

# PLANNING COMMISSION AGENDA

## REGULAR MEETING

**Date: October 10, 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

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Dave Reno, Principal Planner

Jeff M. Malawy, Assistant City Attorney



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

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

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

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

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

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

OCTOBER 10, 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: September 12, 2013 Planning Commission Meeting Draft Minutes.

-1-

**PUBLIC HEARINGS**

1. Consideration of Conditional Use Permit CUP13-00003 to construct a 99-bed skilled nursing facility, a 52-unit independent living facility, and a 7,051 square foot outpatient dialysis center and Variance VAR13-00005 to allow a deviation from the required number of parking spaces and carpools on 5.3 acres designated Single-Family Residence (R1-18000) at 17577 and 17579 Sultana Street. The proposal includes an Initial Study and Mitigated Negative Declaration (ND-2013-02) prepared in compliance with the California Environmental Quality Act (CEQA). (Applicant: Suncor Hesperia, LLC; APNs: 0411-214-40 & 41)

1-1

**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

2-1

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, October 3, 2013 at 5:30 p.m. pursuant to California Government Code §54954.2.

  
Kathy Stine  
Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING  
REGULAR MEETING  
SEPTEMBER 12, 2013  
MINUTES

DRAFT

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

**CALL TO ORDER 6:30 p.m.**

**Pledge of Allegiance to the Flag**

**Invocation**

**Roll Call:**

Present: Chris Elvert  
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**

Approval of Minutes: August 22, 2013 Planning Commission Meeting Draft Minutes.

**Motion by Chris Elvert to approve August 22, 2013 Planning Commission Meeting Draft Minutes. Seconded by Tom Murphy and passed with the following roll call vote:**

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

## PUBLIC HEARING

1. Consideration of Specific Plan Amendment, SPLA13-00003 to amend the permitted uses within the Pedestrian Commercial zone of the Main Street and Freeway Corridor Specific Plan, pertaining to health and fitness clubs and medical services. (Applicant: City of Hesperia; APN: Citywide)

Assistant Planner Lisette Sanchez-Mendoza gave a PowerPoint presentation.

**Chair Elvert opened the public hearing at 6:41 p.m.**

Mitch Gardner, architect and project manager for Fitness 19 stated he was there for any Commission questions.

**Chair Elvert closed the public hearing at 6:42 p.m.**

**Motion by Tom Steeno to adopt Resolution No. PC-2013-11, approving SPL13-00003, amending the Pedestrian Commercial zone of the Main Street and Freeway Corridor Specific Plan, regarding health and fitness clubs and medical services. Seconded by Chris Elvert and passed with the following roll call vote:**

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

## PRINCIPAL PLANNER'S REPORT

### DRC Comments

Principal Planner Dave Reno, AICP stated that the VVWRA project decision from August 22, 2013 was appealed to the City Council.

Dave Reno informed the Commission that the Hesperia Commerce Center and Love's Travel Center was coming before the Commission in November and stated the EIR's were available.

### Major Project Update

Dave Reno notified the Commission of the temporary lane closure on Main Street by Target.

## PLANNING COMMISSION BUSINESS OR REPORTS

## ADJOURNMENT

Chair Elvert adjourned the meeting until October 10, 2013 at 6:56 p.m. He stated he would not be in attendance.

Chair Elvert,  
Commission Chair

By: Kathy Stine,  
Commission Secretary

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**DATE:** October 10, 2013  
**TO:** Planning Commission  
**FROM:**  Dave Reno, AICP, Principal Planner  
**BY:**  Daniel S. Alcayaga, AICP, Senior Planner  
**SUBJECT:** Conditional Use Permit CUP13-00003 & Variance VAR13-00005; Applicant: Suncor Hesperia, LLC; APNs: 0411-214-40 & 41

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### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2013-12 and PC-2013-13, approving CUP13-00003 and VAR13-00005.

### BACKGROUND

**Proposal:** A Conditional Use Permit to construct a 99-bed skilled nursing facility, a 52-unit independent living facility for seniors, and a 7,051 square foot outpatient dialysis center on 5.3 acres (Attachment 1). The Variance would allow a two parking space reduction to the overall reciprocal access easement between the Applicant, Foremost Health Care, and the adjacent restaurant property. The Variance would also allow a reduction in the number of required carports. The Development Code requires the independent living facility to have 52 parking spaces with carports; and with approval of the Variance, the proposal would be permitted to have 16 parking spaces with carports.

**Location:** 17577 and 17579 Sultana Street

**Current General Plan, Zoning and Land Uses:** The properties are within the Single-Family Residence (R1-18000) designation. The surrounding land is designated as noted on Attachment 2. The site has been previously disturbed by dirt stockpiles and a building pad from a previously approved project. In 2000, project site obtained a land use approval to construct a two-story, 45,151 square foot assisted living facility and 3-story, 54,403 skilled nursing facility; however, the project was never completed. Three single-family residences and vacant lots exist to the south. Single-family residences exist to the east and west. The project is southwest of Old Town Hesperia, which includes a vacant commercial building, several vacant commercial lots, and a restaurant located on separate parcels. The properties, which are located 130 feet south of Sultana Street and on the west side of Orange Street, are designated Convenience Commercial (C1). Foremost Health Care exists to the north (Attachment 3).

“Skilled nursing” means a health facility that provides skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis. An “independent living” facility provides households for people with disabilities, including seniors, who desire to live independently, which are afforded resources and opportunities to live a normal life. The independent living facility, as part of this proposal, is solely for seniors. The dialysis center would operate similar to a medical clinic, but would specialize in dialysis treatment to patients with kidney problems.

**ISSUES/ANALYSIS**

**Land Use:** Pursuant to Section 16.16.085, a large or community residential care or senior housing facility, intended for seven or more persons, are permitted with a Conditional Use Permit (CUP). The skilled nursing and independent living facilities would fall under this Section. The dialysis center, in conjunction with the other proposed uses, falls in line with institutional types of uses (i.e. hospitals and rehabilitation centers), which are permitted in any zone subject to a CUP. Foremost Health Care (Foremost), which is located immediately to the north of the project, similarly provides skilled nursing, medical, and independent living facilities. The dialysis and skilled nursing facility are one-story buildings. The independent living facility is a two-story building, and all units are studio apartments for seniors. The project site includes two parcels, which will be required to be merged.

The properties owned by Suncor Hesperia, LLC (Suncor), as well as Foremost Health Care, were previously owned by the same owner. It was the prior owner's intent for all properties to function as one large development. Covenants, Conditions, and Restrictions (CCRs) were recorded against the properties allowing all existing and future developments to share in improvements and access. In addition, a shared parking/access easement was recorded between Foremost, Suncor, and the restaurant property. Neither the CCRs nor the parking/access easement limit the type of uses that can be established on the properties.

**Parking:** A total of 141 parking spaces, including six accessible (handicap) parking spaces, are provided with 21% of the site to be landscaped. The skilled nursing, independent living, and dialysis facilities require a total of 133 parking spaces, including six accessible parking spaces. Table 1 shows the breakdown of the required parking spaces and accessible spaces for each building type. Parking for the skilled nursing facility is based on the number of beds (i.e. 99 beds); parking for the dialysis is based on the building floor area (i.e. 7,051 square feet); and parking for independent living facility is based on the number of units (i.e. 52 units). The Building Code requires the dialysis center to provide 10% of all parking to be accessible. This is because the center is for outpatient treatment, which has a higher number of patients with mobile impairments.

**Table 1 – Required Parking for Suncor**

	Type of Facility	Rate per Parking Code	Required Parking Spaces	Percent of Required Accessible Spaces	Required Accessible Spaces (Rounded)
<b>Building A</b>	99 bed Skill Nursing Facility	1 space for each 3 beds	33	2%	1
<b>Building B</b>	7,051 s f Outpatient Dialysis	5 space per 1,000 s f	35	10%	4
<b>Building C</b>	Independent Housing – 52 units	1.25 spaces per unit	65	2%	1
<b>Totals:</b>			<b>133</b>		<b>6</b>

A shared parking/access easement exists between Foremost, Suncor, and the restaurant property. This easement allows Foremost, Suncor, and the restaurant property to share parking and vehicular access. Any parking or access belonging to Foremost, Suncor, and the restaurant can be used by the facilities mentioned herein to satisfy their parking requirements. Currently, 18 spaces are utilized by the adjacent restaurant, 12 of which are on Suncor's property. The Applicant will continue to make parking on their property available for the restaurant. Table 2 identifies the required number of parking spaces by facility.

**Table 2 - Parking by Facility participating in the Shared Parking**

<b>Facility</b>	<b>Required Parking</b>	<b>Parking Provided</b>	<b>Surplus (+)/Short (-)</b>
Suncor	133	133	0
Foremost	204	220	+16
Restaurant	34	16	-18
<b>Totals</b>	<b>371</b>	<b>369</b>	<b>-2</b>

A Variance is being requested for a 2 parking space reduction from the overall reciprocal parking arrangement and a reduction in the number of required carports. The 52-unit independent living facility requires 65 parking spaces, 52 of which must be carports. The proposal only provides 16 carports. Staff believes that the Planning Commission can make the required findings to approve a Variance. The site has unique physical and legal limitations that warrant a reduction in the number of parking spaces and carports. The properties are constrained by topographical conditions and the lots are uniquely shaped. The site has existing improvements and easements that dictate the design of the project. The properties benefit from a shared parking arrangement with adjacent properties; and therefore, the development will have a reduced parking demand. A reduction is also warranted because employees and residents will utilize services within the same center and the adjacent restaurant. Moreover, seniors tend not to drive as frequently as regular households; and will utilize other modes of travel. Currently, Victor Valley Transit Authority's Route 46 makes daily stops at Foremost every hour.

Topographical and legal constraints dictate the design of the parking lot, which makes it difficult to provide all 52 carports. The structural footings required for carports will interfere with the underground drainage systems, which are located to the east and southwest of the independent living facility. In addition, a 20-foot grade elevation difference exists between the independent living facility and the parking spaces to the southwest. Residents of the independent living facility will likely not use the parking spaces to the southwest because spaces are only accessible by stairs. Many seniors, especially the elderly, have mobile impairments or disabilities. Although all parking spaces are accessible to employees and guests, seniors of the independent living facility will opt to utilize parking to the north and east, which are at the same grade as the facility, and will be permitted by the reciprocal parking/access easement. As such, 16 spaces of 34 at grade to the facility will have carports provided for use by seniors. Furthermore, the parking area to the east and southwest of the independent living facility will be shared with the restaurant and skilled nursing facility, which parking for those uses are not required to have carports. The reduction in the number of parking spaces and carports serves as a concession to the senior housing development, as the Housing Element encourages this to promote senior housing developments.

**Circulation:** The CCRs and the access/parking easement allow Suncor to access Sultana and Aspen Streets through Foremost. Access will be additionally provided to Orange Street using the restaurant property, which is authorized by the access/parking easement. The new development will provide emergency access to all parts of the buildings in compliance with Fire regulations. A one-way access road solely for emergency purposes will be provided to the south of the skilled nursing facility with fire hydrants at each end. The entrance gates for this access road will be equipped with a fire Knox padlocks.

**Topographical Considerations:** Although the northeast portion of the site is relatively flat, the majority of the site is situated along the Antelope Valley Wash. The topography along the southern portion of the property has an average slope of 56%. However, this area has been previously disturbed by dirt stockpiles and a building pad from a previously approved project. Further, this slope extends into a row of existing single-family lots, three of which are developed. The hillside in this area has been previously disturbed. Many single-family residences have been constructed along the Antelope Valley Wash; and this pattern of development extends from Rancho Road to Rock Springs Road.

Severe erosion previously occurred along the northern boundary of the site. According to the Building & Safety Division, this occurred primarily because the hillside was cut at an almost 90 degree angle without any retaining mechanisms. This grading, which occurred more than 10 years ago, was done without any grading plans and permits. A condition of approval requires the Applicant to correct the problem by submitting grading plans, a soils report, and obtain permits to construct retaining walls as per the recommendation of a structural engineer. If done correctly, staff does not expect any further erosion to occur.

Substantial grading and construction will be necessary to accommodate the project and to repair the previously collapsed improvements due to ongoing soil erosion. In order to correct the erosion problem, the Applicant proposes a 22-foot high retaining wall along the northern boundary. Installation of the wall would recover a drive aisle and 15 parking spaces, which would serve Foremost. A 26-foot high retaining wall is proposed along the southern boundary of the site. The skilled nursing and the dialysis buildings, as well as a retaining wall will be the most visible from the south and will sit midway on the northern hillside of the Antelope Valley Wash above a row of existing single-family lots. Photo simulations have been provided in Attachment 4, demonstrating how the proposed improvements will look once the project is completed.

The skilled nursing facility will span about 640 feet and the dialysis center will span about 105 feet, in an east-west fashion, along the Wash. The facility will be the most visible from Buckthorn and Pico Avenues immediately to the south. The site will be additionally visible from the vicinity of Pico and Bangor Avenues; and from the higher elevations along the southern banks of the Antelope Valley Wash. The views of the facility, from various angles, are expected to be blocked by existing trees and structures. For example, tall trees along the golf course will help block views from the south. The topography and the unusual street pattern of the area will minimize the ability to view the project. The retaining wall will be architecturally treated, made of textured concrete, and blended with an earth tone color to match the surrounding desert. The project's architectural design will complement the surrounding environment and the design of the retaining wall will help blend the project into its surroundings.

**Architectural Improvements:** The project's architectural design demonstrates compliance with the City's residential design guidelines. Mission Revival architecture would best characterize the design of the buildings (Attachments 5 & 6). All buildings have gable roofs with concrete roof tiles, as well as cornice and corbels along, and around, the roof eaves. Roof variation is created using a combination of towers, pop-outs, and roof projections. Accents are used throughout the building elevations including a combination of false vents, arches, ornamental work, and clay tile. All buildings have varied wall plane variation and combination of colors. All windows will have grids. The independent living facility has wrought iron railing along the balconies.

**Drainage:** The development is required to handle the increase in storm water runoff as a result of construction of this project. Underground drainage systems will be constructed within the parking lot. An underground drainage system will be located east of the independent living facility; and two underground drainage systems will be located north of the skilled nursing facility.

**Water and Sewer:** A condition of approval requires the project to connect to an 8" PVC water line, which exists within Foremost and extends into the Suncor property. A combination of 6" and 8" sewer lines exists within Foremost. Both water and sewer lines that extend through Foremost are within easements. Sultana Street has a 4" sewer line, which extends from Foremost to 'I' Avenue; and a pump/lift station on the Foremost property pumps sewer to 'I' Avenue. As a condition of approval, the project is required to prepare a sewer analysis, which will determine the point of sewer connection. The project will require its own lift/pump station to raise sewer flows to 'I' Avenue. The neighborhood that sewer would extend through is made up of existing single-family residences on lot sizes over 18,000 square feet; and it is not possible that the sewer force main would support future developments.

**Utility Easements:** Many utility and parking/access easements exist on the properties that were intended for a prior development. In particular, the proposed skilled nursing facility and retaining walls will be placed over existing electricity and parking easements. The Applicant will be responsible for obtaining quit claims and/or non-interference letters from utility companies. Staff has notified the Applicant, and the Applicant has requested that this be a condition of approval. Should the Applicant not be able to obtain quit claim and/or non-interference letters, they will need to obtain a revised site plan approval. At this time, staff is unaware of any utilities or improvements that would interfere with the proposal.

**Traffic/Street Improvements:** Based on the Institute of Traffic Engineers' Trip Generation Manual, the project will generate approximately 631 daily vehicle trips per day with 52 trips in a morning peak hour and 77 trips in the evening peak hour. In order to mitigate traffic impacts, the proposed project will pay Development Impact Fees (DIF), which will be collected as part of the building permit process. The traffic impact mitigation fees will be used to fund the Capital Improvement Program (CIP). The CIP is adopted every year and used to construct traffic improvements to maintain adequate levels of service throughout the City.

DIF will go towards constructing projects that will benefit the proposed development. The project will directly benefit from the Rancho Road Underpass, which opened in June 2013; and the Rancho Road Interchange along the I-15 Freeway, which is scheduled to open in October 2014. These capital improvement projects serve as an alternative access route, and are in addition to Main Street access to the freeway. 'I' Avenue is designed to be an arterial roadway

and there is currently a signalized intersection at 'I' Avenue and Sultana Street. DIF can be used to improve 'I' Avenue and associated traffic signal should traffic conditions warrant such improvements in the future. No additional public street construction is necessary as Orange Street is already improved.

**Environmental:** Approval of this project requires adoption of a mitigated negative declaration pursuant to the California Environmental Quality Act (CEQA). The mitigated negative declaration and initial study (Attachment 6) prepared for this project concludes that there are no significant adverse impacts resulting from development of the project with the mitigation measures provided.

**Conclusion:** The project conforms to the policies of the City's General Plan and is in line with the existing health care uses adjacent to the site. The project will also enhance the quality of development and economic potential of the historic old town area.

### **FISCAL IMPACT**

None.

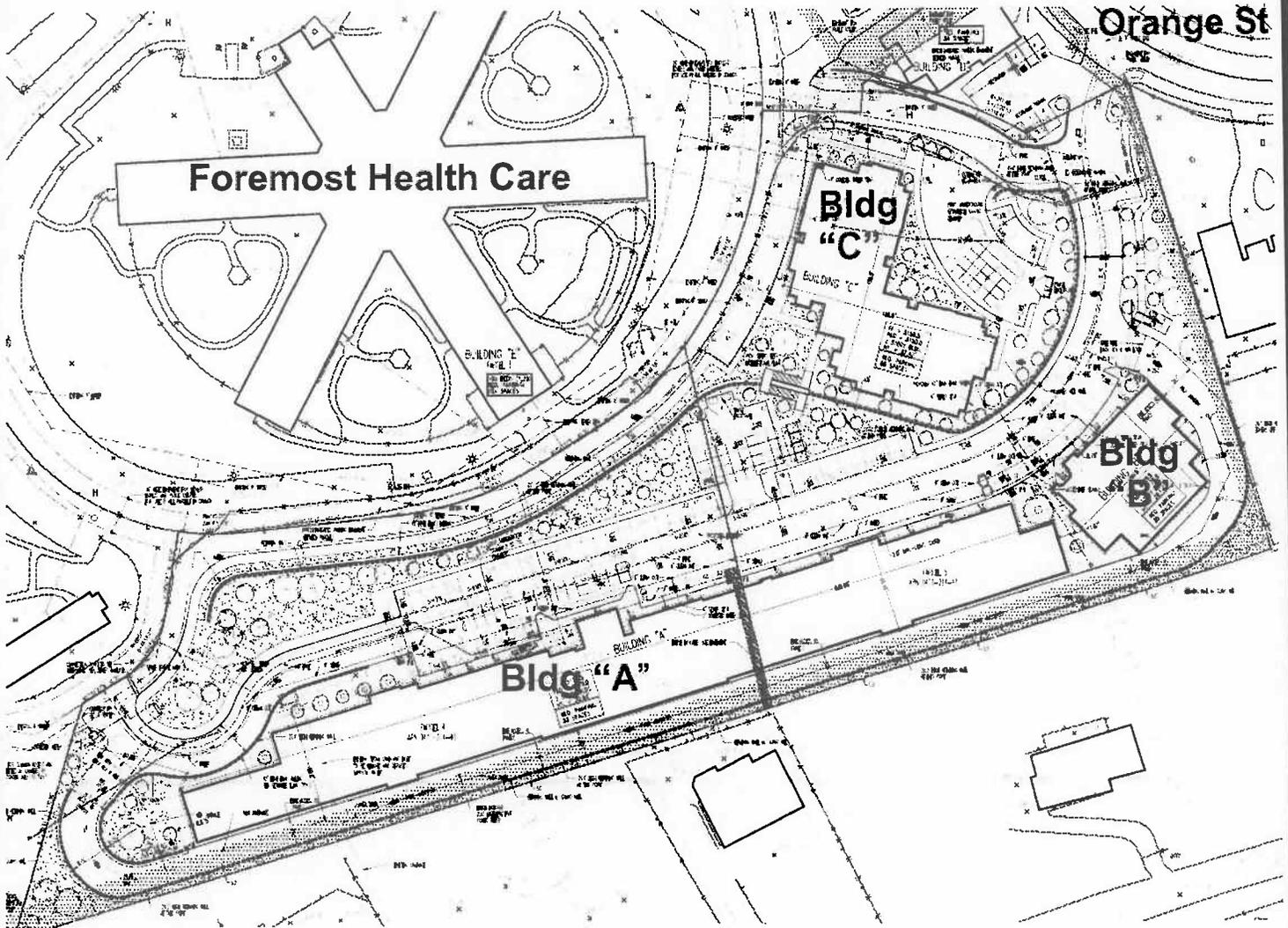
### **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

### **ATTACHMENTS**

1. Site plan
2. General Plan land use map
3. Aerial photo
4. Photo simulations
5. Architectural Elevations
6. Architectural Elevations
7. Mitigated Negative Declaration ND-2013-02 and its initial study
8. Resolution No. PC-2013-12 (CUP), with list of conditions
9. Resolution No. PC-2013-13 (Variance)

# ATTACHMENT 1



- Building "A" – Skilled Nursing
- Building "B" – Dialysis Building
- Building "C" – Independent Living Facility

**APPLICANT(S):**  
SUNCOR CARE, LLC

**FILE NO(S):**  
CUP13-00003 & VAR13-00005

**LOCATION:**  
17577 AND 17579 SULTANA STREET

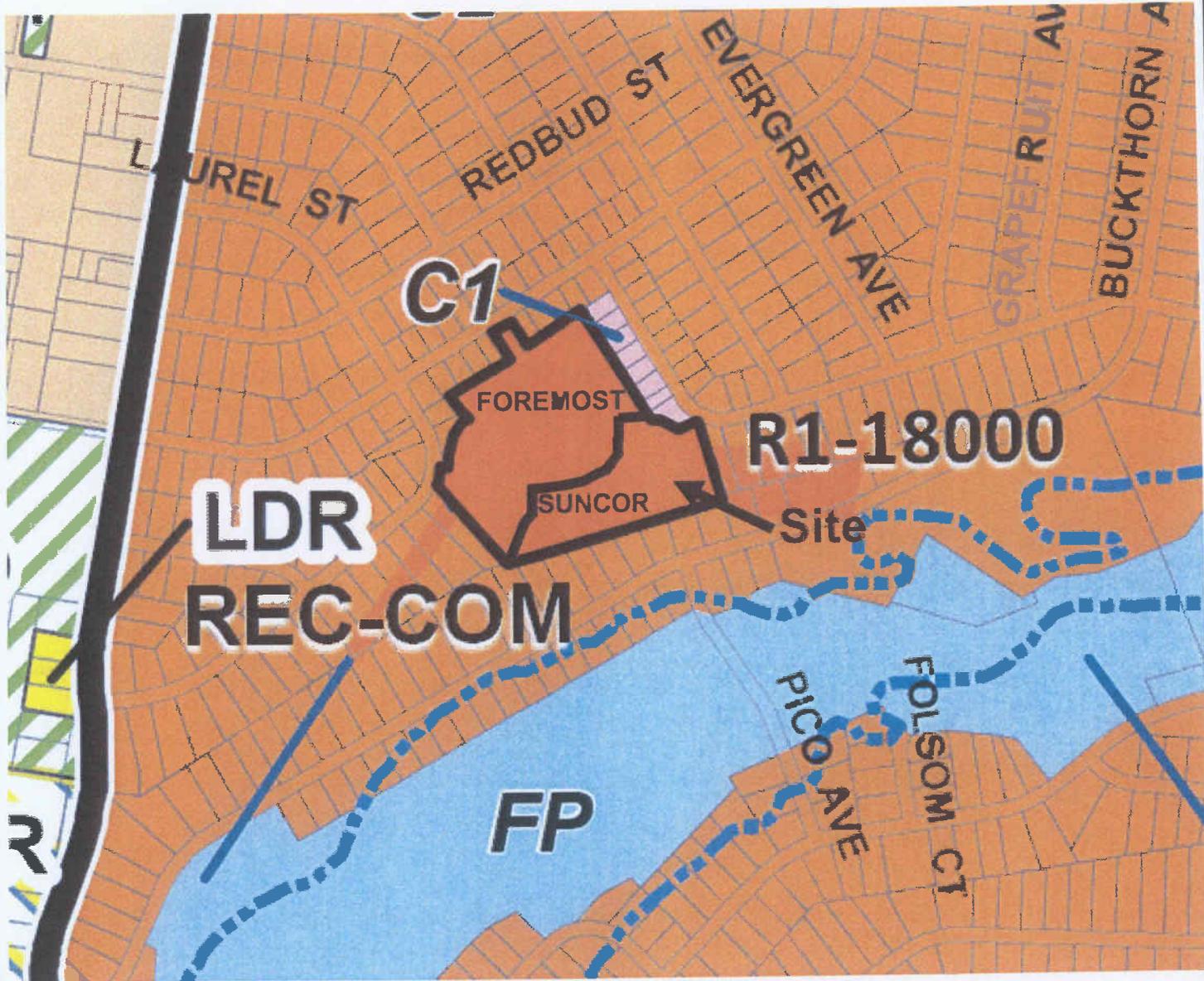
**APN(S):**  
0411-214-40 & 41

**PROPOSAL:**  
A CONDITIONAL USE PERMIT TO CONSTRUCT A 99-BED SKILLED NURSING FACILITY, A 52-UNIT INDEPENDENT LIVING FACILITY, AND A 7,051 SQUARE FOOT OUTPATIENT DIALYSIS CENTER AND A VARIANCE TO ALLOW A DEVIATION FROM THE REQUIRED NUMBER OF PARKING SPACES AND CARPORTS ON 5.3 ACRES DESIGNATED R1-18000



## SITE PLAN

# ATTACHMENT 2



**APPLICANT(S):**  
SUNCOR CARE, LLC

**FILE NO(S):**  
CUP13-00003 & VAR13-00005

**LOCATION:**  
17577 AND 17579 SULTANA STREET

**APN(S):**  
0411-214-40 & 41

**PROPOSAL:**  
A CONDITIONAL USE PERMIT TO CONSTRUCT A 99-BED SKILLED NURSING FACILITY, A 52-UNIT INDEPENDENT LIVING FACILITY, AND A 7,051 SQUARE FOOT OUTPATIENT DIALYSIS CENTER AND A VARIANCE TO ALLOW A DEVIATION FROM THE REQUIRED NUMBER OF PARKING SPACES AND CARPORTS ON 5.3 ACRES DESIGNATED R1-18000



## GENERAL PLAN MAP

# ATTACHMENT 3



**APPLICANT(S):**  
SUNCOR CARE, LLC

**FILE NO(S):**  
CUP13-00003 & VAR13-00005

**LOCATION:**  
17577 AND 17579 SULTANA STREET

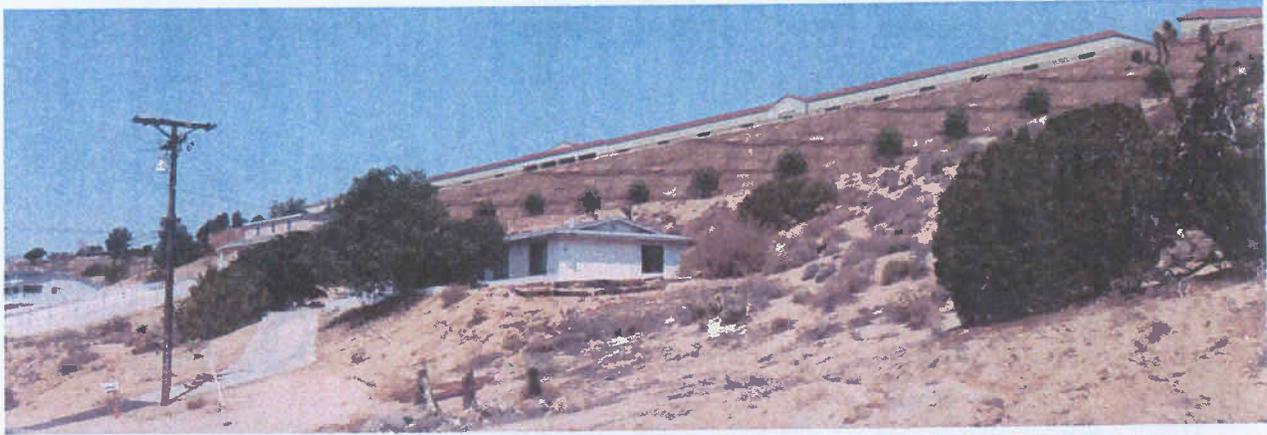
**APN(S):**  
0411-214-40 & 41

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## AERIAL PHOTO

# ATTACHMENT 4



**APPLICANT(S):**  
SUNCOR CARE, LLC

**FILE NO(S):**  
CUP13-00003 & VAR13-00005

**LOCATION:**  
17577 AND 17579 SULTANA STREET

**APN(S):**  
0411-214-40 & 41

**PROPOSAL:**  
A CONDITIONAL USE PERMIT TO CONSTRUCT A 99-BED SKILLED NURSING FACILITY, A 52-UNIT INDEPENDENT LIVING FACILITY, AND A 7,051 SQUARE FOOT OUTPATIENT DIALYSIS CENTER AND A VARIANCE TO ALLOW A DEVIATION FROM THE REQUIRED NUMBER OF PARKING SPACES AND CARPORTS ON 5.3 ACRES DESIGNATED R1-18000



## PHOTO SIMULATIONS

# ATTACHMENT 5



**DIALYSIS CENTER - NORTH ELEVATION**



**INDEPENDENT LIVING - EAST ELEVATION**

**APPLICANT(S):**  
SUNCOR CARE, LLC

**FILE NO(S):**  
CUP13-00003 & VAR13-00005

**LOCATION:**  
17577 AND 17579 SULTANA STREET

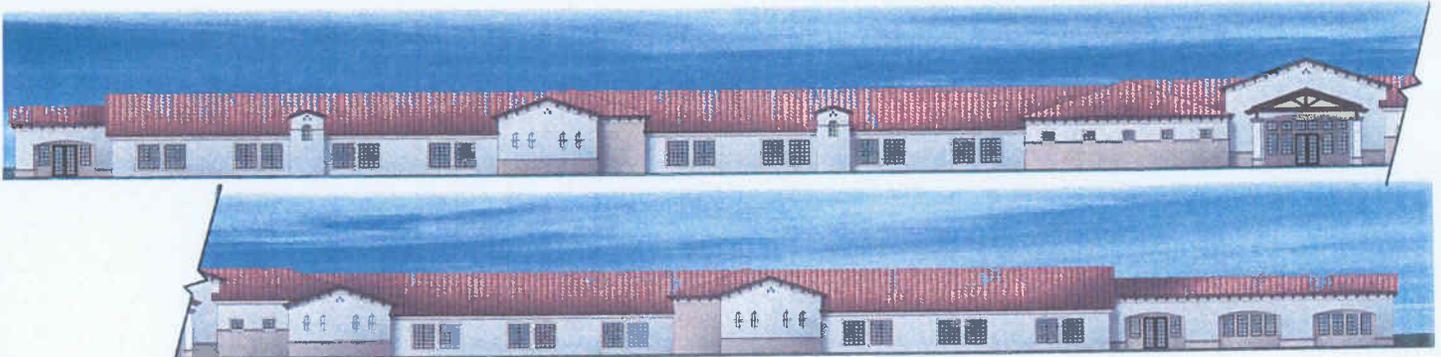
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## ARCHITECTURAL ELEVATIONS

# ATTACHMENT 6



**SKILLED NURSING FACILITY - NORTH ELEVATION**

**APPLICANT(S):**  
SUNCOR CARE, LLC

**FILE NO(S):**  
CUP13-00003 & VAR13-00005

**LOCATION:**  
17577 AND 17579 SULTANA STREET

**APN(S):**  
0411-214-40 & 41

**PROPOSAL:**  
A CONDITIONAL USE PERMIT TO CONSTRUCT A 99-BED SKILLED NURSING FACILITY, A 52-UNIT INDEPENDENT LIVING FACILITY, AND A 7,051 SQUARE FOOT OUTPATIENT DIALYSIS CENTER AND A VARIANCE TO ALLOW A DEVIATION FROM THE REQUIRED NUMBER OF PARKING SPACES AND CARPORTS ON 5.3 ACRES DESIGNATED R1-18000



## ARCHITECTURAL ELEVATIONS

# ATTACHMENT 7

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

MITIGATED NEGATIVE DECLARATION ND-2013-02  
Preparation Date: September 17, 2013

Name or Title of Project: Conditional Use Permit CUP13-00003 and Variance VAR13-00005

Location: 17577 and 17579 Sultana Street (APNs: 0411-214-40 & 41)

Entity or Person Undertaking Project: Suncor Care, LLC

Description of Project: Consideration of a Conditional Use Permit to construct a 99-bed skilled nursing facility, a 52-unit independent living facility, and a 7,051 square foot outpatient dialysis center and a Variance to allow a deviation from the required number of parking spaces and carports on 5.3 acres designated Single-Family Residence (R1-18000)

Statement of Findings: The Planning Commission 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 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.
2. 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 Mitigated Negative Declaration is available for review at the City of Hesperia Planning Department.

Public Review Period: September 19, 2013 until October 8, 2013

Adopted the Planning Commission: October 10, 2013

Attest:

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DAVE RENO, AICP, PRINCIPAL PLANNER

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

**PROJECT DESCRIPTION**

1. **Project Title:** Conditional Use Permit CUP13-00003 and Variance VAR13-00005
2. **Lead Agency Name:** City of Hesperia Planning Division  
**Address:** 9700 Seventh Avenue, Hesperia, CA 92345
3. **Contact Person:** Daniel S. Alcayaga, AICP, Senior Planner  
**Phone number:** (760) 947-1330
4. **Project Location:** 17577 and 17579 Sultana Street (APNs: 0411-214-40 & 41)
5. **Project Sponsor:** Suncor Care, LLC  
**Address:** 2619 Waterman Avenue, Suite D  
San Bernardino, CA 92408
6. **General Plan & zoning:** Single-Family Residence (R1-18000)
7. **Description of project:**

The project includes a Conditional Use Permit to construct a 99-bed skilled nursing facility, a 52-unit independent living facility for seniors, and a 7,051 square foot outpatient dialysis center. A Variance would allow a two parking space deficiency to the overall reciprocal parking arrangement with surrounding properties; and allow the project to deviate from the required number of carports. The 52-unit independent living facility requires 65 parking spaces, 52 of which must be carports. The proposal provides 16 carports. A total of 141 parking spaces will be provided with 21% of the site being landscaped. An underground drainage facility will be constructed beneath the parking lot. The project will share access and utilities, including water, sewer, and lift/pump station with adjacent properties, including the Foremost Health Care facility and a vacant restaurant property. As an alternative, the project may require a sewer extension to 'I' Avenue should a connection to existing sewer in Foremost become infeasible. The project will require its own lift/pump station to raise sewer flows to either Foremost or 'I' Avenue. A 26-foot wide access easement, which traverses through Foremost, connects the project to Sultana, Aspen, and Orange Streets. Access will also be provided to Orange Street, using the property previously occupied by Mary Ann's restaurant.

Substantial grading will be necessary to accommodate the project and repair previously collapsed improvements due to ongoing soil erosion. Accordingly, a 22-foot high retaining wall will be constructed along the northern boundary. Installation of the wall would recover a drive aisle and 15 parking spaces, which are intended to service Foremost. A 26-foot high retaining wall is proposed along the southern boundary of the site. The exterior material of the walls will be textured concrete with an earth-tone color to match the surrounding desert. The materials and colors will help incorporate the wall into the existing hillside. The wall itself will serve as a buffer between the proposed development and the residences to the south. The majority of the property is situated along the Antelope Wash. The topography along the southern portion of the property has an average slope of 56%. This sloped area has been previously disturbed by dirt stockpiles and a building pad from a previously approved project. Further, this slope extends into a row of existing single-family lots, three of which are developed. The northeast portion of the site is relatively flat, outside of the Wash, and on the same grade elevation as Foremost.

8. **Surrounding land uses and setting:** (Briefly describe the project's surroundings). The site is within the Single-Family Residence (R1-18000) and is currently undeveloped as shown on Attachment "A."

Exhibit A



9. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.) Review and approval is required from the City, the Regional Water Quality Control Board, and the Mojave Desert Air Quality Management District.

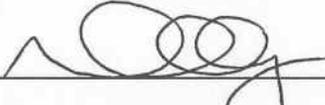
**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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"/>	Agriculture & Forestry Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology / Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<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

**DETERMINATION:** (Completed by the Lead Agency)  
On the basis of this initial evaluation:

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	"De minimis"
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
<input type="checkbox"/>	I find that the proposed project MAY have a "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.	
<input type="checkbox"/>	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   
Daniel S. Alcayaga, AICP, Senior Planner, Hesperia Planning Division

Date 9-17-13

**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-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. 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.

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 (1)?				X
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway (1 & 2)?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings (1 thru 3)?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (4)?			X	

**Comments.**

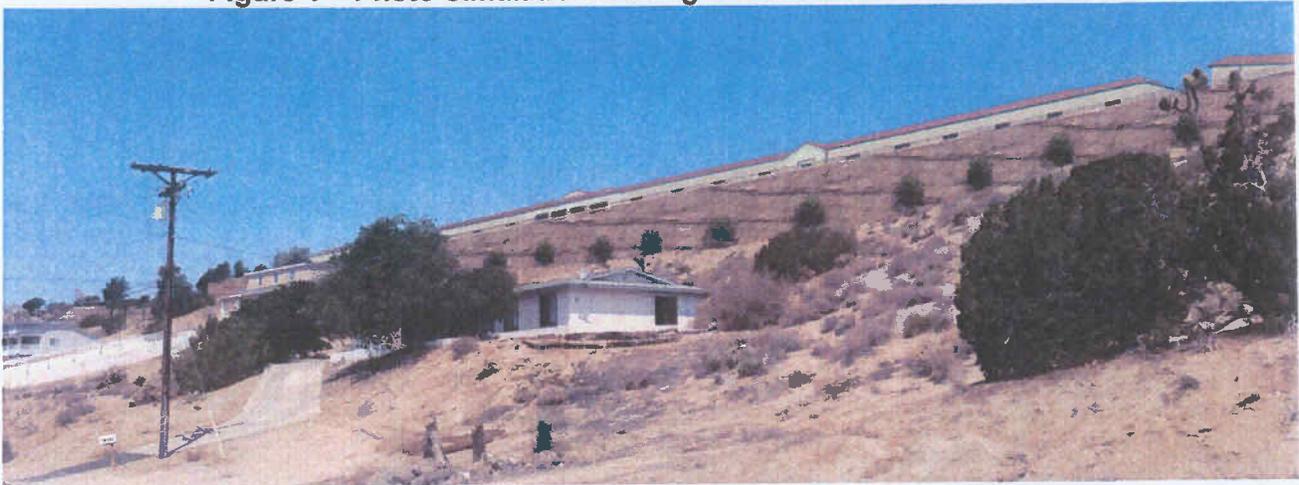
The site is situated to the south of the Foremost Health Care facility and along the Antelope Wash (1). The majority of the site will not be visible from northern street view because it is located behind Foremost. The independent living facility is situated 160 feet from Orange Street. At this distance, however, the independent living facility is not expected to have a visual impact on the surrounding neighborhood, as the building complies with City's design guidelines.

The skilled nursing and the dialysis buildings, as well as the retaining wall will be the most visible from the south and will sit midway on the northern hillside of the Antelope Wash above a row of existing single-family lots. A 26-foot tall decorative retaining wall will be constructed along the southern boundary of the project. Photo simulations have been provided in Figures 1 through 3 demonstrating how the proposed improvements will look once the project is completed. The skilled nursing facility will span about 640 feet and the dialysis center will span about 105 feet, in an east-west fashion, along the Wash. The facility will be the most visible from Buckthorn Avenue and Pico Avenue immediately to the south. The site will additionally be visible from the vicinity of Pico Avenue and Bangor Avenue; and from the higher elevations along the southern banks of the Antelope Wash.

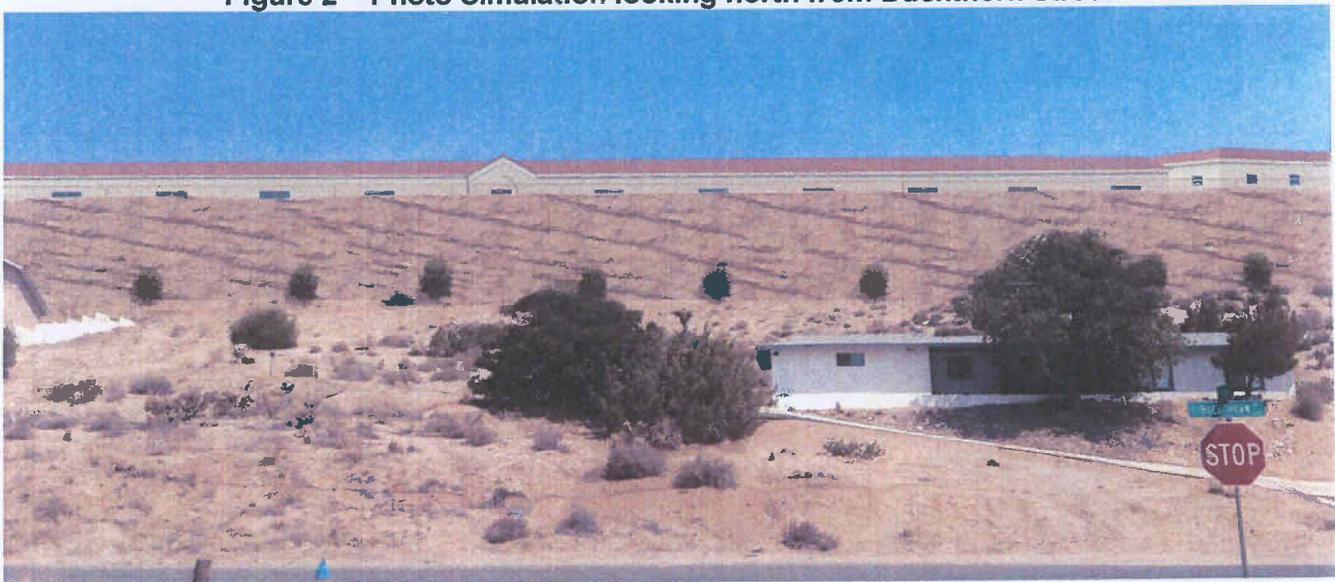
The views of the facility, from various angles, are expected to be blocked by existing trees and structures. For example, tall trees along the golf course will help block views from the south. The topography and the unusual street pattern of the area will minimize the ability to see the project. The project's architectural design demonstrates compliance with the City's residential design guidelines. The retaining wall will be architecturally treated, made of textured concrete, and painted an earth tone color to match the surrounding desert. The project's architectural design will complement the surrounding environment and the design of the retaining wall will help blend the project into its surroundings. The development complies with the maximum building height and lot coverage, as well as the design standards of the City.

The hillside along the Antelope Wash has been already been disturbed. Many single-family residences have been constructed along the Antelope Wash; and this pattern of development extends from Ranchero Road to Rock Springs Road. Three single-family residences are located to the south of the project. The project will therefore not degrade the existing visual character or quality of the site and its surroundings.

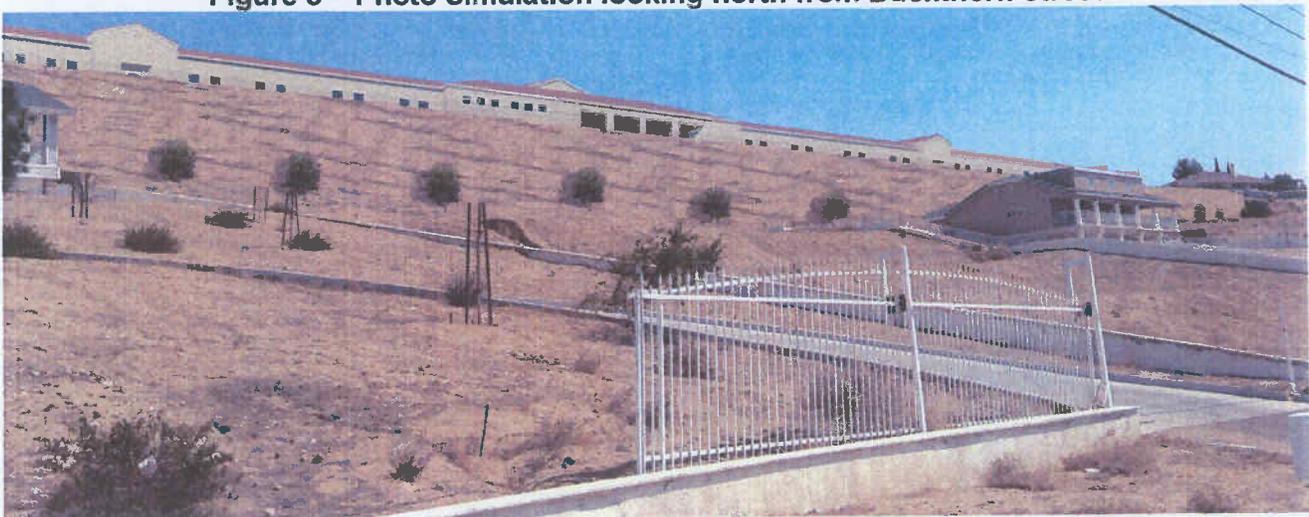
**Figure 1 – Photo Simulation looking north from Buckthorn Street**



**Figure 2 – Photo Simulation looking north from Buckthorn Street**



**Figure 3 – Photo Simulation looking north from Buckthorn Street**



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 is not located in a sensitive environment, as it has been disturbed and within an existing developed area. Given the existing land uses nearby, development of the project will not substantially degrade the existing visual character or quality of the site and its surroundings. 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 project site is not in proximity to these highways. Furthermore, the City does not contain any registered historic buildings.

The Development Code provides limitations on the intensity of exterior lighting for developments, to safeguard the enjoyment of viewing the night sky. This restricts lighting to a maximum illumination of 0.5 foot-candles at the property lines abutting a street or residentially designated property (4) as well as that all lights be hooded and directed downward to reduce glare. Based upon these regulations, the use will not adversely affect day or nighttime views in the area. Therefore, approval of the project will not have a significant negative impact upon aesthetics.

<b>II. AGRICULTURE AND FOREST 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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	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 (8)?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (9 & 10)?				X
c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) (11)?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use (11)?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use (9 & 11)?				X

**Comments.**

As part of the development approval process, any vacant site other than one which allows a single-family residence permitted as a use by right, shall require approval of a land use entitlement. The entitlement process requires that the potential impact upon prime farmland, unique farmland, or farmland of statewide importance be evaluated. Prior to development, staff reviews the General Plan and the

United States Soil Conservation Service (SCS) Soil Survey of San Bernardino County, which identifies soils which are suitable for prime farmland, unique farmland, or farmland of statewide importance. The soil at this location is identified as Haplargids-Calciorthids complex, 15 to 50 percent slopes (12). This soil is typically found in terrace escarpments and remnants between flood plains. Haplargids and Calciorthids are intricately intermingled together; and mostly, the soil is made up of 50% Haplargids and 25% Calciorthids. The Cajon, Bryman and Mohave Variant soils make up the remaining units. Haplargids and Calciorthids are very deep and well drained; run off is medium to rapid; and water erosion is moderate to high. The surface layer ranges from loamy fine sand to sand; and soil blowing is moderate or high where surface layer has not been removed. The permeability of Haplargids soil is moderate to moderately slow; and the permeability of Calciorthids is rapid to moderately rapid.

The proximity of residential uses does not make this site viable for agriculture. The SCS Soil Survey of San Bernardino County, California states that "Urban and built-up land and water areas cannot be considered prime farmland..." 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 as the site is currently within the Single-Family Residence designation (9). The site was also evaluated for past agricultural uses. There is no record of past agricultural activities on the site. Therefore, this project will not have an impact upon agricultural resources.

The City and its Sphere Of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes (13). 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 (14). The project site is primarily located in the eastern portion of the City in an 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 (11). 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.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan (15, 16 & 17)?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (15, 16 & 17)?			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) (15, 16 & 17)?			X	
d) Expose sensitive receptors to substandard pollutant concentrations (1, 5, 15 & 16)?			X	
e) Create objectionable odors affecting a substantial number of people (1, 5, 15 & 16)?				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 **(15 & 16)**. 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 project will potentially contain a number of sensitive receptors. The project will not cause a significant increase in emissions and are within an existing residential area 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 **(16)**. 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 **(15 & 16)**.

All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD **(17)**. Programs have been established in the Air Quality Attainment Plan which address 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 **(18)**. As part of the GPUEIR, the impact of residential development to the maximum allowable density permitted by the Land Use Plan was analyzed. The projected number of vehicle trips associated with this project is analyzed within Section XV. Transportation/Traffic. Based upon these factors, the impact of 99-bed skilled nursing facility, a 52-unit independent living facility for seniors, and a 7,051 square foot outpatient dialysis center on 5.2 acres does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment Plan **(17)**.

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (19 & 20)?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1 & 19)?				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 (1 & 19)?				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 (1, 19 & 21)?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (19 & 20)?		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 (22)?				X

**Comments.**

The site is 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 site is outside the area considered suitable habitat for the Mohave ground squirrel (23). The desert tortoise is also not expected to inhabit the site, given that the development is considered infill and substantially surrounded by residential development (21). The site is 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 (22). The majority of the site has been disturbed; and therefore, there are no Joshua Trees on the property. Since the burrowing owl is not sensitive to development and may occupy the site at any time, a mitigation measure requiring a biological survey to determine their presence or absence shall be submitted no more than 30 days prior to the start of grading activities. The mitigation measure is listed on page 24.

The project site is 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 (22). The project site is located approximately six miles to the northwest within a developed portion of the City (1 & 5). Consequently, approval of the project 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 (24)?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (24)?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (25)?		X		
d) Disturb any human remains, including those interred outside of formal cemeteries (26)?			X	

**Comments.**

Based upon a site visit and review of the aerial photos, there is no evidence that historic resources exist within the project site. In addition, the site is not on the list of previously recorded cultural resources (24). 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 all portions of the site with a low sensitivity potential for containing cultural resources (25). 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. The mitigation measure is listed on page 24.

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) (26). 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 project 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 (28, 29 & 30).				X
ii) Strong seismic ground shaking (31 & 32)?			X	
iii) Seismic-related ground failure, including liquefaction (12 & 31)?			X	
iv) Landslides (31)?			X	

b) Result in substantial soil erosion or the loss of topsoil (12)?			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 (12 & 31)?			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 (12)?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (12)?				X

**Comments.**

The project site is located at the top and sides of the Antelope Wash with slopes of between 15 and 50 percent. According to Exhibit SF-1 of the General Plan Safety Element, the property is not identified within an area where local geological, topography and groundwater conditions would suggest a potential for liquefaction, lateral spreading or earthquake-induced landslides. Nonetheless, a preliminary soils investigation report, dated June 13, 2013, was prepared by Soils Exploration Company, Inc. The investigation performed boring explorations, which included drilling a maximum depth of 50 feet into the ground; and indicated that it did not encounter any ground water or seepage during the boring process (6). Therefore, the report determined the probability of liquefaction on the property is low. The report recommends soil and construction protocols to protect the new buildings and structures from earthquake activity. These include over-excavating and re-compacting the surface soil, as well as removal of all vegetation and roots during the grading process; and the report prescribes the thickness of slab, size of rebar and type of concrete to be used in new footings and slabs (6). All new buildings and structures will need to comply with the minimum standards of 2010 California Building Code.

Exhibit SF-1 indicates that there are no active faults known or suspected to occur near or within the project site. The site is not within an Alquist-Priolo Special Studies Zone or Earthquake Fault Zone (28). 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 (28 & 29). The nearest fault to the site 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 (30). The project site is not located in an Alquist-Priolo Earthquake Fault Zone or within 500 feet of a fault (28 & 29).

Although disturbance of the soil will result in significant soil loss due to wind erosion during construction; ultimately, the site will be fully developed with a building, paved parking, and landscaping (5). These improvements will ensure that soil disturbance will not result in significant soil erosion. During construction, soil erosion will be limited through compliance with an approved erosion control plan in accordance with National Pollution Discharge Elimination System (NPDES) and Storm Water Pollution Prevention Plan (SWPPP) regulations.

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 (33), which ensures that the buildings will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a final 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	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (34)?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases (34, 35 & 36)?			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 (37). 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)(34). 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 (35).

Development of the proposed project will not increase the greenhouse gas (GHG) emissions beyond that analyzed within the General Plan Update Environmental Impact Report (GPUEIR). The buildings will be equipped with energy efficient mechanical systems for heating and cooling. That, in combination with use of dual pane glass and insulation meeting current Building Code regulations (33), will result in reduced GHG emissions for this project. Ultimately, older heating and cooling systems will be replaced with these more efficient systems, resulting in substantial community emission reduction credits. This project will provide 52 dwelling units for senior. These residents tend to use buses and other types of public transportation. A bus stop is conveniently situated on Route 46. Consequently, the senior units may reduce the number of vehicle trips below that which was considered by the GPUEIR.

Staff has calculated the annual greenhouse gas emissions for this project, accounting for emission reductions for mechanical equipment and other appliances needed to comply with the building code and from transportation, in accordance with the analysis in Attachment "B." Based upon Urbemis and the methodology provided within Attachment "B," this project is consistent with the greenhouse emission reduction target for 2020. Further, the impact during construction is a large part of the CO<sub>2</sub> produced, but is only a temporary condition. In particular, a Route 46 bus stop exists north of the project on Sultana Street. Consequently, the impact upon GHG emissions associated with the proposed project is less than significant.

VIII. 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 (40)?			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 (40)?			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 (1 & 5)?				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 create a significant hazard to the public or the environment (40)?				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 (9)?				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 (41)?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (42)?				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 (1 & 5)?				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 project 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 project site does 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/supercpad/cursites/srchsites.cfm>). This database contains information on hazardous waste sites, potential hazardous waste sites, and remedial activities across the nation. There is one Superfund site in the City of Hesperia. However, the project site is not located within or adjacent to the Superfund site.
- Solid Waste Information System (SWIS) (<http://www.ciwmb.ca.gov/SWIS/Search.asp>). The SWIS database contains information on solid waste facilities, operations, and disposal sites throughout the State of California. There are three solid waste facilities in the City of Hesperia; however the project site is not listed.
- Leaking Underground Fuel Tanks (LUFT)/ Spills, Leaks, Investigations and Cleanups (SLIC) (<http://geotracker.waterboards.ca.gov/search/>). This site tracks regulatory data about underground fuel tanks, fuel pipelines, and public drinking water supplies. There are fourteen LUFT sites in the City of Hesperia, six of which are closed cases. The project site is not listed as a LUFT site and there are no SLIC sites in the City of Hesperia.
- There are no known Formerly Used Defense Sites within the limits of the City of Hesperia <http://hq.environmental.usace.army.mil/programs/fuds/fudsinv/fudsinv.html>.

The proposed project does not conflict with air traffic nor emergency evacuation plans. The site is over two miles south of the Hesperia Airport and is therefore not within a restricted use zone associated with air operations (41). 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 (43 & 44). All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. Consequently, approval of the project will not have any impact upon or be affected by hazards and hazardous materials.

IX. 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 (45 & 46)?				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) (47 & 48)?			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 (43)?			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 (5 & 43)?			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 (49)?			X	
f) Otherwise substantially degrade water quality (49)?			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 (5, 50 & 51)?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (5, 43 & 51)?				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 (9 & 43)?				X
j) Inundation by seiche, tsunami, or mudflow (28)?				X

**Comments.**

Development of the site will disturb more than one-acre of land. Consequently, a Notice of Intent (NOI) and a general construction National Pollution Discharge Elimination System (NPDES) permit shall be obtained prior to land disturbance (52). Issuance of a Storm Water Pollution Prevention Plan (SWPPP) will also be required, which specifies the Best Management Practices (BMPs) that will be implemented to prevent construction pollutants from contacting storm water (52). Obtaining the NPDES and the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). The NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts to water quality during project construction.

This development may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff (5). Therefore, the project shall retain the drainage created on-site beyond that which has occurred historically within an approved drainage system in accordance with City of Hesperia Resolution 89-16 (53). The site is also not within a Flood Zone, based upon the latest Flood Insurance Rate Maps (51). The retention facilities required by the City will ensure that no additional storm water runoff impacts the area and that any contaminants will be filtered from storm water runoff prior to release. 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 (54). 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 (31). 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 (31). 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 (55). 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 (47).

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 (47). 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 project is considered less than significant.

X. 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 (1)?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (9)?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan (21, 22 & 23)?				X

**Comments.**

The site is currently vacant but is surrounded by other existing institutional, commercial, and residential uses (1). The project is consistent with the General Plan, with approval of a conditional use permit and variance (5). The project includes a Conditional Use Permit to construct a 99-bed skilled nursing facility, a 52-unit independent living facility for seniors, and a 7,051 square foot outpatient dialysis center. Pursuant to Section 16.16.085, a large or community residential care facility or senior housing that are intended for seven or more persons are permitted with a Conditional Use Permit. The proposal, including the assisted living facility and dialysis center, are in line with institutional type uses permitted in any zone, such as hospitals and rehabilitation centers. Foremost Health Care currently provides a skilled nursing facility and independent living units located immediately to the north.

Policy No. 1.2 of the Housing Element encourages the use of incentives to facilitate the development of new housing, especially, for senior households. The project is consistent with Housing Element Policy No. 5.2, which mandates equal access to housing for the elderly and the disabled. Policy No. 4.1 encourages the City to eliminate governmental constraints to housing production and affordability. A Variance would allow a four parking space deficiency to the overall reciprocal parking arrangement; and allow the project to deviate from the required number of carports. The 52-unit independent living facility, which is intended for seniors, requires 65 parking spaces, 52 of which must have carports. The proposal only provides 16 carports. Approval of the Variance would comply with the City’s adopted housing policies by providing the project incentives and removing minor regulatory constraints, in order support development of the project. Moreover, seniors are expected to drive less; and will utilize transit services offered by Victor Valley Transit Authority. Currently, Route 46 makes a stop daily at Foremost

every hour. The Variance serves as an incentive to the project; and accounts for seniors that will use other modes of transportation.

The project site is 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 (22). The project site is located approximately seven miles northwest of this sensitive area and is within a developed portion of the City. Therefore, the project would have a less than significant impact upon land use and planning.

XI. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (56)?				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 (56)?				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 (56). 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. Although the project contains a wash that contains sand and gravel, the mineral resources within the property are not unique locally or regionally and need not be preserved. Consequently, the proposed project would not have an impact upon mineral resources.

XII. NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (1, 5 & 57)?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (57 & 58)?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (5 & 9)?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (57)?			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 (9 & 60)?				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 (60)?				X
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**Comments.**

Approval of the proposed project 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 and aircraft (57). 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.

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 (58). 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 site is over two miles north of the Hesperia Airport. At this distance, the project is not impacted by any safety zones associated with this private airport (60). 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 (18). Inasmuch as this project is consistent with the General Plan, no appreciable difference in noise impact will occur.

XIII. 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) (5 & 9)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere (1)?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere (1)?				X

**Comments.**

The subject property is within the Single-Family Residence (R1-18000) designation, which allows for residential care facilities, senior housing and institution type of uses (9). The dialysis center will offer a new service to existing residents and not expected to increase the population of the City. The 52-unit independent living facility are designed to be studio units and not expected to accommodate more than 2

people each. Skilled nursing means a health facility that provides skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis (7). At capacity, and for an extended period of time, the 99-bed skilled nursing facility has the potential to increase the residential population in the City. Therefore, the independent and skilled nursing facilities have the potential to increase the City population by 228 people. Consequently, the proposed development 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.

Creation of senior housing is a goal of the City's General Plan and conforms to state housing laws. Policy No. 1.2 of the Housing Element encourages the use of incentives to facilitate the development of new housing, especially, for households with special needs. The project is consistent with Housing Element Policy No. 5.2, which mandates equal access to housing for the elderly and the disabled. Policy No. 4.1 encourages the City to eliminate governmental constraints to housing production and affordability. This project will further diversify the City's housing stock, in support of establishment of a full range of housing densities within the City's boundaries.

The site is currently served by water, sewer, and other utility systems (61). 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 population beyond that analyzed by the GPUEIR.

<b>XIV. PUBLIC SERVICES.</b>	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 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 (62):			X	
Fire protection? (62 & 63)			X	
Police protection? (62 & 63)			X	
Schools? (62 & 63)			X	
Parks? (62 & 63)			X	
Other public facilities? (62)			X	

**Comments.**

Although the proposed project will create an increase in demand for public services (5), that increase is slightly 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 (61). Additionally, development impact fees will be assessed at the time that building permits are issued (63). These fees are designed to ensure that appropriate levels of capital resources will be available to serve any future development. Therefore, the impact of the project upon public services is less than significant.

<b>XV. RECREATION.</b>	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 (5)?			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 (5)?			X	

**Comments.**

Construction of this project will result in a slight increase in population growth beyond that which is planned for in the City's Land Use Element. Therefore, its impact upon existing recreational facilities will be minimal. Further, the developer will be responsible for paying park fees (63), which ensure that any additional impact to existing recreational facilities will be lessened. Therefore, the proposed project will have minimal impact upon existing recreational facilities.

<b>XVI. TRANSPORTATION / TRAFFIC.</b> Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (64)?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways (65 & 66)?			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 (41)?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (1 & 59)?				X
e) Result in inadequate emergency access (5)?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities (67)?				X

**Comments.**

Based on the Institute of Traffic Engineers' Trip Generation Manual (38), the project will generate approximately 631 daily vehicle trips per day with 52 trips in a morning peak hour and 77 trips in the evening peak hour. In order to mitigate traffic impacts, the proposed project will contribute to the Traffic Impact Mitigation Fee Program. The Development Impact Fees (DIF), as part of the program, are imposed on new development and collected as part of the building permit process. The developer is required to pay all applicable DIF, and traffic impact mitigation fees will be used to fund the Capital Improvement Program (CIP). The CIP is adopted every year and used to construct traffic improvements to maintain adequate levels of service throughout the City.

**Table 1 – Estimated Vehicle Trips to be Generated by Land Uses (38)**

Land Uses (ITE No.)	Unit of Analysis	Weekday Trips	AM Peak Hour Trips	PM Peak Hour Trips
Nursing Home (620)	99 beds	271	20	37
Senior Housing (253)	52 units	105	7	10
Dialysis Clinic (720)	7,051 s f	255	25	30
Total Trips		631	52	77

DIF will go towards constructing projects that will benefit the project. The project will directly benefit from the Rancho Road Underpass, which opened in June 2013; and Rancho Road Interchange along the I-15 Freeway, which will open in October 2014. These capital improvement projects serve as alternative access route; and in addition to Main Street access to the freeway. 'I' Avenue is designed to be an arterial roadway and there is currently a signalized intersection at 'I' Avenue and Sultana Street. In addition, the project does not form a hazardous design feature and will not conflict with the Traffic Circulation Plan, nor will the project be inconsistent with an ordinance or policy establishing measures of effectiveness for the performance of the circulation system.

The City's General Plan includes a non-motorized transportation network (67). Seniors will drive less or other modes of transportation. Currently, Route 46 makes daily stops at Foremost approximately every hour. The project's proximity to the existing Route 46 should promote increased use of buses and other alternative modes of transportation.

Access to, and within, the site has been evaluated by both the City and the San Bernardino County Fire Department. Using reciprocal access agreements already in place with adjacent properties, the project will be able to access Aspen, Orange and Sultana Streets through Foremost. The project is also able to access Orange Street through the property that was previously occupied by Mary Ann's restaurant. The site plan shows emergency access to be provided to all parts of buildings in compliance with Fire regulations. A one-way access road solely for emergency purposes will be provided to the south of the assisted living facility with fire hydrants at each end. The entrance gates for the access road will be equipped with a fire knock boxes/pad locks.

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 (18). The project will cause only a minimal increase in traffic from that which was analyzed under the GPUEIR. The project will afford its residents alternative modes of transportation. Consequently, the impact of the project upon transportation systems is less than significant.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (68)?				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 (69)?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (59)?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (47 & 48)?			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 (69)?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (70 & 71)?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste (72)?			X	

**Comments.**

The project is required to connect into the City's sewer system. The original development, which included the site in question and Foremost, was intended to function as one large development. The original developer prepared covenants, conditions and restrictions allowing all existing and future developments to share improvements and access. As a condition of approval, the project is required to connect to existing sewer and water lines in Foremost. An existing lift/pump station for the sewer system at Foremost may be needed to be upgraded to increase its capacity. Nonetheless, there are other options should connecting to existing sewer in Foremost become infeasible. The applicant has expressed a desire to connect to existing sewer on 'I' Avenue by way of Aspen Street to Poplar Street. In either case, the neighborhood by which sewer would extend through is made up of existing single-family residences on lot sizes over 18,000 square feet with no environmentally sensitive resources; and it is unlikely that the sewer capacity would support future developments. Therefore, water and sewer extensions will not cause a significant environmental effect.

As part of construction of the project, the City requires installation of an on-site retention facility which will retain any additional storm water created by the impervious surfaces developed as part of the project (59). Incorporation of the required on-site retention facility will ensure that the use will not have a negative impact upon adjacent properties. Consequently, based upon a 100-year storm event, development of this project will not increase the amount of drainage impacting downstream properties beyond that which would occur prior to its development. Additionally, the retention facility will contain a filtration system preventing contamination of the environment.

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 (47).

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 (47). 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 (72). Currently, approximately 71 percent of the solid waste within the City is being recycled (70 & 71). 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. Therefore, the project will not cause a significant negative impact upon utilities and service systems.

XVIII. 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 an individual project are significant 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	

**Comments.**

Based upon the analysis in this initial study, a Negative Declaration may be adopted. Development of this project will have a minor effect upon the environment. These impacts are only significant to the degree that mitigation measures are necessary.

**XIV. EARLIER ANALYSES.**

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case a discussion identifies the following:

The Certified General Plan Environmental Impact Report.

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

b) **Impacts adequately addressed.** Effects from the above checklist that were identified to be within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards are noted with a statement whether such effects were addressed by mitigation measures based on the earlier analysis.

a) **Mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project are described.

**The following mitigation measure(s) are recommended as a function of this project.**

1. 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.
2. 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 21103 and 21107.

**REFERENCES**

- (1) Aerial photos of the City of Hesperia taken February, 2013.
- (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) Section 16.20.085 of the Hesperia Municipal Code.
- (5) Applications filed for Conditional Use Permit CUP13-00003 and Variance VAR13-00005.
- (6) Preliminary Soils Investigation Report, dated June 13, 2013, prepared by Soils Exploration Company, Inc.
- (7) California Department of Public Health, Licensing and Certification Program.  
<http://www.cdph.ca.gov/pubsforms/forms/Pages/HealthFacilities.aspx>. Last accessed: September 13, 2013
- (8) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-1

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- (9) General Plan Land Use Map
- 
- (10) Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2
- 
- (11) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34.
- 
- (12) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 31 and Pages 40 and 41.
- 
- (13) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
- 
- (14) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
- 
- (15) Air Quality Section of the 2010 City of Hesperia General Plan Update, pages CN-47 thru CN-50.
- 
- (16) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
- 
- (17) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
- 
- (18) Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR) adopted by Resolution No. 2010-057.
- 
- (19) California State Independent Living Council. <http://www.calsilc.org/index.htm>. Last accessed: September 13, 2013
- 
- (20) Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
- 
- (21) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-4.
- 
- (22) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-3.
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- (23) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-5.
- 
- (24) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, C-1 thru C-34.
- 
- (25) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibit 5e.
- 
- (26) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
- 
- (27) Section 8 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, page 64.
- 
- (28) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1.
- 
- (29) Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, Figure 1-2.
- 
- (30) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
- 
- (31) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
- 
- (32) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-23 thru 1-36.
- 
- (33) 2010 California Building Code.
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- (34) Section 1 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 1.
- 
- (35) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
- 
- (36) Table 5 of Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, pages 20 and 21.
- 
- (37) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
- 
- (38) Institute of Transportation Engineers Trip Generation Manual, Seventh Edition, Volume 2 & 3, Pages 460, 1,119, & 1,141
- 
- (39) 2007 Urbemis Report for greenhouse gas emissions, Version 9.2.4.
- 
- (40) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
- 
- (41) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-60 and LU-61.
- 
- (42) Potential Emergency Shelters and Evacuation Routes shown within the 2010 Hesperia General Plan Safety Element, Exhibit SF-4.
- 
- (43) 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.
- 
- (44) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
- 
- (45) Section 3.8.2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
- 
- (46) Section 3.8.5 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-20 thru 3.8-22.
- 
- (47) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
- 
- (48) Mojave Water Agency letter dated March 27, 1996.
- 
- (49) Section 4.3.8 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 4-9.
- 
- (50) 1992 Hesperia Master Plan of Drainage Volume III, identifying future drainage improvements for the area.
- 
- (51) FEMA flood map, City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
- 
- (52) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
- 
- (53) Flooding Hazards Section of the 2010 City of Hesperia General Plan Update Safety Element, pages SF-16 thru SF-18.
- 
- (54) Dam Inundation Map for the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 3-22.
- 
- (55) Table 3.6-2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.6-24.
- 
- (56) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
- 
- (57) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
- 
- (58) Section 16.20.125 of the Hesperia Municipal Code, pages 464 thru 467.
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- (59) Conditions of approval for Conditional Use Permit CUP13-00003 and Variance VAR13-00005.
- 
- (60) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, Exhibit LU-3.
- 
- (61) Current Hesperia water and sewer line atlas, page H13.
- 
- (62) Section 4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-13 thru 4-18.
- 
- (63) 1991 City of Hesperia Ordinance 180 entitled "An Ordinance of the City Council of the City of Hesperia, California, Establishing a Development Impact Fee for all New Residential, Commercial, and Industrial Structures" and Resolution No. 2007-110 on November 20, 2007.
- 
- (64) Exhibit CI-22 showing the Urban Design Framework within the 2010 City of Hesperia General Plan Update Circulation Element, page CI-55.
- 
- (65) Section 2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 2-19.
- 
- (66) Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 4 thru 6.
- 
- (67) Sections 6.3 and 6.4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 74 thru 76.
- 
- (68) Section 3.8 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-8 thru 3.8-14.
- 
- (69) 2010 California Plumbing Code.
- 
- (70) Quarterly data of the San Bernardino County Disposal Reporting System for the 2010 calendar year.
- 
- (71) 2010 California Department of Resources, Recycling and Recovery Annual AB939 Report.
- 
- (72) California Integrated Waste Management Act (AB 939).
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## Exhibit B

### Summary of Greenhouse Gas Emissions

Suncor Care, LLC  
September 17, 2013

#### Project Emissions

UnMitigated	MTCO <sub>2</sub> e/year
Natural Gas	106.59
Electricity	431.64
Transportation (VMT)	1,150.44
Total	1,688.67

#### Project Emission Reductions

Mitigated	MTCO <sub>2</sub> e/year	Percentage
Electric	51.80	
Transportation (VMT)	151.86	
Total	203.66	12.06%

# Natural Gas Combustion

Suncor Care, LLC

Greenhouse Gas Analysis

# Global Warming Potentials

Methane

Nitrous Oxide

Carbon Dioxide

21

310

1

	units	Natural Gas Usage Factor *	Natural Gas Usage (therms/unit/year)	Natural Gas Usage (MMBTU/year)	Emission Factor (kg/MMBTU) *	Emissions (kg/year)	Emissions (tons per year)	Emissions (MTCO2e per year)
Methane	52.00	471.00	471.00	244.92	0.005	1.22	0.00	0.03
Nitrous Oxide	52.00	471.00	471.00	244.92	0.0001	0.02	0.00	0.01
Carbon Dioxide	52.00	471.00	471.00	244.92	71.42	17,492.19	19.28	19.28

Sub-Total: 19.32

	Square Feet	Natural Gas Usage Factor *	Natural Gas Usage (therms/unit/year)	Natural Gas Usage (MMBTU/year)	Emission Factor (kg/MMBTU) *	Emissions (kg/year)	Emissions (tons per year)	Emissions (MTCO2e per year)
Methane	42,572.00	25.99	25.99	1,106.45	0.005	5.53	0.01	0.13
Nitrous Oxide	42,572.00	25.99	25.99	1,106.45	0.0001	0.11	0.00	0.04
Carbon Dioxide	42,572.00	25.99	25.99	1,106.45	71.42	79,022.39	87.11	87.11

Sub-Total: 87.27

\* Factors used are from the Hesperia Climate Action Plan

Total

106.59

# Electricity - Domestic Emissions

Suncor Care, LLC  
Greenhouse Gas Analysis

## Per Capital City Emissions

Area	Year	Total Residential Units	Population/Total Units	Estimated Population	MTCO <sub>2</sub> e/year
City + Sphere	2009	34,550	2.98	102,896	135,824
City + Sphere	2020	58,281	3.03	176,527	233,019
City + Sphere	2030	79,855	3.05	243,465	321,378

### Population Increase by Project

52 studio units \* 2 + (99 beds)= 228

Emission per Person: 321,378 MTCO<sub>2</sub>e/243,465 (2030 Population) = 1.32

Project Population	MTCO <sub>2</sub> e per person	MTCO <sub>2</sub> e/year
327	1.32	431.64

Measure	Percent Reduction	MTCO <sub>2</sub> e/year
2.1.2 Programmable Thermostat Timers	6%	431.64
2.1.4 Energy Star Appliances	4%	379.84
2.2.2 Lighting	2%	51.80
Total	12%	
Total Unmitigated		431.64
Mitigated Emissions		379.84
Reductions		51.80

# Vehicle Emissions

Emission Inventory Greenhouse Gas Analysis	42572
<b>Total Senior Units</b>	52
<b>Total Square Feet (Skilled Nursing &amp; Dialysis)</b>	42,572
<b>VMT (Annual) *</b>	1,797,910

	<b>CH4</b>
<b>Grams per Mile **</b>	0.05
<b>gram per VMT</b>	89,895
<b>tons per VMT</b>	0.10
	<b>N20 ***</b>
<b>Nox (tons per year)*</b>	0.69
<b>N20 (tons per year)</b>	0.03

Project	(tons/year)	GWP	MTCO2e
CO2*	1256.72	1	1,256.72
CH4	0.10	21	2.10
N20 ***	0.03	310	9.30
<b>Total (MTCO2e)</b>			<b>1,150.44</b>

\* Urbemis 2007 Version 9.2.4. - Annual VMTs calculated by multiplying VMTs by 365 days

\*\* City of Hesperia Climate Action Plan

\*\*\* Emission Factor for N20 based upon a conversion ratio of 0.04873 from NOX to N20. Based upon California Air Resources Board:

Estimates of Nitrous Oxide Emissions from Motor Vehicles and the Effects of Catalyst Composition and Aging, 2005.

\*\*\*\* Percentage reduction applies to emissions from affordable units only

# Mitigation Strategies

Strategy	Percentage Reduction	Total MTCO2e Reduction
3.1.5 Transit Accessibility	1.0%	11.50
3.1.6 Integrate Special Needs Housing	1.2%	13.81
3.3.1 Limited Parking Supply	10.0%	115.04
3.5.6 Provide Local Shuttle	1.0%	11.50
	<b>13.2%</b>	<b>151.86</b>

# Reference Only:

CAP	(tons/year)	GWP	MTCO2e
CO2	441,975.00	1	441,975.00
CH4	34.00	21	714.00
N20 ***	20.00	310	6,200.00
<b>Total</b>	<b>442,029.00</b>		<b>448,889.00</b>
Conversion from tons to metric tons **			0.91
<b>Total (MTCO2e)</b>			<b>407,232.10</b>

# ATTACHMENT 8

## RESOLUTION NO. PC-2013-12

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 99-BED SKILLED NURSING FACILITY, A 52-UNIT INDEPENDENT LIVING FACILITY, AND A 7,051 SQUARE FOOT OUTPATIENT DIALYSIS CENTER ON 5.3 ACRES DESIGNATED SINGLE-FAMILY RESIDENCE (R1-18000) AT 17577 AND 17579 SULTANA STREET (CUP13-00003)**

**WHEREAS**, Suncor Hesperia, LLC has filed an application requesting approval of Conditional Use Permit CUP13-00003 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to 5.3 acres within the Single-Family Residence (R1-18000), located at 17577 and 17579 Sultana Street and consists of Assessor's Parcel Numbers 0411-214-40 & 41; and

**WHEREAS**, the Applicant, as contemplated, also proposes Variance VAR13-00005 to allow a reduction in the required number of parking spaces and carports; and

**WHEREAS**, the subject properties are vacant. Foremost Health Care and a restaurant exist to the north. Three single-family residences and vacant lots exist to the south. Single-family residences exist to the east and west; and

**WHEREAS**, the subject properties are currently designated Single-Family Residence (R1-18000). Surrounding properties are currently designated R1-18000 to the south, east and west. The properties to the north are designated R1-18000 and Convenience Commercial (C1); and

**WHEREAS**, an environmental Initial Study for the proposed Conditional Use Permit was completed on September 17, 2013, and no significant adverse impacts were identified. Mitigated Negative Declaration ND-2013-02 was subsequently prepared; and

**WHEREAS**, on October 10, 2013, the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced October 10, 2013 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2013-02 and the initial study which supports the Mitigated Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed Conditional Use Permit will have a significant effect on the environment;
- (b) The site for the proposed use is adequate in size and shape to accommodate the proposed use because the site can accommodate all proposed improvements in conformance with the development code. On-site improvements required by the Hesperia Development Code can be constructed on the property including 141 parking spaces, minimum 26-foot wide drive aisles, landscaping, trash enclosures, and loading areas. The facility also meets all of the San Bernardino County Fire Department standards including fire lanes, two-points of access, fire truck turn-around, fire department connections/post indicator valves (FDC/PIV) and fire hydrants. The proposed development also complies with all state and federal regulations, including the Americans with Disabilities Act (ADA). The project is designed with an on-site retention/detention basin to accommodate the required capacity of a 100-year storm;
- (c) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the a large or community residential care or senior housing facility, intended for seven or more persons, and are permitted with a Conditional Use Permit (CUP). The dialysis center, in conjunction with the other proposed uses, is in line with institutional uses (i.e. hospitals and rehabilitation centers), which are permitted in any zone subject to a CUP. Foremost Health Care, which is located immediately to the north of the project, currently provides a skilled nursing, medical, and independent living facilities. The retaining walls and buildings are consistent with City's residential design guidelines, which were designed to be visually compatible with the surrounding environment; and
- (d) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because a large or community residential care or senior housing facility are permitted with a CUP; and the proposed uses are in line with institutional uses, which are permitted in any zone subject to a CUP. In addition, the development complies with standards for landscaping, driveway aisles, parking stall dimensions, building heights, fire lanes and turn-around, trash enclosures, and loading areas. The development complies with the Americans with Disabilities Act (ADA) by providing the required accessible parking spaces and path of travel. The development will also be constructed pursuant to the California Building and Fire Codes and adopted amendments. The retaining walls and buildings are consistent with City's residential design guidelines, which were designed to help the project blend into the surrounding environment. The development must comply with the project's condition of approval for off-site and on-site improvements required prior to grading and building construction and prior to issuance of a Certificate of Occupancy;

- (e) The site for the proposed use will have adequate access based upon the site's access from Sultana, Aspen, and Orange Streets. An existing access easement, which traverses through Foremost, connects the project to such streets. The site plan shows emergency access to all parts of buildings in compliance with Fire regulations. A one-way access road solely for emergency purposes will be provided to the south of the skilled nursing facility with fire hydrants at each end. The City has established a Traffic Impact Mitigation Fee Program as part of the Development Impact Fee (DIF) to fund the construction of traffic improvements to maintain adequate levels of service. The developer is required to pay all applicable City development impact fees towards these improvements; and
- (f) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the R1-18000. A large or community residential care or senior housing facility are permitted with a CUP; and the proposed uses are in line with institutional uses, which are permitted in any zone subject to a CUP.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP13-00003 subject to the conditions of approval as shown in Attachment "A".

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

**ADOPTED AND APPROVED** this 10<sup>th</sup> day of October 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 CUP13-00003

Approval Date: October 10, 2013  
Effective Date: October 22, 2013  
Expiration Date: October 22, 2016

This list of conditions applies to a Conditional Use Permit to construct a 99-bed skilled nursing facility, a 52-unit independent living facility, and a 7,051 square foot outpatient dialysis center on 5.3 acres designated Single-Family Residence (R1-18000) at 17577 and 17579 Sultana Street. Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: Suncor Hesperia, LLC; APNs: 0411-214-40 & 41).

The use shall not be established until all conditions of this Conditional Use Permit application have been met. This approved Conditional Use Permit shall become null and void if all conditions have not been completed within three (3) years of the effective date. Extensions of time of up to twelve (12) months may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: The "Init" and "Date" spaces are for internal city use only).  
Init    Date

SUBMITTAL OF PUBLIC IMPROVEMENT PLANS SHALL INCLUDE THE FOLLOWING:

- \_\_\_\_\_ 1. **Sewer Analysis.** The Developer shall provide a sewer analysis to the City's Engineering Department that identifies a point of connection with proposed alignments and flow calculations. The proposed sewer shall be installed within the Right-of-way per City Engineer's direction. It is the Developer's responsibility to obtain any Irrevocable Offers of Dedications at no cost to the City. (E)
- \_\_\_\_\_ 2. **Drainage Study.** The Developer shall submit a Final Hydrology / Hydraulic study identifying the method of collection and conveyance of tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E)
- \_\_\_\_\_ 3. **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)
- \_\_\_\_\_ 4. **Title Report.** The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
- \_\_\_\_\_ 5. **NPDES.** The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E)

- \_\_\_\_\_ 6. **Storm Water Pollution Prevention Plan.** The Developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off control during construction. (E)
- \_\_\_\_\_ 7. **Utility Non-interference / Quitclaim Document(s).** The Developer shall provide non-interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)
- \_\_\_\_\_ 8. **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)
- \_\_\_\_\_ 9. **Easement.** The Developer shall submit a "Grant of Easement" to the City's Engineering Department for review and approval if needed. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)
- \_\_\_\_\_ 10. **Building Construction Plans.** Five complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division with the required application fees for review. (B)
- \_\_\_\_\_ 11. **Variance.** These conditions are concurrent with Variance VAR13-00005 becoming effective. (P)
- \_\_\_\_\_ 12. **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:**

- \_\_\_\_\_ 13. **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)
  
- \_\_\_\_\_ 14. **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)
  
- \_\_\_\_\_ 15. **Utility Non-interference / Quitclaim Document(s).** The Developer shall provide non-interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. Grading permits will not be issued until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developer's responsibility. (E)
  
- \_\_\_\_\_ 16. **NPDES.** The Developer shall provide a copy of the approved original NPDES (National Pollutant Discharge Elimination System) permit from the Regional Water Quality Control Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department. (E)
  
- \_\_\_\_\_ 17. **Storm Water Pollution Prevention Plan.** All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. (E)
  
- \_\_\_\_\_ 18. **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)
  
- \_\_\_\_\_ 19. **Off-Site Grading Letter(s).** It is the Developer's responsibility to obtain signed Off-Site Grading Letters from any adjacent property owner(s) who are affected by any Off-Site Grading that is needed to make site work. The Off-Site Grading letter, along with the latest grant deed, must be submitted to the City's Engineering Department for plan check approval. (E)
  
- \_\_\_\_\_ 20. **On-site Retention.** The Developer shall design / construct on-site retention facilities, which have minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. All dry wells / injection wells shall be 2-phase systems with debris shields and filter elements. All dry wells /

injection wells shall have a minimum depth of 30' with a max depth to be determined by soils engineer at time of boring test. Per Resolution 89-16 the Developer shall provide on-site retention at a rate of 13.5 Cu. Ft per every 100 Sq. Ft. of impervious materials. Any proposed facilities, other than a City approved facility that is designed for underground storage for on-site retention will need to be reviewed by the City Engineer. The proposed design shall meet City Standards and design criteria established by the City Engineer. A soils percolation test will be required for alternate underground storage retention systems. (E)

- \_\_\_\_\_ 21. **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 size 8" PVC water line in easement located on adjacent property per City Standards.
  - C. It is the Developer's responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing sewer main, as determined by sewer analysis, per City standards.
  - D. Complete V.V.W.R.A.'s "Wastewater Questionnaire for Commercial / Industrial Establishments" and submit to the Engineering Department. Complete the "Certification Statement for Photographic and X-ray Processing Facilities" as required.
- \_\_\_\_\_ 22. **Water / Sewer Improvement Plan.** The Developer shall design water and sewer improvements in accordance with City standards, and as indicated below. (E))
- \_\_\_\_\_ 23. **Sewer Improvement Plan.** The Developer shall design and construct an 8" minimum PVC SDR 35 sewer main from project site to a point to be determined per sewer analysis. Design shall consist of plan and profile per City standards. (E)
- \_\_\_\_\_ 24. **Electronic Copies.** The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)
- \_\_\_\_\_ 25. **Fish & Game Fee.** The applicant shall submit a check to the City in the amount of \$2,206.25 (\$2,231.25 effective January 1, 2014) payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

- \_\_\_\_\_ 26. **Cultural Resources.** 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. 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. (P)
- \_\_\_\_\_ 27. **Pre-construction Survey.** A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)
- \_\_\_\_\_ 28. **Pre-construction Meetings.** Pre-construction meetings shall be held between the City, the Developer, grading contractors, and special inspectors to discuss permit requirements, monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B, P)
- \_\_\_\_\_ 29. **Design for Required Improvements.** Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this conditional use permit application. (E, P)
- \_\_\_\_\_ 30. **Lot Merger.** A lot merger shall be submitted, approved, and recorded, in order to combine APNs: 0411-214-40 & 41. The lot merger and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)
- \_\_\_\_\_ 31. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)
- \_\_\_\_\_ 32. **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]
- \_\_\_\_\_ 33. **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 5,000 GPM for a 4 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 34,630 sq.ft. structure. [F-5]**
- \_\_\_\_\_ 34. **Access.** The development shall have a minimum of 2 points of vehicular access (*maximum grade - 12% if asphalt, 14% if concrete.*). 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. **Note: Fire Department accepts eighteen foot minimum one-way Fire Department Access Only roadway in rear (south side) along width of building "A".**

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]**

\_\_\_\_\_ 35. **Turnaround.** An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty (40) foot radius for residential turns and forty five (45) foot radius for non-residential turns. **[F-43]**

\_\_\_\_\_ 36. **Combustible Protection.** Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. **[F-44]**

\_\_\_\_\_ 37. **Access – 150+ feet.** Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. **[F-45]**

\_\_\_\_\_ 38. **Water System Commercial.** A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. The applicant is required to provide a minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet. All fire hydrants shall be spaced no more than **six hundred (600)** feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure. **[F-54]**

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

\_\_\_\_\_ 39. **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)

- \_\_\_\_\_ 40. **Landscape Plans.** The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)
- \_\_\_\_\_ 41. **Retaining Wall.** The Developer shall submit four sets of retaining wall plans to the Building Division with the required application fees for all proposed walls. The colors and materials of the retaining walls shall match the photo simulations and the samples that were submitted as part of the Conditional Use Permit application. The color of the retaining walls shall be an earth tone color to match the surrounding desert; and the face of the walls shall be textured concrete and treated with a graffiti protectant. (P)
- \_\_\_\_\_ 42. **Development Fees.** The Developer shall pay required development fees as follows:
- A. School Fees (B)
- \_\_\_\_\_ 43. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)
- \_\_\_\_\_ 44. **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)
- \_\_\_\_\_ 45. **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]
- \_\_\_\_\_ 46. **Fire Alarm.** A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. 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-62a]

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

- \_\_\_\_\_ 47. **As-Built Plans.** The Developer shall provide as-built plans. (E)
- \_\_\_\_\_ 48. **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)
- \_\_\_\_\_ 49. **Development Fees.** The Developer shall pay required development fees as follows:
- A. Park Fees. (B)
  - B. Development Impact Fees (B)
  - C. Utility Fees (P)
- \_\_\_\_\_ 50. **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)
- \_\_\_\_\_ 51. **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)
- \_\_\_\_\_ 52. **Directory Addressing.** Apartments, condominiums and commercial or industrial complexes with more than three separate buildings on site shall have a building directory. Directories are to be posted at the main entrance(s) to the complex on the entry driveway side. Directories shall not be located in the public right-of-way or clear sight triangle areas. Directories shall be of sufficient size to be clearly visible from the public roadway serving the entrance driveway, but in no case less than two feet in either dimension or six square feet. The directory shall be lighted from a power source dedicated to the general premises. (B)
- \_\_\_\_\_ 53. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. [F80]
- \_\_\_\_\_ 54. **KNOX Box®.** An approved Fire Department key box is required. *In addition, Knox Padlocks will be required on Fire Access Gates.* [F85]

- \_\_\_\_\_ 55. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.  
**[F88]**

**THE FOLLOWING ARE CONTINUING CONDITIONS. FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN REVOCATION OF THE CONDITIONAL USE PERMIT:**

- \_\_\_\_\_ 56. **Facility Maintenance.** All parts of the facility, including the retaining walls, shall be free of graffiti, trash, and weeds. The retaining walls shall be maintained to preserve its appearance per the approved plans and photo simulations. The property owner or the operator of the facility shall be responsible for removing graffiti within 48 hours from the time the wall was noticeably vandalized. In addition, the five-foot strip between the property line and the retaining wall along the southern boundary shall be free of weeds and litter. (P)
- \_\_\_\_\_ 57. **Senior Independent Living Facility.** The facility shall be occupied by senior citizens with a minimum age of 55. Provisions to permit non-senior guests and/or dependents may be approved by the Planning Division. However, the primary occupants of each unit shall be senior citizens.

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

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

# ATTACHMENT 9

## RESOLUTION NO. PC-2013-13

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A VARIANCE TO ALLOW A REDUCTION IN THE REQUIRED NUMBER OF PARKING SPACES AND CARPORTS AT 17577 AND 17579 SULTANA STREET (VAR13-00005)

**WHEREAS**, Suncor Hesperia, LLC has filed an application requesting approval of Variance VAR13-00005 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to 5.3 acres within the Single-Family Residence (R1-18000), located at 17577 and 17579 Sultana Street and consists of Assessor's Parcel Numbers 0411-214-40 & 41. The Variance allows a two parking space reduction to the overall reciprocal access easement between the Applicant, Foremost Health Care, and the adjacent restaurant property. The Variance also allows a reduction in the number of required carports. The Development Code requires the independent living facility to have 52 parking space with carports; and with approval of the Variance, the proposal would be permitted to have 16 parking spaces with carports; and

**WHEREAS**, the Applicant, as contemplated, also filed an application requesting approval of Conditional Use Permit CUP13-00003 to construct a 99-bed skilled nursing facility, a 52-unit independent living facility, and a 7,051 square foot outpatient dialysis center; and

**WHEREAS**, the subject properties are vacant. Foremost Health Care and a restaurant exist to the north. Three single-family residences and vacant lots exist to the south. Single-family residences exist to the east and west; and

**WHEREAS**, the subject properties are currently designated Single-Family Residence (R1-18000). Surrounding properties are currently designated R1-18000 to the south, east, and west. The properties to the north are designated R1-18000 and Convenience Commercial (C1); and

**WHEREAS**, an environmental Initial Study for the proposed Conditional Use Permit was completed on September 17, 2013, and no significant adverse impacts were identified. Mitigated Negative Declaration ND-2013-02 was subsequently prepared; and

**WHEREAS**, on October 10, 2013, the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced October 10, 2013, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2013-02 and the initial study which supports the Mitigated Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed Conditional Use Permit will have a significant effect on the environment;
- (b) The strict or literal interpretation and enforcement of the specified regulations would result in practical difficulties or unnecessary physical hardships because the shared parking arrangement and services being offered in the nearby vicinity would result in a parking demand reduction. Therefore, the two parking spaces in which the Applicant requests to exclude are not warranted. Seniors will utilize medical services offered within the same center; and employees and residents will utilize services offered by the restaurant. Moreover, seniors tend to drive not as frequently as regular households; and will utilize other modes of travel. The independent living facility is intended to be for seniors. The Housing Element encourages the City to offer concessions to promote senior housing developments;
- (c) There are exceptional 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 zone because the property benefits from a shared parking arrangement with adjacent properties; and therefore, there will be a slight decrease in parking demand, as employees and residents will utilize services within the same center. The property is an infill parcel which was intended to be an extension of Foremost. The property also has topographical limitations and is uniquely shaped, as well as existing improvements and easements to work around, which further constrain the property and dictate the design of the buildings and parking lot. These constraints dictate the design of the parking lot, which makes it difficult to provide all 52 carports. The structural footings required for carports will interfere with the underground drainage systems that are in proximity to the independent living facility. In addition, a 20-foot grade elevation difference exists between the independent living facility and the parking spaces to the southwest; and residents of the independent living facility will likely not use the parking spaces to the southwest because spaces are only accessible by stairs. Many seniors, especially the elderly, have mobile impairments or disabilities. Although all parking spaces are accessible to employees and guests, seniors of the independent living facility will opt to utilize parking to the north and east, which are at the same grade as the facility, and will be permitted by the reciprocal parking/access easement. As such, 16 spaces of 34 at grade to the facility will have carports provided for use by seniors. Furthermore, the parking area to the east and southwest of the independent living facility will be shared with the restaurant and skilled nursing facility, which parking for those uses are not required to have carports. The Housing Element also encourages the City to offer concessions to promote senior housing developments;

- (d) 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 zone because senior housing developments are frequently offered concessions from development regulations. Depriving the Applicant of concessions would in itself deprive the Applicant of privileges enjoyed by other senior housing developments. The independent living facility is intended for senior housing, which seniors tend to drive less. The property is also constrained by topographical considerations, as well as existing improvements and easements that dictate the design of the project;
- (e) The granting of the Variance would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because concessions, such as a reduction in the number of parking spaces and carports, are offered when developments are for senior housing and/or when part of a shared parking agreement. The site has unique physical and legal limitations that warrant the granting of a reduction in the number of parking spaces and carports; and
- (f) The granting of the Variance will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity, because a two parking space deficiency does not have the potential to disrupt parking, traffic, or properties in the vicinity, especially, considering that a shared parking agreement exists with adjacent properties. The reduction in the number of parking spaces and carports serves as a concession to the senior housing development, and does not have the potential to have detrimental impacts to the public's health and safety or affect adjacent properties.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR13-00005.

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

**ADOPTED AND APPROVED** this 10<sup>th</sup> day of October 2013.

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Chris Elvert, Chair, Planning Commission

ATTEST:

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Kathy Stine, Secretary, Planning Commission

# City of Hesperia

## CITY OF HESPERIA DEVELOPMENT REVIEW COMMITTEE

City Hall Joshua Room  
9700 Seventh Avenue  
Hesperia, CA 92345  
BEGINNING AT 10:00 A.M.  
WEDNESDAY, SEPTEMBER 11, 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. Forwarded from July 31, 2013 DRC.

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

**Planner:** Lisette Sanchez-Mendoza

**Action:** Administrative approval



**CITY OF HESPERIA  
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room  
9700 Seventh Avenue  
Hesperia, CA 92345  
BEGINNING AT 10:00 A.M.  
WEDNESDAY, SEPTEMBER 25, 2013**

**A. PROPOSALS:**

**1. SUNCOR HESPERIA, LLC (CUP13-00003 & VAR13-00005)**

**Proposal:** Consideration of a Conditional Use Permit to construct a 99-bed skilled nursing facility, a 52-unit independent living facility, and a 7,051 square foot outpatient dialysis center and a Variance to allow a deviation from the required number of parking spaces and carports on 5.3 acres designated Single-Family Residence (R1-18000).

**Location:** 17577 and 17579 Sultana Street (APN: 0411-214-40 & 41)

**Planner:** Daniel Alcayaga

**Action:** Forwarded to October 10, 2013 Planning Commission Meeting