

# PLANNING COMMISSION AGENDA

## REGULAR MEETING

**Date: August 8, 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.

AUGUST 8, 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: July 11, 2013 Planning Commission Meeting Draft Minutes.

-1-

**PUBLIC HEARINGS**

- 1. A Variance to reduce the interior side yard setback from 15-feet to 10-feet, 8-inches; and to allow a 2,392 square foot accessory building which exceeds the 7.5% accessory building area limitation at 17974 Cherry Street (Applicant: Daniel and Marie Meyer; APN: 0411-171-20)
- 2. Consideration of Conditional Use Permit CUP13-00001 to establish a recycling facility within an existing 8,000 square foot building on a portion of 3.1 gross acres within the Limited Industrial (I1) designation at 10741 'G' Street (Applicant: JR's Recycling; APN: 0415-171-08)

1-1

2-1

- 3. 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) 3-1

**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 4-1
- F. Major Project Update

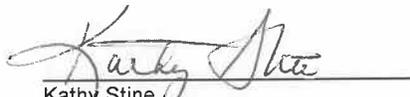
**PLANNING COMMISSION BUSINESS OR REPORTS**

*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, August 1, 2013 at 5:30 p.m. pursuant to California Government Code §54954.2.

  
Kathy Stine  
Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING  
REGULAR MEETING  
July 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.**

- A. Pledge of Allegiance to the Flag
- B. Invocation
- C. Roll Call:

**Present: Chris Elvert  
James Heywood  
Tom Murphy  
Tom Steeno  
William Muller**

**JOINT PUBLIC COMMENTS**

**Chair Elvert opened Public Comments at 6:32 p.m.**

**No comments**

**Chair Elvert closed Public Comments at 6:32 p.m.**

**CONSENT CALENDAR**

- D. Approval of Minutes: June 13, 2013 Planning Commission Meeting Draft Minutes.

**Motion by Chris Elvert to approve June 13, 2013 Planning Commission Meeting Draft Minutes. Seconded by William Muller and passed with the following roll call vote:**

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

**PUBLIC HEARING**

1. 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)

Senior Planner Stan Liudahl gave a PowerPoint presentation.

**Chair Elvert opened the Public Hearing at 6:45 p.m.**

Doug Brown, applicant, explained the project to the Commission.

Doug Brown stated that they are prepared to make the changes to bring the building up to code.

Discussion ensued regarding construction timeline and prospective tenants.

Chris Elvert asked the applicant that if a time stamp was placed on the project, would be a problem.

Doug Brown said they have investors lined up and the project is ready to go as soon as they receive permits.

Max Ahmadi, owner of property, explained the EB5 financing.

Lee Khosravi, applicant, thanked the Commission for listening to the appeal and stated they would like to bring money to the area.

**Chris Elvert closed the Public Hearing at 7:17 p.m.**

Tom Steeno stated that this was the highest and best use for this piece of land.

Jim Heywood agreed and stated the project was approved prior to the Specific Plan and now that they have financing it should be built. He favored the project and felt it was a good fit for Main Street.

Discussion ensued regarding the financing and Chris Elvert made it clear that the applicant had to proceed this year and that another extension would not be considered.

**Motion by Chris Elvert to grant Appeal APP13-00003 approving Site Plan Review Extension SPRE13-00003, which would grant a one-year extension of Site Plan Review SPR-2007-74. Seconded by Tom Murphy and passed with the following roll call vote:**

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

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

Assistant Planner Lisette Sanchez-Mendoza gave a PowerPoint presentation.

**Chair Elvert opened the Public Hearing at 7:34 p.m.**

Chris Fahey, owner of a sign company and piece of property near I15, expressed concerns with some of the verbiage of the ordinance. He stated he would prefer the city to allow him to control the vacancies and the allowance of competitive businesses.

Commission discussion ensued.

Tom Murphy stated that he felt a private operator should not have to offer space to a competitive business and the pricing should be up to the sign operator.

Commission discussion ensued.

Assistant City Attorney Jeff Malawy suggested vacancy control be on a case by case basis and be decided by Council.

**Chair Elvert closed the Public Hearing at 7:59 p.m.**

Chris Elvert suggested that Staff make the desired changes to the ordinance and bring it back in August for Commission approval to forward it to Council.

**Motion by Chris Elvert to continue Resolution No. PC-2013-08 to August 8, 2013 Planning Commission Meeting to approve final revisions. Seconded by James Heywood and passed with the following roll call vote:**

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

**PRINCIPAL PLANNER'S REPORT**

E. DRC Comments

Principal Planner Dave Reno, AICP, briefed the commission on the VVWRA parcel map and the upcoming DRC meeting to approve the new VVWRA wastewater reclamation plant.

F. Major Project Update

Dave Reno updated the Commission on the Rancho Underpass Grand Opening and discussed the opening of Fire Station #301 with the temporary quarters for the fire fighters hired under the SAFER grant.

**PLANNING COMMISSION BUSINESS OR REPORTS**

Chris Elvert commented on the new Rancho Road and the traffic of truck haulers.

**ADJOURNMENT**

Chair Elvert adjourned the meeting at 8:05 p.m. until August 8, 2013 at 6:30 p.m.

Chris Elvert  
Commission Chair

By: Kathy Stine,  
Commission Secretary



**DATE:** August 8, 2013  
**TO:** Planning Commission  
**FROM:** Dave Reno, AICP, Principal Planner  
**BY:** Daniel S. Alcayaga, AICP, Senior Planner  
**SUBJECT:** Variance VAR13-00003; Applicant: Daniel and Marie Meyer; APN: 0411-171-20

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### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2013-09, approving VAR13-00003.

### BACKGROUND

**Proposal:** A Variance to reduce the interior side yard setback from 15-feet to 10-feet, 8-inches; and to allow a 2,392 square foot accessory building which exceeds the 7.5% accessory building area limitation (Attachment 1).

**Location:** 17974 Cherry Street

In January 2013, the property owner inquired about the requirements for an accessory building and was advised that the side yard setback was 5 feet; and that the proposed building could be constructed. Based on this information, the owner initiated the preparation of construction plans for a new hobby room and RV garage. Upon submittal of the construction plans, however, the applicant was advised by staff that the proposed building did not comply with the required side yard setback regulations because the side yard setback was 15 feet. During initial contact with the applicant, staff had relied on setback information from outdated building records issued by the County. After much consideration, staff determined that the applicant could apply for a Variance to cure the discrepancy.

### ISSUES/ANALYSIS:

**Land Use:** The size of the new accessory building is 2,392 square feet, which includes a 1,339 square foot RV garage and a 1,053 square foot hobby room. In the A1 designation, the side yard setback is based on 10% of the lot width; however, in no case shall the setback be more than 15 feet, or less than 6 feet. The property's lot width is approximately 180 feet; and therefore, the side yard setback is 15 feet. As proposed, the building would be constructed 10 feet, 8 inches from the west property line. This would be an encroachment of 4 feet, 4 inches into the side yard setback. The Development Review Committee (DRC) can approve a 20%, or a 3-foot reduction, to the side setback with a minor exception. The proposal needs a Variance because the encroachment exceeds this 20% reduction.

The amount of accessory buildings is determined by the lot size. Generally, a property is permitted to have accessory buildings up to 5% of the lot size; and buildings have been commonly permitted with a minor exception. A minor exception permits accessory buildings up to 7.5% of the lot size. A Variance is required for accessory buildings that collectively exceed

7.5%. In this case, the property in question is 54,000 square feet in size. The property is therefore permitted to have 2,700 square feet of accessory buildings; or 4,050 square feet with a minor exception. The applicant is proposing a total of 4,152 square feet of accessory building, which includes 1,760 square feet of existing buildings and a proposed 2,392 square foot building. Therefore, a Variance is required for the proposed expansion because it exceeds 7.5% of the property, or 4,050 square feet. Although accessory buildings and uses are subordinate to the primary residence, it is common and customary for garages, barns, and other buildings to exceed the size of the house.

The unique circumstances limited to the property include the topography and location of existing improvements. In this area, the topography slopes slightly in a northeast fashion. There is a retaining wall along a portion of the western property line. The proposed building would sit at a slightly lower elevation than the adjacent property to the west, which lessens the potential for the expansion to tower over the adjacent neighbor's property. The property to the east sits at a slightly lower elevation. The proposed location is the most feasible because there are already existing improvements, including mature landscaping, to the north (rear) of the residence; and an existing garage to the east (side) further limiting an expansion into such areas. Additionally, the property is oriented in a northwest to southeast angle with the house facing southeast. A 10-foot public utility easement exists along the northern boundary; and a recorded 50-foot building setback line exists along the front of the property, which further constrains the property. Such limitations dictate the location, orientation, and size of the new 2,392 accessory building. Since the addition is attached to the house, it will be consistent with the architecture and colors of the primary building on the site.

**Environmental:** The proposed Variance to reduce the interior side yard setback from 15-feet to 10-feet, 8-inches and to allow a 2,392 square foot accessory building is exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15061(b). The activity is not subject to CEQA as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**Conclusion:** The project meets the standards of the Development Code with approval of the Variance.

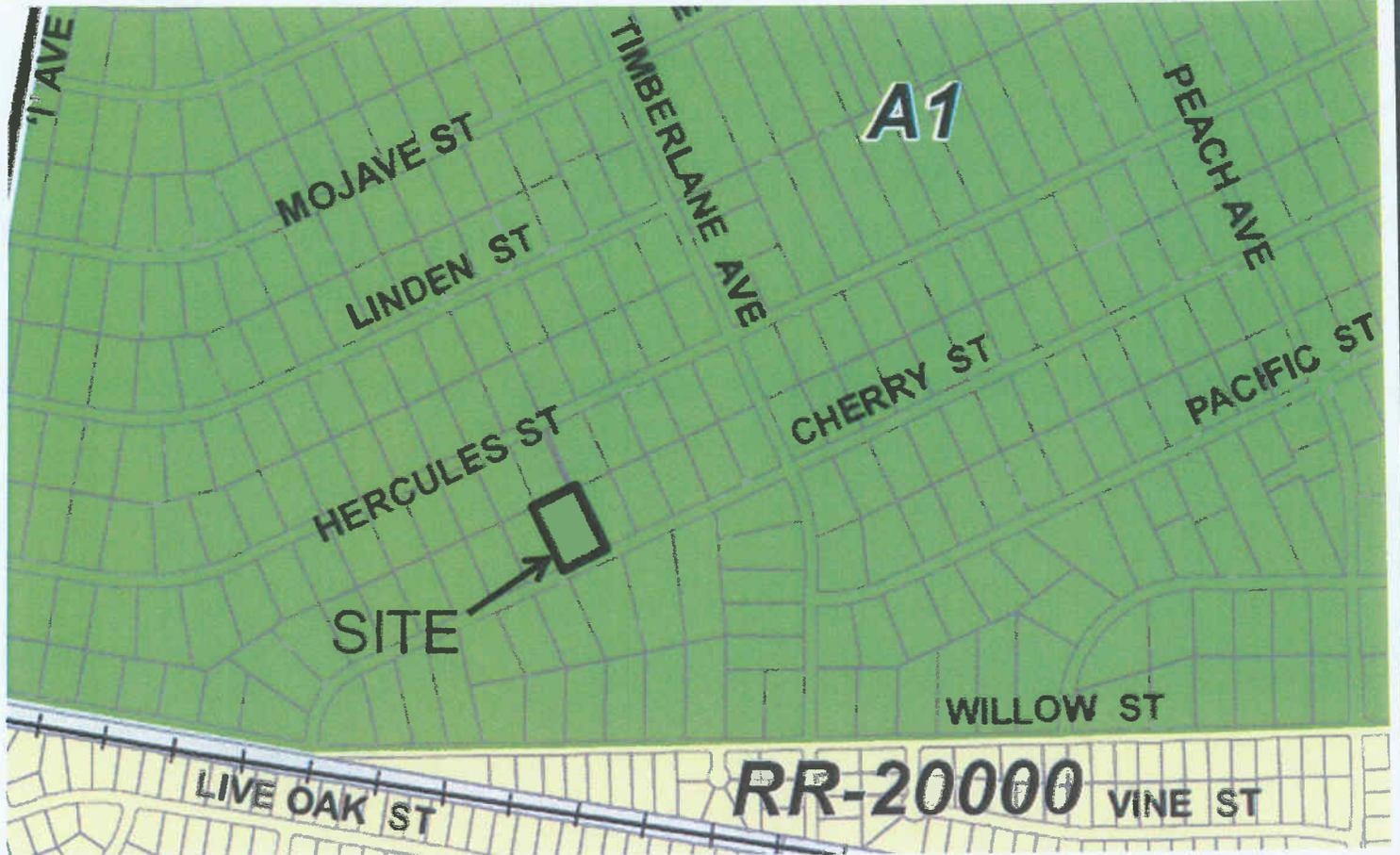
## **ALTERNATIVE**

Provide alternative direction to staff.

## **ATTACHMENTS**

1. General Plan Map
2. Aerial Photo
3. Site Plan
4. Building Elevations
5. Resolution No. PC-2013-09, with conditions of approval

# ATTACHMENT 1



**APPLICANT (S):**  
DANIEL & MARIE MEYER

**FILE NO (S):**  
VAR13-00003

**LOCATION:**  
17974 CHERRY STREET

**APN (S):** 0411-171-20

**PROPOSAL:**  
CONSIDERATION OF A VARIANCE TO REDUCE THE INTERIOR SIDE YARD SETBACK FROM 15-FEET TO 10-FEET, 8-INCHES AND TO ALLOW A 2,392 SQUARE FOOT ACCESSORY BUILDING WHICH EXCEEDS THE 7.5% ACCESSORY BUILDING AREA LIMITATION



## GENERAL PLAN MAP

# ATTACHMENT 2



**APPLICANT (S):**  
DANIEL & MARIE MEYER

**FILE NO (S):**  
VAR13-00003

**LOCATION:**  
17974 CHERRY STREET

**APN (S):** 0411-171-20

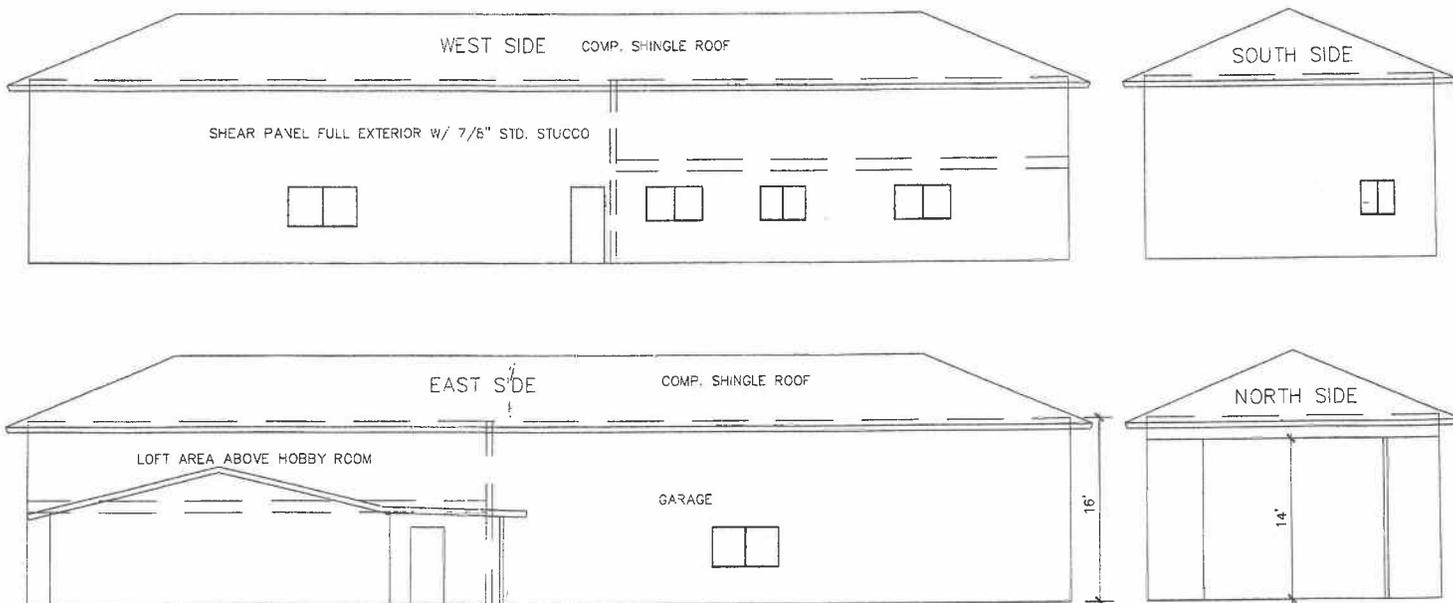
**PROPOSAL:**  
CONSIDERATION OF A VARIANCE TO REDUCE THE INTERIOR SIDE YARD SETBACK FROM 15-FEET TO 10-FEET, 8-INCHES AND TO ALLOW A 2,392 SQUARE FOOT ACCESSORY BUILDING WHICH EXCEEDS THE 7.5% ACCESSORY BUILDING AREA LIMITATION



**AERIAL PHOTO**



# ATTACHMENT 4



**APPLICANT (S):**  
DANIEL & MARIE MEYER

**FILE NO (S):**  
VAR13-00003

**LOCATION:**  
17974 CHERRY STREET

**APN (S):** 0411-171-20

**PROPOSAL:**  
CONSIDERATION OF A VARIANCE TO REDUCE THE INTERIOR SIDE YARD SETBACK FROM 15-FEET TO 10-FEET, 8-INCHES AND TO ALLOW A 2,392 SQUARE FOOT ACCESSORY BUILDING WHICH EXCEEDS THE 7.5% ACCESSORY BUILDING AREA LIMITATION



## BUILDING ELEVATIONS

# ATTACHMENT 5

## RESOLUTION NO. PC-2013-09

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A VARIANCE TO REDUCE THE INTERIOR SIDE YARD SETBACK FROM 15-FEET TO 10-FEET, 8-INCHES AND TO ALLOW A 2,392 SQUARE FOOT ACCESSORY BUILDING WHICH EXCEEDS THE 7.5% ACCESSORY BUILDING AREA LIMITATION AT 17974 CHERRY STREET (VAR13-00003)**

**WHEREAS**, Daniel and Marie Meyer have filed an application requesting approval of Variance VAR13-00003 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, The Application applies to a Variance to reduce the interior side yard setback from 15-feet to 10-feet, 8-inches; to allow a 2,392 square foot accessory building which exceeds the 7.5% accessory building area limitation; and consists of Assessor's Parcel Number 0411-171-20; and

**WHEREAS**, The project is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b), Review for Exemption. The activity is not subject to CEQA as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environmental; and

**WHEREAS**, On August 8, 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 this Commission during the above-referenced August 8, 2013, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development code because the location and size of the proposed expansion is confined by the existing house, land topography, a retaining wall, and other existing improvements. The encroachment would allow for the expansion to be feasibly located on the property; and without the encroachment, the Applicant would need to remove existing improvements including but not limited to mature landscaping, fences, and an existing garage;

- (b) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same land use designation because the location, orientation, and size of the proposed expansion is confined by the existing house, land topography, a retaining wall and other existing improvements. The property is situated at a slightly lower elevation than the properties to the west and slightly higher than the property to the east. The property is oriented in a northwest to southeast fashion. Additionally, a 10-foot public utility easement exists along the northern boundary; and a recorded 50 foot building setback line exists along the front of the property, which further constrains the property;
- (c) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same designation because other properties in the surrounding area would be allowed similar improvements through home additions and detached/attached buildings. The most feasible location for the expansion would be along the western side of the residence because expanding to the north (rear) or to the east (side) would require existing improvements, including but not limited to mature landscaping, fences, and an existing garage to be removed. The limitations of the property dictate the location, orientation, and size of the new accessory building;
- (d) The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same designation because the property has specific limitations limited to the property that necessitate encroachment into the side yard setback; and dictate the location, orientation, and size of the new accessory building; and
- (e) The granting of the Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity because the expansion will maintain a 10 foot, 8 inch setback from the west property line, which is an adequate distance from the neighboring property. The building addition will also be consistent with the primary residence and will comply with the required Fire and Building Codes.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR13-00003, subject to the Conditions of Approval as set forth in ATTACHMENT "A."

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

**ADOPTED AND APPROVED** on this 8<sup>th</sup> day of August 2013.

\_\_\_\_\_  
Chris Elvert, Chair, Planning Commission

ATTEST:

\_\_\_\_\_  
Kathy Stine, Secretary, Planning Commission

## ATTACHMENT 'A'

### List of Conditions for Variance VAR13-00003:

Approval Date: August 8, 2013  
Effective Date: August 20, 2013  
Expiration Date: August 20, 2016

This list of conditions apply to a Variance to reduce the interior side yard setback from 15-feet to 10-feet, 8-inches and to allow a 2,392 square foot accessory building which exceeds the 7.5% accessory building area limitation at 17974 Cherry Street. Any change of use or expansion of area may require approval of another Variance application (Applicant: Daniel & Meyer; APN: 0411-171-20).

The use shall not be established until all conditions of this Variance application have been met. This approved Variance 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

### PRIOR TO BUILDING PERMITS

- \_\_\_\_\_ 1. **Tenant Improvement (T.I.) Plans.** Five complete sets of T.I. 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)
- \_\_\_\_\_ 2. **On-Site Improvements.** The addition shall comply with all applicable Title 16 requirements, except for the encroachment into the side yard setback, as described. The new building shall be consistent with the architecture and colors of the primary building and designed consistent with the design shown upon the graphic identified as Exhibit "A." Any exceptions shall be approved by the Director of Development Services. (P)
- \_\_\_\_\_ 3. **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 Development Advisory Board, the Planning Commission, City Council, or otherwise), 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)

**IF YOU NEED INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS,  
PLEASE CALL THE APPROPRIATE DIVISION LISTED BELOW:**

<b>(P)</b>	<b>Planning Division</b>	<b>947-1200</b>
<b>(B)</b>	<b>Building Division</b>	<b>947-1300</b>
<b>(E)</b>	<b>Engineering Division</b>	<b>947-1474</b>
<b>(F)</b>	<b>Fire Prevention Division</b>	<b>947-1623</b>
<b>(RPD)</b>	<b>Hesperia Recreation and Park District</b>	<b>244-5488</b>



**DATE:** August 8, 2013  
**TO:** Planning Commission  
**FROM:** Dave Reno, AICP, Principal Planner  
**BY:** Lisette Sánchez-Mendoza, Assistant Planner  
**SUBJECT:** Conditional Use Permit CUP13-00001; Applicant: JR's Recycling, APN: 0415-171-08.

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### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2013-04, approving Conditional Use Permit CUP13-00001.

### BACKGROUND

**Proposal:** A conditional use permit to establish a recycling facility within an existing 8,000 square foot building on a portion of 3.1 gross acres (Attachment 1).

**Location:** The property is located at 10741 'G' Street (Attachment 3).

**Current General Plan, Zoning and Land Uses:** The site is within the Industrial/Commercial (IND/COM) General Plan Land Use designation and within the Limited Manufacturing Zone District (I-1). The surrounding land is designated and zoned as noted on Attachment 2. The site is presently developed with an industrial building. The property to the north is developed with an industrial use. A mobile home park exists to the south. Properties to the east and west are vacant.

### ISSUES/ANALYSIS

**Land Use:** The project proposes to establish a recycling collection facility for CA redemption items authorized by Cal Recycle License, a state issued license for recycling facilities. Various types of recyclables including scrap metal will be collected and separated into roll-off bins and shipped to a processing facility. Processing of recyclable materials will not occur on the site. The facility will be open from 7:00AM to 7:00PM Monday thru Sunday using four full-time employees. No hazardous or household hazardous materials will be collected at this facility.

The property includes a 6-foot block wall along the southern property line, adjacent to the mobile home park and has been conditioned to extend the current landscaping planter to 10 feet in order to create a buffer between the use and the mobile home park. The on-site circulation will remain in front of the building in the existing parking lot and no additional grading or paving is proposed as part of this project. Finally, street improvements will be installed along the project's frontage.

A Development Code Amendment to the Recycling Facility Ordinance to allow this application was recommended for approval by the Planning Commission on June 13, 2013 and was introduced to the City Council on July 16, 2013. The ordinance is scheduled for a second reading on August 20, 2013. This ordinance directly affects this CUP, as the ordinance modifies the 150-foot restriction from residential uses for recycling facilities. Thus, this CUP, if approved, will not become effective until the effective date of the Ordinance on September 19, 2013.

**Drainage:** The proposed project will not interfere with the current drainage flow of the site.

**Street Improvements:** "G" Avenue across the project frontage will be fully improved with two driveways, curb gutter and sidewalk along with eight feet of landscaping.

**Environmental:** This project is exempt from the California Environmental Quality Act (CEQA), per Section 15301, Existing Facilities.

**Conclusion:** The project meets the standards of the Development Code and staff recommends approval.

#### **FISCAL IMPACT**

Development will be subject to payment of all plan review and inspection fees as adopted by the City.

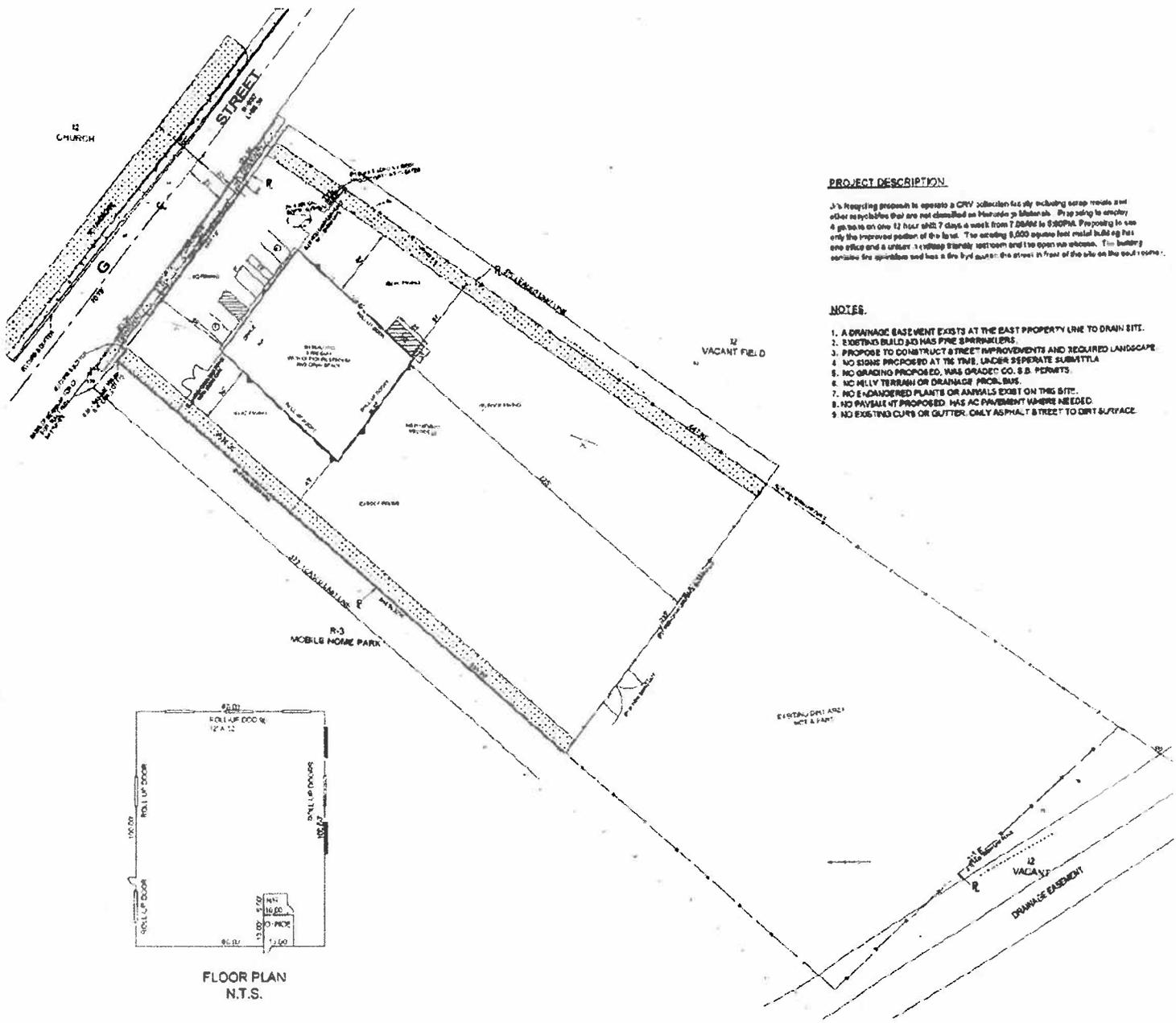
#### **ALTERNATIVE(S)**

Provide alternative direction to staff.

#### **ATTACHMENTS**

1. Site plan/Floor plan
2. General Plan/Zoning Maps
3. Aerial photo
4. Elevations
5. Resolution No. PC-2013-04, with list of conditions.

# ATTACHMENT 1



**PROJECT DESCRIPTION**

JR's Recycling proposal is operate a CRY collection facility including scrap metals and other recyclables that are not classified as hazardous materials. It is using to employ 4 persons on one 12 hour shift 7 days a week from 7:00am to 5:00pm. Proposing to use only the proposed portion of the lot. The existing 8,000 square foot metal building has one office and a utility building. Standby restroom and 1 to open no offices. The building contains the equipment and has a fire hydrant on the street in front of the site on the east corner.

**NOTES**

1. A DRAINAGE BASEMENT EXISTS AT THE EAST PROPERTY LINE TO DRAIN SITE.
2. EXISTING BUILDING HAS FINE SHREDDERS.
3. PROPOSE TO CONSTRUCT STREET IMPROVEMENTS AND REQUIRED LANDSCAPE.
4. NO SIGNS PROPOSED AT THE TIME. UNDER SEPARATE SUBMITTAL.
5. NO GRADING PROPOSED. WAS GRADED CO. S.D. PERMITS.
6. NO HILLY TERRAIN OR DRAINAGE PROBLEMS.
7. NO ENDANGERED PLANTS OR ANIMALS EXIST ON THIS SITE.
8. NO PAVEMENT PROPOSED. HAS NO PAVEMENT WHERE NEEDED.
9. NO EXISTING CURBS OR GUTTER. ONLY ASPHALT STREET TO DIRT SURFACE.

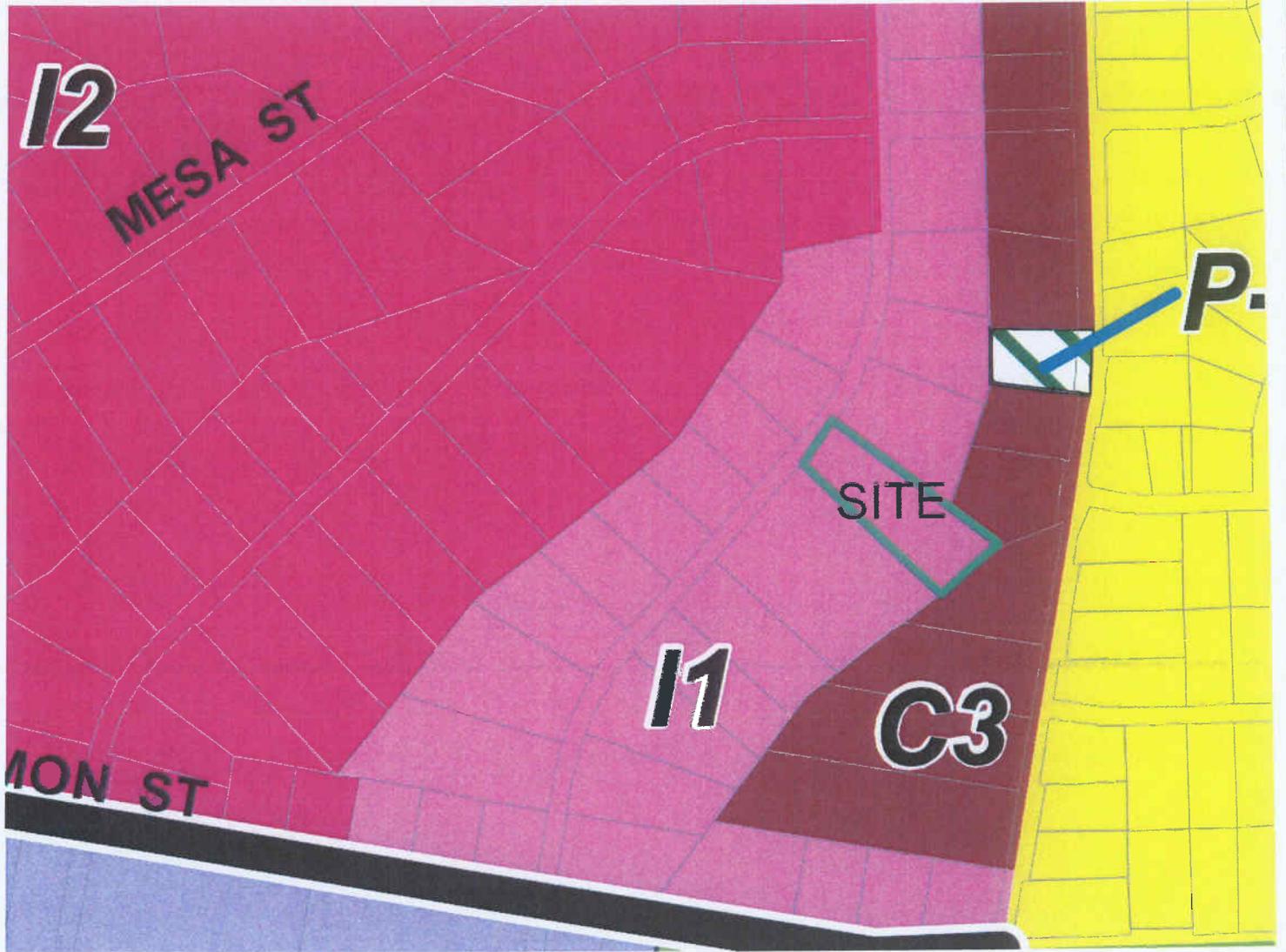
<b>APPLICANT(S):</b> JR's RECYCLING	<b>FILE NO(S):</b> CUP13-00001
<b>LOCATION:</b> 10741 'G' STREET.	<b>APN(S):</b> 0415-171-08

**PROPOSAL:**  
 TO ESTABLISH A RECYCLING FACILITY WITHIN AN EXISTING 8,000 SQUARE FOOT BUILDING ON A PORTION OF 3.1 GROSS ACRES



## SITE PLAN/FLOOR PLAN

# ATTACHMENT 2



**APPLICANT(S):**  
JR's RECYCLING

**FILE NO(S):**  
CUP13-00001

**LOCATION:**  
10741 'G' STREET.

**APN(S):**  
0415-171-08

**PROPOSAL:**  
TO ESTABLISH A RECYCLING FACILITY WITHIN AN EXISTING 8,000 SQUARE FOOT BULIDNG ON A PORTION OF 3.1 GROSS ACRES



## GENERAL PLAN

# ATTACHMENT 3



**APPLICANT(S):**  
JR's RECYCLING

**FILE NO(S):**  
CUP13-00001

**LOCATION:**  
10741 'G' STREET.

**APN(S):**  
0415-171-08

**PROPOSAL:**  
TO ESTABLISH A RECYCLING FACILITY WITHIN AN EXISTING 8,000 SQUARE FOOT BULIDNG ON A PORTION OF 3.1 GROSS ACRES



## AERIAL PHOTO

# ATTACHMENT 4



**APPLICANT(S):**  
JR's RECYCLING

**FILE NO(S):**  
CUP13-00001

**LOCATION:**  
10741 'G' STREET.

**APN(S):**  
0415-171-08

**PROPOSAL:**  
TO ESTABLISH A RECYCLING FACILITY WITHIN AN EXISTING 8,000 SQUARE FOOT BULIDNG ON A PORTION OF 3.1 GROSS ACRES AND A DEVELOPMENT CODE AMENDMENT TO ELIMINATE THE 150 FEET FROM RESIDENTIAL USE RESTRICTION



## ELEVATION PHOTO

# ATTACHMENT 5

## RESOLUTION NO. PC-2013-04

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH A RECYCLING FACILITY WITHIN AN EXISTING 8,000 SQUARE FOOT BUILDING ON A PORTION OF 3.1 GROSS ACRES ZONED I-1, LOCATED AT 10741 G STREET (CUP13-00001)**

**WHEREAS**, Luz Quintero of JR's Recycling has filed an application requesting approval of Conditional Use Permit CUP13-00001 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to a developed parcel within the Limited Manufacturing Industrial Zone District (I-1), located at 10741 'G' Street, and consists of Assessor's Parcel Number 0415-171-08; and

**WHEREAS**, the Application, as contemplated, proposes to establish recycling facility for the collection of California Redemption Value containers and metals; and

**WHEREAS**, the site is presently developed with one industrial building. Property to the north is developed with an industrial use. Properties to the east and west are vacant and the property to the south contains a mobile home park; and

**WHEREAS**, the subject property is zoned Limited Manufacturing (I-1). All surrounding properties are also zoned I-1, with the exception of the properties to the east which are zoned Service Commercial (C-3); and

**WHEREAS**, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15301, Existing Facilities; and

**WHEREAS**, on August 8, 2013 the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

**WHEREAS**, the City Council has introduced Development Code Amendment DCA13-00005 enabling the proposed Recycling Facility to be located adjacent to the existing mobile home park. Said Development Code Amendment is to become effective on September 19, 2013; 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 August 8, 2013, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site is physically suitable for development, because there are no known physical or topographical constraints to development and the site has adequate area to accommodate the proposed recycling facility.
- (b) The site is physically suitable for development, because the proposed use will not require the construction of additional structures and the site is compatible with the existing structures on-site, and all Development Code regulations required for the permitted uses can be met.
- (c) The design of the recycling facility and any related improvements are not likely to cause serious public health problems, because all construction will require necessary permits and will conform to the City's adopted building and fire codes.
- (d) The proposed recycling facility conforms to the regulations of the Development Code and all applicable City Ordinances.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP13-00001, subject to the effective date of Development Code Amendment DCA13-00005 and conditions of approval as shown in Attachment 'A'.

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

**ADOPTED AND APPROVED** this 8<sup>th</sup> day of August, 2013.

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Chris Elvert, Chair, Planning Commission

ATTEST:

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Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Site Plan Review CUP13-00001

Approval Date: August 8, 2013  
Effective Date: September 19, 2013  
Expiration Date: September 19, 2016

This list of conditions applies to a Conditional Use Permit to establish a recycling facility within an existing 8,000 square foot building on a portion of 3.1 gross acres within the Limited Industrial (I1) designation at 10741 'G' Street Any change of use or expansion of area may require approval of a revised site plan review application (APN: 0415-171-08; Applicant: JR's Recycling).

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.

This conditional use permit will not become effective until the effective date of approval for Development Code Amendment DCA13-00005.

(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. **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)**

- \_\_\_\_\_ 5. **Irrevocable Offer Of Dedication.** The Developer shall submit an "Offer of Dedication" to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)
- \_\_\_\_\_ 6. **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:**

- \_\_\_\_\_ 7. **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)
- \_\_\_\_\_ 8. **Dedication(s).** The Developer shall grant to the City an Irrevocable Offer of Dedication for "G" Avenue. The right-of-way full-width for Said Street shall be sixty-six (66') feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. (E)
- \_\_\_\_\_ 9. **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)
- \_\_\_\_\_ 10. **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)

\_\_\_\_\_ 11. **Street Improvement Plan.** The Developer shall design street improvements in accordance with City standards and as indicated below. (E)

\_\_\_\_\_ 12. **"G" Avenue.** Saw-cut (2-foot min.) and match-up asphalt pavement on "G" Avenue across the project frontage, based on City's 66-foot Industrial Collector Roadway Standard. The curb face is to be located at 25' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

- A. 8" Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Commercial driveway approaches per City standards.
- D. Pavement transitions per City Standards.
- E. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
- F. Cross sections every 50-feet per City standards.
- G. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

\_\_\_\_\_ 13. **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 "G" Avenue per City Standards.
- C. The Developer is not required to install sewer lines unless the proposed septic system cannot meet the Lahontan Regional Water Quality Board's requirements or the City of Hesperia's EDU requirements.

\_\_\_\_\_ 14. **Electronic Copies.** The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)

\_\_\_\_\_ 15. **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 minimum 10-foot wide landscaped area shall be installed along the northern and southern property lines within the proposed lease area of the project;

\_\_\_\_\_ 16. **Jurisdiction.** Prior to any construction occurring on any parcel, the applicant shall contact the San Bernardino County Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F-1]

\_\_\_\_\_ 17. **Water System.** The water system shall 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 8,000 sq.ft. structure. [F-5]**

\_\_\_\_\_ 18. **Access.** The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.

A. **Single Story Road Access Width.** All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

B. **Multi-Story Road Access Width.** Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. [F-41]

#### **CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:**

\_\_\_\_\_ 19. **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)

- \_\_\_\_\_ 20. **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)
- \_\_\_\_\_ 21. **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)
- \_\_\_\_\_ 22. **Fire Sprinkler-NFPA #13.** An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans to the Building and Safety Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufacturer's specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. [F-59]
- \_\_\_\_\_ 23. **Fire Alarm.** An automatic fire sprinkler **monitoring** fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for 20 heads or more. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F-62]

\_\_\_\_\_ 24. **High-Piled Storage.** The applicant shall submit an application for high – piled storage (internal storage over 12’ in height), three (3) sets of detailed plans and a commodity analysis report to the Fire Department for review and approval. The applicant shall submit the approved plan to Building and Safety for review with building plans. If the occupancy classification is designated as S-2, commodities to be stored will be limited to products of light hazard classification only. The required fees shall be paid at the time of plan submittal. [F-66]

**CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:**

\_\_\_\_\_ 25. **As-Built Plans.** The Developer shall provide as-built plans. (E)

\_\_\_\_\_ 26. **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)

\_\_\_\_\_ 27. **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)

\_\_\_\_\_ 28. **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)

\_\_\_\_\_ 29. **KNOX Box®.** An approved Fire Department key box is required. The KNOX Box® shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. [F85]

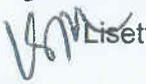
\_\_\_\_\_ 30. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

**IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CALL THE APPROPRIATE DIVISION LISTED BELOW:**

- |              |  |                 |
|--------------|--|-----------------|
| <b>(P)</b>   | <b>Planning Division</b>                     | <b>947-1200</b> |
| <b>(B)</b>   | <b>Building Division</b>                     | <b>947-1300</b> |
| <b>(E)</b>   | <b>Engineering Division</b>                  | <b>947-1414</b> |
| <b>(F)</b>   | <b>Fire Prevention Division</b>              | <b>947-1012</b> |
| <b>(RPD)</b> | <b>Hesperia Recreation and Park District</b> | <b>244-5488</b> |

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**DATE:** August 8, 2013  
**TO:** Planning Commission  
**FROM:**  Dave Reno, AICP, Principal Planner  
**BY:**  Lisette Sánchez-Mendoza, Assistant Planner  
**SUBJECT:** City Freeway Pylon Signs

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### 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.

The program was reviewed by the Planning Commission on June 13, 2013 and July 11, 2013. There was discussion regarding location and quantity of signs, as well as the City's content control, vacancies, and competitive eligible businesses. Those changes have been made to the draft ordinance.

### 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, which will 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 1 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 2) prepared for this project concludes that there are no significant adverse impacts resulting from establishment of the Ordinance.

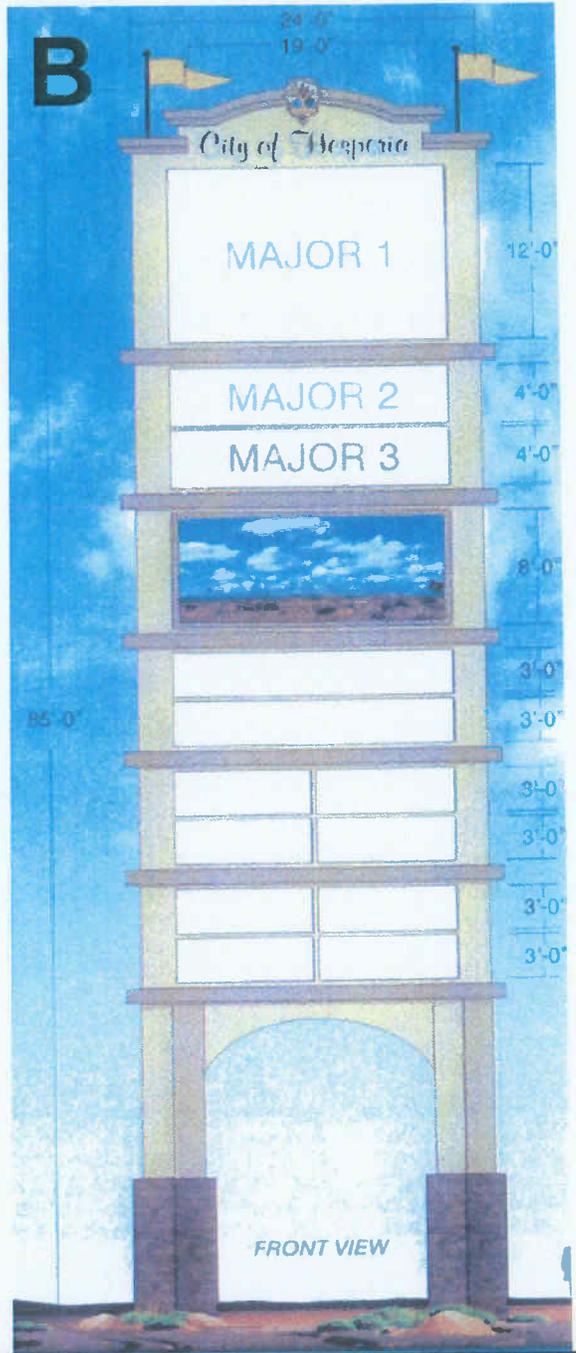
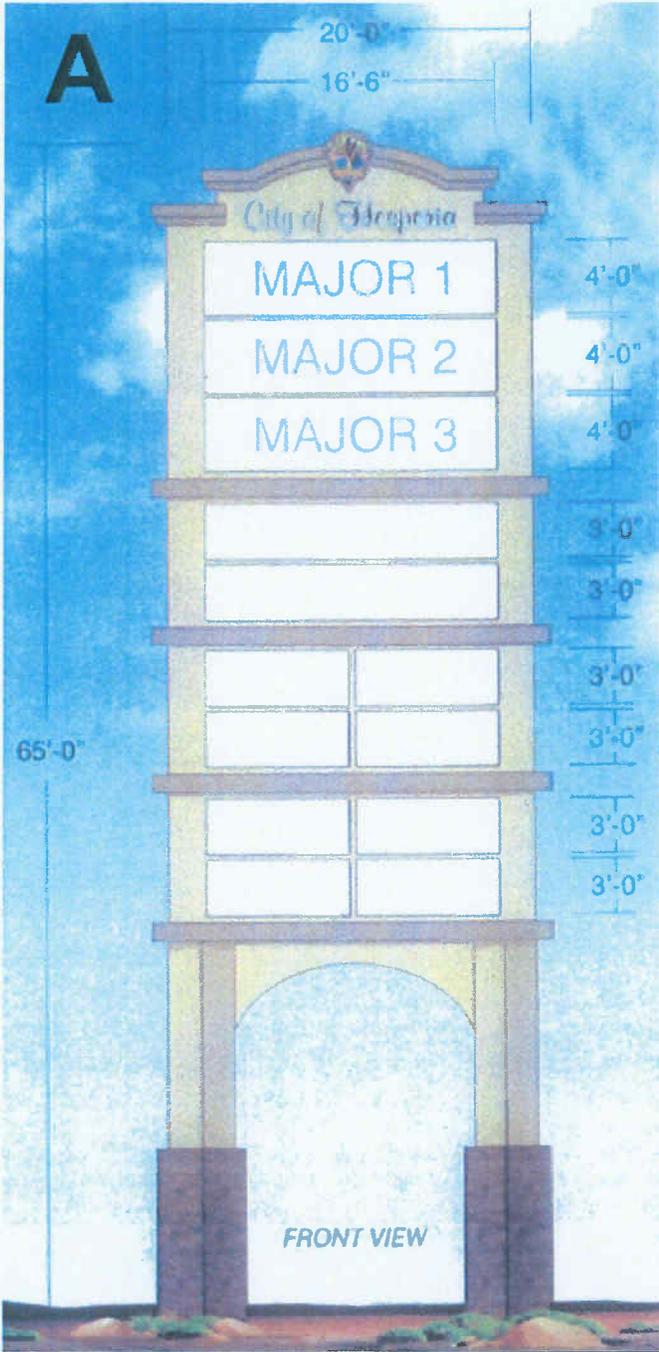
**ALTERNATIVES:**

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

# ATTACHMENT 2

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/Muscateel Street, Ranchoero 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, Rancho Road or Oak Hill Road.

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

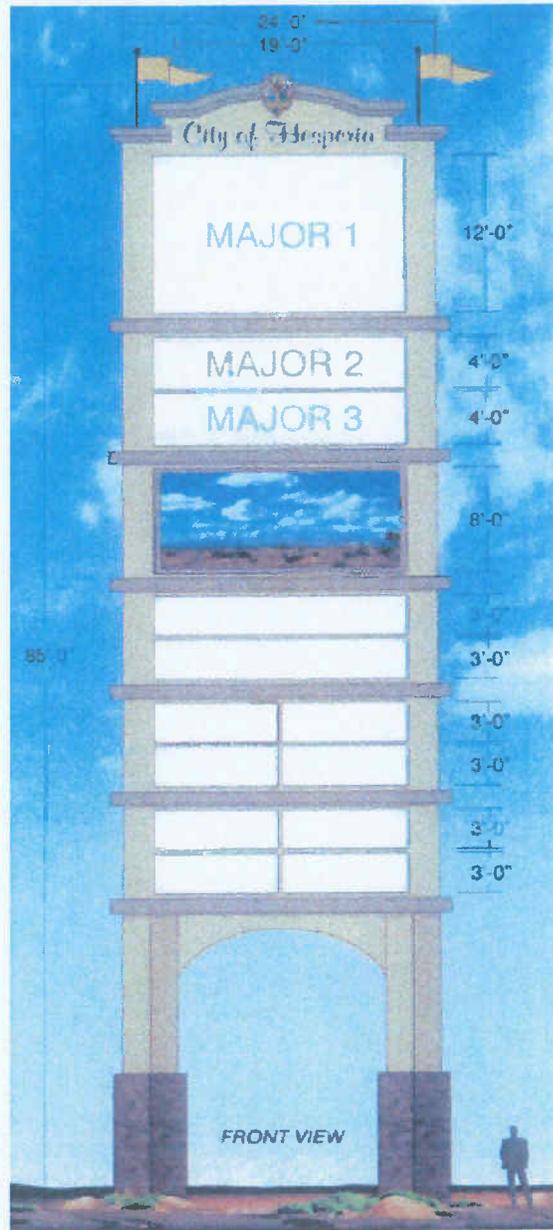
**General plan designation:** Regional Commercial, Auto Sales Commercial, Office Professional, Neighborhood Commercial, and Industrial Commercial.

**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.	"De minimis"
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.	

Signature

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		
<p><b>Comments.</b>                      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.</p> <p>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.</p> <p>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.</p>				

<b>II. AGRICULTURE RESOURCES.</b> 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><b>Comments.</b></p> <p>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>				
<b>III. AIR QUALITY.</b> 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.

<b>IV. BIOLOGICAL RESOURCES.</b> 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?		<b>X</b>		

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](http://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](http://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](http://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/superpad/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?				<b>X</b>

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.

<b>X. MINERAL RESOURCES.</b> 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.

<b>XI. NOISE.</b> 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.

<b>XV. TRANSPORTATION / TRAFFIC.</b> 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.

<b>XVI. UTILITIES AND SERVICE SYSTEMS.</b> 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><b>Comments.</b> 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><b>XVIII. EARLIER ANALYSES.</b></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) <b>Earlier analyses used.</b> Earlier analyses are identified and stated where they are available for review.</p>				
<p>b) <b>Impacts adequately addressed.</b> 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) <b>Mitigation measures.</b> 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:**

4. 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.
5. 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.
6. 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.
- 
- (18) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, C-1 thru C-34.
- 
- (19) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibit 5e.
- 
- (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).
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(44) 2010 California Building Code.

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# 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 August 8, 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 8<sup>th</sup> day of August 2013.

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Chris Elvert, Chair, Planning Commission

ATTEST:

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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 **green and underlined**. New text is shown as black. Proposed changes by the Planning Commission during the July 11, 2013 public hearing, are shown **red and underlined** for additions and **~~Red and strikethrough~~** for deletions.

### 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. Billboards shall not mean any on-premises sign or **"City Freeway Pylon Signs"**. 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 and approved for participation in the "City Freeway Pylon Sign Program" per section 16.36.092. Said signs must be 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:
  1. 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.
  2. The sign must be located within 660 feet of the centerline of Interstate 15.
  3. Freeway pylon signs containing digital displays shall not be within 1000 feet of other freeway pylon signs with digital displays or within 500 feet of other freeway pylon signs located along the same side of the Highway.
  4. The sign must be designed substantially similar to the design indicated in section 16.36.092 (H)
- C. Approval of Participation in the Program.
  1. 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.
  2. Owners of privately-owned signs must apply to the City to participate in the Program. A City Freeway Sign Program Agreement is required and shall be approved by the City Council. This agreement is between the private sign owner and City in which the sign owner grants City control over all or a certain portion of

the sign to use for the City Freeway Pylon Sign Program in compliance with all regulations in section 16.36.092, and shall provide provisions for the content, maintenance, and removal of the sign.

D. Once approved for participation in the Program, all City Freeway Pylon Signs shall require Planning Commission approval of a Site Plan Review. The sign shall comply with the following regulations for the non-digital-display portion of the Sign:

1. Only advertisements for Eligible Businesses, as defined below, with a City issued business license, shall be displayed.
2. Eligible Businesses, in order of priority, for City Freeway Pylon Signs located near 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, minor retailers of 20,000 SF or less, 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.
3. 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, minor retailers of 20,000 SF or less, 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.
4. 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. Such application shall be approved 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 or sign operator's waiting list.
5. The City or sign operator shall maintain a waiting list of Eligible Businesses with approved applications and notify such Eligible Businesses when a space becomes available. The City or sign operator shall notify and offer space to Eligible Businesses on the City's or sign operator's waiting list in order of priority, not in the order they were placed on the waiting list.
- ~~6. Notwithstanding subsection 16.36.092 (D)(2)(3), signs owned by private operators participating in the program shall not exclude competitive business from advertising on the sign~~
- ~~7.6. Private sign owners may give priority to their tenants but shall allow other competitive eligible businesses on vacant sign spaces and on the digital display.~~
7. Displaced businesses may renew their lease for any remaining available spaces, or be placed on the waiting list.
8. Notwithstanding the above, shall any vacancies occur for longer than 180 days, the space shall be offered to the next eligible business at the same rates paid by other tenants on the sign.
- ~~9. Shall any vacancies occur on the sign for longer than 180 days, the space shall be offered to the next eligible business on the list at no cost for a period of six months.~~

E. Digital Display Portions of City Freeway Pylon Signs

1. Any business or industry within the City, with a City issued business license, 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.
2. 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.
3. 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.

F. 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.

G. Sign Content

- a. Advertisement of "Adult"-oriented Goods or Services is prohibited. 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.
- b. All content, except for public agency announcements, service announcements, and Amber alerts, shall be for commercial purposes only.

H. Design Standards

1. Signs shall be limited to 85 feet (85') in height
2. Architecture and Design shall be similar to Figure 1 and 2 and will require approval as part of the Site Plan Review.
3. All signs shall include the City's name and logo.
4. Design shall incorporate a variety of colors and materials.

Figure 1



Figure 2



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**CITY OF HESPERIA  
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room  
9700 Seventh Avenue  
Hesperia, CA 92345  
BEGINNING AT 10:00 A.M.  
WEDNESDAY, JULY 17, 2013**

**A. PROPOSALS:**

**1. JAMES AND JULIE THAYN (SPRR13-00008)**

**Proposal:** A revised Site Plan Review to establish a cheerleading center.

**Location:** 16666 Spruce Street (APN: 0410-091-09)

**Planner:** Dan Alcayaga

**Action:** Administrative approval

**2. VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY (PFR13-00001)**

**Proposal:** (1) A Public Facility Review to construct a wastewater reclamation plant and percolation basins on approximately 10.9 gross acres located on the northwest corner of Mojave Street and Tamarisk Avenue and (2) a lift station on approximately 0.3 acres located on the northwest corner of Fresno Street and Primrose Avenue.

**Location:** APNs: 0405-313-24 thru 30 & 45 and 0405-711-70 & 71

**Planner:** Stan Liudahl

**Action:** Forwarded to August 22, 2013 Planning Commission Meeting



**CITY OF HESPERIA  
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room  
9700 Seventh Avenue  
Hesperia, CA 92345  
BEGINNING AT 10:00 A.M.  
WEDNESDAY, JULY 31, 2013**

**A. PROPOSALS:**

**1. FITNESS 19 (CUPR13-00004)**

**Proposal:** Consideration of a revised conditional use permit to establish a 9524 square foot gym within an existing commercial building.

**Location:** 15555 Main Street (APN: 0413-111-49)

**Planner:** Lisette Sanchez-Mendoza

**Action:** Continued to September 11, 2013 DRC