCal. In addition, with regard to hydrology and water quality, since no water quality features would be constructed to treat runoff under this alternative, water quality impacts, including erosion and sedimentation, would be greater under this alternative.

The No Project/No Development Alternative would not meet any of the Project objectives. **(DEIR at 6-7).** CEQA Guidelines Section 15126.6(f)(1) states that among the factors that may be taken into account when addressing the feasibility of alternatives, are site suitability and economic viability; the No Project/No Development Alternative is neither suitable for the site nor economically viable. Although in the short-term this alternative may be feasible, over the long-term it is expected that the owners of the site would seek some productive use of this property and that the Project site would therefore be developed in some form. Therefore, since it can be reasonably anticipated that the site would not remain in an undeveloped state over the long term, this alternative is not feasible. **(DEIR at 6-5).**

Finding: Based on the entire record, the Planning Commission finds that the No Project/No Development Alternative would reduce the environmental impacts associated with the Project. However, the No Project/No Development Alternative would not realize any of the Project Objectives by maintaining the site in its existing condition without development as an attractive warehouse building and without providing local employment.

5.2.2 Alternative 2: Reduced Intensity Alternative

The Reduced Intensity Alternative would consider the development of the Project site with a 20% reduction in building square footage to reduce vehicle and truck trips and significant impacts associated with greenhouse gas emissions and noise. Under this alternative, a total of 877,840 square feet of industrial uses would be constructed, resulting in a reduction of 219,460 square feet from the proposed building. Although the proposed building would be reduced, the development impact area would generally remain the same as the Project. This alternative would generate approximately 520 employees. Access to the site would be similar to the Project with a proportional reduction in the number of parking spaces.

Due to the 20% reduction in building square footage, the Reduced Intensity Alternative would result in a corresponding reduction in the magnitude of some of the environmental impacts that would occur under the Project, although all impacts of the Project are capable of being mitigated to below a level of significance. **(DEIR at 6-7 to 6-9)**. Specifically, the Reduced Intensity Alternative would result in reduced impacts related to air quality, energy, greenhouse gas emissions, noise, and utilities and service systems due to the reduction in square footage and associated vehicular trips. Impacts related to biological resources, cultural resources, geology and soils, hazardous and hazardous materials, hydrology and water quality, land use and planning, transportation and tribal cultural resources would be similar to the Project.

Finding: This alternative would only partially meet Objective 1: To efficiently develop a vacant and underutilized property with industrial uses, consistent with the property's zoning and land use, to help meet the substantial and unmet regional demands for goods movement facilities consistent with the Southern California Association of Governments' 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (SCAG, 2020); and Objective 2: To establish new business to the City of Victorville and thereby provide a more equal jobs to housing balance in the City of Victorville that will reduce the need for members of the local workforce to commute outside the area for employment.

The Reduced Intensity Alternative is considered environmentally superior to the Project because it would have less impacts under five of the environmental topical areas. The reduction in impacts is due to the fact that the smaller building would generate reduced vehicular trips, which would result in a reduction in operational-related impacts, including air quality, GHG emissions, energy, and noise impacts. However, the Reduced Intensity Alternative would not meet the Project Objectives as fully as the proposed Project, and all impacts of the proposed Project are capable of

being reduced to less than significant with mitigation. Therefore, the Reduced Intensity Alternative is rejected.

6.0 CERTIFICATION OF FINAL EIR

The City declares that no new significant information as defined by the CEQA Guidelines, Section 15088.5, has been received by the City after circulation of the EIR that would require recirculation. The Planning Commission certifies the EIR based on the findings and conclusions discussed below.

6.1 FINDINGS

The Project would have the potential for creating significant adverse impacts. These significant adverse environmental impacts have been identified in the EIR and will require mitigation as set forth in the Findings.

6.2 CONCLUSIONS

1. All potentially significant Project-level and cumulative environmental impacts from the implementation of the proposed Project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to less than significant.
2. The No Project/No Development and Reduced Intensity Alternatives have been considered and rejected in favor of the proposed Project.