

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: June 13, 2013

Time: 6:30 P.M.

COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Jim Heywood, Commissioner

Tom Murphy, Commissioner

Tom Steeno, Commissioner

* - * - * - * - * - * - * - *

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.

JUNE 13, 2013

**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 Chris Elvert
Vice Chair William Muller
Commissioner Jim Heywood
Commissioner Tom Murphy
Commissioner Tom Steeno

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: April 11, 2013 Planning Commission Meeting Draft Minutes.

-1-

PUBLIC HEARINGS

- 1. Consideration of Conditional Use Permit CUP13-00002 to construct a 9,500 square foot car wash facility on 1.8 gross acres within the Regional Commercial (RC) District located 280 feet south of Main Street, on the east side of Escondido Avenue. (Applicant: Fred Simab: APN: 3057-011-43)
- 2. Consideration of APP13-00003 for an appeal of the Development Review Committee's denial of Site Plan Review Extension SPRE13-00003, to grant a one-year extension of time for SPR-2007-74, allowing construction of a two-story, 21,047 square foot office building inconsistent with the Main Street and Freeway Corridor Specific Plan at 15621 Main Street. (Applicant: Khalil Kkoshavi: APN: 0413-111-45)

1-1

2-1

- 3. Consideration of Development Code Amendment DCA13-00005, (Applicant: JR's Recycling; Affected Area: Citywide) 3-1

- 4. Consideration of Development Code Amendment DCA13-00001 and Mitigated Negative Declaration ND-2013-01 pertaining to Freeway Pylon Signs. (Applicant: City of Hesperia; Affected Area: Citywide) 4-1

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

5-1

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, Kathy Stine, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, June 6, 2013 at 5:30 p.m. pursuant to California Government Code §54954.2.


Kathy Stine
Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
April 11, 2013
MINUTES

DRAFT

The Regular Meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Elvert 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: Chris Elvert
William Muller
James Heywood
Tom Murphy

Absent: Tom Steeno

Motion by Chris Elvert to excuse the absence of Commissioner Tom Steeno. Seconded by William Muller and passed with the following roll call vote:

AYES: Chris Elvert, William Muller, James Heywood, and Tom Murphy
NOES: None

JOINT PUBLIC COMMENTS

Chair Elvert opened Public Comments at 6:33 p.m.

No comments to consider.

Chair Elvert closed Public Comments at 6:33 p.m.

CONSENT CALENDAR

D. Approval of Minutes: March 14, 2013 Planning Commission Meeting Draft Minutes.

Motion by Chris Elvert to approve the March 14, 2013 Planning Commission Meeting Draft Minutes. Seconded by Tom Murphy and passed with the following roll call vote:

AYES: Chris Elvert, William Muller, James Heywood, and Tom Murphy
NOES: None

PUBLIC HEARING

1. A Conditional Use Permit (CUP) to construct a 2,963 square foot addition to an existing 6,286 square foot retail building, which includes the sale of beer and wine for off-site consumption. (Applicant: Hesperia Main Venture: APN: 0410-134-41 & 42)

Stan Liudahl gave a PowerPoint presentation and stated staff recommended approval of the project.

Chris Elvert wanted clarification regarding the census tract and why some of the other liquor locations in the immediate area don't show on the map.

Assistant City Attorney Jeff Malawy clarified the purpose of the census tract information and the City's CUP requirements.

Chair Elvert opened the Public Hearing at 6:48 p.m.

Representative for Dollar General John Mirau offered to answer questions.

Commissioner James Heywood asked about the alcohol requirement for Dollar General.

John Mirau reiterated that alcohol is not a high percentage of their business but, there were sales incentives for having an ABC license for the store as it is convenient for customers to buy alcohol along with other items at the store as opposed to going to other locations to buy them separately.

Chair Elvert closed the Public Hearing at 6:51 p.m.

Commissioner Tom Murphy stated that improvements to the building would help clean up an eyesore in that area of the city.

Motion by Tom Murphy to adopt Resolution No. PC-2013-01, approving Conditional Use Permit CUP12-10020. Seconded by William Muller and failed with the following roll call vote:

AYES: William Muller, and Tom Murphy
NOES: Chris Elvert, and James Heywood

Motion failed and will continue to City Council.

Chair Chris Elvert and James Heywood stated they voted no due to concerns about the proliferation of alcohol sales in the vicinity.

2. Consideration of Development Code Amendment DCA13-00003, to establish regulations for internet sweepstakes cafes (Applicant: City of Hesperia; Affected Area: Citywide)

Principal Planner Dave Reno, AICP, presented the item to the Commission.

Chair Elvert opened the Public Hearing at 7:02 p.m.

No comments.

Chair Elvert closed the Public Hearing at 7:02 p.m.

Motion by Chris Elvert to approve Resolution No. PC-2013-02 recommending that the City Council adopt Ordinance No. 2013-06, regarding Internet Sweepstakes Cafes as amended on page 2 - Section 3 of the Ordinance to state "otherwise permitted" rather than "regulated". Seconded by James Heywood and passed with the following roll call vote:

AYES: Chris Elvert, William Muller, James Heywood, and Tom Murphy
NOES: None

3. Capital Improvement Program Report by Scott Priester, Director of Development Services.

Director of Development Services Scott Priester gave a PowerPoint presentation update on 2013-2014 CIP conformity.

Chair Elvert opened the Public Hearing at 7:53 p.m.

Sophie Steeno spoke regarding the changes with the fire station plans and had other concerns and suggested Staff consider local bidders when preparing the RFP.

Chair Elvert closed the Public Hearing at 8:00 p.m.

Motion by Chris Elvert to adopt Resolution No. PC-2013-03, finding that the proposed 2013-14 Capital Improvement Program is in conformance with the Hesperia General Plan, and direct that this finding be reported to the City Council, Hesperia Water and Fire Protection Districts. Seconded by Tom Murphy and passed with the following roll call vote:

AYES: Chris Elvert, William Muller, James Heywood, and Tom Murphy
NOES: None

PRINCIPAL PLANNER'S REPORT

Dave Reno updated the commission on the new Development Impact Fee reduction.

E. DRC Comments

Dave Reno updated the Commission on recent DRC items.

PLANNING COMMISSION BUSINESS OR REPORTS

Chair Elvert stated that he will be absent at next month's meeting.

ADJOURNMENT

Chair Elvert closed the meeting at 8:16 p.m. until the next Planning Commission meeting on Thursday, May 9, 2013.

Chris Elvert
Chair

By: Kathy Stine,
Commission Secretary

City of Hesperia
STAFF REPORT

DATE: June 13, 2013
TO: Planning Commission
FROM:  Dave Reno, AICP, Principal Planner
BY:  Daniel S. Alcayaga, AICP, Senior Planner
SUBJECT: Conditional Use Permit CUP13-00002; Applicant: Fred Simab; APN: 3057-011-43

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2013-07, approving CUP13-00002.

BACKGROUND

Proposal: A Conditional Use Permit to allow a 9,500 square foot car wash facility on 1.8 gross acres within a commercial shopping center (Attachment 1).

Location: 280 feet south of Main Street, on the east side of Escondido Avenue.

Current General Plan, Zoning and Land Uses: The site is within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated as noted on Attachment 2. The Main Street Marketplace is subdivided into eight parcels, including two large parcels and six smaller outparcels. Wal-Mart occupies the larger parcel. On April 10, 2013, Panda Express received approval of a site plan review for a 2,230 square foot restaurant on Parcel 4 to the south. The remaining parcels are currently vacant. The Main Street Marketplace encompasses the properties to the north, south and east of the project. The properties on the opposite side of Escondido Avenue to the west are currently vacant (Attachment 3).

ISSUES/ANALYSIS

The applicant proposes a car wash on Parcel 5 of the Main Street Marketplace (Wal-Mart Center). The developer operates the Victorville Speedwash located on the northeast corner of Industrial Blvd and Bear Valley Road. The project applicant would like to construct a similar facility in Hesperia, which would operate similar to the Victorville Speedwash. The proposed Hesperia Speedwash would offer car washes to regular customers and club members. Club members will be able to use both locations with the same membership. The proposed business will have three automated pay stations with radio frequency identification (RFID) technology for club members.

The Main Street and Freeway Corridor Specific Plan permits a car wash within the Regional Commercial zone with approval of a Conditional Use Permit (CUP). The project parcel was originally entitled as part of the Wal-Mart's CUP; and intended for two, retail/restaurant buildings totaling 10,500 square feet in size. The original approval included similar auto related services, including a gas station on Parcel 4 and a lube facility in conjunction with Wal-Mart. A fuel station was identified on the parcel that Panda Express will occupy. Staff believes that the proposed use is similar to other uses approved on the property and falls within the type of commercial uses that can be approved within the RC zone.

Four buildings are proposed including a car wash, an office, a vending building, and a vacuum equipment building. The main building is aligned parallel to Escondido Avenue and situated 25 feet from the street boundary. The building includes two tunnels. One tunnel provides regular washes and the second tunnel provides car waxes. A separate vacuum building includes equipment, a portable trash bin, and a trash enclosure. The vending building would provide car wash related accessories and services. Three canopy structures are also proposed, one of which covers the pay station; and two of which cover the vacuum stations. A self-service vacuum area lies east of the tunnels.

The Development Code requires a minimum of 10 parking spaces for automated car wash facilities. A total of 25 parking spaces, including two accessible (handicap) spaces, are proposed. Two parking spaces are regular; and 23 spaces, including the accessible parking spaces, double as vacuum stations. Parking spaces are designed at a 65 degree angle and have corresponding drive aisles that measure 17 feet wide. On-site vehicular circulation flows one-way only. Angled parking and one-way drive aisles are provided within the existing Wal-Mart Center. The San Bernardino County Fire Prevention Department determined that the drive aisles currently surrounding the parcel are sufficient for emergency access and not needed within the car wash development.

The design of the building complies with the architectural guidelines of the Main Street and Freeway Corridor Specific Plan. Staff believes that the building design will be an attractive addition to Escondido Avenue. The building includes varied roof and wall planes, as well as angled planes and good use of glass. All buildings have a combination of materials and colors including stucco, accent colors, and concrete masonry block with a burnished finish. The office building provides a significant roof feature that extends above the roof line. Additional landscaping will be provided to soften the look of the tunnels from street view. A total of 15,148 square feet (23.5%) of landscaping will be provided.

Noise Levels: Pursuant to the noise regulations, noise generated by the business shall not exceed 65 decibels (db). The standard is increased when ambient noise levels exceed the standard. At the project location, the ambient noise levels, generated by traffic on Main Street and Escondido Avenue, produce between 77 to 82 db. Winds speeds of up to 12 mph were reported when the readings were taken. The dryer and vacuums are expected to produce no more than 73 db at property line. Staff determined that the proposed use will not exceed ambient noise levels; and therefore, will comply with the noise standards.

Drainage: A drainage system for the entire development was constructed as part of the Wal-Mart Center. The drainage system was designed to handle off-site flows and additional run-off from impervious areas. On the project parcel, storm water run-off will be captured with an on-site storm drain basin; conveyed underground with a piping system through the center; and discharged into a drainage basin behind Wal-Mart.

Water and Sewer: The Wal-Mart Center includes a utility easement along the main drive aisles that loop through the parking lot. The easement abuts the project to the east. The development is conditioned to connect to an existing eight-inch sewer main located within said easement and a 12-inch water line in Escondido Avenue. In addition, the proposed project will use an underground water recycling system to recapture and reuse some of the water from the car wash. The project will recapture and reuse 82% of the water used.

Traffic/Street Improvements: Street improvements, including curb, gutter, and sidewalk along Escondido Avenue were constructed as part of the Wal-Mart Center. Therefore, off-site street improvements are not required to be constructed. The applicant estimates the car wash will have 60-75 vehicle trips during a peak hour. Consistent with City policy, the developer is required to pay development impact fees to offset traffic impacts on arterial roads and intersections.

Environmental: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This exemption applies to developments on sites no larger than five acres, which are consistent with the General Plan and are substantially surrounded by urban uses. The character of the proposed use does not significantly deviate from the intent of the original approval and is consistent with the certified Environmental Impact Report (EIR) for the Wal-Mart Center.

Conclusion: The project conforms to the policies of the City's General Plan as well as the intent of the Specific Plan.

FISCAL IMPACT

None.

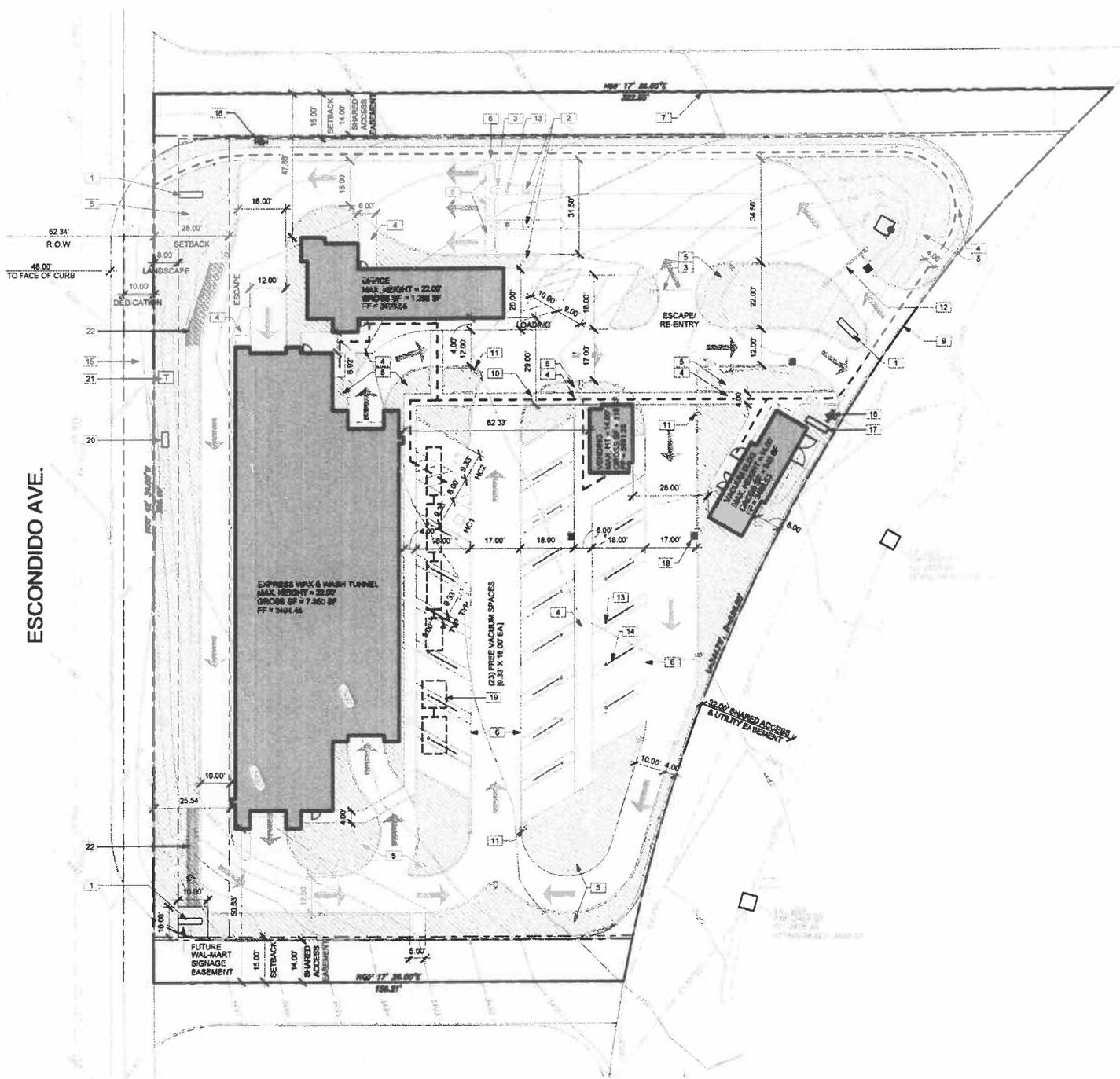
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site plan
2. Land Use Map
3. Aerial Photo
4. Architectural Elevations
5. Resolution No. PC-2013-07, with list of conditions (CUP)

ATTACHMENT 1



APPLICANT(S):
FRED SIMAB

FILE NO(S): CUP13-00002

LOCATION:
280 FEET SOUTH OF MAIN STREET, ON THE EAST SIDE OF ESCONDIDO AVENUE

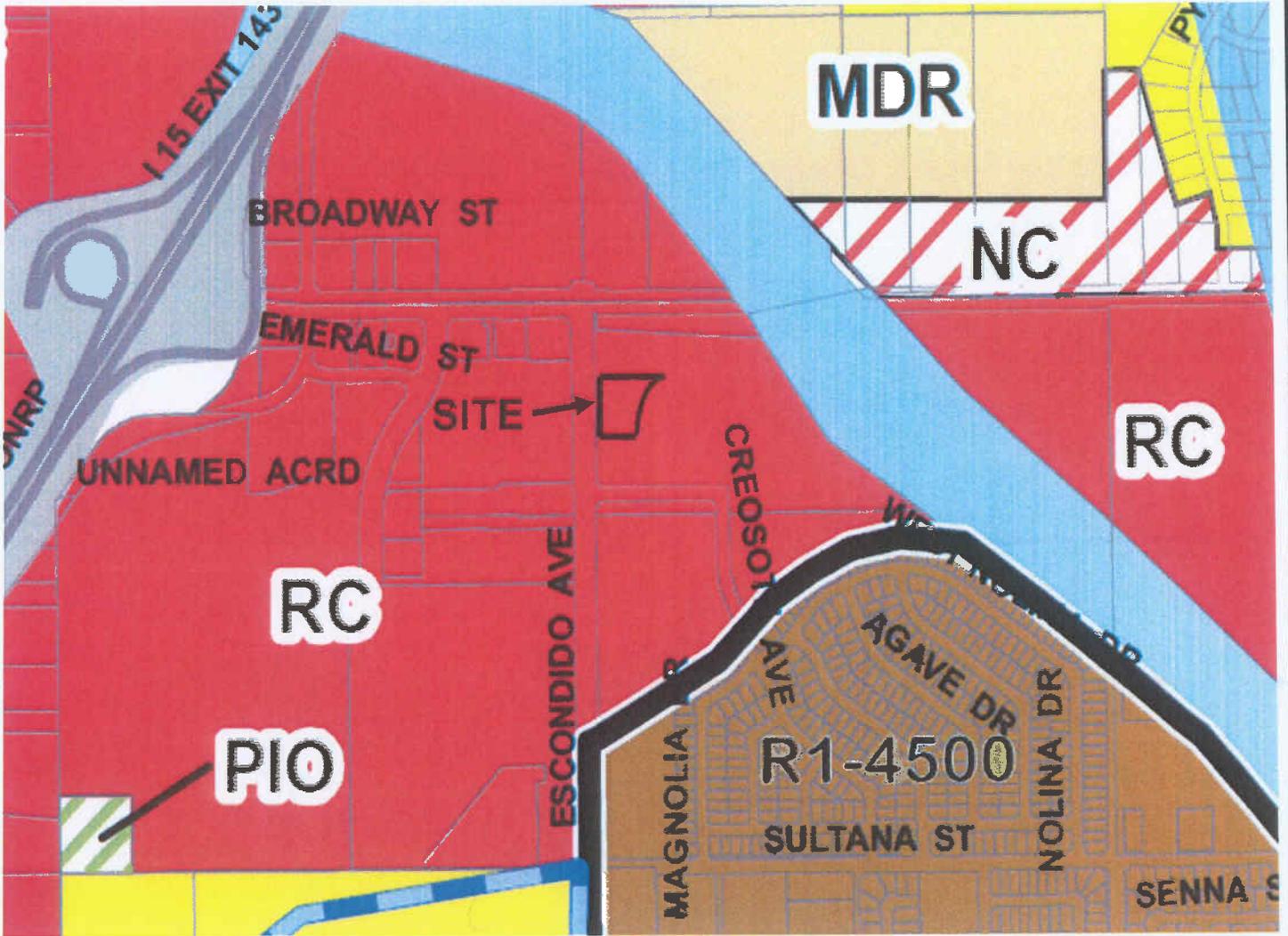
APN(S):
3057-011-43

PROPOSAL:
A CONDITIONAL USE PERMIT TO ALLOW A 9,500 SQUARE FOOT CAR WASH FACILITY ON 1.8 GROSS ACRES



SITE PLAN

ATTACHMENT 2



APPLICANT(S):
FRED SIMAB

FILE NO(S): CUP13-00002

LOCATION:
280 FEET SOUTH OF MAIN STREET, ON THE EAST SIDE OF ESCONDIDO AVENUE

APN(S):
3057-011-43

PROPOSAL:
A CONDITIONAL USE PERMIT TO ALLOW A 9,500 SQUARE FOOT CAR WASH FACILITY ON 1.8 GROSS ACRES



ATTACHMENT 3



APPLICANT(S):
FRED SIMAB

FILE NO(S): CUP13-00002

LOCATION:
280 FEET SOUTH OF MAIN STREET, ON THE EAST SIDE OF ESCONDIDO AVENUE

APN(S):
3057-011-43

PROPOSAL:
A CONDITIONAL USE PERMIT TO ALLOW A 9,500 SQUARE FOOT CAR WASH FACILITY ON 1.8 GROSS ACRES

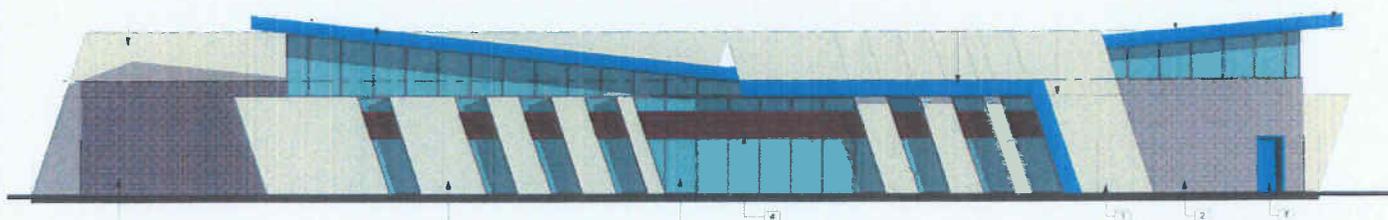


2012 AERIAL PHOTO

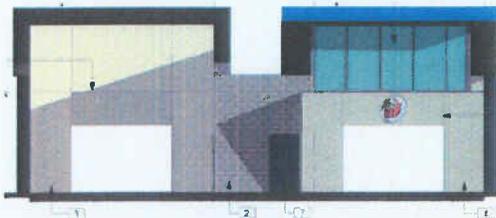
ATTACHMENT 4.1



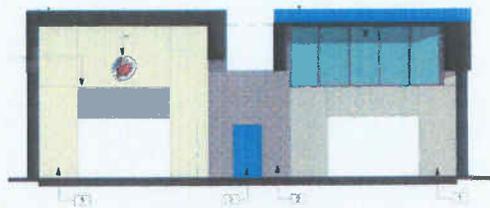
WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

APPLICANT(S):
FRED SIMAB

FILE NO(S): CUP13-00002

LOCATION:
280 FEET SOUTH OF MAIN STREET, ON THE EAST SIDE OF ESCONDIDO AVENUE

APN(S):
3057-011-43

PROPOSAL:
A CONDITIONAL USE PERMIT TO ALLOW A 9,500 SQUARE FOOT CAR WASH FACILITY ON 1.8 GROSS ACRES



ARCHITECTURAL ELEVATIONS

ATTACHMENT 4.2



NORTH ELEVATION



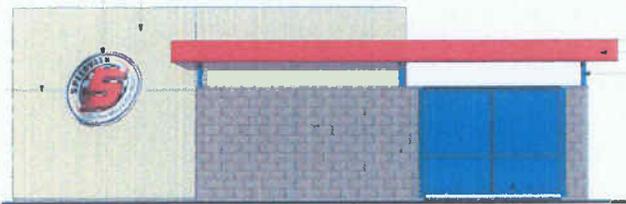
EAST ELEVATION



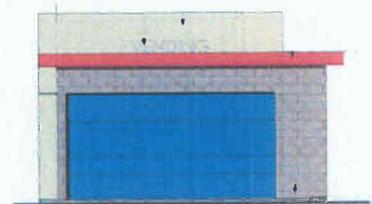
SOUTH ELEVATION



WEST ELEVATION



VACUUM BLDG - EAST ELEVATION



VENDING BLDG - SOUTH ELEVATION

APPLICANT(S):
FRED SIMAB

FILE NO(S): CUP13-00002

LOCATION:
280 FEET SOUTH OF MAIN STREET, ON THE EAST SIDE OF ESCONDIDO AVENUE

APN(S):
3057-011-43

PROPOSAL:
A CONDITIONAL USE PERMIT TO ALLOW A 9,500 SQUARE FOOT CAR WASH FACILITY ON 1.8 GROSS ACRES



ARCHITECTURAL ELEVATIONS

ATTACHMENT 5

RESOLUTION NO. PC-2013-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A 9,500 SQUARE FOOT CAR WASH FACILITY ON 1.8 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED 280 FEET SOUTH OF MAIN STREET, ON THE EAST SIDE OF ESCONDIDO AVENUE (CUP13-00002)

WHEREAS, Fred Simab has filed an application requesting approval of Conditional Use Permit CUP13-00002 described herein (hereinafter referred to as "Application"); and

WHEREAS, The Application applies to 1.8 gross acres within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan, located 280 feet south of Main Street, on the east side of Escondido Avenue and consists of Assessor's Parcel Numbers 3057-011-43; and

WHEREAS, The property in question is currently vacant. The Main Street Marketplace, which includes a total of 8 parcels, encompasses the properties to the north, south and east. Wal-Mart occupies the larger parcel and the remaining parcels are currently vacant. On April 10, 2013, Panda Express received approval of a site plan review for a 2,230 square foot restaurant on Parcel 4 to the south. The properties on the opposite side of Escondido Avenue to the west are currently vacant; and

WHEREAS, The subject property is within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan. The surrounding properties are also within the RC zone; and

WHEREAS, The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This applies to developments on sites no larger than five acres, which are consistent with the General Plan and the applicable zone and are substantially surrounded by urban uses; and

WHEREAS, On June 13, 2013, the Planning Commission of the City of Hesperia conducted a hearing on the 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 this Commission during the above-referenced June 13, 2013 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) 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.
- (b) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the RC zone of the Main Street and Freeway Corridor Specific Plan. Surrounding properties are also within the RC zone.
- (c) The proposed project is consistent with the goals, policies, standards and maps of the adopted Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations allowing a vehicle wash facility within the RC zone of the Main Street and Freeway Corridor Specific Plan. In addition, the development complies with standards for landscaping, driveway aisles, parking stall dimensions, building heights, fire lanes and turn-around, trash enclosures, and loading areas. The development complies with the Americans with Disabilities Act (ADA) by providing the required accessible parking spaces and path of travel. The development will also be constructed pursuant to the California Building and Fire Codes and adopted amendments.
- (d) The site for the proposed use will have adequate access based upon the site's access from Escondido Avenue and Main Street, which have been constructed to City standards.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the RC zone of the Main Street and Freeway Corridor Specific Plan. A vehicle wash facility is an allowable use with approval of a Conditional Use Permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP13-00002 subject to the conditions of approval as shown in Attachment "A".

Section 4. The Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 13th day of June 2013.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP13-00002

Approval Date: June 13, 2013

Effective Date: June 25, 2013

Expiration Date: June 25, 2016

This list of conditions applies to a Conditional Use Permit to allow a 9,500 square foot car wash facility on 1.8 gross acres within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan, located 280 feet south of Main Street, on the east side of Escondido Avenue. Any change of use or expansion of area may require approval of a revised Conditional Use Permit application (Applicant: Fred Simab; APN: 3057-011-43).

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:

- _____ 1. **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. In addition, a percolation report shall be performed to substantiate the percolation of the on-site drainage retention areas. Include "R" value testing and pavement recommendations for public streets (E, B)

- _____ 2. **Title Report.** The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)

- _____ 3. **Erosion Control.** The Developer shall provide an erosion control plan with the improvement plans submittal per City Standards. (E)

- _____ 4. **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)

- _____ 5. **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 control during construction. (E)

- _____ 6. **Plan Check Fees.** Along with improvement plan submittal, the Developer shall pay applicable plan-checking fees. Improvement Plans and requested studies shall be submitted as a package. (E)

- _____ 7. **Easement, (Water, Sewer and Storm Drain).** The Developer shall submit a "Grant of Easement" to the City's Engineering Department for review and approval if needed. At time of submittal the Developer shall complete the City's "application for document review" and pay all applicable fees. (E)
- _____ 8. **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)
- _____ 9. **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:

- _____ 10. **Approval of Improvement Plans.** All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)
- _____ 11. **Grant of Easement for Double Detector Check Valve.** The Developer shall grant to the City an easement for any part of a required double-detector check valve that encroaches onto private property. (E)
- _____ 12. **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)

- _____ 13. **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. (E)
- _____ 14. **Grading Plan.** The Developer shall design a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building “footprints” and proposed development of the retention basins, as a minimum. The site grading and building pad preparation shall include the recommendations provided by the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw), top of footing (tf), and the finish grade (fg) elevations. (E)
- _____ 15. **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 affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developer’s expense. (E)
- A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
 - B. 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 existing 12” ACP water line in Escondido Street per City Standards.
 - C. It is the Developer’s responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing on-site 8” PVC sewer main per City standards.
 - D. 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.
- _____ 16. **Electronic Copies.** The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City’s Engineering Department. (E)
- _____ 17. **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.
- _____ 18. **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, P)

- _____ 19. **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: (E, P)
- A. A four-foot wide handicapped accessible route of travel shall be provided from the on-site facility to the street as approved by Building Department;
 - B. A minimum four-foot wide landscaped area and a one-foot sidewalk in addition to the six-inch concrete curb shall be installed at the end of all parking space rows as approved by Planning staff;
- _____ 20. **Parking Easement.** A parking easement shall be recorded which allows for the perpetual use of the off-street parking spaces on the Main Street Marketplace Center for the benefit of the car wash. The easement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)
- _____ 21. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)
- _____ 22. **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.
- _____ 23. **Water System.** The water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using the California Fire Code. The Fire Flow for this project shall be: 1500 GPM for a 2 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 7,350 sq. ft. structure.
- _____ 24. **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 and 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 three hundred (300) feet from any portion of a structure.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 25. **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)

- _____ 26. **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)
- _____ 27. **Development Fees.** The Developer shall pay required development fees as follows:
- A. School Fees (B)
- _____ 28. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)
- _____ 29. **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. (RPD)
- _____ 30. **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.
- _____ 31. **Fire Alarm.** An automatic fire sprinkler monitoring fire alarm system complying with the California Fire Code, NFPA 72 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.

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 32. **As-Built Plans.** The Developer shall provide as-built plans. (E)
- _____ 33. **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. (E)

- _____ 34. **Development Fees.** The Developer shall pay required development fees as follows:
- A. Development Impact Fees (B)
 - B. Utility Fees (P)
- _____ 35. **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)
- _____ 36. **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)
- _____ 37. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department.
- _____ 38. **KNOX Box®.** An approved Fire Department key box is required.
- _____ 39. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.

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) | Hesperia Recreation and Park District | 244-5488 |



DATE: June 13, 2013
TO: Planning Commission
FROM:  Dave Reno, AICP, Principal Planner
BY:  Stan Liudahl, AICP, Senior Planner
SUBJECT: Appeal APP13-00003; Appellant: Khalil Khosravi; APN: 0413-111-45

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2013-06, denying Appeal APP13-00003, upholding the Development Review Committee's denial of Site Plan Review Extension SPRE13-00003, which would grant a one-year extension of Site Plan Review SPR-2007-74 (Attachment 1).

BACKGROUND

Proposal: This appeal was filed by Doug Browne, agent for Khalil Khosravi, on April 8, 2013. Granting of this appeal would overturn the Development Review Committee's (DRC's) denial of Site Plan Review Extension SPRE13-00003, which occurred on March 27, 2013 (Attachment 2). The DRC denied SPRE13-00003 due to the project's nonconformance with the Main Street and Freeway Corridor Specific Plan (Specific Plan), which became effective on October 16, 2008. SPR-2007-74 was originally approved by the Development Review Committee (DRC) on April 15, 2009 despite its then nonconformity because the application had been considered duly-filed prior to adoption of the Specific Plan.

Location: The 1.1 gross acre project site is located approximately 380 feet west of Ninth Avenue at 15621 Main Street.

Current General, Plan, Zoning and Land Uses: The site is within the Pedestrian Commercial (PC) Zone of the Main Street and Freeway Corridor Specific Plan and is vacant. A single-family residence existed on the site in the past, but it was demolished in 2007. The surrounding land is designated as noted on Attachment 3. The administrative offices of the Hesperia Unified School District and a single-family residence exist to the north. The property south of the site contains an existing single-family residence. The property to the east is occupied by a Pep Boys auto parts and repair business, and the lot to the west is vacant (Attachment 4).

ISSUES/ANALYSIS

Land Use: The proposed two-story, 21,047 square foot medical office building approved under SPR-2007-74 (Attachment 5) is inconsistent with the PC Zone of the Specific Plan. The PC Zone was specifically designed to attract retail uses that will contribute to the "walkable" downtown envisioned under the Specific Plan. A medical office building does not fit into the range of retail uses listed within the PC Zone. In fact, medical offices are specifically listed as prohibited within the PC Zone.

Site Plan Review SPR-2007-74 was approved by the DRC based upon its compliance with the General Commercial (C-2) Zone standards, which were in effect at the time that SPR-2007-74 was filed. At that time, medical offices were allowed with approval of a Site Plan Review application. Inasmuch as this project had been filed prior to adoption of the Specific Plan, it was determined that the project would be able to be approved consistent with the C-2 regulations.

The applicant was given notice of the project's nonconformance with the Specific Plan prior to project approval on April 15, 2009. The DRC approved the project after the Specific Plan had been adopted on October 16, 2008, based upon the project being considered duly-filed prior to the Specific Plan's approval. Further, on October 20, 2009, the City Council approved Development Code Amendment DCA09-10228, which provided an automatic extension of time for all projects which were still in effect as of January 1, 2007. Otherwise, SPR-2007-74 would have expired over a year ago.

Table 1 below provides the chronological order with regard to the entitlement for this project. In a letter dated March 29, 2012, the Planning Division informed the applicant that it would not support any extensions of time for this project (Attachment 7). The applicant filed the building and grading plans for plan check review shortly before the DRC decision to deny the extension. Table 2 shows the applicant's progress towards obtaining these permits. To date, the plans require revisions. Updated plans have not yet been resubmitted. Issuance of building permits prior to expiration of the Site Plan Review application, starting construction and progressing steadily, with regular inspector approvals of construction work, would have been the only way to maintain the valid "nonconforming" land use entitlement.

Table 1: Timeline of the Project Entitlement

| Land Use Entitlement Activity | Filing Date | Approval Date | Denial Date | Expiration Date |
|---------------------------------------|-------------|---------------|-------------|-----------------|
| Site Plan Review SPR-2007-74 | 10/22/2007 | 04/15/2009 | | 04/28/2011 |
| Extension of time per DCA09-10228 | 07/22/2009 | 10/20/2009 | | 04/28/2013 |
| Extension of time per SPRE13-00003 | 02/27/2013 | | 03/27/2013 | 04/28/2013 |
| Appeal APP13-00003 of the denied ext. | 04/08/2013 | | | |

Table 2: Permit Activity

| Permit Activity | Filing Date | Review Date | Issuance Date | Expiration Date |
|---|-------------|-------------|---------------|-----------------|
| Demolition of the single-family residence | 04/30/2007 | 04/30/2007 | 04/30/2007 | |
| Building Plans COM13-00041 | 03/12/2013 | 03/28/2013 | | |
| Grading Plans PR13-00004 | 03/12/2013 | 03/28/2013 | | |

The proposed building is inconsistent with some of the site development regulations, including the building setback and maximum Floor Area Ratio (FAR) restrictions. First, the Specific Plan requires that buildings be constructed to the front property line and prohibits installation of parking spaces within the front yard. The building authorized by SPR-2007-74 is shown 96 feet from the front property line, with 13 parking spaces between the front property line and the building as shown on Attachment 1. Secondly, the PC Zone does not allow a FAR above 0.35. The 21,047 square foot building with the 28,789 square foot garage beneath on this 1.1 gross acre lot will have a FAR of 0.99. This is nearly three times the allowable FAR.

The architecture of the building as originally proposed would have met the architectural requirements of the Specific Plan, based upon the large openings in the walls of the covered garage along the side property lines. These large first floor openings reduce the building's visual impact upon adjacent properties (Attachment 6). However, it was determined by the Building Division during plan check review that these large openings in the walls of the parking garage along these property lines are not permitted, due to their proximity to the side property lines. At most, only very small openings are allowed on the first floor, which has a dramatic visual impact upon the exterior building elevations, particularly from the adjacent properties. Although a portion of the second floor will be inset 10 feet away from the side property lines and contains planters and patios, the resulting architecture will not meet the requirements of the Specific Plan, due to the unadorned walls of the building's first floor.

Drainage: The site is not directly impacted by a major drainage flow.

Water and Sewer: The site is adjacent to an existing 10-inch sewer line and a 12-inch water line in Main Street.

Environmental: Denial of a project is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Section 15270, Projects Which Are Disapproved.

FISCAL IMPACT

None.

Conclusion: This project does not conform to the policies of the Specific Plan, most particularly the Pedestrian Commercial (PC) land use policies. This area was specifically designed to attract retail uses that will contribute to the "walkable" downtown envisioned under the Specific Plan. A medical office building does not fit into the range of retail uses listed within the PC Zone. In fact, medical offices are listed as prohibited within the PC Zone.

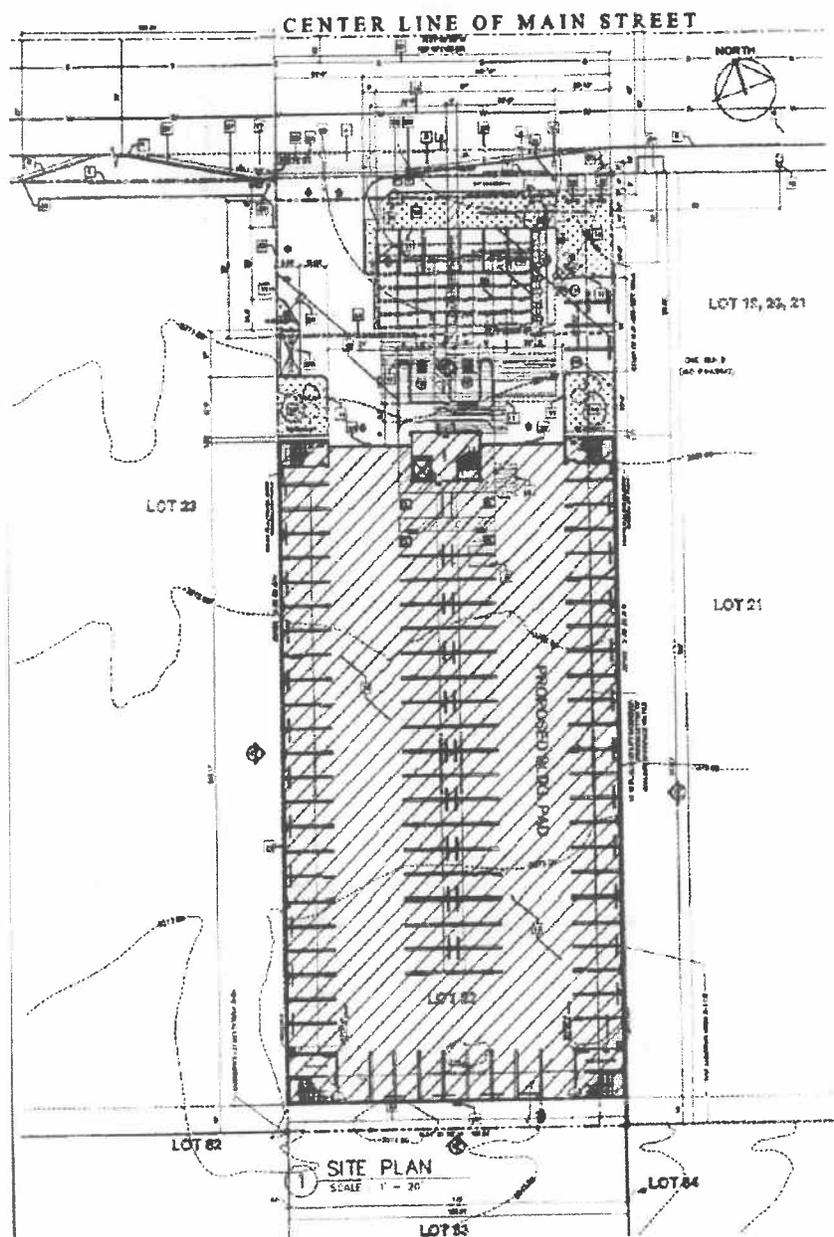
ALTERNATIVE(S)

1. The Planning Commission may decide to grant the appeal, allowing the proposed one-year extension of time under Site Plan Review Extension SPRE13-00003. Inasmuch as the project is inconsistent with the land use pattern and does not meet development standards of the Specific Plan, staff does not support this alternative.
2. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site plan
2. Application for APP13-00003
3. General Plan map
4. Aerial photo
5. Floor plans
6. Exterior building elevations as proposed
7. March 29, 2012 letter to Khalil Khosravi regarding extending the entitlement
8. Resolution No. PC-2013-06

ATTACHMENT 1



| | |
|--|--|
| <p>APPLICANT(S):
KHALIL KHOSRAVI</p> | <p>FILE NO(S):
APP13-00003
SPRE13-00003
SPR-2007-74</p> |
| <p>LOCATION:
ON THE SOUTH SIDE OF MAIN STREET, APPROXIMATELY 380 FEET WEST OF NINTH AVENUE</p> | <p>APNs:
0413-111-45</p> |
| <p>PROPOSAL:
CONSIDERATION OF AN APPEAL OF THE DENIAL OF SITE PLAN REVIEW EXTENSION SPRE13-00003, WHICH WOULD GRANT A ONE-YEAR EXTENSION OF TIME FOR SITE PLAN REVIEW SPR-2007-74, TO CONSTRUCT A TWO-STORY, 21,047 SQUARE FOOT MEDICAL OFFICE BUILDING</p> | |



SITE PLAN

ATTACHMENT 2

APP13-00003

Filed 04/08/13

CITY OF HESPERIA
COMMUNITY DEVELOPMENT DEPARTMENT
9700 Seventh Avenue
Hesperia, CA 92345
(760) 947-1200



APPLICATION FOR APPEAL

FEES

\$311.00 Appeal from Staff to Planning Commission or,
\$324.00 Appeal from Planning Commission to City Council

NOTICE: This form must be filed prior to the effective action date for the project action being appealed (normally 10 days). Appeal applications received after this time period will not be accepted.

As every project action is based upon a set of findings and conditions, you should focus your appeal toward changing those findings, and/or conditions. If you need assistance, contact the City of Hesperia, Planning Division at 947-1200.

For appeals to Planning Commission, completed application should be submitted with the specified fee, to the Community Development Department, 15776 Main Street, Hesperia.

You may attach additional pages or other documentation to this application.

Project Action Date: SPR 08-10003/SPR-2007-74
DENIAL BY STAFF AFTER REQUEST FOR EXPANSION

File No.: _____ Date Appeal Filed: APRIL 8 2013

Project Applicant(s): DOUG BROWNE AGENT FOR KHANUKITOSRANI

Appellant's Name: DOUG BROWNE

Appellant's Address: P.O. BX 18021

City: ANANTAM Zip: 42817 Phone No.: 714-420-0060

Assessor's Parcel No. of Subject Property: 0413-111-45

General Location of Property: 15621 MAIN (W. OF NINTH)

APPEAL STATEMENT

1. I/We hereby appeal to the City of Hesperia: (Check One)

Planning Commission

City Council

2. I/We are appealing the project action taken to:

DENY the project DENY the project without prejudice

APPROVE the project APPROVE the project with conditions (attach a copy of the conditions, if they are the subject of the appeal).

ADOPT a Negative Declaration

OTHER (specify) _____

3. Detail what is being appealed and what action or change you seek. Specifically address the findings, mitigation measures, conditions and/or policies with which you disagree. Also, state exactly what action/ changes you would favor.

A REQUESTED 1-YEAR EXTENSION TO COMMENCE CONSTRUCTION WAS SUBMITTED TO PLANNING STAFF & DENIED BY THE DRS ON APPROXIMATELY MARCH 18, 2013.

4. State why you are appealing - be specific. Reference any errors or omissions - attach any supporting documentation.

WE APPEAL TO RECEIVE AN EXTENSION TO COMPLETE PARTNERSHIP CONTRACTS AND FUNDING FOR A PROJECT NOW VIABLE W/ ECONOMIC IMPROVEMENT TO CONSTRUCT OUR 80-EMPLOYEE FACILITY. THIS IS A NEIGHBORHOOD-FRIENDLY, NON-HOSPITAL USE

I/We certify that I/We are the:

Legal Owner(s)

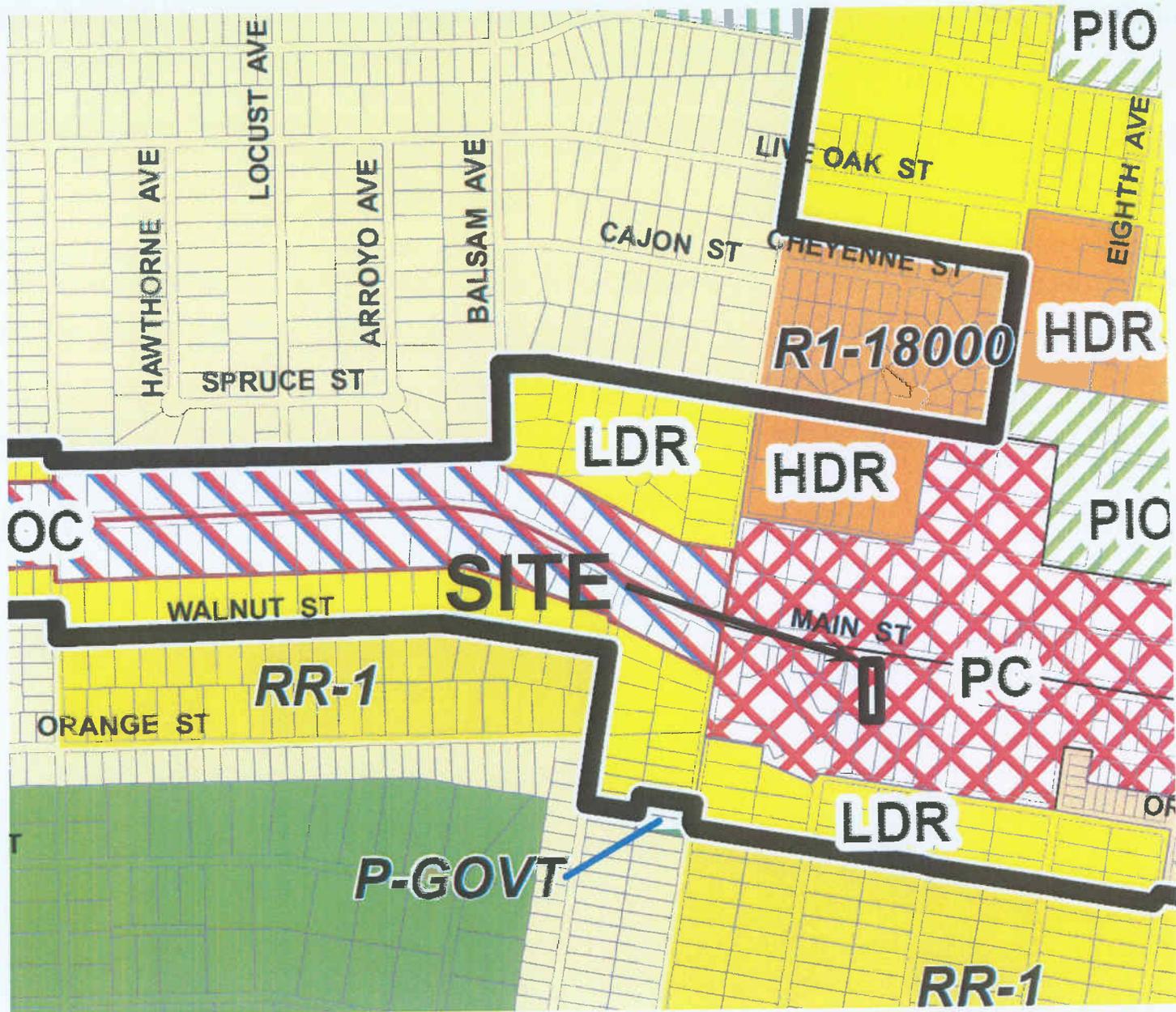
Authorized Legal Agent(s)

Other Interested Person(s)

 Agent/APPLICANT FOR KAZAL KHOSRAVI
Signature of Appellant(s)

DATE: 4-8-2013

ATTACHMENT 3



APPLICANT(S):
KHALIL KHOSRAVI

FILE NO(S):
APP13-00003
SPRE13-00003
SPR-2007-74

LOCATION:
ON THE SOUTH SIDE OF MAIN STREET, APPROXIMATELY 380 FEET WEST
OF NINTH AVENUE

APNs:
0413-111-45

PROPOSAL:
CONSIDERATION OF AN APPEAL OF THE DENIAL OF SITE PLAN REVIEW EXTENSION
SPRE13-00003, WHICH WOULD GRANT A ONE-YEAR EXTENSION OF TIME FOR SITE
PLAN REVIEW SPR-2007-74, TO CONSTRUCT A TWO-STORY, 21,047 SQUARE FOOT
MEDICAL OFFICE BUILDING



GENERAL PLAN MAP

ATTACHMENT 4



APPLICANT(S):
KHALIL KHOSRAVI

FILE NO(S):
APP13-00003
SPRE13-00003
SPR-2007-74

LOCATION:
ON THE SOUTH SIDE OF MAIN STREET, APPROXIMATELY 380 FEET WEST
OF NINTH AVENUE

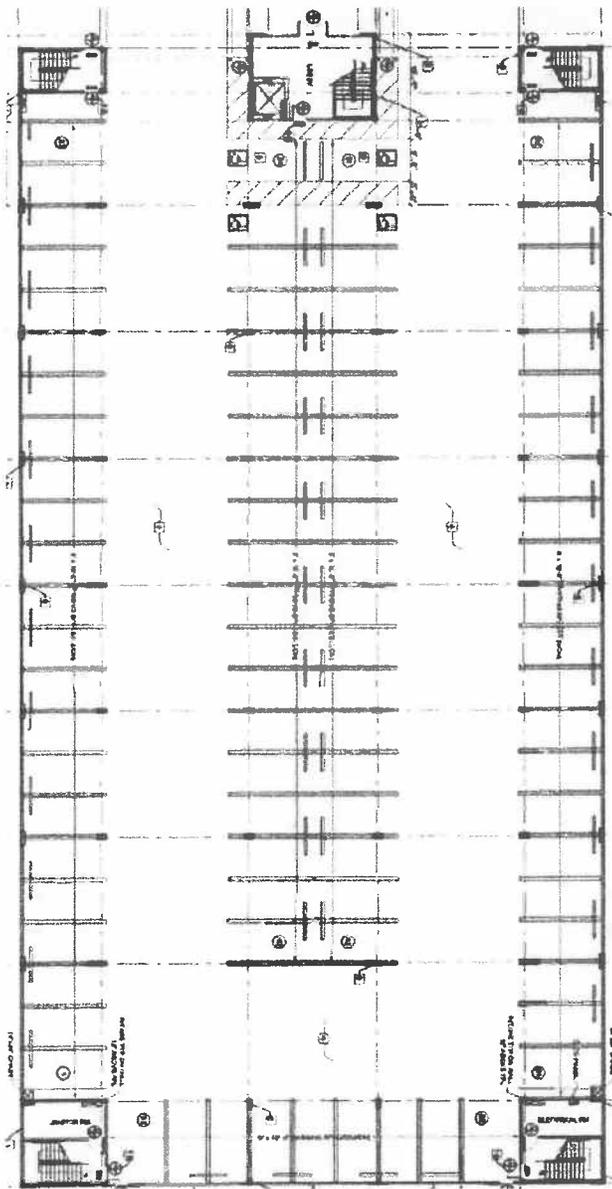
APNs:
0413-111-45

PROPOSAL:
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PLAN REVIEW SPR-2007-74, TO CONSTRUCT A TWO-STORY, 21,047 SQUARE FOOT
MEDICAL OFFICE BUILDING

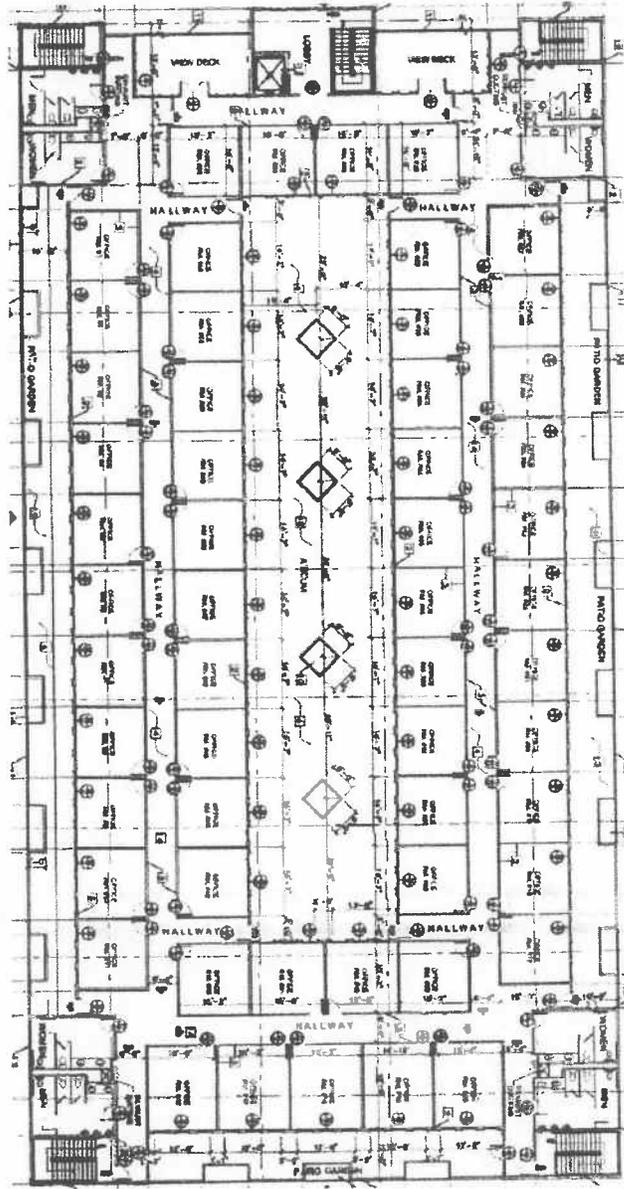


AERIAL PHOTO

ATTACHMENT 5



First Floor



Second Floor

APPLICANT(S):
KHALIL KHOSRAVI

FILE NO(S):
APP13-00003
SPRE13-00003
SPR-2007-74

LOCATION:
ON THE SOUTH SIDE OF MAIN STREET, APPROXIMATELY 380 FEET WEST
OF NINTH AVENUE

APNs:
0413-111-45

PROPOSAL:
CONSIDERATION OF AN APPEAL OF THE DENIAL OF SITE PLAN REVIEW EXTENSION
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PLAN REVIEW SPR-2007-74, TO CONSTRUCT A TWO-STORY, 21,047 SQUARE FOOT
MEDICAL OFFICE BUILDING



FLOOR PLANS

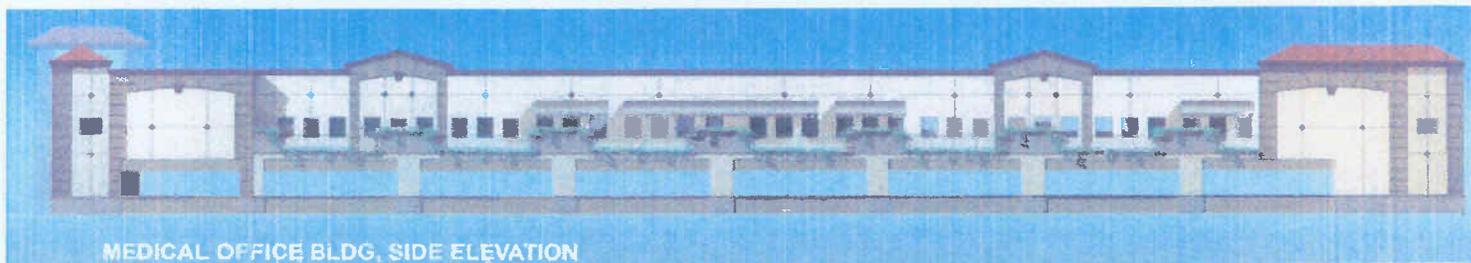
ATTACHMENT 6



MEDICAL OFFICE BLDG. FRONT ELEVATION



MEDICAL OFFICE BLDG. REAR ELEVATION



MEDICAL OFFICE BLDG. SIDE ELEVATION

APPLICANT(S):
KHALIL KHOSRAVI

FILE NO(S):
APP13-00003
SPRE13-00003
SPR-2007-74

LOCATION:
ON THE SOUTH SIDE OF MAIN STREET, APPROXIMATELY 380 FEET WEST
OF NINTH AVENUE

APNs:
0413-111-45

PROPOSAL:
CONSIDERATION OF AN APPEAL OF THE DENIAL OF SITE PLAN REVIEW EXTENSION
SPRE13-00003, WHICH WOULD GRANT A ONE-YEAR EXTENSION OF TIME FOR SITE
PLAN REVIEW SPR-2007-74, TO CONSTRUCT A TWO-STORY, 21,047 SQUARE FOOT
MEDICAL OFFICE BUILDING



EXTERIOR BUILDING ELEVATIONS AS PROPOSED

ATTACHMENT 7



City of Hesperia

Gateway to the High Desert

March 29, 2012

Khalil Khosravi
7025 East Avenida De Santiago
Anaheim, CA 92807

RE: Site Plan Review SPR-2007-74 (SPR08-10003) to construct a two-story, 21,047 square foot medical office building on 1.1 gross acres on the south side of Main Street, approximately 380 feet west of Ninth Avenue (APN: 0413-111-45)

Dear Mr. Khosravi:

The Planning Department received an extension of time for the above referenced project on March 13, 2012. Our records indicate that the Site Plan Review has an expiration date of April 28, 2012, but should in fact have an expiration date of **April 28, 2013**. This is because other projects that were approved upon the adoption of the Main Street and Freeway Corridor Specific Plan (October 16, 2008) were given thirty-six (36) months from the effective date to satisfy the conditions of approval. Your project was only given twenty-four (24) months. Therefore, **the new expiration date for this project is April 28, 2013**. This expiration date includes the City's 1-year automatic extension.

Staff would like to use this opportunity to advise you that medical uses are prohibited in the Pedestrian Commercial (PC) District. Upon expiration of the site plan review mentioned in this letter, the City's reviewing authority will be unable to approve any future extensions of time for this site plan review. The expiration date is separate from the time limits for grading and building permits issued to construct the project. Should substantial construction proceed prior to the expiration date of this approval, work authorized under these grading and building permits may extend beyond the expiration date. If you have any questions, please contact me at (760) 947-1253.

Sincerely,

Dave Reno, AICP
Principal Planner

Cc: Stan Liudahl, AICP, Senior Planner
Daniel Alcayaga, AICP, Senior Planner

*Russell Blewett, Mayor
Bill Holland, Mayor Pro Tem
Paul Bosacki, Council Member
Mike Leonard, Council Member
Thurston Smith, Council Member*

Mike Podegrac, City Manager

9700 Seventh Ave
Hesperia, CA 92345
760-947-1000
TD 760-947-1119

www.cityofhesperia.us

ATTACHMENT 8

RESOLUTION NO. PC-2013-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, DENYING APPEAL APP13-00003, UPHOLDING THE DEVELOPMENT REVIEW COMMITTEE'S DENIAL OF SITE PLAN REVIEW EXTENSION SPRE13-00003, WHICH WOULD GRANT A ONE-YEAR EXTENSION OF TIME FOR SITE PLAN REVIEW SPR-2007-74, TO CONSTRUCT A TWO-STORY, 21,047 SQUARE FOOT MEDICAL OFFICE BUILDING ON THE SOUTH SIDE OF MAIN STREET, APPROXIMATELY 380 FEET WEST OF NINTH AVENUE (APP13-00003)

WHEREAS, Doug Browne has filed an application on behalf of the appellant requesting approval of Appeal APP13-00003, overturning the Development Review Committee's denial of Site Plan Review Extension SPRE13-00003, which would grant a one-year extension of time for Site Plan Review SPR-2007-74 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to an extension of time for SPR-2007-74, to construct a two-story, 21,047 square foot medical office building on a 1.2 gross acre parcel at 15621 Main Street and consists of Assessor's Parcel Number 0413-111-45; and

WHEREAS, on March 27, 2013, the Development Review Committee (DRC) of the City of Hesperia denied the extension of time for SPR-2007-74; and

WHEREAS, this Application, as contemplated, proposes to appeal the DRC's denial of the extension of time for SPR-2007-74, which will allow a medical office building to be constructed on the subject property; and

WHEREAS, The 1.2 gross acre site is currently vacant. The properties north of the site contain an existing single-family residence and the administrative offices of the Hesperia Unified School District. The property to the south contains a single-family residence, the property to the east is occupied by a Pep Boys auto parts and repair business, and the lot to the west is vacant; and

WHEREAS, the subject property is currently within the Pedestrian Commercial (PC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The properties to the north, east and west are also within the PC Zone. The properties to the south are within the Low Density Residential (LDR) Zone of the Specific Plan; and

WHEREAS, denial of a project is exempt from the requirements of the California Environmental Quality Act; and

WHEREAS, on June 13, 2013, 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 13, 2013 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

(a) The proposed project is inconsistent with and contrary to the goals and policies of the General Plan as well as the Main Street and Freeway Corridor Specific Plan (Specific Plan).

(b) The proposed project does not conform to the regulations of the Specific Plan, the Development Code, and all applicable City Ordinances.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby denies Appeal APP13-00003, denying Site Plan Review Extension SPRE13-00003, causing Site Plan Review SPR-2007-74 to expire.

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 13th day of June 2013.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission



DATE: June 13, 2013
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Development Code Amendment DCA13-00005; Applicant: JR's Recycling, APN: Citywide.

RECOMMENDED ACTION

It is recommended that the Planning Commission approve Resolution No. PC-2013-05, recommending that the City Council introduce and place on first reading an ordinance approving DCA13-00005, which modifies the separation requirement between recycling facilities and residential uses.

BACKGROUND

This Development Code Amendment has been initiated by the applicant of a project that was submitted in April of 2013. The project proposes to establish a recycling collection facility located in the Limited Industrial (I-1) zone at 10741 'G' Street, adjacent to a mobile home park (Attachment 1). The City's Municipal Code restricts recycling facilities from locating within 150 feet from any residential use. A Development Code Amendment is required to allow for establishment of this use, as the subject property is located adjacent to a mobile home park. This mobile home park was established prior to the City's incorporation and is considered a legal, non-conforming use within the I-1 zone.

ISSUES/ANALYSIS

A Development Code Amendment would permit the recycling facility to locate next to the mobile home park. In as much as recycling facilities could be noisy and the outdoor storage could be aesthetically displeasing, staff believes that permitting recycling facilities within an enclosed building would significantly reduce the noise impacts and would eliminate any outdoor storage, thus reducing visual impacts to nearby residential uses. As this park is entirely within the I-1 zone, the current 150-foot restriction precludes recycling facilities on any of the parcels adjacent to the park. However, other Industrial uses currently permitted include manufacturing, as well as outdoor storage associated with the activity, vehicle repair (major and minor) and warehousing/distribution centers. In addition, tow/salvage yards and bus/truck terminals are permitted with a conditional use permit. These uses do not have any setback requirement from residential uses. Staff believes that the impacts associated with a recycling facility, if restricted to entirely within a building, are similar to these other uses allowed in that zone.

Attachments 2 and 3 identify residential properties that are affected by this proposed amendment. This map shows a 150-foot buffer from Limited Manufacturing (I-1), General Manufacturing (I-2), and General Industrial (GI) zones, and lists the number of residential properties that are within that buffer. There are two residential uses that exist within industrial

zones, one is the mobile home park located on G Avenue north of Lemon Street and the other is a single family home located on the northeast corner of C Avenue and Live Oak Street. In addition, 37 residential properties are within the 150-foot buffer. Of those 37, only 15 are located adjacent to 'I' Avenue. These residential properties are affected primarily because there are four parcels along 'I' Avenue that are zoned industrial, therefore reaching the nearby residential uses. The remaining residential properties affected by the change are located in the southeast area of town near the airport. The properties affected by this change are located north of the industrial properties and separated by the railroad tracks. Also, these properties contain single family homes. However, the topography in this area is quite steep and the homes are located at a higher elevation than the industrial properties. The distance from the dwellings, along Halinor Street, and the industrial property is over 500 feet. This is the case for every single property located in this area. Noise in this area is attributed to the nearby airport and railroad. Outdoor storage is allowed in the industrial zones located in this area. Allowing recycling facilities, whose operation are all indoors, would be consistent with other uses currently permitted in this zone. In addition, while staff is recommending that the 150-foot buffer be removed from the regulations for processing facilities but believes that it should remain for the large collection facilities as large collection facilities are allowed not only in industrial zones but also in commercial zones, specifically along 'I' Avenue. If the restriction is removed, a considerably larger amount of residential properties would be affected, as residential areas exist along the east side of 'I' Avenue.

This amendment also allows staff to update other portions of this section of the Municipal Code. As part of the amendment, staff has made changes related to small collection facilities. Currently, the ordinance allows for one small collection facility to establish with a host business and within a designated convenience zone. As defined by the State of California, a convenience zone is typically a half-mile radius circle with the center point originating at a supermarket. Convenience zones are designated by the State and are based on the sale of California Refund Value (CRV) beverage containers. Staff has found that there are areas where a convenience zone may accommodate more than one recycling facility. The amendment will allow for an additional collection facility within a convenience zone. The Development Services Director or his/her designee will make a determination on whether or not an additional small recycling facility can be allowed, based on customer demand and the size of the site.

Environmental: This project is exempt from the California Environmental Quality Act (CEQA), per Section 15061 (b)(3).

ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENTS

1. Aerial Photo
2. Maps with 150-foot buffer (North)
3. Maps with 150-foot buffer (South)
4. Resolution No. PC-2013-05, with Exhibit 'A'

ATTACHMENT 1



APPLICANT(S):
JR's RECYCLING

FILE NO(S):
DCA13-00005

LOCATION:
10741 'G' STREET.

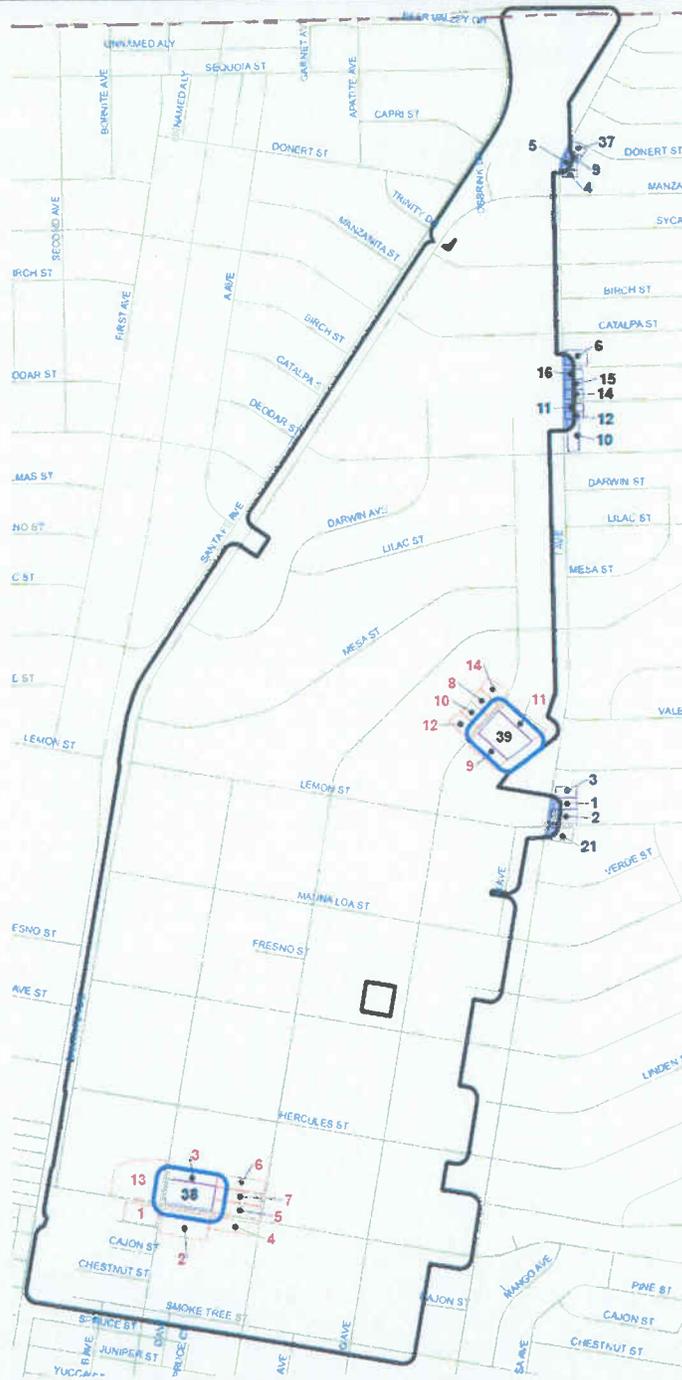
APN(S):
0415-171-08

PROPOSAL:
A DEVELOPMENT CODE AMENDMENT TO ELIMINATE THE 150 FEET FROM
RESIDENTIAL USE RESTRICTION FOR RECYCLING FACILITIES



AERIAL PHOTO

ATTACHMENT 2



APPLICANT(S):
JR's RECYCLING

FILE NO(S):
DCA13-00005

LOCATION:
10741 'G' STREET.

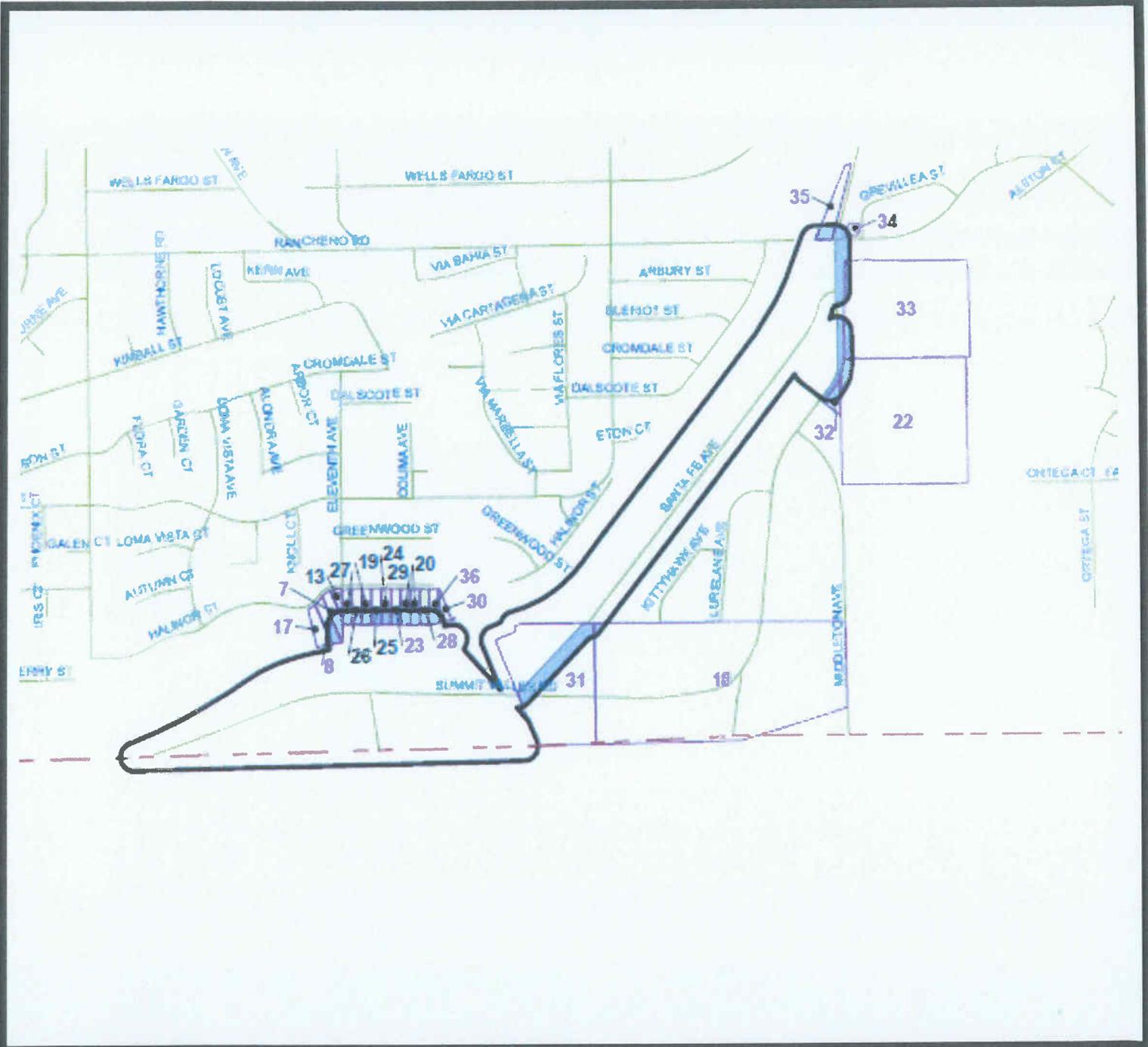
APN(S):
0415-171-08

PROPOSAL:
A DEVELOPMENT CODE AMENDMENT TO ELIMINATE THE 150 FEET FROM RESIDENTIAL USE RESTRICTION FOR RECYCLING FACILITIES



150-FOOT BUFFER MAP (NORTH)

ATTACHMENT 3



| | | | |
|--|--|-----------------------------------|-------------------------------|
| APPLICANT(S):
JR's RECYCLING | | FILE NO(S):
DCA13-00005 | |
| LOCATION:
10741 'G' STREET. | | | APN(S):
0415-171-08 |
| PROPOSAL:
A DEVELOPMENT CODE AMENDMENT TO ELIMINATE THE 150 FEET FROM RESIDENTIAL USE RESTRICTION FOR RECYCLING FACILITIES | | | |
| N
↑ | | | |

150-FOOT BUFFER MAP (SOUTH)

ATTACHMENT 4

RESOLUTION NO. PC-2013-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND THE DEVELOPMENT CODE AMENDING RECYCLING FACILITY REGULATIONS (DCA13-00005)

WHEREAS, On January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, On February 4, 2010, the City Council of the City of Hesperia adopted Ordinance No. 2009-04, thereby amending the Recycling Facility Regulations; and

WHEREAS, JR's Recycling has initiated DCA13-00005, to amend recycling facility regulations to allow processing facilities within 150 feet of residential uses; and

WHEREAS, It is the City's intent to promote recycling facilities without creating a negative impact upon the visual character of properties; and

WHEREAS, The proposed Development Code amendment is exempt from the requirements of the California Environmental Quality Act by Section 15061(b)(3), of the CEQA Guidelines, as there is no possibility that the proposed Development Code revisions regarding recycling facilities can have a significant adverse effect on the environment; and

WHEREAS, on June 13, 2013, the Planning Commission of the City of Hesperia conducted a hearing on the 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 Commission, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based upon substantial evidence presented to this Commission during the above-referenced June 13, 2013, hearing, including public testimony and written and oral staff reports, this Commission has determined that modifying the regulations to allow recycling facilities within 150 feet of a residential use will enable the City to promote recycling facilities without creating a negative impact upon the visual character of properties; and

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA13-00005, amending Recycling Facility regulations as shown on Exhibit "A."

Section 5. The Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 13th day of June, 2013.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

Exhibit 'A'

All added text is shown as red and underlined eliminated text is shown ~~red and strikethrough.~~

16.16.070 - Recycling facilities.

A. Requirements. No person, corporation or legal entity shall place or permit the placement and/or operation of any recycling facility, including a reverse vending machine, collection facility or processing facility without first obtaining any permits required pursuant to the provisions set forth in this chapter. Recycling facilities may be permitted as set forth in the following table.

| Type of Facility Permitted | Zones/Land Use Districts | Permit Required |
|---|-----------------------------------|--------------------|
| Reverse Vending Machine(s) up to 50 sq. ft. | All Commercial and All Industrial | None |
| Small Collection Facility up to 500 sq. ft. | All Commercial and All Industrial | Special Use Permit |
| Large Collection Facility over 500 sq. ft. | All I-1, I-2, CIBP, & GI | CUP |
| Processing Facilities | I-1, I-2, & GI- | CUP |

All facilities including reverse vending machines having an area of fifty (50) square feet or less may in addition to other designated permits be subject to the special use permit as specified in Section 16.12.005(A)(3) and/or health permits as may be required by city or county laws.

B. Criteria and Standards. Recycling facilities subject to conditional use permit/or special use permit, shall meet the applicable criteria and standards listed below; provided, that the Development Services Director ~~Director of planning, building official, Planning Commission or City Council~~, as the case may be, may relax such standards or impose stricter standards at their discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this chapter and the purposes of this title. The criteria and standards for recycling facilities are as follows:

1. Reverse Vending Machines. Reverse vending machines do not require any permits under this title.
2. Small Collection Facilities.
 - a. Facility shall be established in conjunction with a fixed base host business which is in compliance with the zoning, building and fire codes and shall not occupy more than five hundred (500) square feet of floor space and within a convenience zone;
 - i. One recycling facility, capable of redeeming all forms of recyclable materials as provided herein shall be permitted in each convenience zone. A "convenience zone" is defined as the area within one-half mile of a supermarket. In the event two or more

permit applications are received for a convenience zone which does not possess a recycling facility, the ~~director of community~~ Development Services Director or his/her designee ~~may~~, in his/her discretion, may choose to allow a second facility based on which application best meets the needs of the community based on those factors including, but not limited to, other factors such as convenience of use for pedestrian and vehicular traffic safety, aesthetic and site compatibility.

- b. Recycling facilities shall be conveniently accessible to pedestrians and vehicles and shall be designed to include safety provisions for separating pedestrian and vehicular traffic (ie., special walkways, drive aisles, bollards, safety lighting, etc.);
- c. Recycling facilities shall be designed in a manner consistent with the architecture and site and it is encouraged to use existing planters and site features when choosing a location;
- d. Containers shall be constructed and maintained with durable, waterproof and rustproof material and shall be covered and secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule;
- e. Containers shall be clearly marked to identify the type(s) of recyclable(s) which may be deposited and shall accept only CRV labeled glass, metal or plastic containers, paper and reusable items. Scrap material is not allowed at any small collection facility;
- f. The facility shall be clearly marked to identify the name and telephone number of the facility operator;
- g. Recycling facilities shall be maintained in good repair and the area immediately surrounding the recycling facility shall be maintained in a litter-free condition. All storage of recyclable material shall be within the recycling facility or related enclosed structure;
- h. The facility shall be set back at least fifty (50) feet from any arterial street and twenty-five (25) feet from any other street and shall not obstruct pedestrian or vehicular circulation;
- i. The facility shall not impair the landscaping required for any concurrent use by this title or any permit issued pursuant thereto;
- j. The noise level shall not at any time exceed sixty (60) dBA as measured at the property line of residentially zoned or occupied property; and shall not exceed seventy (70) dBA at any portion of the property line;
- k. Small collection facilities shall not include power-driven sorting and/or consolidation equipment, such as crushers or bailers, except reverse vending machines;
- l. In addition to the signs and certificates issued by the local enforcement agency for the California Integrated Waste Management Board, which must be displayed by the operator/processor and the informational signs required by this chapter:
 - i. Recycling facilities may have identification signs with a maximum area of fifteen (15) percent per side of a structure or sixteen (16) square feet, whichever is larger. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container;

- i. Signs shall be painted or attached. No banners, flags, or streamers are permitted;
- ii. Directional signs with no advertising message, may be installed with the approval of the Director if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
- m. Use of the facility for collection of scrap metal, solid wastes, yard waste, or hazardous wastes, as defined in Section 16.08.775 is prohibited;
- n. If the permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration;
- o. Attended facilities located within one hundred (100) feet of a property zoned or occupied for residential use shall be in operation during the hours between nine a.m. and seven p.m., and otherwise during the hours of operation of the host business;
- p. Containers for the twenty-four-hour donation of materials shall be at least thirty (30) feet from any property zoned or occupied for residential use unless there is a recognized service corridor or acoustical shielding between the containers and the residential use;
- q. The facility shall conform to all development regulations for the zoning/land use district in which it is located;
- r. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during the hours when the mobile unit is scheduled to be present;
- s. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:
 - i. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;
 - ii. Existing parking capacity is not already fully utilized during the time the recycling facility will be on the site; and
 - iii. The permit will be reconsidered at the end of twelve (12) months. If parking issues or conflicts exist, the collection facility may be moved to another location within the convenience zone.

Parking credits in an established parking facility may then be granted as follows:

For a commercial host use:

| Number of Available Parking Spaces | Maximum Reduction |
|------------------------------------|-------------------|
| 0–25 | 0 |
| 26–35 | <u>2</u> |
| 36–49 | <u>3</u> |
| 50–99 | <u>4</u> |
| 100+ | <u>5</u> |

For a community facility host use:

A maximum five spaces reduction will be allowed when not in conflict with parking needs of the host use.

3. Large Collection Facilities. A large collection facility is one that is larger than five hundred (500) square feet, or is on a separate property not appurtenant to a host use, and may have a permanent building. A large collection facility is permitted in designated industrial zone/land use districts with approval of a conditional use permit; provided the facility meets the following standards:

- a. Facility is located at least one hundred fifty (150) feet from the property line of any lot zoned or planned for residential use;
- b. Facility shall be screened from the public right-of-way by operating in an enclosed building or within an area enclosed by an opaque fence at least six feet in height with landscaping and shall meet all applicable noise standards specified in this chapter;
- c. Setbacks and landscape requirements shall be those provided for the zone/land use district in which the facility is located;
- d. All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition, or may be baled or placed on pallets. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the building and safety department. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing;
- e. Site shall be maintained free of litter, dust, flies and any other undesirable materials, and shall be cleaned of loose debris on a daily basis;
- f. Space shall be provided on-site for six vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where the planning agency determines that allowing overflow traffic above six vehicles is compatible with surrounding businesses and public safety;
- g. One parking space shall be provided for each commercial vehicle operated by the recycling facility. Parking requirements shall be as provided for in the zone/land use district in which the facility is located; except, that parking requirements for employees may be reduced when it can be shown that parking spaces are not necessary such as when employees are transported in a company vehicle to a work facility;
- h. Noise levels shall not exceed sixty (60) dBA as measured at the property line of residentially zoned property, and shall not exceed seventy (70) dBA at any portion of the property line;
- i. If the facility is located within five hundred (500) feet of property zoned, planned or occupied for residential use, it shall not be in operation between seven p.m. and seven a.m.;
- j. Any containers or enclosures provided for after-hours donation of recyclable materials shall be at least fifty (50) feet from any property zoned, planned or occupied for

residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secured from unauthorized entry or removal of materials;

k. Donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material that may be deposited; facility shall display a notice stating that no material shall be left outside the recycling containers;

l. Facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs shall meet the standards of the zone; and directional signs may be installed with the approval of the planning officer if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way;

m. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved at the discretion of the planning agency if noise and other conditions are met.

n. Use of the facility for collection of scrap metal, solid wastes or hazardous wastes, as defined in Section 16.08.775 is prohibited:

4. Processing Facilities.

a. Facility shall be located at least one hundred fifty (150) feet from property planned, zoned or occupied for residential use ~~unless and operations shall take place within a fully enclosed building.~~ If outdoor storage area is proposed it must be located 150 feet from any residential use and shall be in or within an area enclosed by a solid wood or masonry fence at least six feet in height.

b. Setbacks from property lines shall be those provided for the zoning/land use district in which the facility is located, but if less than twenty-five (25) feet, the facility shall be buffered by a landscape strip at least ten feet wide along each property line;

c. If the facility is located within five hundred (500) feet of property planned, zoned or occupied for residential use, it shall not be in operation between seven p.m. and seven a.m. The facility shall be administered by on-site personnel during the hours the facility is open;

d. Noise level shall not exceed sixty (60) dBA as measured at the property line of residentially zoned or occupied property, and shall not exceed seventy (70) dBA at any point;

e. Sign criteria shall be those provided for the zoning district in which the facility is located and the provisions specified in Chapter 16.36. In addition, the facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation;

f. Any containers or enclosures provided for afterhours donation of recyclable materials shall be at least fifty (50) feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate

materials collected; and shall be secured from unauthorized entry or removal of materials;

g. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers;

h. No dust, fumes, smoke, vibration or odor above ambient level may be detectable on neighboring properties;

i. Power-driven processing shall be permitted; provided, all noise level requirements are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting or source-separated recyclable materials and repairing of reusable materials;

j. Reserved.

k. A processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code;

l. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition or may be baled or placed on pallets. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the building official. No storage excluding truck trailers and overseas containers shall be visible above the height of the fencing;

m. Site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present;

n. Space shall be provided on-site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten customers except where the reviewing authority determines that allowing overflow traffic above six vehicles is compatible with surrounding businesses and public safety;

o. One parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as mandated by the zone in which the facility is located.

C. Site Clean-up Required. The operator and host business of any recycling collection or processing facility shall, on a daily basis, remove any and all recyclable materials or solid wastes which have accumulated or are deposited outside the containers, bins, or enclosures intended as receptacles for such materials. Upon the failure to remove said materials, the city may deem them to be abandoned and may enter the site to remove the materials. The property owner(s) of the premises and the operator of the facility shall be liable for the full cost of any such cleanup work done by the city.

(Amended during 1997 codification; Ord. 75 § 2 (part), 1990; SBCC § 87.2125)

(Ord. No. 2009-14, § 3(Exh. A), 1-5-10)



DATE: June 13, 2013
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Lissette Sánchez-Mendoza, Assistant Planner
SUBJECT: City Freeway Pylon Signs

RECOMMENDED ACTION

It is recommended that the Planning Commission approve Resolution No. PC-2013-08, recommending that the City Council introduce and place on first reading an ordinance approving Development Code Amendment DCA13-00001, to establish the City's regulations regarding freeway pylon signs.

BACKGROUND

Off-site signs are currently limited to billboards, model home sales directional signs, and the City's business directional sign program. A request for consideration of a large freeway-oriented sign on property adjacent to the Main Street Freeway Interchange has initiated the development of an ordinance that would allow the construction of off-site signs along the freeway corridor.

ISSUES/ANALYSIS

This is a new sign program, which permits large signs near freeway interchanges in order to provide freeway exposure exclusively for businesses within Hesperia. As a result, staff has drafted an ordinance to allow Freeway Pylon Signs which are a City-controlled sign for the purpose of displaying eligible major businesses, freeway-oriented businesses and industries located within Hesperia. In addition, City-sponsored and/or civic activities and events, as well as emergency notices may also be displayed on this sign. Also, an amendment has been made to the definition of a billboard in order to differentiate billboards from Freeway Pylon Signs, as any new billboards are currently prohibited within City limits.

Under staff's proposal, the signs would be located within 660 feet of Interstate 15, primarily along existing or planned interchanges and would enable exposure not otherwise available to such businesses due to their location within the City. Big box retailers, restaurants or industries with no freeway exposure could take advantage of additional advertising on a sign along the freeway corridor. The signs do not replace and are not intended to substitute any business signage otherwise permitted under the code. The program is voluntary and eligible businesses may choose to participate in leasing a portion of these signs for additional advertising opportunities. Eligibility for various businesses is based on an order of hierarchy which has been identified within the ordinance. It is intended for the City's largest businesses to occupy the largest space on these signs. However, smaller businesses could potentially occupy signage space, reserved for larger businesses, if there is vacancy on the sign. In addition, a digital display will be incorporated in the sign in order to provide additional advertising opportunity to smaller business that do not have a permanent location on the sign, as well as

providing a space to advertise City sponsored events, or information that is beneficial for travelers, such as traffic and weather conditions.

The proposed Freeway Pylon Signs will be designed to enhance the City's presence and will be required to have consistent architecture and design. Attachment 2 illustrates potential sign designs. These signs may be located on public or private property and may be operated by the City or a private entity, subject to the City's regulations. This is likely, as the City currently does not have the resources to construct or operate these signs at this time.

The program was first presented to the Planning Commission in August 2011. It was also discussed at the Joint City Council/Planning Commission workshop, held on January 29, 2013. At the workshop information was presented regarding City Freeway Pylon Signs and staff's proposed program. There was discussion regarding the purpose, ownership and control of such signs. Those issues have been considered by staff and the City attorney prior to completing this proposed ordinance. In addition, staff subsequently met with the sign proponent who attended the workshop to review the proposal.

ENVIRONMENTAL: Approval of this project requires adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study (Attachment 3) prepared for this project concludes that there are no significant adverse impacts resulting from establishment of the Ordinance.

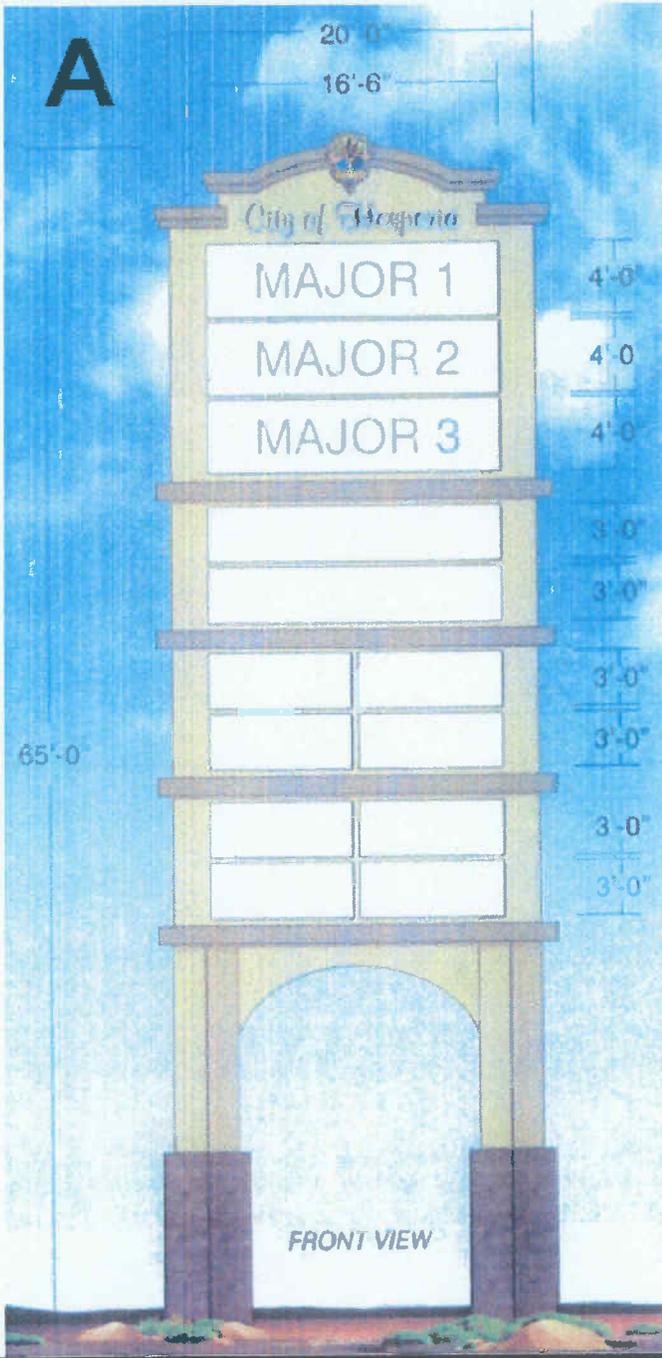
ALTERNATIVES:

1. The City may revise the sign regulations to permit businesses located outside the City to advertise on Freeway Pylon Signs, as long as they are 100 miles outside the City limits. This distance limitation is desirable, as it will prevent businesses located in adjacent cities and the County from competing for space with businesses within Hesperia.
2. Provide alternative direction to staff.

ATTACHMENTS:

1. Sign Option A and B
2. Negative Declaration No. 2013-01 and Initial Study for DCA13-00001
3. Resolution PC-2013-08, with Exhibit 'A'

ATTACHMENT 1



| | | |
|---|--|-----------------------------------|
| APPLICANT(S):
CITY OF HESPERIA | | FILE NO(S):
DCA13-00001 |
| LOCATION:
CITY-WIDE | | APN(S):
CITY-WIDE |
| PROPOSAL:
A DEVELOPMENT CODE AMENDMENT TO ALLOW FREEWAY PYLON SIGNS | | |

OPTION A and B

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

NEGATIVE DECLARATION ND-2013-01
Preparation Date: January 25, 2013

Name or Title of Project: Freeway Pylon Sign Ordinance.

Location: 660 feet of the centerline of Interstate 15 and may be located near freeway interchanges that exist or are planned at Bear Valley Road, Main Street, Poplar/Muscatel Street, Rancho Road or Oak Hill Road. (Citywide)

Entity or Person Undertaking Project: City of Hesperia

Description of Project: A Development Code Amendment (DCA2013-00001) of the City of Hesperia to allow freeway pylon signs along existing and planned freeway interchanges. This sign program would allow the construction of freeway pylon signs within 660 feet of the freeway near interchanges (existing and planned) within City limits. These signs would require an agreement with the City, who will regulate the content and determine the businesses that qualify to advertise on the signs. The intent is to provide advertising space for city businesses that are not located on properties adjacent to the freeway.

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

Mitigation Measures:

1. A Sign Plan Review shall be submitted in order to review architecture is consistent with approved Exhibit 'A', and to ensure digital display timing and lighting are consistent with Caltrans regulations.
2. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
3. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. Further, prior to completion of the project, the applicant shall submit a report describing all cultural resources encountered during grading.

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

Public Review Period: January 26, 2013 through February 15, 2013.

Adopted by the City Council:

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

Project title: Freeway Pylon Signs

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

Contact person and phone number: Lisette Sánchez-Mendoza, Planner (760) 947-1651.

Project location: 660 feet of the centerline of Interstate 15 maybe located near freeway interchanges that exist or are planned at Bear Valley Road, Main Street, Poplar/Muscatel Street, Ranchoero Road or Oak Hill Road.

Project sponsor's name and address: City of Hesperia, 9700 Seventh Avenue, Hesperia, CA 92345

General plan designation: Regional Commercial, Auto Sales Commercial, Office Professional, Neighborhood Commercial, and Industrial Commercial.

Zoning: Regional Commercial, Auto Sales Commercial, Office Professional, Neighborhood Commercial, and Industrial Commercial.

Description of project: A Development Code Amendment (DCA2013-00001) of the City of Hesperia to allow freeway pylon signs along existing and planned freeway interchanges. This sign program would allow the construction of freeway pylon signs within 660 feet of the freeway near interchanges (existing and planned) within City limits. These signs would require an agreement with the City, who will regulate the content and determine the businesses that qualify to advertise on the signs. The intent is to provide advertising space for city businesses that are not located on properties adjacent to the freeway.



Exhibit 'A'



Surrounding land uses and setting: (Briefly describe the project's surroundings.) Properties are located within Districts of the Main Street and Freeway Corridor Specific Plan (Specific Plan).

Other public agency whose approval is required (e.g., permits, financing approval, or participation agreement.) Review and approval is required from the City.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

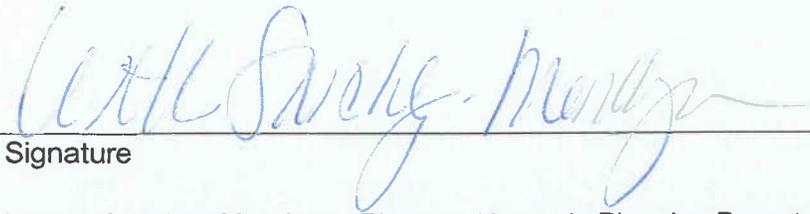
| | | | | | |
|--------------------------|-------------------------------|--------------------------|------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | Aesthetics | <input type="checkbox"/> | Agricultural Resources | <input type="checkbox"/>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

DETERMINATION: (Completed by the Lead Agency)

On the basis of this initial evaluation:

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

"De minimis"


Signature

1/25/13
Date

Lisette Sánchez-Mendoza, Planner, Hesperia Planning Department

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

ENVIRONMENTAL IMPACTS:

ISSUES

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

Comments.

The City contains many scenic views of the Mojave Desert, the Mojave River, the San Bernardino and San Gabriel Mountains, as well as the Summit Valley area. The GPUEIR addresses the scenic vistas and focuses on preservation of natural open space to protect sensitive environments and specific amenities like washes, bluffs, Joshua tree forests and juniper woodlands (3). The proposed development will be located primarily within the commercial corridors along freeway interchanges and are not being proposed in a sensitive environment. Further, a state scenic highway does not traverse the City (2); although state Highways 138 and 173, which are located within the southern portion of the City, are eligible for being designated scenic highways. The proposed pylon signs will not be in proximity to these highways. Furthermore, the City does not contain any registered historic buildings.

Construction of the freeway pylon signs would not significantly change the visual character of the area. Development of similar signage is currently allowed for freeway oriented development. Signage allowed as part of this project will be in addition to signs that are currently allowed as part of a any development that qualifies for freeway signage, so the environmental impact would be slightly greater than that identified under the General Plan Update Environmental Impact Report (GPUEIR). Therefore, the impact of this project is not significant. Several commercial zoning designations including, Regional Commercial (RC), Auto Sales Commercial (ASC), Office Professional (OP), Neighborhood Commercial, (NC), and Commercial Industrial Business Park (CIBP) will be eligible for this type of development.

The development is subject to the maximum sign height of 85 feet. Besides limiting the building height this project will set forth regulations and specify minimum architectural standards as implemented through the sign plan review process. Digital display will be regulated by limiting the length of time and type of lighting that will be allowed as part of sign. Based upon these regulations, the use will not adversely affect day or nighttime views in the area. Finally these signs are limited to businesses within the City. As such staff does not expect more than one or two signs to be built proximate to each existing or planned freeway interchange. Therefore, approval of the proposed project will not have a significant negative impact upon aesthetics.

| II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and State Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | | | | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | | | | X |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | | | | X |
| <p>Comments.
The City contains few sites currently in agricultural use and only two properties within a Williamson Act contract. This action will not change the zoning of any properties designated as prime or unique farmland and will not negate any Williamson Act contract (6).</p> <p>The City and its Sphere Of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes (9). The southernmost portions of the City and SOI contain a narrow distribution of land within the shrub and conifer woodland bioregions. These bioregions do not contain sufficient forest land for viable timber production and are ranked as low priority landscapes (10). The project will affect the western portion of the City within the Interstate 15 corridor in the urban area and is substantially surrounded by urban development. During the nineteenth century, juniper wood from Hesperia was harvested for use in fueling bakery kilns. Use of juniper wood was discontinued when oil replaced wood in the early twentieth century (7). As a consequence, local timber production has not occurred since that time. Therefore, this project will not have an impact upon forest land or timberland.</p> | | | | |
| III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | | | | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | | | | X |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | | | | X |
| d) Expose sensitive receptors to substandard pollutant concentrations? | | | | X |
| e) Create objectionable odors affecting a substantial number of people? | | | | X |

Comments.

The General Plan Update and its Environmental Impact Report (EIR) addresses the impact of build-out in accordance with the Land Use Plan, with emphasis upon the impact upon sensitive receptors (11 & 12). Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality. The proposed signs will not contain sensitive receptors. The signs will not cause a significant increase in emissions and are within existing commercial areas and not near a point source emitting a significant amount of poor air quality.

The Mojave Desert Air Quality Management District (MDAQMD) has published a number of studies that demonstrate that the Mojave Desert Air Basin (MDAB) can be brought into attainment for particulate matter and ozone, if the South Coast Air Basin (SCAB) achieves attainment under its adopted Air Quality Management Plan. The High Desert and most of the remainder of the desert has been in compliance with most federal and state standards for many years and studies indicate that ozone levels have been decreasing over the past 20 years (12). The ability of MDAQMD to comply with ozone ambient air quality standards will depend upon the ability of the South Coast Air Quality Management District (SCAQMD) to bring the ozone concentrations and precursor emissions into compliance with ambient air quality standards (11 & 12).

All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD (13). Programs have been established in the Air Quality Attainment Plan which addresses emissions caused by area sources. Both short-term (construction) emissions and the long-term (operational) emissions associated with the development were considered. Short-term airborne emissions will occur during the construction phase related to site preparation, land clearance, grading, excavation, and building construction; which will result in fugitive dust emissions. Construction equipment used during site preparation and construction activities will also generate emissions. Construction activities generally do not have the potential to generate a substantial amount of odors. The primary source of odors associated with construction activities are generated from the combustion petroleum products. However, such odors are part of the ambient odor environment of urban areas. In addition, the contractor will be required to obtain all pertinent operating permits from the Mojave Desert Air Quality Management District (MDAQMD) for any equipment requiring AQMD permits.

The General Plan Update identifies large areas where future residential, commercial, industrial, and institutional development will occur. The General Plan Update Environmental Impact Report (GPUEIR) analyzed the impact to air quality upon build-out of the General Plan. Based upon this analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with air quality impacts (14). Finally these signs will not contribute to additional development not already considered under the GPEIR.

| IV. BIOLOGICAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service? | | X | | |

| | | | | |
|---|--|--|--|---|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service? | | | | X |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | | | | X |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | | | | X |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | | | | X |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | | | | X |

Comments.

The potential project sites for these signs are not expected to support the Mohave ground squirrel, given the very low population levels of the species in the region and proximity to existing development. Further, the project sites are outside the area considered suitable habitat for the species (17). The desert tortoise is also not expected to inhabit the site, given that the development of the sign will not impact substantial portion of land (15). If a sign is proposed in combination with a commercial or industrial project, then that development would be analyzed and any impacts associated with the project would be identified. The sites are also outside the range of the arroyo toad, which has been documented to inhabit a portion of the Rancho Las Flores Specific Plan and adjacent areas (16).

The potential project sites are not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest, occur within the Rancho Las Flores Specific Plan and vicinity (16). The potential project sites are located along the western boundary of the northwest within a developed portion of the City (1 & 4). Consequently, approval of the ordinance will not have an impact upon biological resources, subject to the enclosed mitigation measures.

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

Comments.

Based review of aerial photos, there is no evidence that historic resources exist within the project potential sites. In addition, the site is not on the list of previously recorded cultural resources (18). This list, which was compiled as part of the 2010 General Plan Update; was created from the inventory of the National Register of Historic Properties, the California Historic Landmarks list, the California Points of Historic Interest list, and the California State Resources Inventory for San Bernardino County. Paleontological resources are not expected to exist on the project site. The Cultural Resources Sensitivity Map identifies the western portion of the City along Interstate 15 as area of cultural sensitivity (19). Consequently, if cultural resources are found during grading activities, grading shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. This mitigation measure is listed on page 22.

In the event that human remains are discovered during initial site work, grading shall cease until the County Coroner has made the necessary findings in accordance with the California Environmental Quality Act (CEQA) (20). Should the Coroner determine that the remains are Native American, the Native American Heritage Commission (NAHC) shall be contacted and the remains shall be handled in accordance with Public Resources Code Section 5097.98. Therefore, approval of the ordinance is not expected to have a significant impact upon cultural resources with inclusion of the mitigation measure.

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

Comments.

The potential project sites contain generally flat topography. No large hills or mountains are located within this area. According to Exhibit SF-1 of the General Plan Safety Element, no active faults are known or suspected to occur near or within the project sites. Further, they are not within an Alquist-Priolo Special Studies Zone or Earthquake Fault Zone (21). The City and Sphere of Influence (SOI) is near several major faults, including the San Andreas, North Frontal, Cleghorn, Cucamonga, Helendale, and San Jacinto faults (21 & 22). The nearest fault to the sites is the North Frontal fault, located approximately five miles to the east of the City.

The Alquist-Priolo Earthquake Fault Zoning Act prohibits structures designed for human occupancy within 500 feet of a major active fault and 200 to 300 feet from minor active faults (23). The potential project sites are not located in an Alquist-Priolo Earthquake Fault Zone or within 500 feet of a fault (21 & 22).

As a function of obtaining a building final, the proposed development will be built in compliance with the Hesperia Municipal Code and the Building Code (44), which ensures that the buildings will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soil study is required, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be performed in accordance with all development codes. Consequently, the impact upon the project regarding geology and soils is considered less than significant.

| VII. GREENHOUSE GAS EMISSIONS. Would the project: | Potentially Significant Impact | Significant With Less Than Significant Impact | No Impact |
|---|--------------------------------|---|-----------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (25)? | | | X |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases (25, 26 & 27)? | | | X |

Comments.

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

On April 13, 2009, OPR submitted to the Secretary for Natural Resources its proposed amendments to the state CEQA Guidelines for greenhouse gas emissions, as required by Senate Bill 97 (Chapter 185, 2007). The Natural Resources Agency forwarded the adopted amendments and the entire rulemaking file to the Office of Administrative Law (OAL) on December 31, 2009. On February 16, 2010, OAL approved the Amendments, which became effective on March 18, 2010 (28). This initial study has incorporated these March 18, 2010 Amendments.

Lead agencies may use the environmental documentation of a previously adopted Plan to determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements of the Plan or mitigation program under specified circumstances. As part of the General Plan Update, the City adopted a Climate Action Plan (CAP)(25). The CAP provides policies along with implementation and monitoring which will enable the City of Hesperia to reduce greenhouse emissions 28 percent below business as usual by 2020, consistent with AB 32 (26).

Development of the proposed signs will not increase the greenhouse gas (GHG) emissions beyond that analyzed within the General Plan Update Environmental Impact Report (GPUEIR). If the sign is proposed in combination with a commercial or industrial project, then that development would be analyzed and any impacts associated with the project would be identified.

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

Comments.

Many hazardous chemicals are used in construction of buildings and structures. However, proper use of these materials will not result in a hazardous waste release. The apartments will not involve the routine transport or storage of hazardous wastes. These wastes are limited to regular household cleansers and other over-the-counter hazardous chemical products. Therefore, the potential project sites do not have the potential to become a hazardous waste site.

The project site is currently vacant and is not listed within any of the following hazardous site database systems, so it is unlikely that hazardous materials currently exist on-site:

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

The proposed ordinance does not conflict with air traffic nor emergency evacuation plans. The potential sites are located over 5 miles west of the Hesperia Airport and is therefore not within a restricted use zone associated with air operations (29). Consequently, implementation of the project will not cause safety hazards to air operations.

The project's potential for exposing people and property to fire and other hazards was also examined. The site is located within an urbanized area and is not in an area susceptible to wildland fires. The southernmost and westernmost portions of the City are at risk, due primarily to proximity to the San Bernardino National Forest (30 & 31). All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. Consequently, approval of the site plan review and development agreement will not have any impact upon or be affected by hazards and hazardous materials.

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

Comments.

Development of these signs will not disturb more than one-acre of land at each potential site. Consequently, a Notice of Intent (NOI) and a general construction National Pollution Discharge Elimination System (NPDES) permit will not be required prior to land disturbance (33).

This development will not significantly change absorption rates and potential drainage patterns, or the amount of surface water runoff, as the project consist of the development of signs alone (4). If the sign is proposed in combination with a commercial or industrial project, then that development would be analyzed and any impacts associated with the project would be identified. The City is downstream of three dams. These are the Mojave Forks, Cedar Springs, and Lake Arrowhead Dams. In the event of a catastrophic failure of one or more of the dams, the project site would not be inundated by floodwater (34). The areas most affected by a dam failure are located in the low lying areas of southern Rancho Las Flores, areas adjacent to the Antelope Valley Wash, and properties near the Mojave River.

The City of Hesperia is located just north of the Cajon Pass at an elevation of over 2,500 feet above sea level, which is over 60 miles from the Pacific Ocean. As such, the City is not under threat of a tsunami, otherwise known as a seismic sea wave (24). Similarly, the potential for a seiche to occur is remote, given the limited number of large water bodies within the City and its sphere. A seiche would potentially occur only in proximity to Silverwood Lake, Hesperia Lake and at recharge basins (24). The subject property exhibits at most a two percent slope. In addition, the water table is significantly more than 50 feet below the surface. The area north of Summit Valley contains steep slopes which have the potential to become unstable during storm events (35). Therefore, the conditions necessary to create a mudflow; a steep hillside with groundwater near the surface, do not exist at this location.

The Mojave Water Agency (MWA) has adopted a regional water management plan (Plan) for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information, the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin (32).

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere Of Influence (SOI). The UWMP indicates that the City is currently using less than half of its available water supply and that supply is not projected to exceed demand beyond the year 2030 (32). The HWD has maintained a water surplus through purchase of water transfers, allocations carried over from previous years, and recharge efforts. Therefore, the impact upon hydrology and water quality associated with the site plan review and development agreement is considered less than significant.

| IX. LAND USE AND PLANNING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Physically divide an established community? | | | | X |

| | | | | |
|---|--|--|--|---|
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | | | | X |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | | | | X |

Comments.

The potential sites for the proposed signs are mostly vacant and are surrounded by vacant land with the exception of the properties at Main Street and Bear Valley Road, which are currently vacant but located within an area with existing commercial development (1). The proposed signs are consistent with the General Plan because they support commercial and industrial lands uses intended in the land use element (4).

The project potential sites are not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest community; exist within the Rancho Las Flores Specific Plan and vicinity (16). The project site is located approximately seven miles northwest of this sensitive area and is within a developed portion of the City.

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

Comments.

According to data in the Conservation Element of the City's General Plan, no naturally occurring important mineral resources occur within the project site (36). Known mineral resources within the City and sphere include sand and gravel, which are prevalent within wash areas and active stream channels. Sand and gravel is common within the Victor Valley. Consequently, the proposed project would not have an impact upon mineral resources.

| XI. NOISE. Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | | | | X |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | | | | X |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | | | | X |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | | | | X |

| | | | | |
|---|--|--|--|---|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | | | | X |

Comments.

Approval of the proposed signs will result in both construction noise and operational noise, mostly associated with trucks and vehicular traffic to and from the site. According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles (37). Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Apart from the noise during construction, noises associated with this type of project will be mostly from traffic caused by arriving and departing vehicles to do maintenance on the signs.

Noise levels associated with construction activities may be significantly higher than the existing ambient noise levels in the vicinity of the project site. Noise generated by construction equipment, including trucks, graders, backhoes, well drilling equipment, bull-dozers, concrete mixers and portable generators can reach high levels and is typically one of the sources for the highest potential noise impact of a project. However, the construction noise would diminish as construction is completed. The proposed project must adhere to the requirements of the City of Hesperia Noise Ordinance (38). The Noise Ordinance contains an exemption from the noise level regulations during grading and construction activities occurring between 7:00 A.M. and 7:00 P.M., Monday through Saturday, except federal holidays.

The project sites are over 5 miles west of the Hesperia Airport. At this distance, the project is not impacted by any safety zones associated with this private airport (39). The project site is even farther from the Southern California Logistics Airport (SCLA) and the Apple Valley Airport and will not be affected by any safety zones for these airports.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the noise impact upon build-out of the General Plan to the maximum allowable density permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a Statement of Overriding Considerations dealing with noise impacts (14). This project is consistent with the Specific Plan and no appreciable difference in noise impact will occur.

XII. POPULATION AND HOUSING. Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | | | | X |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | | | | X |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | | | | X |

Comments.

The subject property is within the Commercial and Industrial Districts of the Specific Plan (5). Since the project proposes to develop signs to advertise existing businesses, its potential effect as a growth-inducing factor is less than significant. If the sign is part of a larger development then development would be analyzed any impacts associated with the project would be identified. Consequently, the proposed project will not cause a significant additional population or housing impact. In addition, this project will not displace any existing housing, necessitating the construction of replacement housing elsewhere, since the site is currently vacant.

The sites are currently served by water, sewer, and other utility systems (40). Therefore, development of the project would not cause a significant negative impact upon existing public facilities. Completion of the project would also have a less than significant impact upon population and housing, based upon the minimal increase in density of apartments beyond that analyzed by the GPUEIR.

XIII. PUBLIC SERVICES.

| | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for the new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | X |
| Fire protection? | | | | X |
| Police protection? | | | | X |
| Schools? | | | | X |
| Parks? | | | | X |
| Other public facilities? | | | | X |

Comments.

The proposed project will not create an increase in demand for public services (5), therefore it will not be greater than that anticipated as part of the GPUEIR. The site is currently adjacent to both sewer and water lines adequate to serve the development. Therefore, the impact of the site plan review and development agreement upon public services is less than significant.

XIV. RECREATION.

| | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | | | X | |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | | | | X |

Comments.

This project will not result in an increase in population growth beyond that which is planned for in the City's Land Use Element and the Specific Plan. Construction of these signs will allow for advertising of businesses not located at freeway frontages. This type of advertising could include City events and could potentially result in additional impact to recreational facilities. However the impact will not result in an increase in population growth beyond that which is planned for in the City's Land Use Element and the Specific Plan, as the impact will be temporary. Therefore, its impact upon existing recreational facilities will be minimal.

XV. TRANSPORTATION / TRAFFIC. Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | | | | X |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | | | X | |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | | | X | |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | | | | X |
| e) Result in inadequate emergency access? | | | | X |
| f) Result in inadequate parking capacity? | | | | X |

Comments.

The potential project sites are located within the Commercial and Industrial Districts of the Specific Plan. Consequently, the GPEIR analyzed development on this site. This project will not increase additional traffic not already accounted as part of the development that is being advertised on the proposed freeway pylon signs.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the impact upon transportation at build-out of the General Plan to the maximum allowable density permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a Statement of Overriding Considerations dealing with transportation impacts (14). The proposed signs will not cause an increase in traffic from that which was analyzed under the GPUEIR. Consequently, the impact of the project upon transportation systems is less than significant.

XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | | | | X |

| | | | | |
|---|--|--|--|---|
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | | | | X |
| c) Require or result in the construction of new storm water drainage facilities, the construction of which could cause significant environmental effects? | | | | X |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | | | | X |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | | | | X |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | | | | X |

Comments.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin **(32)**.

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere Of Influence (SOI). The UWMP evidences that the City is currently using less than half of its available water supply and that supply is projected to exceed demand beyond the year 2030 **(32)**. The HWD has maintained a surplus water supply through purchase of water transfers, allocations carried over from previous years, and recharge efforts.

The City is in compliance with the California Integrated Waste Management Act of 1989, which requires that 50 percent of the solid waste within the City be recycled **(43)**. Currently, approximately 71 percent of the solid waste within the City is being recycled **(41 & 42)**. About 152 tons of solid waste is disposed at the landfill and 214 tons are recycled of the total solid waste produced by the City per day. The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 600 tons per day in order to accommodate future development. Since the project to allow the development of freeway pylon signs and no commercial development is being associated or analyzed in this study, the project will not cause a significant negative impact upon utilities and service systems.

| XVII. MANDATORY FINDINGS OF SIGNIFICANCE. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | | | X | |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | | | X | |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | | | | X |
| <p>Comments.
Based upon the analysis in this initial study, a Negative Declaration may be adopted. Development of this project will have a minor effect upon the environment. These impacts are only significant to the degree that mitigation measures are necessary.</p> | | | | |
| <p>XVIII. EARLIER ANALYSES.</p> | | | | |
| <p>Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case a discussion identifies the following:</p> | | | | |
| <p>The Certified General Plan Environmental Impact Report.</p> | | | | |
| <p>a) Earlier analyses used. Earlier analyses are identified and stated where they are available for review.</p> | | | | |
| <p>b) Impacts adequately addressed. Effects from the above checklist that were identified to be within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards are noted with a statement whether such effects were addressed by mitigation measures based on the earlier analysis.</p> | | | | |
| <p>c) Mitigation measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project are described.</p> | | | | |

The following mitigation measure is recommended as a function of this project:

1. A Sign Plan Review shall be submitted in order to review architecture is consistent with approved Exhibit 'A', and to ensure digital display timing and lighting are consistent with Caltrans regulations.
2. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
3. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. Further, prior to completion of the project, the applicant shall submit a report describing all cultural resources encountered during grading.

Authority: Public Resources Code Sections 21083 and 21087.

REFERENCES

- (1) Aerial photos of the City of Hesperia taken February, 2011.
- (2) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-7.
- (3) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-8.
- (4) Freeway Pylon Ordinance, Exhibit "A"
- (5) Figure 6.7 of the 2008 Main Street and Freeway Corridor Specific Plan.
- (6) Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2
- (7) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34.
- (8) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 31 and Pages 21 and 22.
- (9) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
- (10) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
- (11) Air Quality Section of the 2010 City of Hesperia General Plan Update, pages CN-47 thru CN-50.
- (12) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
- (13) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
- (14) Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR) adopted by Resolution No. 2008-053.
- (15) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-4.
- (16) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-3.

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- (17) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-5.
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- (18) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, C-1 thru C-34.
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- (19) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibit 5e.
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- (20) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
-
- (21) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1.
-
- (22) Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, Figure 1-2.
-
- (23) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
-
- (24) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
-
- (25) Section 1 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 1.
-
- (26) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
-
- (27) Table 5 of Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, pages 20 and 21.
-
- (28) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
-
- (29) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-60 and LU-61.
-
- (30) Map showing very high fire hazard areas, flood zones, and significant hazardous materials sites of the 2010 City of Hesperia General Plan Update Safety Element, Exhibit SF-2.
-
- (31) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
-
- (32) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
-
- (33) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
-
- (34) Dam Inundation Map for the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 3-22.
-
- (35) Table 3.6-2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.6-24.
-
- (36) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
-
- (37) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
-
- (38) Section 16.20.125 of the Hesperia Municipal Code, pages 464 thru 467.
-
- (39) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, Exhibit LU-3.
-
- (40) Current Hesperia water and sewer line atlas, page H13.
-
- (41) Quarterly data of the San Bernardino County Disposal Reporting System for the 2010 calendar year.
-
- (42) 2010 California Department of Resources, Recycling and Recovery Annual AB939 Report.
-
- (43) California Integrated Waste Management Act (AB 939).
-

(44) 2010 California Building Code.

ATTACHMENT 3

RESOLUTION NO. PC-2013-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND THE DEVELOPMENT CODE AMENDING SIGN REGULATIONS (DCA13-00001)

WHEREAS, On January 5, 1998, the City Council of the City of Hesperia adopted its Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, The City of Hesperia Development Code shall be amended as per the attached Exhibit A; and

WHEREAS, The City of Hesperia Development Code regulations pertaining to signs requires modification to allow freeway pylon signs as an additional advertising opportunity for businesses located within the City; and

WHEREAS, approval of this project requires adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study prepared for this project concludes that there are no significant adverse impacts resulting from this development code amendment; and

WHEREAS, On June 13, 2013, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment 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 Commission, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA13-00001 and its negative declaration (ND-2013-01), amending Title 16 as shown on Exhibit "A."

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 13th day of June 2013.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

EXHIBIT "A"

DRAFT CITY FREEWAY PYLON SIGN PROGRAM REGULATIONS

Existing text is shown as **blue**. Changes to existing regulations are shown **red and underlined**. New text is shown as black.

16.36.020 Definitions

"Billboard" means any outdoor advertising structure or sign which has a flat surface sign space upon which advertising may be posted, painted, or affixed, and which is designed or made available for the rental or lease of such sign space for advertising, **excluding "City Freeway Pylon Signs"**. Billboards shall not mean any on-premises sign. Billboards may utilize digital advertising displays as part or all of their surface area.

"City Freeway Pylon Sign" means a City-owned or controlled or regulated sign, located on private property or property owned or leased by the City, located within 660 ft. of the centerline of Interstate 15, for the purpose of displaying eligible major businesses, freeway – oriented businesses and industries located within the City. In addition, City- sponsored and/or civic activities and events, as well as emergency notices may also be displayed on this sign.

16.36.092 City Freeway Pylon Signs

- A. The City Freeway Pylon Sign Program ("Program") is intended to permit freeway advertising of eligible business and industries along the Interstate -15 freeway corridor to enable exposure not otherwise available to such businesses due to their location within the City.
- B. To qualify for participation in the Program, the sign, or any portion thereof, must meet all of the following criteria:
 - a. The sign must be owned by the City, leased by the City, or the sign owner must have entered into a City Freeway Sign Program Agreement with the City.
 - b. The sign must be located within 660 feet of the centerline of Interstate 15.
 - c. The sign must be designed substantially similar to the design indicated in section 16.36.092 (I)
 - d. The sign must be located in proximity to freeway interchanges that exist or are planned at Bear Valley Road, Main Street, Poplar/Muscatel Street, Ranchero Road or Oak Hill Road.
- C. Approval of Participation in the Program.
 - a. The City Manager may deem any sign that is owned or leased by the City, and which meets all qualifications above in subsection (B), to be a participating City Freeway Pylon Sign.
 - b. Owners of privately-owned signs must apply to the City to participate in the Program.
- D. City Freeway Sign Program Agreements is an agreement between private sign owner and City in which the sign owner grants City control over a certain portion of the sign to use for the City Freeway Pylon Sign Program and in compliance with all regulations in this section 16.36.092.
- E. Once approved for participation in the Program, all City Freeway Pylon Signs shall comply with the following regulations for the non-digital-display portion of the Sign:
 - a. Only advertisements for Eligible Businesses, as defined below, shall be displayed.

- b. Eligible Businesses, in order of priority, for City Freeway Pylon Signs located of the Ranchero Road freeway interchange include auto malls comprised of at least three dealers, new car dealers, major retailers (>100,000 SF), minor retailers (between 100,000 and 20,000 SF), regional shopping centers or malls with a combined floor area of 50,000 SF or more, hotel or motels, neighborhood shopping centers of at least 15,000 SF, full service restaurants, theatres, (motion picture or live action), vehicle fuel stations, fast food outlets, industries within the City with at least 50 employees, and any City, County, Park District or School District sponsored organizations.
 - c. Eligible Businesses, in order of priority, for City Freeway Pylon Signs in all other locations include major retailers (>100,000 SF), minor retailers (between 100,000 and 20,000 SF), auto malls comprised of at least three dealers, regional shopping centers or malls with a combined floor area of 50,000 SF or more, hotel or motels, new car dealers, neighborhood shopping centers of at least 15,000 SF, full service restaurants, theatres, (motion picture or live action), vehicle fuel stations, fast food outlets, industries within the City with at least 50 employees, and any City, County, Park District or School District sponsored organizations.
 - d. Eligible businesses may apply to City or the private owner if such sign is privately owned, to obtain advertising space on a City Freeway Pylon Sign. City shall approve the application provided the applicant's proposal complies with all requirements of section 16.36.092. Eligible businesses may replace other businesses already on the sign that are lower in priority, after the lease on the occupied space expires. The applicant may choose to occupy a vacant space if available, or to be placed on the City's waiting list. The City shall maintain a waiting list of Eligible Businesses with approved applications and notify such Eligible Businesses when a space becomes available. The City shall notify and offer space to Eligible Businesses on the waiting list in order of priority, not in the order they were placed on the waiting list.
 - e. Displaced businesses may renew their lease for any remaining available spaces, or be placed on the waiting list.
- F. Digital Display Portions of City Freeway Pylon Signs
- a. Any business or industry within the City, regardless of priority, may advertise on the digital display portion of the sign on a first come, first serve basis. City, County, Park District or School District sponsored organizations may also advertise on the digital display portions of the sign, subject to availability.
 - b. The City at its discretion, may advertise public service announcements, traffic conditions or Amber alerts that are a benefit to the community and the traveling public, and may displace other digital display advertisements at any time with these types of announcements.
 - c. The digital display shall not depict or simulate any motion or video (i.e. video clips or flashing, etc.). Any slide (image) shall be displayed for a minimum of six seconds and transitions between slides shall not take more than one second.
- G. City Freeway Pylon Signs do not replace and are not intended as a substitute for any business signage otherwise permitted under this code. Participation in the Program is voluntary.
- H. Prohibited Sign Content
- a. "Adult"-oriented Goods or Services. The advertisement promotes or encourages, or appears to promote or encourage, a transaction related to, or uses brand names, trademarks, slogans or other materials which are identifiable with, films rated "X" or "NC-17," adult book stores, adult video stores, nude dance clubs and

other adult entertainment establishments, adult telephone services, adult internet sites, and escort services.

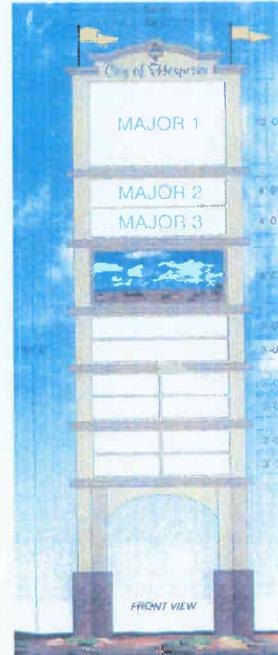
I. Design Standards.

- a. Signs shall be limited to 85 feet (85') in height
- b. Architecture and Design shall be similar to Figure 1 and 2 and will require approval from the Planning Division.
- c. All signs shall include the City's name and logo.
- d. Design shall incorporate a variety of colors and materials.

Figure 1



Figure 2





**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE
City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, APRIL 10, 2013**

A. PROPOSALS:

1. PIERCE JOHNSON (SPRE13-00004)

Proposal: An extension of time request for approved Site Plan Review (SPR-2006-06) to construct 14 condominium units on 1.4 gross acres zoned R3-3000.

Location: Southeast corner of Donert Street and "A" Avenue (APN 0415-093-09)

Planner: Daniel Alcayaga

Action: Administrative Approval

2. HESPERIA MAIN VENTURE, LLC (CUP12-00020)

Proposal: Consideration of a conditional use permit to construct a 2,963 square foot addition to an existing 6,286 square foot retail building and allow the sale of beer and wine as part of a Dollar General store.

Location: 17200 Main Street (APN: 0410-135-41 & 42)

Planner: Stan Liudahl

Action: Forwarded to April 11, 2013 Planning Commission

3. MEDICO INVESTMENTS, LLC (CUPR13-00002)

Proposal: Consideration to convert 6 existing senior apartment units to a 20-bed assisted living facility.

Location: 17583 Sultana Street, Units B1 thru B6 (0411-214-38)

Planner: Daniel Alcayaga

Action: Administrative Approval

4. CFT DEVELOPMENTS, LLC (SPRR13-00005)

Proposal: Consideration of a Revised Site Plan to construct a 2,230 sf Panda Express Restaurant on 0.7 acres within the Regional Commercial (RC) District of the Main Street and Freeway Corridor Specific Plan.

Location: 600 ft south of Main St, east side of Escondido Ave (3057-011-42)

Planner: Lisette Sanchez-Mendoza

Action: Administrative Approval



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, APRIL 24, 2013**

A. PROPOSALS:

1. EDMUND PALAFOX (SPRR13-00006)

Proposal: Consideration of revised Site Plan Review SPRR13-00006 to establish a church within an existing building.

Location: 10181 I Avenue, Suites A and B. (APN 0410-032-24)

Planner: Daniel Alcayaga

Action: Administrative Approval



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, MAY 8, 2013**

A. PROPOSALS:

1. INVESTMENT CONCEPTS (SPRE13-00005)

Proposal: A third extension of time for approved Site Plan Review SPR-2008-02, to construct a 21,400 square foot commercial center on 2.5 gross acres within the Office Commercial (OC) District of the Main Street and Freeway Corridor Specific Plan.

Location: North side of Main Street at its terminus with Hickory Avenue.
(APN: 0408-181-32)

Planner: Daniel Alcayaga

Action: Administrative Approval



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, MAY 22, 2013**

A. PROPOSALS:

1. KELLEY'S TOW AND RECOVERY (CUPR13-00003)

Proposal: A revised conditional use permit to establish a tow and recovery business with outdoor storage.

Location: 17610 Catalpa Street (APN: 0415-271-23)

Planner: Lisette Sanchez-Mendoza

Action: Administrative Approval



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, JUNE 5, 2013**

A. PROPOSALS:

1. WEST ENGLISH CONGREGATION (SPRR13-00004)

Proposal: Consideration of revised site plan review to construct a 4,800 square foot building expansion of an existing church on 2.7 acres zoned A-1.

Location: 8480 Cottonwood Avenue (APN: 0409-111-23)

Planner: Lisette Sanchez-Mendoza

Action: Administrative Approval

2. FRED SIMAB (CUP13-00002)

Proposal: Consideration of a Conditional Use Permit to construct a 9,500 square foot car wash facility on 1.8 gross acres within the Regional Commercial (RC) District.

Location: East side Escondido Avenue 280 feet south of Main Street (APN: 3057-011-43)

Planner: Daniel Alcayaga

Action: Forwarded to June 13, 2013 Planning Commission