

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: January 23, 2014

Time: 6:30 P.M.

COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Jim Heywood, Commissioner

Tom Murphy, Commissioner

Tom Steeno, Commissioner

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

Dave Reno, Principal Planner

Jeff M. Malawy, Assistant City Attorney



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

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

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

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

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

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

**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: December 12, 2013 Planning Commission Meeting Draft Minutes.

-1-

PUBLIC HEARINGS

1. Consideration of Specific Plan Amendment SPLA13-00001 and General Plan Amendment GPA12-00002, to change the zoning of the site from the Automobile Sales Commercial to the Regional Commercial Zone and allow a golf course; Conditional Use Permit CUP12-00021, to construct a 4-story, 84-room Embassy Suites Hotel and a 4-story, 128-room Residence Inn Hotel, three restaurants totaling 11,600 square feet, and an executive golf course with a 7,500 square foot clubhouse, including the sale of beer, wine, and liquor for all uses on approximately 64 gross acres located north of Rancho Road, south of Rodeo Road, east of Verbena Road and west of Bellflower Street. The project also includes Tentative Parcel Map PMN13-00001, which will create 6 parcels and a remainder (Applicant: Primaco, Inc.; APNs: 3039-281-14 & 36).

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. Continue Discussion on Open Space Policy

F. DRC Comments

2-1

G. Major Project Update

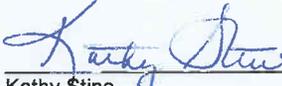
PLANNING COMMISSION BUSINESS OR REPORTS

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, January 16, 2014 at 5:30 p.m. pursuant to California Government Code §54954.2.


Kathy Stine
Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
DECEMBER 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
William Muller
James Heywood
Tom Murphy

Absent: Tom Steeno

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

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

JOINT PUBLIC COMMENTS

Chair Elvert opened Public Comments at 6:34.

No comments to consider.

Chair Elvert closed Public Comments at 6:34.

CONSENT CALENDAR

Approval of minutes: November 14, 2013 Planning Commission Meeting Draft Minutes.

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

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

PUBLIC HEARING

1. [Consideration of Conditional Use Permit CUP13-00004, to construct a 3-bay, 2,205 square foot vehicle repair facility on 0.5 gross acres zoned Neighborhood Commercial \(NC\) located on the west side of Hesperia Road, 50 feet north of Yucca Street \(Applicant: Kirsio Cruz; APNs: 0413-062-15 & 16\).](#)

Senior Planner Stan Liudahl gave a PowerPoint presentation.

Commissioner William Muller had questions regarding traffic flow.

Chair Chris Elvert had questions about a center lane for left turns.

Discussion ensued.

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

No comments to consider.

Chair Elvert closed Public Hearing at 6:45 p.m.

Motion by James Heywood to adopt Resolution No. PC-2013-24, approving Conditional Use Permit CUP13-00004. Seconded by Tom Murphy and passed with the following roll call vote:

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

2. [Consideration of Specific Plan Amendment SPLA13-00007 to change approximately 1 acre within the Main Street and Freeway Corridor Specific Plan from Public/Institutional Overlay \(PIO\) to Neighborhood Commercial \(NC\) at 16656 Yucca and the parcel to the west \(Applicant: Zamin LLC; APN'S 0410-141-16 & 54\)](#)

Senior Planner Daniel Alcayaga gave a PowerPoint presentation.

Chair Elvert opened Public Hearing at 6:52 p.m.

No comments to consider.

Chair Elvert closed Public Hearing at 6:52 p.m.

Motion by Tom Murphy to adopt Resolution No. PC-2013-26, recommending that the City Council introduce and place on first reading an ordinance approving Specific Plan Amendment SPLA13-00007. Seconded by Chris Elvert and passed with the following roll call vote:

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

3. [Consideration of General Plan Amendment GPA13-00001, recommending that the City Council adopt Housing Element Update 2014 in compliance with state law as well as recommending approval of DCA13-00007 and SPLA13-00008 amending the City's Development Code and the Main Street and Freeway Corridor Specific Plan, regarding Transitional/Supportive Housing and Single Room Occupancy Units. \(Applicant: City of Hesperia; APN's: Citywide\)](#)

Principal Planner Dave Reno, AICP gave a presentation and called attention to the Green Sheet Resolution item.

Asst. Planner Lisette Sanchez-Mendoza added to the presentation regarding Single Room Occupancy Units.

Discussion ensued.

Chair Elvert opened Public Hearing at 7:13 p.m.

No comments to consider.

Chair Elvert closed Public Hearing at 6:7:13 p.m.

Motion by James Heywood to adopt Resolution Nos. PC-2013-25, PC-2013-27, and PC-2013-28, recommending that the City Council adopt Housing Element update 2014 and introduce and place on first reading ordinances approving General Plan Amendment GPA13-00001, Development Code Amendment DCA13-00007 and Specific Plan Amendment SPLA13-00008. Seconded by Tom Murphy and passed with the following roll call vote:

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

PRINCIPAL PLANNER'S REPORT

[Discussion item regarding Open Space policy, including active and passive uses, drainage, transfer of development rights and public verses private uses. This item will include a review of the General Plan and Main Street and Freeway Corridor Specific Plan, as well as exploring options for acquisition of land and implementation of the City's open space program as required by state law.](#)

Stan Liudahl added information regarding Transfer of Development Rights (TDR).

City Engineer John Leveillee discussed the 100-year storm requirement that is necessary to plan for safety as well as to maintain a natural drainage channel and that the soils, once disturbed, will not stand up to repeated runoff from storms.

Chair Elvert opened public comments at 8:05 p.m.

Owen Hails from Steeno Design gave information regarding the golf course project.

Paul Jacobs with the Apple Valley Legacy Trail Group and Primaco, Inc. spoke about native plants that they plan to use on the golf course.

Paul Russ compared the washes in Palm Springs and their golf courses to this project and wanted to know information about the City taking open space for sending areas on a particular property.

Council Member Thurston "Smitty" Smith commented that some development should be permitted.

Council Member Eric Schmidt spoke regarding about implementation of TDR and made the point that it is a City imposed decision.

Commission discussion ensued and it was decided they wanted Staff to look for ways to modify the policies to permit some development.

Chair Elvert closed public comments at 8:23 p.m.

F. DRC Comments

Dave Reno reminded the Commission that the next meeting is on January 23, 2014.

G. Major Project Update

Dave Reno gave an update on Fire Station #301.

PLANNING COMMISSION BUSINESS OR REPORTS

ADJOURNMENT

Chair Elvert adjourned the meeting at 8:55 p.m. until Thursday, January 23, 2014.

Chris Elvert, Chair

By: Kathy Stine,
Commission Secretary

RESOLUTION NO. PC-2013-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT THE HOUSING ELEMENT UPDATE 2014 (GPA13-00001)

WHEREAS, on September 7, 2010, the City Council of the City of Hesperia adopted the City's 2010 General Plan Update, currently applicable in regards to development within the City; and

WHEREAS, the 2010 General Plan Update establishes the City's overall policy to guide development framework for the City to help realize the community's vision to the year 2030 planning horizon; and

WHEREAS, the Housing Element Update 2014 is required by the State of California, under Senate Bill SB 375; and

WHEREAS, the City of Hesperia, as lead agency, previously prepared a Program Environmental Impact Report ("EIR") pursuant to CEQA in order to analyze all adverse environmental impacts of the 2010 General Plan Update; and

WHEREAS, the Housing Element Update 2014 does not contain any significant revisions or policy changes, nor does it grant any increase in the development potential of housing in the City that is not already contemplated and accounted for under the adopted 2010 General Plan Update; and

WHEREAS, pursuant to state law, the adopted Housing Element was submitted to the Department of Housing and Community Development for review; and

WHEREAS, on December 12, 2013, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Housing Element Update 2014 and concluded said hearing on that date; and

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



DATE: January 23, 2014
TO: Planning Commission
FROM: Dave Reno, Principal Planner
BY: Stan Liudahl, Senior Planner
SUBJECT: SPLA13-00001, GPA12-00002, CUP12-00021 and PMN13-00001 (Primaco, Inc.; APNs: 3039-281-14 & 36)

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2014-01, PC-2014-02, PC-2014-03, and PC-2014-04, recommending that the City Council introduce and place on first reading an ordinance approving SPLA13-00001 and approve GPA12-00002, CUP-2012-00021, and PMN13-00001.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) has been filed to construct a four-story, 84-room Embassy Suites Hotel and a four-story, 128-room Residence Inn Hotel, three restaurants totaling 11,600 square feet, and a 24-acre executive golf course with a 7,500 square foot clubhouse (Attachment 1). The CUP also includes the sale of beer, wine, and liquor for all uses. A Tentative Parcel Map has also been filed, which will create six parcels and a remainder on the entire 64 gross acre site (Attachment 2). An easement will be recorded as part of the parcel map to provide reciprocal access across all parcels within the project.

The proposed uses require adoption of a Specific Plan Amendment from Auto Sales Commercial (ASC) to Regional Commercial (RC) and adoption of a General Plan Amendment to allow a golf course within a portion of Study Area A of the Open Space Element.

Location: North of Ranchero Road, south of Rodeo Road, east of Verbena Road and west of Bellflower Street.

Current General, Plan, Zoning and Land Uses: The eastern 31 gross acres of the site are within the Auto Sales Commercial (ASC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The area along the Oro Grande Wash is within the Wash Protection Overlay and the western 33 gross acres is within the Rural Estate Residential (RER) Zone. The surrounding land is designated as noted on Attachment 3. The 64-acre site and the properties to the south and east are vacant. Single-family residences exist to the north and west (Attachment 4).

ISSUES/ANALYSIS

Specific Plan Amendment

The project site is within the ASC Zone of the Specific Plan, which allows new car dealerships and related uses. The southern portion of the subject property is approximately 35 feet below

the elevation of Interstate 15 (I-15), reducing its value for car sales. While the ASC Zone allows retail uses, it restricts these developments to sites at least 660 feet from the freeway. Although the majority of the proposed development is over 660 feet from I-15, compliance with this standard is unrealistic, as that portion of the site nearest I-15 is most desirable for the proposed hotels and restaurants. In addition, the ASC Zone has a maximum building height of 45 feet. The proposed four-story hotels are approximately 62 feet tall. The Regional Commercial (RC) Zone allows a maximum building height of 65 feet. When the Specific Plan was being considered in 2008, it was determined that there was an overabundance of properties zoned ASC. Consequently, the property southeast of the Interstate 15/Ranchero Road interchange was zoned Neighborhood Commercial (NC) as requested by the property owner. Approval of this amendment will not exceed the environmental impact of the site, based upon development of new car dealerships to the limit of the Floor Area Ratio applicable to the ASC Zone.

General Plan Amendment

This project requires approval of a General Plan Amendment. The Open Space Element of the General Plan prohibits any development within that portion of the Oro Grande Wash identified as Study Area "A." This is one of three areas within this wash and the unnamed wash east of I-15. These study areas represent the least disturbed areas along both washes. Currently, the Open Space Element of the General Plan requires that these areas be preserved in their natural state. The proposed General Plan Amendment will include golf courses as a recreational use allowed within Study Area "A." This allowance is consistent with the Specific Plan, which identifies golf courses as a permitted recreational use within the wash. Further, it was the consensus of the Planning Commission at its December 12, 2013 meeting that the allowable uses within these study areas be reconsidered.

Conditional Use Permit

The proposed Conditional Use Permit (CUP) consists of development of a four-story, 84-room and a four-story, 128-room hotel, two 3,315 square foot drive-thru restaurants, a 5,000 square foot sit-down restaurant, and a nine-hole executive golf course with a 7,500 square foot clubhouse on approximately 31 gross acres. The golf course will occupy approximately 24 acres of the Oro Grande Wash. The western 33-acre portion of the site beyond the wash is not to be developed at this time.

The proposed development complies with nearly all site development regulations, including the minimum building setback, landscaping, and number of parking spaces. The project requires a minimum of 419 parking spaces, based upon Table 1. The site design will provide 440 spaces, affording 21 surplus spaces.

Table 1: Parking Spaces Required

| Use | Parking Formula | Spaces Required |
|--------------|---|-----------------|
| Hotels | 1.1 spaces per room | 233 |
| Golf Course | 5 spaces per hole | 45 |
| Clubhouse | 3.3 spaces per 1,000 square feet gross floor area | 25 |
| Restaurants | 10 spaces per 1,000 square feet gross floor area | 116 |
| Total | | 419 |

The architecture of the hotels meet the architectural requirements of the Specific Plan. The hotels incorporate changes in wall and roof planes, and the walls will be enhanced using stacked stone veneer at their base. In addition, complimentary earth tone stucco colors will be used as shown on Attachments 5 and 6.

The applicant will file an application for a Type 47 (On-Sale beer, wine, and liquor) license with the State Department of Alcoholic Beverage Control (ABC). The Specific Plan requires approval of a CUP for the sale of alcoholic beverages.

Table 2 identifies seven existing alcoholic beverage licenses within Census Tract 100.17 (Attachment 7). ABC authorizes this census tract to have 11 on-sale licenses. Consequently, this area is not over concentrated and the City is not required to make a finding of public convenience and necessity.

Table 2: Existing On-Sale Licenses in Census Tract 100.17

| Status | Business Name | Business Address | Type of License |
|--------|----------------------|-----------------------------|---------------------------|
| Active | Summit Inn | 5950 Mariposa Rd. | 41-Beer and Wine |
| Active | Marriott Courtyard | 9619 Mariposa Rd. | 47-Beer, Wine, and Liquor |
| Active | Marriott Spring Hill | 9625 Mariposa Rd. | 70-Beer, Wine, and Liquor |
| Active | Love Oasis Sushi | 12719 Main St., Unit 400 | 41-Beer and Wine |
| Active | B & B Pizzeria | 13312 Ranchero Rd., Unit 24 | 41-Beer and Wine |
| Active | Outpost Café | 8685 U. S. Hwy 395 | 47-Beer, Wine, and Liquor |
| Active | Wingstop | 3259 Main St. | 41-Beer and Wine |

Tentative Parcel Map

The parcel map will create six parcels and a remainder, allowing each building to be owned separately. A 40-foot wide easement will be provided, allowing for a recreational trail in the future. An easement will be recorded to provide access across all of the parcels, as not all have frontage upon Caliente Road. In addition, the parking spaces and trash enclosures for some uses are located on an adjacent parcel. The tentative parcel map is consistent with the site design and is in accordance with the Specific Plan and the Subdivision Map Act.

Drainage: On-site drainage sized to retain stormwater from a 100-year storm will be retained in underground retention systems. The proposed executive golf course within the Oro Grande Wash is not allowed to concentrate or redirect stormwater flow unless authorized through an off-site grading permit. Prior to establishment of the course, a detailed plan shall be submitted for review and approval by the City.

Water and Sewer: The development will be connected to the existing 12-inch water line in Caliente Road within the City's water system. This water line is currently supplied by County Service Area CSA Zone J (Zone J), under the terms of an agreement between the City and Zone J to develop utility systems within the I-15 freeway corridor after its annexation to the City of Hesperia and the Hesperia Water District (HWD) in 2004. The water supply will be coordinated with Zone J following submission of a water feasibility study and revision of a utility plan. The development may be required to be supplied by HWD water, pending the results of this study. The proposed development can be served by an on-site septic or wastewater treatment system.

Schools and Parks: Mesquite Trails Elementary is located approximately three miles to the northeast and Malibu Park is located approximately two miles to the northeast.

Environmental: Approval of this development requires adoption of a mitigated negative declaration pursuant to the California Environmental Quality Act (CEQA). The mitigated negative declaration and initial study (Attachment 8) prepared for the development conclude that there are no significant adverse impacts resulting from the project. A biological assessment and a protected plant plan were required. The biological assessment shows that the site does not contain habitat for the desert tortoise nor any other threatened or endangered species. However, a pre-construction survey for the burrowing owl will be conducted prior to issuance of a grading permit. A protected plant plan was also submitted, which ensures that all transplantable plants protected by the City's Ordinance will be handled in accordance with the City's Protected Plant Ordinance. 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.

Conclusion: The project conforms to the policies of the Specific Plan, specifically land use with adoption of the Specific Plan Amendment and is consistent with the General plan with adoption of the General Plan Amendment. Further, approval of the sale of beer, wine, and liquor is appropriate, particularly since it is in an area which is not over-concentrated.

FISCAL IMPACT

Development will be subject to payment of all development impact fees adopted by the City.

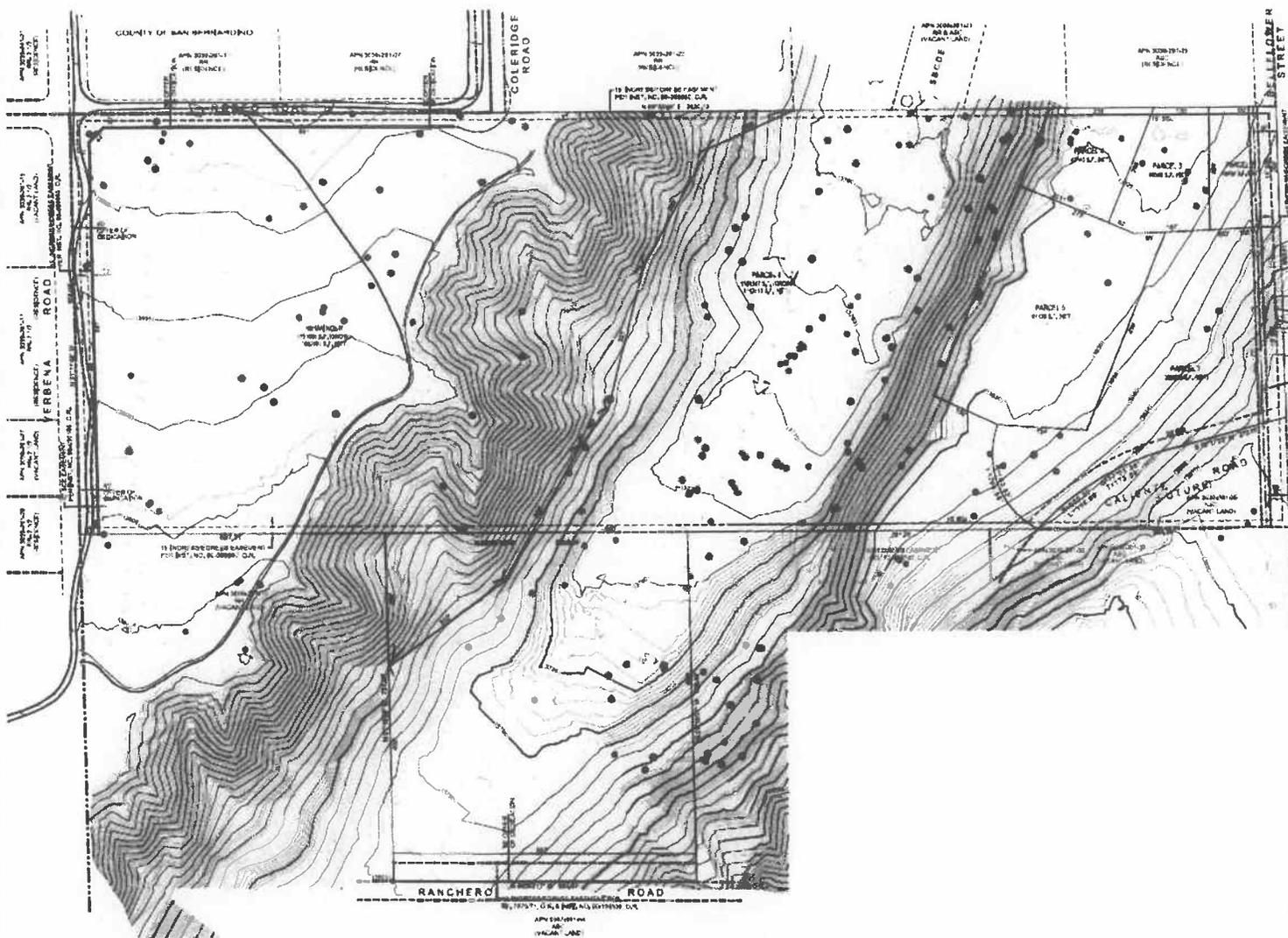
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. Tentative Parcel Map
3. General Plan
4. Aerial photo
5. Rendering of the Embassy Suites Hotel
6. Rendering of the Residence Inn Hotel
7. Census Tract Map
8. Negative Declaration ND-2013-03 with the Initial Study
9. Resolution No. PC-2014-01 with Exhibit "A" (SPLA13-00001)
10. Resolution No. PC-2014-02 (GPA12-00002)
11. Resolution No. PC-2014-03, with list of conditions (CUP12-00021)
12. Resolution No. PC-2014-04, with list of conditions (PMN13-00001)

ATTACHMENT 2



APPLICANT(S):
PRIMACO, INC.

FILE NO(S):
GPA12-00002, SPLA13-00001,
CUP12-00021 & PMN13-00001

LOCATION:
NORTH OF RANCHERO ROAD, SOUTH OF RODEO ROAD, EAST OF
VERBENA ROAD AND WEST OF BELLFLOWER STREET

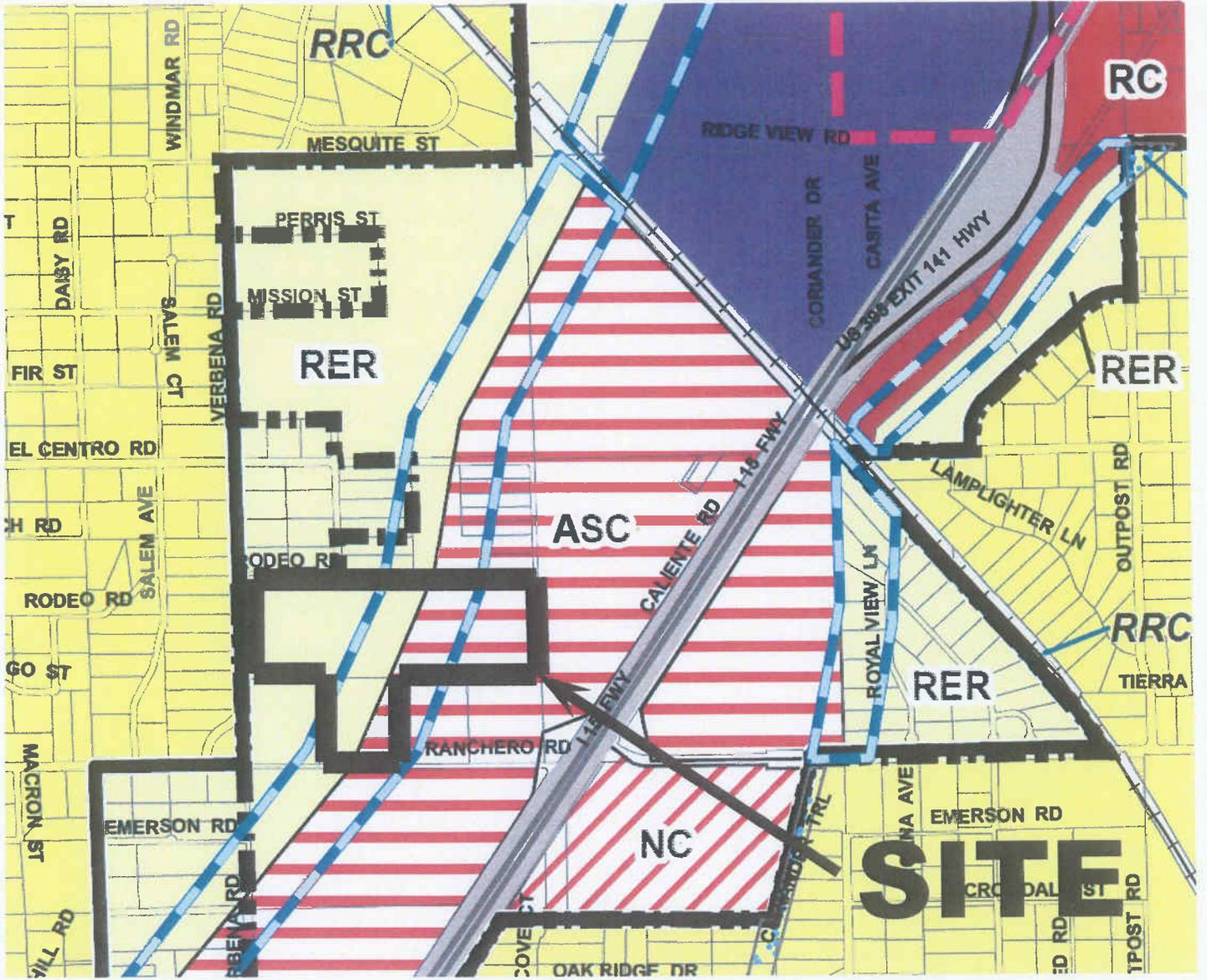
APNs:
3039-281-14 & 36

PROPOSAL:
CONSIDERATION OF SPECIFIC PLAN AMENDMENT SPLA13-00001 AND GENERAL PLAN AMENDMENT GPA12-00002, TO CHANGE THE ZONING OF THE SITE FROM THE AUTOMOBILE SALES COMMERCIAL TO THE REGIONAL COMMERCIAL ZONE AND ALLOW A GOLF COURSE; CONDITIONAL USE PERMIT CUP12-00021, TO CONSTRUCT A 4-STORY, 84-ROOM EMBASSY SUITES HOTEL AND A 4-STORY, 128-ROOM RESIDENCE INN HOTEL, THREE RESTAURANTS TOTALING 11,600 SQUARE FEET, AND AN EXECUTIVE GOLF COURSE WITH A 7,500 SQUARE FOOT CLUBHOUSE, INCLUDING THE SALE OF BEER, WINE, AND LIQUOR FOR ALL USES ON APPROXIMATELY 64 GROSS ACRES



TENTATIVE PARCEL MAP

ATTACHMENT 3



APPLICANT(S):
PRIMACO, INC.

FILE NO(S):
GPA12-00002, SPLA13-00001,
CUP12-00021 & PMN13-00001

LOCATION:
NORTH OF RANCHERO ROAD, SOUTH OF RODEO ROAD, EAST OF
VERBENA ROAD AND WEST OF BELLFLOWER STREET

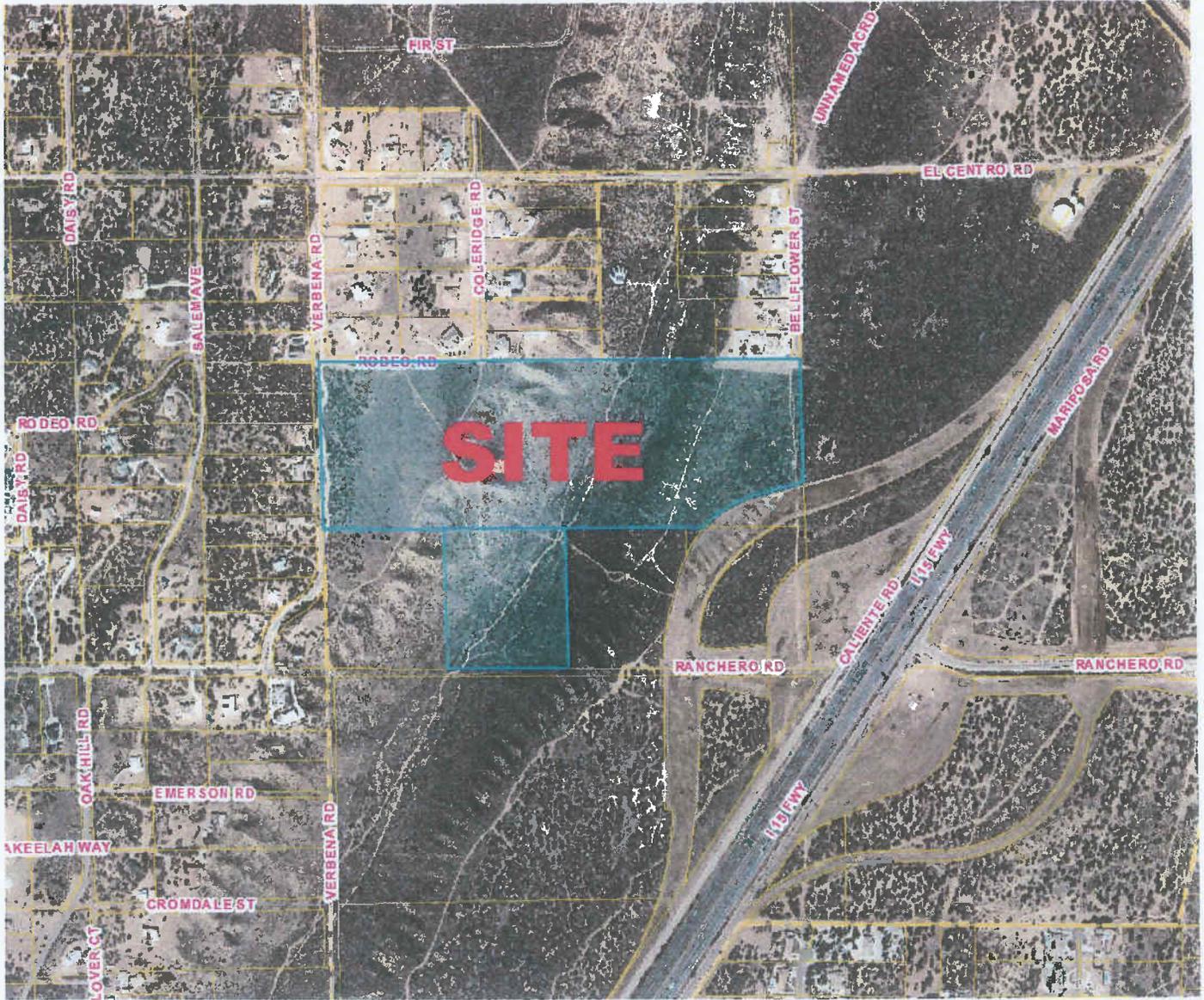
APNs:
3039-281-14 & 36

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GENERAL PLAN MAP

ATTACHMENT 4



APPLICANT(S):
PRIMACO, INC.

FILE NO(S):
GPA12-00002, SPLA13-00001,
CUP12-00021 & PMN13-00001

LOCATION:
NORTH OF RANCHERO ROAD, SOUTH OF RODEO ROAD, EAST OF
VERBENA ROAD AND WEST OF BELLFLOWER STREET

APNs:
3039-281-14 & 36

PROPOSAL:

CONSIDERATION OF SPECIFIC PLAN AMENDMENT SPLA13-00001 AND GENERAL PLAN AMENDMENT GPA12-00002, TO CHANGE THE ZONING OF THE SITE FROM THE AUTOMOBILE SALES COMMERCIAL TO THE REGIONAL COMMERCIAL ZONE AND ALLOW A GOLF COURSE; CONDITIONAL USE PERMIT CUP12-00021, TO CONSTRUCT A 4-STORY, 84-ROOM EMBASSY SUITES HOTEL AND A 4-STORY, 128-ROOM RESIDENCE INN HOTEL, THREE RESTAURANTS TOTALING 11,600 SQUARE FEET, AND AN EXECUTIVE GOLF COURSE WITH A 7,500 SQUARE FOOT CLUBHOUSE, INCLUDING THE SALE OF BEER, WINE, AND LIQUOR FOR ALL USES ON APPROXIMATELY 64 GROSS ACRES



AERIAL PHOTO

ATTACHMENT 5



APPLICANT(S):
PRIMACO, INC.

FILE NO(S):
GPA12-00002, SPLA13-00001,
CUP12-00021 & PMN13-00001

LOCATION:
NORTH OF RANCHERO ROAD, SOUTH OF RODEO ROAD, EAST OF
VERBENA ROAD AND WEST OF BELLFLOWER STREET

APNs:
3039-281-14 & 36

PROPOSAL:
CONSIDERATION OF SPECIFIC PLAN AMENDMENT SPLA13-00001 AND GENERAL PLAN AMENDMENT GPA12-00002, TO CHANGE THE ZONING OF THE SITE FROM THE AUTOMOBILE SALES COMMERCIAL TO THE REGIONAL COMMERCIAL ZONE AND ALLOW A GOLF COURSE; CONDITIONAL USE PERMIT CUP12-00021, TO CONSTRUCT A 4-STORY, 84-ROOM EMBASSY SUITES HOTEL AND A 4-STORY, 128-ROOM RESIDENCE INN HOTEL, THREE RESTAURANTS TOTALING 11,600 SQUARE FEET, AND AN EXECUTIVE GOLF COURSE WITH A 7,500 SQUARE FOOT CLUBHOUSE, INCLUDING THE SALE OF BEER, WINE, AND LIQUOR FOR ALL USES ON APPROXIMATELY 64 GROSS ACRES

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RENDERING OF THE EMBASSY SUITES HOTEL

ATTACHMENT 6



APPLICANT(S):
PRIMACO, INC.

FILE NO(S):
GPA12-00002, SPLA13-00001,
CUP12-00021 & PMN13-00001

LOCATION:
NORTH OF RANCHERO ROAD, SOUTH OF RODEO ROAD, EAST OF
VERBENA ROAD AND WEST OF BELLFLOWER STREET

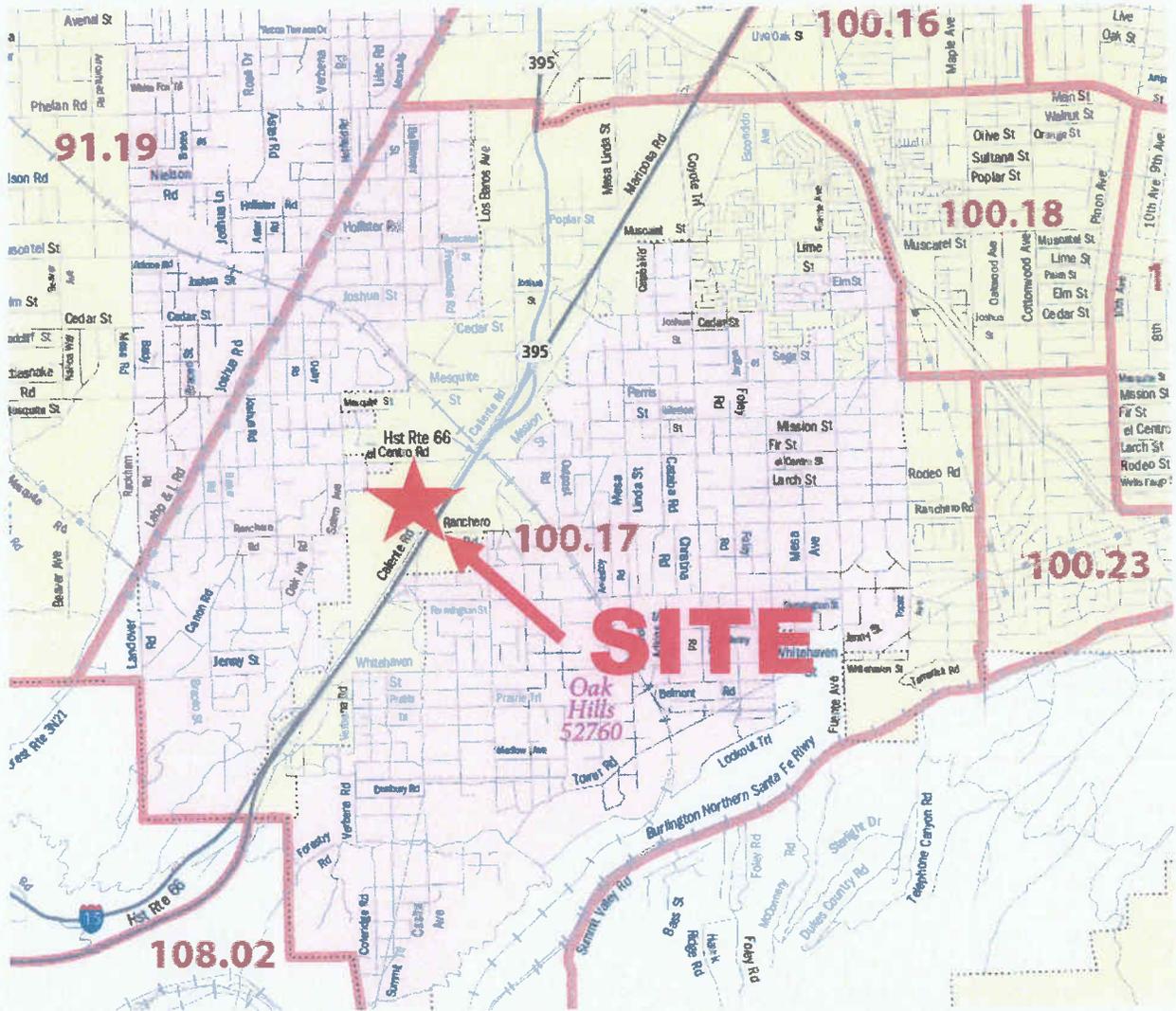
APNs:
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RENDERING OF THE RESIDENCE INN HOTEL

ATTACHMENT 7



APPLICANT(S):
PRIMACO, INC.

FILE NO(S):
GPA12-00002, SPLA13-00001,
CUP12-00021 & PMN13-00001

LOCATION:
NORTH OF RANCHERO ROAD, SOUTH OF RODEO ROAD, EAST OF
VERBENA ROAD AND WEST OF BELFLOWER STREET

APNs:
3039-281-14 & 36

PROPOSAL:
CONSIDERATION OF SPECIFIC PLAN AMENDMENT SPLA13-00001 AND GENERAL PLAN AMENDMENT GPA12-00002, TO CHANGE THE ZONING OF THE SITE FROM THE AUTOMOBILE SALES COMMERCIAL TO THE REGIONAL COMMERCIAL ZONE AND ALLOW A GOLF COURSE; CONDITIONAL USE PERMIT CUP12-00021, TO CONSTRUCT A 4-STORY, 84-ROOM EMBASSY SUITES HOTEL AND A 4-STORY, 128-ROOM RESIDENCE INN HOTEL, THREE RESTAURANTS TOTALING 11,600 SQUARE FEET, AND AN EXECUTIVE GOLF COURSE WITH A 7,500 SQUARE FOOT CLUBHOUSE, INCLUDING THE SALE OF BEER, WINE, AND LIQUOR FOR ALL USES ON APPROXIMATELY 64 GROSS ACRES



CENSUS TRACT MAP

ATTACHMENT 8

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

NEGATIVE DECLARATION ND-2013-03
Preparation Date: January 13, 2014

Name or Title of Project: Specific Plan Amendment SPLA13-00001, General Plan Amendment GPA12-00002, Conditional Use Permit CUP12-00021, and Tentative Parcel Map PMN13-00001.

Location: North of Rancho Road, south of Rodeo Road, east of Verbena Road and west of Bellflower Street (APNs: 3039-281-14 & 36).

Entity or Person Undertaking Project: Primaco, Inc.

Description of Project: Consideration of Specific Plan Amendment SPLA13-00001 and General Plan Amendment GPA12-00002, to change the zoning of the site from the Automobile Sales Commercial to the Regional Commercial Zone and allow a golf course; Conditional Use Permit CUP12-00021, to construct a 4-story, 84-room Embassy Suites Hotel and a 4-story, 128-room Residence Inn Hotel, three restaurants totaling 11,600 square feet, and an executive golf course with a 7,500 square foot clubhouse, including the sale of beer, wine, and liquor for all uses on approximately 64 gross acres. The project also includes Tentative Parcel Map PMN13-00001, which will create 6 parcels and a remainder.

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

Mitigation Measures:

1. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavaceae family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.
2. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
3. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. 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.
4. The proposed executive golf course within the Oro Grande Wash is not allowed to concentrate or redirect stormwater flow unless authorized through an off-site grading permit. Prior to establishment of the course, a detailed plan shall be submitted for review and approval by the City.

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

Public Review Period: January 20, 2014 through February 18, 2014.

Adopted by the City Council: February 18, 2014.

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

Revised 08/22/11

Page 1 of 1

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

PROJECT DESCRIPTION

1. **Project Title:** General Plan Amendment GPA12-00002, Specific Plan Amendment SPLA13-00001, Conditional Use Permit CUP12-00021, and Tentative Parcel Map PMN13-00001 (ND-2013-03)
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345
3. **Contact Person:** Stan Liudahl, AICP, Senior Planner
Phone number: (760) 947-1231
4. **Project Location:** On the west side of Caliente Road, north of Ranchero south of Rodeo Street, east of Verbena Road, and west of Bellflower Street (APNs: 3039-281-14 & 36)
5. **Project Sponsor:** Primaco, Inc. c/o Joseph Nguyen
Address: PO Box 2517
Victorville, CA 92393
6. **General Plan & zoning:** Auto Sales Commercial (ASC), Rural Estate Residential (RER), and Wash Protection Overlay

The project consists of development of a four-story, 84-room and a four-story, 128-room hotel, two 3,315 square foot drive-thru restaurants, a 5,000 square foot sit-down restaurant, and a nine-hole executive golf course with a 7,500 square foot clubhouse on approximately 31 gross acres. The golf course will occupy approximately 24 acres of the Oro Grande Wash. In addition, a tentative parcel map has been filed. The parcel map will create six parcels and a remainder, allowing each building to be owned separately. A 40-foot wide easement will be provided, allowing for a recreational trail in the future. The area within the wash that is needed for stormwater flow pursuant to a final hydrology study will be recorded within a drainage easement. The portion of the site within the remainder parcel zoned Rural Estate Residential (RER) pursuant to the Main Street and Freeway Corridor Specific Plan (Specific Plan) is not to be developed at this time.

This project requires approval of a General Plan Amendment, a Specific Plan Amendment, and a conditional use permit. The Open Space Element of the General Plan prohibits any development within that portion of the Oro Grande Wash identified as Study Area "A." This area within the Wash Protection Overlay encompasses the area from bank to bank. The Specific Plan indicates that a golf course is an allowable use within this area, which is inconsistent with the Open Space Element. Therefore, approval of a General Plan Amendment is required to allow a golf course within the Study Area.

As part of adoption of the Main Street and Freeway Corridor Specific Plan, it was intended that the portion of the site zoned ASC be developed into an auto mall. While the ASC Zone allows some non-automotive related uses, the ASC Zone restricts the non-automotive uses to those areas at least 660 feet from Interstate 15. The project does not meet this standard. In addition, hotels are not listed as permitted or conditional within the ASC Zone. Hotels will be allowed with approval of a Conditional Use Permit (CUP) in conjunction with a Specific Plan Amendment from ASC to Regional Commercial (RC) on the 31 gross acres located east of the centerline of the Oro Grande Wash. The CUP is required only due to the request for alcoholic beverages.

7. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.) The project sites, as well as the properties to the south and east are currently vacant as shown on Attachment "A." Single-family residences exist to the north and west.
8. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.) Review and approval is required from the City as well as from the U. S. Army Corps of Engineers and the San Bernardino County Health Department.

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
Stan Liudahl, AICP, Senior Planner, Hesperia Planning Division

1/13/2014
Date

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, 2, and 3)? | | | X | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (5)? | | | X | |

Comments.

Although the site has been previously disturbed by past off-road vehicle use, the segment of wash within the project boundary contains some of the least disturbed land in the area. In addition, the site is adjacent to single-family residences to the north and Caliente Road to the east (1). The Ranchero Road/Interstate 15 interchange is currently being constructed to the east. Consequently, the interchange project will have the greatest impact upon the visual character of the area, which was evaluated under a separate environmental document.

A portion of this site is identified by the General Plan Update (GPU) as part of Study Area "A" (7). This area, which is roughly between the banks of the Oro Grande Wash, is some of the least disturbed areas of the wash. As a result, the area of the project site within the wash is slated for preservation. In contrast, the Main Street and Freeway Corridor Specific Plan currently permits a golf course within the wash. The Hesperia Recreation and Park District's Master Plan requires a minimum of three acres of recreational facilities are required for every 1,000 persons, based upon the 1975 Quimby Act (8). However, the City's General Plan identifies a goal of five acres of recreational facilities per 1,000 persons. As part of this project, General Plan Amendment GPA12-00002 has been filed, which will allow development of an executive golf course within the wash.

The City contains many scenic views of the Mojave Desert, the Mojave River, the San Bernardino and San Gabriel mountains, as well as of the Summit Valley area. The GPUEIR addressed 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). Although the proposed golf course is located within Study Area A, which is to be preserved as a natural resource, this area will remain as natural as possible with approval of GPA12-00002. Approval of GPA12-00002 is consistent with the Specific Plan, which designates a portion of the Oro Grande Wash as a potential golf course site. The golf course will be constructed using the natural terrain extensively and limits disturbance of the wash primarily to creation of the holes, tee boxes, and cart crossings; the fairways will remain natural. Therefore, the impact of the golf course upon aesthetics will be minor.

A 40-foot wide trail for both equestrian and hiking will be dedicated to the City to meet the need for recreation. The City does not contain any registered historic buildings. In addition, the site is not adjacent to a state scenic highway (2). State Highways 138 and 173 are eligible for being designated scenic

highways within the southern portion of the City. Since the project site is not in proximity to this area, the project will not have a significant negative impact upon a scenic highway.

The site is within the Auto Sales Commercial (ASC), Rural Estate Residential (RER), and Wash Protection Overlay Zones of the Main Street and Freeway Corridor Specific Plan. While the proposed project will allow a different mix of nonresidential development, the proposed project will not exceed the allowable development intensity permitted within the ASC Zone. Inasmuch as the General Plan Update Environmental Impact Report (GPUEIR) considered development of the subject property to the maximum allowable development intensity within the ASC Zone, the proposed development intensity has been adequately addressed by the GPUEIR and no further analysis of development intensity is required.

The proposed development is consistent with the standards of the Specific Plan, except the maximum 45-foot building height limitation (4). The proposed RC Zone will allow a maximum building height of 65 feet. The proposed four-story hotels will be approximately 60 feet high. Therefore, this project is consistent with the General Plan and zoning with approval of the proposed General Plan Amendment and Specific Plan Amendment.

The proposed development is not adjacent to sensitive land uses, which are located to the west, beyond the Oro Grande Wash. The Development Code requires that any light created by the development not exceed 0.5 foot-candle illumination at the site boundary abutting a street or any property within a residential zone (5). In addition, all exterior lighting within this development shall be hooded and directed downward to reduce the impact upon the nighttime sky in accordance with the General Plan Update (9), which identifies the impact of development in accordance with the General Plan as less than significant. Based upon these regulations, the use will not adversely affect day or nighttime views in the area. Therefore, approval of the proposed project will not have a significant negative impact upon aesthetics.

| II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and State Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. 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 (10)? | | | | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (11 & 12)? | | | | 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)) (12 & 13)? | | | | X |

| | | | | |
|--|--|--|--|---|
| d) Result in the loss of forest land or conversion of forest land to non-forest use (12 & 13)? | | | | 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 (11, 12 & 13)? | | | | X |

Comments.

As part of the development approval process, any vacant site other than for a single-family residence permitted as a use by right shall require approval of a land use entitlement. As part of every land use entitlement, the potential impact upon prime farmland, unique farmland, or farmland of statewide importance is evaluated. Prior to development, staff reviews the General Plan and the United States Soil Conservation Service 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 Cajon gravelly sand, two to fifteen percent slopes, gullied land-Haploxerafs association, and Hesperia loamy fine sand, two to five percent slopes (13). These soils are mainly used for homestead development, grazing, and wildlife habitat. These soils are limited by slightly to high soil blowing hazard, excessively drained and sloped, high water intake rate, low available water capacity, and low fertility. Further, the proximity of commercial and residential uses does not make this site viable for agriculture. The U.S. Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County California Mojave River Area 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 RER and ASC Zones of the Main Street and Freeway Corridor Specific Plan (11). 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 (14). 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 (15). The project site is located in the western portion of the City within the Interstate 15 corridor adjacent to an existing residential area and is substantially surrounded by residences to the north and west (1, 6 & 11). 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 (16). 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 (17, 18 & 19)? | | | | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (17, 18 & 19)? | | | 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) (17, 18 & 19)? | | | X | |
| d) Expose sensitive receptors to substandard pollutant concentrations (1, 6, 17, 18 & 19)? | | | X | |
| e) Create objectionable odors affecting a substantial number of people (1, 6, 17 & 18)? | | | X | |

Comments.

The General Plan Update and its Environmental Impact Report (EIR) address the impact of build-out in accordance with the Land Use Plan, with emphasis upon the impact upon sensitive receptors (17 & 18). 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 closest sensitive receptors are the occupants of the single-family residential area located approximately 100 feet to the north and approximately 1,800 feet to the west (1). The residences to the north are currently within the ASC Zone. The zoning will become RER when Specific Plan Amendment SPLA13-00005 becomes effective on January 17, 2014.

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 the federal particulate standards for the past 15 years (17). The ability of MDAQMD to comply with ozone ambient air quality standards will depend upon the ability of SCAQMD to bring the ozone concentrations and precursor emissions into compliance with ambient air quality standards (17 & 18).

All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD (19). 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 demolition, site preparation, land clearance, grading, excavation, and building construction; which will result in fugitive dust emissions. Also, equipment emissions, associated with the use of construction equipment during site preparation and construction activities, will 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 by equipment. 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.

Senate Bill SB 610 requires approval of a Water Supply Assessment (WSA) if any individual hotel development exceeds 500 rooms or a commercial center employing more than 1,000 persons or encompassing more than 500,000 square feet of building area. The conditional use permit will allow construction of two hotels, three restaurants, a country club, and a golf course totaling 174,194 square feet. Together, the two hotels will contain 212 rooms and the gross floor area of the three restaurants and the country club total 19,130 square feet. Therefore, this project does not meet the threshold requiring a WSA. Water will be supplied by the Hesperia Water District.

The General Plan Update identifies large areas where future residential, commercial, industrial, and institutional development will occur. The 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 (20). As part of the General Plan Update Environmental Impact Report (GPUEIR), the impact of commercial development to the maximum allowable intensity permitted by the Land Use Plan was analyzed. The proposed Specific Plan Amendment from ASC to RC will increase the maximum allowable Floor Area Ratio (FAR) for the project. However, the proposed Conditional Use Permit will not allow for construction of buildings which exceed the FAR of the ASC Zone. Consequently, this project will not exceed the development intensity analyzed as part of the GPUEIR.

| 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 (21)? | | 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 & 21)? | | | | 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 & 21)? | | | | 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 & 21)? | | X | | |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (21, 22 & 23)? | | | 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 (24)? | | | | 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 species (25). The desert tortoise is also not expected to inhabit the site, given its proximity to existing residences (1). 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 (26).

Since the site contains native plant species, a biological survey was conducted by RCA Associates, LLC to determine the presence of the desert tortoise, Mohave ground squirrel, burrowing owl, loggerhead shrike, and sharp-skinned hawk (21). The biological report states that none of these nor any other threatened or endangered species inhabit the site. Since the burrowing owl is not sensitive to development and may occupy the site at any time, a mitigation measure requiring another biological

survey to determine their presence shall be submitted no more than 30 days prior commencement of grading activities.

A protected plant plan was also prepared after a detailed on-site inventory (23). The protected plant plan will ensure that 129 of the site's 173 Joshua Trees, which are protected under the City's Native Plant Protection Ordinance, will be relocated or protected in place. The 44 trees are unsuitable for transplanting due to their large size and/or poor health. The report also documents the existence of 15 Mojave Yuccas, all of which are to be preserved in place or transplanted. The grading plan for the project shall stipulate that all transplantable protected plants identified within the report will be relocated or protected in place. 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. The Southern Sycamore Alder Woodland and Mojave Riparian Forest vegetation communities exist within the Rancho Las Flores Specific Plan and vicinity (27). Consequently, approval of the proposed development 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 (28)? | | X | | |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (28)? | | X | | |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (29)? | | | X | |
| d) Disturb any human remains, including those interred outside of formal cemeteries (30)? | | | X | |

Comments.

Past records of paleontological resources were evaluated. This research was compiled from records at the Archaeological Information Center located at the San Bernardino County Museum (Museum). Based upon this review, the Archaeological Information Center required that a cultural resource study be prepared (30). In addition, the Cultural Resources Sensitivity Map within the Cultural Resource background technical report of the General Plan Update indicates that the site has a high sensitivity potential for containing cultural resources (29).

The site was investigated by CRM Tech in November and December of 2012. After a thorough field investigation CRM Tech did not find evidence of archaeological or paleontological resources. However, there is a possibility that resources may exist below the surface. Therefore, a mitigation measure is listed on page 24, which will be imposed should any cultural resources be unearthed during construction. Further, in the event that human remains are discovered during grading activities, grading shall cease until the County Coroner has made the necessary findings in accordance with the California Environmental Quality Act (CEQA) (32). 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. The NAHC has indicated that the City and Sphere of Influence does not contain any sacred lands (33). Consequently, this project is not expected to have an impact upon cultural resources.

| 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 (34, 35 & 36). | | | | X |
| ii) Strong seismic ground shaking (37 & 38)? | | | X | |
| iii) Seismic-related ground failure, including liquefaction (13 & 37)? | | | | X |
| iv) Landslides (37)? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil (13)? | | | 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 (13 & 37)? | | | 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 (13)? | | | | 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 (13)? | | | | X |

Comments.

Although the project site contains topography with slopes in excess of 40 percent, the proposed buildings will be constructed almost entirely within that portion of the site with a slope of less than 10 percent (39). The Hillside Development Regulations (40) allow building pads to be created on sites with slopes under 30 percent, provided artificially created slopes are minimized and appropriately stabilized using landscaping or other acceptable methods as per the Hillside Development Regulations. Further, implementation of these slope stabilization techniques and compliance with Building Codes will ensure that the development will not experience significant ground failure during an earthquake. The proposed golf course will be located within the Oro Grande Wash, which has a greater potential for ground failure. However, since the golf course will not contain any habitable structures other than the club house, which lies outside the wash and beyond the slope, it will not pose a significant hazard.

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 (38). The project site is not located in an Alquist-Priolo Earthquake Fault Zone or within 500 feet of a fault (34 & 35). Although the soil at this site has the potential for collapse due to the slope on the east side of the Oro Grande Wash, all structures will be located on pads with slopes of less than 10 percent.

Neither the project site nor the surrounding area contains any known or suspected fault zones based upon Exhibit SF-1 of the General Plan Safety Element (34). 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 (34 & 35). The nearest fault to the site is the North Frontal fault, located approximately five miles to the east of the City.

The soil at this location is identified as Cajon gravelly sand, two to fifteen percent slopes, gullied land-Haploxerafs association, and Hesperia loamy fine sand, two to five percent slopes (13). These soils are mainly used for homestead development, grazing, and wildlife habitat. These soils are limited by slightly to high soil blowing hazard, excessively drained and sloped, high water intake rate, and low available water capacity. 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 Prevention Plan (SWPP) regulations. Although disturbance of the soil will result in significant soil loss due to wind erosion, the site will be fully developed with a building, paved parking, and landscaping (6). These improvements as well as the Hillside Development Regulations will ensure that soil disturbance will not result in significant soil erosion.

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 (41), which ensures that the buildings will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soil study is required, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be performed in accordance with all development codes to assure that all structures will not be negatively affected by the soil. Consequently, the impact upon geology and soils associated with the proposed conditional use permit and Specific Plan Amendment 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 (42)? | | | X | |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases (42)? | | | 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. 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)(42). 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.

The Auto Sales Commercial (ASC) Zone allows a maximum FAR of 0.15. The proposed 174,164 square foot building floor area provides a 0.13 FAR. The proposed project will not increase the greenhouse gas (GHG) emissions beyond that analyzed within the General Plan Update Environmental Impact Report (GPUEIR). Consequently, the proposed development will not cause an increase in greenhouse gas emissions beyond that which was addressed by the GPUEIR. Further, the site is optimally situated at a developing Interstate 15 interchange with Ranchero Road (6), which will reduce vehicle miles traveled by affording food and lodging close to the freeway when the interchange is completed at the end of 2014. Had the project been located a distance from the freeway, additional vehicle travel miles would result. The additional job creation from this development will also reduce the number of residents commuting to other communities for work, further reducing vehicle miles traveled and resulting in additional GHG reductions. 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 (41) will cause a reduction in GHG emissions from use of less efficient systems, resulting in additional community emission reduction credits. 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 (6 & 43)? | | | 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 (6 & 43)? | | | 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 & 6)? | | | | 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 (1)? | | | | 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 (11 & 44)? | | | | 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 (44)? | | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (45)? | | | | 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 & 47)? | | | | X |

Comments.

The project will provide primarily lodging and dining opportunities for travelers, but also contains a recreational component and does not include the routine transport and storage of hazardous wastes.

The project site is not listed in any of the following hazardous sites database systems, so it is unlikely that hazardous materials exist on-site:

- National Priorities List www.epa.gov/superfund/sites/query/basic.htm. List of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. There are no known National Priorities List sites in the City of Hesperia.
- Site Mitigation and Brownfields Reuse Program Database www.dtsc.ca.gov/database/Calsites/Index.cfm. This database (also known as CalSites) identifies sites that have known contamination or sites that may have reason for further investigation. There are no known Site Mitigation and Brownfields Reuse Program sites in the City of Hesperia.
- Resource Conservation and Recovery Information System www.epa.gov/enviro/html/rcri/rcri_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, potentially 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. Formerly Used Defense Sites <http://hq.environmental.usace.army.mil/programs/fuds/fudsinv/fudsinv.html>.

The proposed project will not conflict with air traffic nor emergency evacuation plans. The site is approximately five miles from the Hesperia Airport to the southeast and is therefore not within a restricted use zone associated with air operations (46). Consequently, implementation of the project will not cause safety hazards to air operations. The site is also not along an emergency evacuation route or near a potential emergency shelter (45) and will not interfere with emergency evacuation plans.

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 areas primarily in proximity to the San Bernardino National Forest are most susceptible to wildland fires (47 & 48). 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 (49 & 50)? | | | | 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) (51 & 52)? | | | 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 (47)? | | 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 (6 & 47)? | | 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 (53)? | | | X | |
| f) Otherwise substantially degrade water quality (53)? | | | 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 (6, 54 & 55)? | | | | X |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (6, 47 & 55)? | | | | 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 (6, 54 & 55)? | | | | X |
| j) Inundation by seiche, tsunami, or mudflow (6, 34)? | | | | X |

Comments.

Development of the site will disturb more than one-acre of land area. Consequently, the project will be required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to land disturbance (56). Issuance of a Storm Water Pollution Prevention Plan (SWPPP) will also be required, which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting storm water. Obtaining the NPDES and implementing the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). These are mandatory and NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts to water quality during project construction.

The development may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff (57). 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. The site is within Flood Zone X, based upon the latest Flood Insurance Rate Maps (55). The proposed executive golf course within the Oro Grande Wash is not allowed to

concentrate or redirect stormwater flow. The design of the golf course shall be such that it meets this requirement. Therefore, a mitigation measure has been included, which will ensure that any improvements within the wash will not change the direction or intensity of stormwater. The clubhouse is located east of the wash, as habitable structures are not allowed within the 100-year flood hazard area. The hotels and restaurants are also located outside the flood hazard area (6). The retention facilities required by the City for the hotels, restaurants, and the clubhouse will ensure that no additional storm water runoff impacts the area and that any contaminants will be filtered from stormwater runoff prior to any release. The release will be no greater than the amount of runoff which currently leaves the site prior to development. The mitigation measure on Page 24 has been added, ensuring that the proposed executive golf course will not concentrate or redirect stormwater flow. Prior to establishment of the course, a detailed plan shall be submitted for review and approval by the City.

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 (47). The areas most affected by a dam failure are located in the low lying areas of southern Rancho Las Flores, most of 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. 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 (57). The subject property exhibits between a 2 and 15 percent slope. The water table is significantly more than 50 feet from the surface. Therefore, the mechanisms necessary to create a mudflow; a steep hillside with groundwater near the surface, does not exist at this location.

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 (51).

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 projected to exceed demand beyond the year 2030 (52). 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 this 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 (11 & 42)? | | | X | |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan (27)? | | | | X |

Comments.

Although the site is currently vacant, it is adjacent to a developing interchange at I-15 and Rancho Road (1). The site is currently zoned Auto Sales Commercial (ASC) (11). Changing the zoning to Regional Commercial (RC) will allow the proposed uses to be located less than 660 feet from Interstate 15 as well as allow for the hotels to exceed the 45-foot building height limitation within the ASC Zone. Further, inasmuch as this site is at least 40 feet lower in elevation than Interstate 15 (I-15), it does not provide visibility suitable for an auto dealership. Although approval of the project requires adoption of a General Plan Amendment, Specific Plan Amendment and a conditional use permit (6), the site's poor visibility and its proximity to Neighborhood Commercial (NC) Zoning on the southeast corner of I-15 and Rancho Road suggest that the site would best be served by uses allowed within the RC Zone.

That portion of the project site within the Oro Grande Wash is located within Study Area "A." This is one of three areas within this wash and the unnamed wash east of I-15. These three study areas represent the least disturbed areas along both washes. Currently, the Open Space Element of the General Plan requires that these areas be preserved in their natural state. The proposed General Plan Amendment will include golf courses as one of the recreational uses allowed within Study Area "A." This allowance is consistent with the Main Street and Freeway Corridor Specific Plan, which identifies golf courses as a permitted recreational use within the wash. Further, it was the consensus of the Planning Commission at its December 12, 2013 meeting that the permitted uses within these study areas be reconsidered.

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 (27). The project site is located approximately five miles northwest of this specific plan within the developed portion of the City. Therefore, the proposed project will 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 (58)? | | | | 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 (58)? | | | | 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 (58). 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,

which 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, 6 & 59)? | | | X | |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (59 & 60)? | | | X | |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (6 & 11)? | | | X | |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (59 & 60)? | | | 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 (46)? | | | | 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 (46)? | | | | X |

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, but also including noise from the two proposed drive-thru restaurants. According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles and aircraft (59). Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Noises associated with this type of project will be mostly from traffic caused by arriving and departing vehicles, especially semi-trucks (employees, customers, and deliveries).

Construction noise levels associated with any future construction activities will be slightly 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 subside once construction is completed. The proposed project must adhere to the requirements of the City of Hesperia Noise Ordinance (61). 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 will be subjected to higher levels of noise, due to its proximity to Interstate 15. Most commercial uses are not sensitive to noise and may be subjected to a maximum 55 dB (A) building interior noise limitation. However, the hotels are subject to the more restrictive interior noise standard of 45 dB (A) (60 & 61). The project site is expected to receive 72 dB (A) at 50 feet from the centerline of Interstate 15 at build-out of the City (62). During the on-site acoustical investigation, it was determined that the site would receive an average CNEL of 52 dB (A). The acoustical report states that since the exterior noise level is below 65 dB (A), implementation of standard building methods will result in the

buildings meeting the 45 dB (A) interior noise standard (60). Consequently, the impact of noise and vibration upon the proposed use is not significant.

Certain activities particularly sensitive to noise include sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration, which will not be impacted. Hospitals and convalescent homes, churches, libraries, and childcare facilities are also considered noise-sensitive uses as are residential and school uses. The nearest sensitive uses to the site are the single-family residences to the north and west, which will be impacted more by Interstate 15 than by the proposed use (1).

Operation of the commercial uses will create additional noise associated with truck and passenger vehicle traffic. The General Plan Update Environmental Impact Report (GPUEIR) accounts for the usual traffic in this area caused by commercial activities. In the future, Ranchero Road will be improved as a Major Arterial roadway, which will subject nearby land uses to additional noise (63). Although the project will increase noise levels in the area, due to increased vehicular traffic, the noise impact of the freeway will surpass any noise increase due to this project. Therefore, noise mitigation is unnecessary.

The project site is approximately five miles north of the Hesperia Airport. At this distance, the project is not impacted by any safety zones associated with this private airport (46). 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 development intensity permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with noise impacts (20). Inasmuch as this project does not exceed the existing allowable building Floor Area Ratio (FAR) for the ASC Zone, this project will not exceed the amount of noise expected at City build-out and will not exceed the noise level impact analyzed by the General Plan Update Environmental Impact Report (GPUEIR). Consequently, the noise impact of this project is not significant.

| 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) (6)? | | | 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 proposed project entails development of two hotels, three restaurants, and a golf course with a country club (6). Consequently, the proposed project will not create a direct increase in the demand for housing. Since this project is designed to be a convenience stop for motorists traveling along Interstate 15, its indirect impact upon population growth is very small. As per the Transportation/Traffic Section, approximately 6,753 daily vehicle trips would be generated by an auto mall to the maximum allowable FAR on the 31 gross acres zoned ASC (64). The proposed project will generate approximately 5,920 daily vehicle trips (65 thru 68). Consequently, this project will generate about 833 fewer daily vehicle

trips than allowed by the current zoning. As a result, the project's indirect impact upon population growth would be less than the impact analyzed by the GPUEIR. The site is vacant and is identified for development of commercial land uses (11) and the proposed Specific Plan Amendment will also not allow residential land uses. Therefore, the project will not displace any existing housing, necessitating the construction of replacement housing elsewhere.

The population in Hesperia has increased mainly because of the availability of affordable housing in the High Desert and its proximity to the job-rich areas of the Inland Empire. There is currently more demand for commercial services and jobs than there are services and jobs available in Hesperia. As a result, the proposed development will not induce substantial population growth as the development will provide much needed services and jobs for the current population in the High Desert. Based upon the proposed use being primarily used by travelers, development of the proposed project would have a less than significant impact upon population and housing.

| XIV. PUBLIC SERVICES. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for 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 (70): | | | X | |
| Fire protection? (70) | | | X | |
| Police protection? (70) | | | X | |
| Schools? (70) | | | X | |
| Parks? (70) | | | X | |
| Other public facilities? (70) | | | X | |

Comments.

Although the proposed project will create an increase in demand for public services (70), that increase is consistent with that which is anticipated as part of the General Plan Update Environmental Impact Report (GPUEIR). The site is served by an existing 12-inch water line in Caliente Road (71). Full street improvements comprised of curb, gutter, and sidewalk will be constructed along the project's Caliente Road frontage as part of its construction (72). Development Impact Fees (DIFs) will be assessed at the time that building permits are issued for construction of the site (73). 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 proposed project upon public services is less than significant.

| XV. RECREATION. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (6)? | | | | 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 (6)? | | | | X |

Comments.

As evaluated previously, approval of the proposed project will only induce population growth indirectly, as it mostly provides services for the motoring public. A modest demand for new employees will result from its development (6). Therefore, the proposed project will have a small indirect impact upon recreation.

| XVI. TRANSPORTATION / TRAFFIC. 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 (63 & 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 (74 & 75)? | | | 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 (44)? | | | | X |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (74 thru 78)? | | | | X |
| e) Result in inadequate emergency access (6)? | | | | 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 (74 thru 78)? | | | | X |

Comments.

The proposed project fronts upon Caliente Road, which is to be constructed as a Major Arterial roadway (63 & 78). As part of development of this project, Caliente Road will be constructed to City standards, including curb, gutter, and sidewalk across the project frontage and pavement tapers beyond the frontage (72). The street widening will increase traffic capacity and completion of the I-15 interchange at Rancho Road does not form a hazardous design feature and will make the intersection wider, improving safety.

Access to and within the site has been evaluated by both the City and the San Bernardino County Fire Department. Two driveways accessing Caliente Road will be created, providing suitable access to the site (6).

Completion of the Rancho Road / I-15 interchange will relieve traffic congestion on the Bear Valley Road and Main Street interchanges with I-15. Development of hotels and restaurants adjacent to the interchange will reduce congestion within the commercial areas located farther from the freeway, which is consistent with the goal to reduce vehicle miles traveled. These improvements are consistent with the Traffic Circulation Plan, and are not inconsistent with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system (78).

The City's General Plan includes a non-motorized transportation network (79). The site fronts upon Caliente Road, which is not part of the Bikeway System Plan. A Class I bike path will ultimately be constructed within Rancho Road from I-15 to Arrowhead Lake Road. The proposed project will provide services primarily for use by the motoring public. Therefore, a bike trail is not warranted at this location.

The City's Circulation Plan is consistent with the Congestion Management Program (CMP) for San Bernardino County (77). The CMP requires a minimum Level of Service (LOS) standard of "E." When a jurisdiction requires mitigation to a higher LOS, then the jurisdiction's standard takes precedence. The Circulation Element requires a minimum LOS of D for street segments instead of LOS E. The Element also strives to maintain a LOS of C or better on roadways which exhibit an LOS better than D. The LOS of Caliente Road will not be significantly negatively affected by the increased number of vehicle trips to be created by this use with the mitigation measures outlined within the traffic study.

The project site is located approximately five miles from the Hesperia Airport and is not within an airport safety zone (46). Consequently, the project will not cause a change in air traffic patterns nor an increase in traffic levels or location. The project site will also not impact the air traffic patterns for the Southern California Logistics Airport nor the Apple Valley Airport.

The project is located within the ASC Zone, which allows a maximum Floor Area Ratio (FAR) of 0.15. Based upon development of an auto mall to the maximum allowable FAR on the 31 gross acres zoned ASC, a maximum of 202,554 square feet of gross building floor area is allowed. The Institute of Transportation Engineers' Trip Generation Manual estimates that 202,554 square feet (SF) of new car dealerships would generate approximately 6,753 daily vehicle trips. This is based upon 33.34 vehicle trips per day for every 1,000 square feet (SF) of gross building floor area (64).

Development of the proposed project will generate approximately 5,920 daily vehicle trips as shown in the following table:

| AVERAGE DAILY VEHICLE TRIPS FOR THE PROPOSED PROJECT | | |
|--|--|-------------------------------|
| LAND USE | TRIP GENERATION FORMULA | NUMBER OF DAILY VEHICLE TRIPS |
| 2 Hotels (212 rooms) | 8.92 vehicle trip ends per room (65) | 1,891 |
| Golf Course (23.7 acres) | 5.04 vehicle trip ends per acre (66) | 119 |
| Sit-down restaurant (5,000 SF) | 127.15 vehicle trip ends per 1,000 SF (67) | 636 |
| Drive-thru restaurants (6,600 SF) | 496.12 vehicle trip ends per 1,000 SF (68) | 3,274 |
| Total | | 5,920 |

Based upon the average daily vehicle trip ends from the Institute of Transportation Engineers' Trip Generation Manual, the proposed project will result in a reduction in 833 fewer trip ends than the

number of trip ends currently allowed by the ASC Zone. The GPEIR analyzed development of this site to the maximum allowable FAR. Therefore, the impact of the proposed project upon transportation/traffic will not exceed that which was analyzed by the GPEIR. Consequently, the impact of this project upon transportation/traffic is not 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 (80)? | | | | 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 (72)? | | | | 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 (72)? | | | X | |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (51 & 52)? | | | 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 (51)? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (81 & 82)? | | | X | |
| g) Comply with federal, state, and local statutes and regulations related to solid waste (83)? | | | X | |

Comments.

The development will be connected to the existing 12-inch water line in Caliente Road within the City's water system (71). This water line is currently supplied by County Service Area CSA Zone J (Zone J), under the terms of an agreement between the City and Zone J to develop utility systems within the I-15 freeway corridor after its annexation to the City of Hesperia and the Hesperia Water District (HWD) in 2004. The water supply will be coordinated with Zone J following submission of a water feasibility study (72) and revision of a utility plan. The development may be required to be supplied by HWD water, pending the results of this study.

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 (72). 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. Incorporation of this required on-site retention facility will ensure that the use will not have a negative impact upon water quality. The proposed development will increase the amount of wastewater due to increased impervious surface area, but this additional amount was considered as part of the GPUEIR.

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, in 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 (52).

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 (84). 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 (83). Currently, approximately 69 percent of the solid waste within the City is being recycled (81 & 82). About 168 tons of solid waste is disposed at the landfill and 243 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 proposed 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 affects 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 measures are recommended as a function of this project.

1. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.
2. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
3. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. 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.
4. The proposed executive golf course within the Oro Grande Wash is not allowed to concentrate or redirect stormwater flow unless authorized through an off-site grading permit. Prior to establishment of the course, a detailed plan shall be submitted for review and approval by the City.

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 B of Chapter 9 of the Main Street and Freeway Corridor Specific Plan, pages 165 thru 173.

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- (5) Section 16.20.085 (O) of the Hesperia Municipal Code.
-
- (6) General Plan Amendment GPA12-00002, Specific Plan Amendment SPL13-00001, Tentative Parcel Map PMN13-00001, and Conditional Use Permit CUP12-00021 applications and related materials.
-
- (7) Exhibit OS-7 of the 2010 City of Hesperia General Plan Update, Page OS-23.
-
- (8) Park and Open Space Standards of the 2010 City of Hesperia General Plan, Page OS-43.
-
- (9) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-9.
-
- (10) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-1
-
- (11) Official Maps showing the General Plan Land Use and zoning of the City of Hesperia and its sphere of influence.
-
- (12) Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2
-
- (13) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 30, Pages 28 thru 29, 36, and 44.
-
- (14) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
-
- (15) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
-
- (16) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34.
-
- (17) Air Quality Section of the 2010 City of Hesperia General Plan Update, pages CN-47 thru CN-50.
-
- (18) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
-
- (19) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
-
- (20) Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR).
-
- (21) General Biological Resource Assessment prepared by RCA Associates, LLC on November 7, 2012.
-
- (22) Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
-
- (23) Protected Plan Preservation Plan prepared by RCA Associates, LLC on November 26, 2012.
-
- (24) Section 3.4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 30.
-
- (25) Exhibit CN-5 of the 2010 City of Hesperia General Plan Conservation Element, page CN-27.
-
- (26) Exhibit OS-2 of the 2010 City of Hesperia General Plan Update, page OS-9.
-
- (27) Exhibit CN-3 of the 2010 City of Hesperia General Plan Conservation Element, page CN-17.
-
- (28) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages C-1 thru C-34.
-
- (29) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibit 5d.
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- (30) Historical Resources Record Search prepared by the Archaeological Information Center on October 25, 2012.
-
- (31) Historical/Archaeological Resources Survey Report prepared by CRM Tech on December 5, 2012.
-
- (32) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
-
- (33) Section 8 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, page 64.
-
- (34) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1.
-
- (35) Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, Figure 1-2.
-
- (36) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
-
- (37) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
-
- (38) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-23 thru 1-36.
-
- (39) Slope Analysis Map for the site prepared by High Desert Mapping in December of 2012.
-
- (40) Chapter 16.40 of the City of Hesperia Municipal Code entitled Hillside Development Regulations.
-
- (41) 2010 California Building Code.
-
- (42) 2010 City of Hesperia General Plan Update Climate Action Plan.
-
- (43) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
-
- (44) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-60 and LU-61.
-
- (45) Potential Emergency Shelters and Evacuation Routes shown within the 2010 Hesperia General Plan Safety Element, Exhibit SF-4.
-
- (46) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, Exhibit LU-3.
-
- (47) 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.
-
- (48) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
-
- (49) Section 3.8.2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
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- (50) Section 3.8.5 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-20 thru 3.8-22.
-
- (51) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
-
- (52) Mojave Water Agency letter dated March 27, 1996.
-
- (53) Section 4.3.8 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 4-9.
-
- (54) 1992 Victorville Master Plan of Drainage Volume I, identifying future drainage improvements for the area.
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- (55) FEMA flood map, City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
-
- (56) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
-
- (57) Flooding Hazards Section of the 2010 City of Hesperia General Plan Update Safety Element, pages SF-16 thru SF-18.
-
- (58) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
-
- (59) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
-
- (60) Noise Impact Study of the Proposed Primaco Commercial Development at Ranchero Road and Caliente Road in the Oak Hills Area of Hesperia by P. A. Penardi & Associates dated December 10, 2012.
-
- (61) Section 16.20.125 of the Hesperia Municipal Code, pages 464 thru 467.
-
- (62) Table 3.11-9 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.11-33.
-
- (63) Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, page CI-14.
-
- (64) Institute of Transportation Engineers Trip Generation Manual, Sixth Edition, Volume 3, Page 1,476.
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- (65) Institute of Transportation Engineers Trip Generation Manual, Sixth Edition, Volume 2, Page 542.
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- (66) Institute of Transportation Engineers Trip Generation Manual, Sixth Edition, Volume 2, Page 724.
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- (67) Institute of Transportation Engineers Trip Generation Manual, Sixth Edition, Volume 3, Page 1,723.
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- (68) Institute of Transportation Engineers Trip Generation Manual, Sixth Edition, Volume 3, Page 1,751.
-
- (69) Section 4.2 of the Main Street and Freeway Corridor Specific Plan, Page 176.
-
- (70) Section 4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-13 thru 4-18.
-
- (71) Current Hesperia water and sewer line atlas, pages P3 and Q3.
-
- (72) Conditions of approval for CUP12-00021.
-
- (73) 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.
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- (74) Exhibit CI-22 showing the Urban Design Framework within the 2010 City of Hesperia General Plan Update Circulation Element, page CI-55.
-
- (75) Table 4-4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 40 and 44.
-
- (76) Section 2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 2-19.
-
- (77) Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 4 thru 6.
-
- (78) Exhibit CI-1 showing the General Plan Traffic Circulation Plan within the 2010 City of Hesperia General Plan Update Circulation Element.
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- (79) Exhibit CI-23 showing the Non-Motorized Transportation Plan General Plan within the 2010 City of Hesperia General Plan Update Circulation Element, Page CI-57.
-
- (80) Section 3.8 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-8 thru 3.8-14.
-
- (81) Quarterly data of the San Bernardino County Disposal Reporting System for the 2nd quarter 2010.
-
- (82) 2009 California Department of Resources, Recycling and Recovery Annual AB939 Report.
-
- (83) California Integrated Waste Management Act (AB 939).
-
- (84) City of Hesperia Urban Water Management Plan.
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ATTACHMENT 9

RESOLUTION NO. PC-2014-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND THE OFFICIAL GENERAL PLAN AND ZONING MAP BY RECLASSIFYING CERTAIN REAL PROPERTY HEREIN DESCRIBED WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM AUTO SALES COMMERCIAL (ASC) TO REGIONAL COMMERCIAL (RC) ON APPROXIMATELY 31 GROSS ACRES LOCATED NORTH OF RANCHERO ROAD, SOUTH OF RODEO ROAD, EAST OF THE CENTERLINE OF THE ORO GRANDE WASH AND WEST OF BELLFLOWER STREET (SPLA13-00001)

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

WHEREAS, On September 2, 2008, the City Council of the City of Hesperia adopted Ordinance No. 2008-12, thereby adopting the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, Primaco, Inc. has filed an application requesting approval of SPLA13-00001 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 31 gross acres within the Auto Sales Commercial (ASC) Zone of the Main Street and Freeway Corridor Specific Plan located north of Ranchoero Road, south of Rodeo Road, east of the centerline of the Oro Grande Wash and west of Bellflower Street and consists of Assessor's Parcel Numbers 3039-281-14 & 36; and

WHEREAS, the Application, as contemplated, proposes to change the zoning of the subject property within the Main Street and Freeway Corridor Specific Plan (Specific Plan) from the Auto Sales Commercial (ASC) Zone to the Regional Commercial (RC) Zone; and

WHEREAS, Primaco, Inc. has also filed applications requesting approval of General Plan Amendment GPA12-00002 and Conditional Use Permit CUP12-00021, to construct a 4-story, 84-room Embassy Suites Hotel and a 4-story, 128-room Residence Inn Hotel, three restaurants totaling 11,600 square feet, and an executive golf course with a 7,500 square foot clubhouse, including the sale of beer, wine, and liquor for all uses. In addition, the applicant has filed Tentative Parcel Map PMN13-00001, to create six parcels and a remainder across the entire approximately 64 gross acre site; and

WHEREAS, the subject site is vacant. Single-family residences exist to the north and west. The properties to the south and east are vacant; and

WHEREAS, the subject property is currently within the Rural Estate Residential (RER), Wash Protection Overlay, and Auto Sales Commercial (ASC) Zones of the Specific Plan. The properties to the north and west are within the RER and Wash Protection Overlay Zones and the properties to the south and east are within the ASC Zone of the Specific Plan; and

WHEREAS, an environmental Initial Study for the proposed project was completed on January 13, 2014, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND-2013-03 was subsequently prepared; and

WHEREAS, on January 23, 2014, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced January 23, 2014 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2013-03 and the initial study which supports the Mitigated Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed Specific Plan Amendment will have a significant effect on the environment;
- (b) The site of the proposed amendment to the Specific Plan is suitable for any of the land uses permitted within the proposed Zone District, because the land uses can meet the standards for setbacks, parking, circulation, and access within the proposed Zone District.
- (c) The current Auto Sales Commercial (ASC) Zone District within the Specific Plan does not permit hotels and retail establishments less than 660 feet from Interstate 15 and the proposed Regional Commercial (RC) Zone District provides for the proposed uses. In addition, buildings within the ASC Zone District are limited to a maximum 45-foot height. The two four-story hotels will be approximately 62 feet tall and the RC Zone allows buildings up to 65 feet in height. Therefore, the proposed Specific Plan Amendment is reasonable and beneficial at this time, because it will facilitate the planning and development of this area that is needed to support the well-planned growth of Hesperia.
- (d) The proposed Specific Plan Amendment will not have a significant adverse impact on surrounding properties or the community in general, because the project will be subject to the City's policies governing design and the mitigation measures for ND-2013-03.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia, with approval of this Specific Plan Amendment.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends approval of Specific Plan Amendment SPLA13-00001, amending the Official General Plan and Zoning Map of the City of Hesperia as shown on Exhibit "A."

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

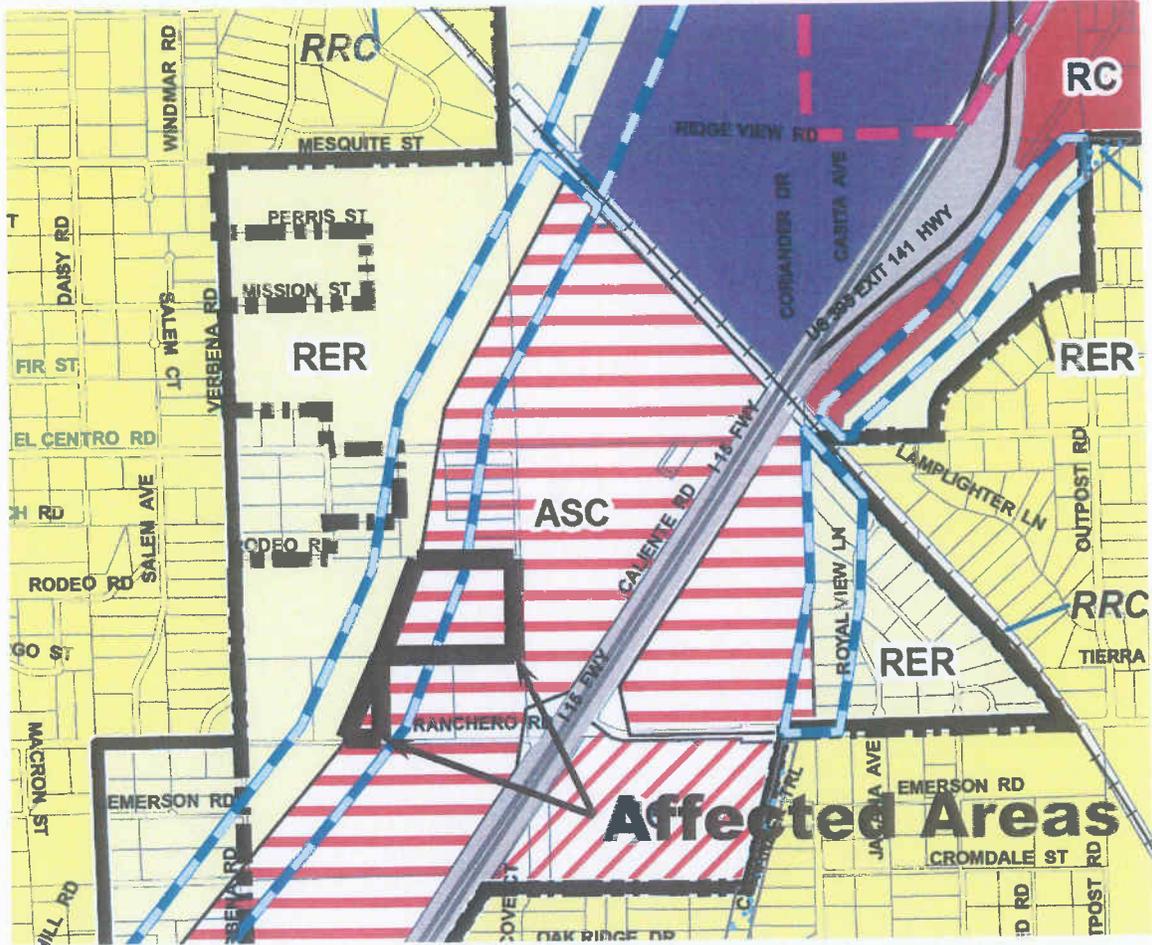
ADOPTED AND APPROVED on this 23rd day of January 2014

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

Exhibit "A"



SPLA13-00001
FROM AUTO SALES COMMERCIAL (ASC) TO
REGIONAL COMMERCIAL (RC)
ON APPROXIMATELY 31 GROSS ACRES

ATTACHMENT 10

RESOLUTION NO. PC-2014-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A GENERAL PLAN AMENDMENT TO FIND DEVELOPMENT OF GOLF COURSES CONSISTENT WITH PRESERVATION OF THE NATURAL RESOURCES WITHIN STUDY AREA "A" OF THE OPEN SPACE ELEMENT (GPA12-00002)

WHEREAS, on May 15, 1991, the City Council of the City of Hesperia adopted the City's General Plan, currently applicable in regards to development within the City; and

WHEREAS, Primaco, Inc. has filed an application requesting approval of GPA12-00002 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 64 gross acres located within the Auto Sales Commercial (ASC), Rural Estate Residential (RER), and Wash Protection Overlay Zones of the Main Street and Freeway Corridor Specific Plan (Specific Plan) located north of Rancho Road, south of Rodeo Road, east of Verbena Road and west of Bellflower Street and consists of Assessor's Parcel Numbers 3039-281-14 & 36; and

WHEREAS, the Application, as contemplated, proposes to allow development of a golf course within a portion of Study Area A of the General Plan Open Space Element; and

WHEREAS, Primaco, Inc. has also filed applications requesting approval of Specific Plan Amendment SPLA13-00001 and Conditional Use Permit CUP12-00021, to construct a 4-story, 84-room Embassy Suites Hotel and a 4-story, 128-room Residence Inn Hotel, three restaurants totaling 11,600 square feet, and an executive golf course with a 7,500 square foot clubhouse, including the sale of beer, wine, and liquor for all uses. In addition, the applicant has filed Tentative Parcel Map PMN13-00001, to create six parcels and a remainder across the entire approximately 64 gross acre site; and

WHEREAS, the subject site is vacant. Single-family residences exist to the north and west. The properties to the south and east are vacant; and

WHEREAS, the subject property is currently within the Rural Estate Residential (RER), Wash Protection Overlay, and Auto Sales Commercial (ASC) Zones of the Specific Plan. The properties to the north are within the RER and Wash Protection Overlay Zones, the properties to the south are within the RER, Wash Protection Overlay, and ASC Zones, and the properties to the east are within the ASC Zone of the Specific Plan. The properties to the west are within the unincorporated area of San Bernardino County; and

WHEREAS, an environmental Initial Study for the proposed project was completed on January 13, 2014, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND-2013-03 was subsequently prepared; and

WHEREAS, on January 23, 2014, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced January 23, 2014 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2013-03 and the initial study which supports the Mitigated Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed General Plan Amendment will have a significant effect on the environment;
- (b) The proposed General Plan Amendment enhances the suitability of the land uses permitted within the Main Street and Freeway Corridor Specific Plan, allowing for greater flexibility in land use patterns, which is also consistent with General Plan Land Use goals.
- (c) The proposed General Plan Amendment is consistent with the goals, policies, and standards of the adopted Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia.
- (d) The proposed General Plan Amendment is consistent with existing and proposed Specific Plans, which will allow nonresidential uses capable of utilizing existing supporting infrastructure and municipal services, as directed by the City's adopted General Plan.
- (e) The proposed General Plan Amendment is consistent with the goals and policies of the General Plan, specifically Land Use Goal L.G. 6; which promotes policies that will provide for a mix of residential, commercial, and industrial land uses which will generate sufficient tax revenues to pay the costs of maintaining desired levels of services and adequate infrastructure facilities.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends approval of General Plan Amendment GPA12-00002, allowing golf courses within Study Area A of the Open Space Element.

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

ADOPTED AND APPROVED on this 23rd day of January 2014

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 11

RESOLUTION NO. PC-2014-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A CONDITIONAL USE PERMIT TO CONSTRUCT A 4-STORY, 84-ROOM EMBASSY SUITES HOTEL AND A 4-STORY, 128-ROOM RESIDENCE INN HOTEL, THREE RESTAURANTS TOTALING 11,600 SQUARE FEET, AND AN EXECUTIVE GOLF COURSE WITH A 7,500 SQUARE FOOT CLUBHOUSE, INCLUDING THE SALE OF BEER, WINE, AND LIQUOR FOR ALL USES ON APPROXIMATELY 31 GROSS ACRES LOCATED NORTH OF RANCHERO ROAD, SOUTH OF RODEO ROAD, EAST OF VERBENA ROAD AND WEST OF BELLFLOWER STREET (CUP12-00021)

WHEREAS, Primaco, Inc. has filed an application requesting approval of CUP12-00021 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 64 gross acres located within the Auto Sales Commercial (ASC), Rural Estate Residential (RER), and Wash Protection Overlay Zones of the Main Street and Freeway Corridor Specific Plan (Specific Plan) located north of Ranchoero Road, south of Rodeo Road, east of Verbena Road and west of Bellflower Street and consists of Assessor's Parcel Numbers 3039-281-14 & 36; and

WHEREAS, the Application, as contemplated, proposes to construct a 4-story, 84-room Embassy Suites Hotel and a 4-story, 128-room Residence Inn Hotel, three restaurants totaling 11,600 square feet, and an executive golf course with a 7,500 square foot clubhouse, including the sale of beer, wine, and liquor for all uses; and

WHEREAS, Primaco, Inc. has also filed applications requesting approval of Specific Plan Amendment SPLA13-00001 and General Plan Amendment GPA12-00002. In addition, the applicant has filed Tentative Parcel Map PMN13-00001, to create six parcels and a remainder across the entire approximately 64 gross acre site; and

WHEREAS, the subject site is vacant. Single-family residences exist to the north and west. The properties to the south and east are vacant; and

WHEREAS, the subject property is currently within the Rural Estate Residential (RER), Wash Protection Overlay, and Auto Sales Commercial (ASC) Zones of the Specific Plan. The properties to the north are within the RER and Wash Protection Overlay Zones, the properties to the south are within the RER, Wash Protection Overlay, and ASC Zones, and the properties to the east are within the ASC Zone of the Specific Plan. The properties to the west are within the unincorporated area of San Bernardino County; and

WHEREAS, an environmental Initial Study for the proposed project was completed on January 13, 2014, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND-2013-03 was subsequently prepared; and

WHEREAS, on January 23, 2014, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced January 23, 2014 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2013-03 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 project subject to development of the 440 parking spaces shown on the approved site plan. The project is required a minimum of 419. The proposed sale of alcoholic beverages for on-site consumption is conditionally allowed, and would not impair the integrity and character of the surrounding neighborhood and is consistent with the proposed Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan. Further, the project complies with all applicable provisions of the Specific Plan and the Development Code as per Section 16.12.120. The sale of alcoholic beverages associated with the hotels and retail businesses is restricted to the sale of beer, wine, and liquor for on-site consumption. This project will meet all regulations of both the Development Code and the Specific Plan, which is consistent with the objectives of the General Plan and the Specific Plan, with approval of Specific Plan Amendment SPLA13-00001 and General Plan Amendment GPA12-00002.
- (c) The proposed use would not create significant noise or traffic or cause other conditions or situations that may be objectionable or detrimental to other uses allowed in the vicinity or be adverse to the public convenience, health, safety or general welfare. The proposed hotels and retail uses as well as the sale of beer, wine, and liquor for on-site consumption will not have a detrimental impact on adjacent properties or the permitted use thereof because the proposed project is consistent with the proposed Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan, with approval of this conditional use permit. The properties to the north are within the RER and Wash Protection Overlay Zones, the properties to the south are within the RER, Wash Protection Overlay, and ASC Zones, and the properties to the east are within the ASC Zone of the Specific Plan.

- (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 the project is consistent with the regulations allowing retail businesses and the sale of alcoholic beverages within the RC Zone of the Main Street and Freeway Corridor Specific Plan. The development complies with the standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments as well.
- (e) The site for the proposed use will have adequate access based upon its access from Caliente Road. There are also adequate provisions for sanitation, water and public utilities and general services to ensure the public convenience, health, safety and general welfare. The hotels and retail buildings will have adequate infrastructure to operate without a major extension of infrastructure.
- (f) Approval of Specific Plan Amendment SPLA13-00001 and General Plan Amendment GPA12-00002 will change the zoning of the project site to the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan. The proposed development as well as the sale of alcoholic beverages is allowed with approval of this Conditional Use Permit (CUP).

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends approval of Conditional Use Permit CUP12-00021 subject to the conditions of approval as shown in Attachment "A".

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

ADOPTED AND APPROVED on this 23rd day of January 2014

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP12-00021

Approval Date: February 18, 2014

Effective Date: April 4, 2014

Expiration Date: April 4, 2017

This list of conditions applies to a Conditional Use Permit to construct a 4-story, 84-room Embassy Suites Hotel and a 4-story, 128-room Residence Inn Hotel, three restaurants totaling 11,600 square feet, and an executive golf course with a 7,500 square foot clubhouse, including the sale of beer, wine, and liquor for all uses on approximately 64 gross acres located north of Ranchero Road, south of Rodeo Road, east of Verbena Road and west of Bellflower Street. Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: Primaco, Inc.; APNs: 3039-281-14 & 36).

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

General Plan Amendment and Zoning. These conditions are concurrent with General Plan Amendment GPA12-00002 and Specific Plan Amendment SPL13-00001 becoming effective. (P)

SUBMITTAL OF PUBLIC IMPROVEMENT PLANS SHALL INCLUDE THE FOLLOWING:

- _____ 1. Commercial Parcel Map. A Commercial Parcel Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66434 of the Subdivision Map Act as well as the San Bernardino County Surveyor's Office Final Map Standards. (E)

- _____ 2. Feasibility Study. The Developer is required to submit a feasibility study for water service. The Developer is required to adhere and address the requirements as outlined in the study per San Bernardino County Service Area 70 Zone-J and City requirements. The cost of the feasibility study is the Developer's responsibility. In the event that the project cannot be served by Zone J, the developer shall be required to extend water infrastructure to a point which can be served by City owned water. (E)

- _____ 3. Sewer Analysis. The Developer shall provide a sewer analysis to the City's Engineering Department outlining the method of sanitary sewer collection. (E)

- _____ 4. **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)
- _____ 5. **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)
- _____ 6. **Title Report.** The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
- _____ 7. **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)
- _____ 8. **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)
- _____ 9. **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)
- _____ 10. **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)
- _____ 11. **Specialty Plans.** The following additional plans/reports shall be required for businesses with special environmental concerns: (B)
 - A. Restaurants and food handling facilities shall submit plans to the San Bernardino County Department of Environmental Health Services. One set of the approved plans shall be submitted to the Building Division with the required application fees.
- _____ 12. **Building Construction Plans.** Five complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division with the required application fees for review. (B)
- _____ 13. **Building Construction Measures.** Both hotel buildings within the development shall be constructed with walls and windows with the minimum STC rating to provide noise attenuation to result in a maximum noise level of 45 dB(A). (B, P)

- _____ 14. **Percolation Test.** The applicant shall submit a percolation test, performed by a California licensed civil or soils engineer, and approved by the San Bernardino County Department of Environmental Health Services for the required private sewage disposal systems. Should the applicant agree in writing to use the most restrictive percolation test for a site in close proximity to the subject property in designing the sewage disposal systems, then a percolation test shall not be required to be performed on-site. The applicability of any percolation test for use in designing the sewage disposal systems shall be subject to review and approval by the Building and Safety Division. In the event a tract map or parcel map has previously been recorded on the project site, the City of Hesperia has a percolation test on file, and no unusual conditions apply, this requirement may be waived by the Building and Safety Division. (B)
- _____ 15. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

- _____ 16. **Approval of Improvement Plans.** All 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)
- _____ 17. **NPDES.** The Developer shall provide a copy of the approved original NPDES (National Pollutant Discharge Elimination System) permit from the Regional Water Quality Control Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department. (E)

- _____ 18. **Storm Water Pollution Prevention Plan.** All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. (E)
- _____ 19. **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)
- _____ 20. **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)
- _____ 21. **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)
- _____ 22. **Street Improvement Plan.** The Developer shall design street improvements in accordance with City standards and as indicated below. (E)
- _____ 23. **Caliente Road.** Saw-cut, (2-foot min.), and match-up asphalt pavement on Caliente Road across the project frontage, based on City's 120-foot Major Arterial Roadway Standard. The curb face is to be located at 46' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:
- A. 8" Curb and Gutter per City standards.
 - B. Separated sidewalk (width = 6 feet) per City standards.
 - C. Roadway drainage device(s).

- D. Streetlights per City standards.
- E. Commercial driveway approaches per City standards.
- F. Pavement transitions per City Standards.
- G. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 12 and per the soils report.
- H. Cross sections every 50-feet per City standards.
- I. Pavement widening on east side of Caliente Rd. to accommodate left turn pockets.
- J. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards at no cost to the City.
- M. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

_____ 24. **Utility Plan.** The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. **Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developer's expense.** (E)

- A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
- B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the existing 12" PVC water line in Caliente Road per City Standards.
- C. The Developer is not required to install sewer lines unless the proposed septic or wastewater treatment system cannot meet the Lahonton Regional Water Quality Board's requirements or the City of Hesperia's EDU requirements.

_____ 25. **Electronic Copies.** The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2012 to the City's Engineering Department. (E)

_____ 26. **Protected Plant Plan.** Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan. (P)

_____ 27. **Burrowing Owl Survey.** 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. (P)

- _____ 28. **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)
- _____ 29. **Golf Course.** The proposed executive golf course within the Oro Grande Wash is not allowed to concentrate or redirect stormwater flow unless off-site grading authorization is obtained from each affected property owner. Prior to establishment of the course, a detailed plan shall be submitted for review and approval by the City. (P)
- _____ 30. **Fire Protection.** Plans for fire protection requirements shall be submitted to the Building Division as follows: (F)
- A. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property.
- _____ 31. **Conservation Easement.** A 40-foot wide conservation easement shall be recorded which allows the public access from the southern to the northern property boundary. The easement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City prior to recordation. (P)
- _____ 32. **Fish & Game Fee.** The applicant shall submit a check to the City in the amount of \$2,231.25 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)
- _____ 33. **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)
- _____ 34. **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 with the following revisions made to the improvement plans: (E, P)
- A. The trash enclosures shall be located to provide adequate sanitation access without posing a sight-distance hazard for motorists within the parking lot. The location of the trash enclosure shall be subject to approval by Planning staff;
- B. A four-foot wide handicapped accessible route of travel shall be provided from the proposed lodge and recreation hall to the outdoor recreational facilities as approved by Planning staff;

C. A minimum four-foot wide landscaped area and a one-foot sidewalk in addition to the six-inch concrete curb shall be installed at the end of all parking space rows as approved by Planning staff;

- _____ 35. **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]
- _____ 36. **Water System.** The water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined using the California Fire Code.
- _____ 37. **Access.** The development shall have a minimum of two points of vehicular access for each phase. These are for fire/emergency equipment access and for evacuation routes.
- A. **Single Story Road Access Width.** All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.
- B. **Multi-Story Road Access Width.** Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. [F-41]
- _____ 38. **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]
- _____ 39. **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]
- _____ 40. **Access – 150+ feet.** Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. [F-45]
- _____ 41. **Water System Commercial.** A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. The applicant is required to provide a minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet. All fire

hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure. [F-54]

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 42. **Dust Control.** Dust control shall be maintained before, during, and after all grading operations. (B)

- _____ 43. **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)

- _____ 44. **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)

- _____ 45. **Solid Masonry Wall/Fencing.** The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls and fencing. All walls shall be split-face or other approved decorative wall or fencing in accordance with the Development Code. (P)

- _____ 46. **Development Fees.** The Developer shall pay required development fees as follows:
 - A. School Fees (B)

- _____ 47. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

- _____ 48. **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)

- _____ 49. **Hood and Duct Suppression.** An automatic hood and duct fire extinguishing system is required (in restaurants). A Fire Department approved designer/installer shall submit three (3) sets of detailed plans

(minimum 1/8" scale) with manufacturers' specifications sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F-65]

- _____ 50. **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]
- _____ 51. **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]
- _____ 52. **Standpipe System.** A Class I standpipe system is required for *hotel buildings*. A Fire Department approved fire sprinkler contractor shall submit three (3) sets of hydraulic calculations and detailed plans to the Fire Department for review and approval.

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 53. **As-Built Plans.** The Developer shall provide as-built plans. (E)
- _____ 54. **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)
- _____ 55. **Development Fees.** The Developer shall pay required development fees as follows:
- A. Park Fees. (Not applicable to commercial and industrial developments) (B)
 - B. Development Impact Fees (B)
 - C. Utility Fees (P)
- _____ 56. **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)

- _____ 57. **On-Site Improvements.** All on-site improvements as recorded in these conditions, and as shown on the approved conditional use permit 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." Approval of the exterior colors and materials for the restaurants and the clubhouse shall be obtained prior to issuance of a building permit. The architecture of these buildings shall be complimentary to that of the hotels. Any exceptions shall be approved by the Director of Development Services. (P)
- _____ 58. **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)
- _____ 59. **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]
- _____ 60. **KNOX Box[®].** An approved Fire Department key box is required. The KNOX Box[®] shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. [F85]
- _____ 61. **Override Switch.** Where an automatic electric security gate is used, an approved Fire Department override switch (Knox) is required. [F-86]
- _____ 62. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

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

| | | |
|-------|---------------------------------------|----------|
| (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 12

RESOLUTION NO. PC-2014-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A TENTATIVE PARCEL MAP TO CREATE SIX PARCELS AND A REMAINDER ON APPROXIMATELY 64 GROSS ACRES LOCATED NORTH OF RANCHERO ROAD, SOUTH OF RODEO ROAD, EAST OF VERBENA ROAD AND WEST OF BELLFLOWER STREET (PMN13-00001)

WHEREAS, Primaco, Inc. has filed an application requesting approval of PMN13-00001 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 64 gross acres located within the Auto Sales Commercial (ASC), Rural Estate Residential (RER), and Wash Protection Overlay Zones of the Main Street and Freeway Corridor Specific Plan (Specific Plan) located north of Rancho Road, south of Rodeo Road, east of Verbena Road and west of Bellflower Street and consists of Assessor's Parcel Numbers 3039-281-14 & 36; and

WHEREAS, the Application, as contemplated, proposes to create six parcels and a remainder on approximately 64 gross acres; and

WHEREAS, Primaco, Inc. has also filed applications requesting approval of Specific Plan Amendment SPLA13-00001 and General Plan Amendment GPA12-00002. In addition, the applicant has filed Conditional Use Permit CUP12-00021, to construct a 4-story, 84-room Embassy Suites Hotel and a 4-story, 128-room Residence Inn Hotel, three restaurants totaling 11,600 square feet, and an executive golf course with a 7,500 square foot clubhouse, including the sale of beer, wine, and liquor for all uses; and

WHEREAS, the subject site is vacant. Single-family residences exist to the north and west. The properties to the south and east are vacant; and

WHEREAS, the subject property is currently within the Rural Estate Residential (RER), Wash Protection Overlay, and Auto Sales Commercial (ASC) Zones of the Specific Plan. The properties to the north are within the RER and Wash Protection Overlay Zones, the properties to the south are within the RER, Wash Protection Overlay, and ASC Zones, and the properties to the east are within the ASC Zone of the Specific Plan. The properties to the west are within the unincorporated area of San Bernardino County; and

WHEREAS, an environmental Initial Study for the proposed project was completed on January 13, 2014, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND-2013-03 was subsequently prepared; and

WHEREAS, on January 23, 2014, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced January 23, 2014 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2013-03 and the initial study which supports the Mitigated Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed Tentative Parcel Map will have a significant effect on the environment;
- (b) The proposed map is consistent with the City's General Plan of the City of Hesperia, because the subdivision is consistent with the Main Street and Freeway Corridor Specific Plan.
- (c) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia, as the project supports the existing land use and circulation pattern in the area.
- (d) The site is physically suitable for the type of development because there are no known physical constraints to commercial development and the site has adequate area to accommodate the proposed parcels.
- (e) The site is physically suitable for the proposed intensity of development because the parcels are adequate in size and shape and all regulations applicable to the development can be met with approval of Specific Plan Amendment SPL13-00001, General Plan Amendment GPA12-00002, and Conditional Use Permit CUP12-00021.
- (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes.
- (g) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends approval of Tentative Parcel Map PMN13-00001 subject to the conditions of approval as shown in Attachment "A".

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

ADOPTED AND APPROVED on this 23rd day of January 2014

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Tentative Parcel Map PMN13-00001 (PM-19473):

Approval Date: February 18, 2014

Effective Date: April 4, 2014

Expiration Date: April 4, 2017

This list of conditions apply to a Tentative Parcel Map to create six parcels and a remainder from approximately 64 gross acres located north of Ranchero Road, south of Rodeo Road, east of Verbena Road and west of Bellflower Street (Applicant: Primaco, Inc.; APNs: 3039-281-14 & 36).

This approval shall become null and void if a Parcel Map is not recorded within three (3) years of the effective date. Extensions of time 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

General Plan Amendment and Zoning. These conditions are concurrent with General Plan Amendment GPA12-00002 and Specific Plan Amendment SPL13-00001 becoming effective. (P)

PRIOR TO RECORDATION OF THE PARCEL MAP:

- _____ 1. Commercial Parcel Map. A Commercial Parcel Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyor's Office Map Standards. (E)
- _____ 2. Grading Criteria. No grading shall be done in Lot "A". (E)
- _____ 3. Title Report. The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
- _____ 4. Plan Check Fees. A customer request form from Engineering shall be completed and submitted to the Engineering Department. Upon receipt of form, plan-checking fees will be provided to the developer. Fees must be paid along with submittal. Map, Improvement Plans, requested studies, and CFD annexation must be submitted as a package. (E)
- _____ 5. All Easements of Record. It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. (E)

- _____ 6. **Irrevocable Offers of Dedication, Vacations and Easements.** The Developer shall show all Offers of Dedication(s) and Easement(s) on the Map as outlined below: (E)
- A. *60' Offer of Dedication for Ranchero Road.*
 - B. *40' Offer of Dedication for Verbena Road.*
 - C. *30' Offer of Dedication for Rodeo Road.*
 - D. *Corner cut-off at Verbena Road and Rodeo Road.*
 - E. *Knuckle at Rodeo Road and Coleridge Road.*
 - F. *All recorded 15' ingress/egress easements shall be vacated.*
- _____ 7. **Electronic Copies.** The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2012 to the City's Engineering Department. (E)
- _____ 8. **Access Easement.** An access easement shall be recorded which allows for the perpetual use of the driveways, drive aisles, trash enclosures, and off-street parking spaces within the project site. The easement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)
- _____ 9. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)
- _____ 10. **CFD Annexation.** The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)
- _____ 11. **Fish & Game Fee.** The applicant shall submit a check to the City in the amount of \$2,231.25 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (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)

PRIOR TO DEVELOPMENT OF ANY PARCEL OF THE PARCEL MAP:

- _____ 13. **Recordation of Map.** Map shall be recorded with the San Bernardino County Recorder's Office. (E)
- _____ 14. **Utilities.** Each parcel shall be served by a separate water meter, service line, and sewer lateral connection where available. A "Fire Fly" automatic meter reader to be included on all meter connections. (E)
- _____ 15. **Utility Relocation / Undergrounding.** If the developer is required to install water, sewer, or construct street improvements or when utilities shall be placed underground, it shall be the developer's responsibility to relocate / underground any existing utilities at their own expense. Relocation / undergrounding of utilities shall be identified upon submittal of construction plans. (P, E)
- _____ 16. **Drainage Study.** The Developer shall submit a Final Hydrology / Hydraulic study identifying the method of collection and conveyance of any tributary flows from off-site as well as the method of control for increased run-off generated on-site. The Developer shall design street improvements, as identified in the Hydrology study or per the City's Engineering and Building and Safety Department requirements upon review of the grading plan. Street design shall be in accordance with City standards (E)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

- _____ 17. **Approval of All Required Improvement Plans.** All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)

PRIOR TO OCCUPANCY OF ANY UNIT:

- _____ 18. **CDP Conformance.** All "Special Requirements" as outlined on the approved CDP (Composite Development Plan) shall be completed, inspected and approved through the appropriate department. (E)
- _____ 19. **As-Built Plans.** The Developer shall provide as-built plans. (E)
- _____ 20. **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)

IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT 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 |

Open Space Discussion

- An Open Space Element is required by State law:
- The General Plan to include a plan for its implementation (Government Code Sections 65560 thru 65570);
- Government Code 65560(b) requires open space categories such as preservation of natural resources.
- Government Code 65563 requires cities and counties to prepare and adopt a local open-space plan that ensures preservation of open space land within its jurisdiction.
- Government Code 65567 requires all planning and building and safety development applications be consistent with the open-space plan.

Policy Options

- **No change** – Avoid wash areas and locate development away from natural drainage courses.
- **Modify the Wash Protection Overlay** – Could permit some grading and uses within the wash areas.
- **Remove the Wash Protection Overlay** – allow grading in conformance with established flood hazards and the Master Plan of drainage.
- May require revisions to the **General Plan** and the **Main Street and Freeway Corridor Specific Plan**.

General Plan OS Policies

- **Goal OS-3:** The areas within the Oro Grande Wash and the unnamed wash east of Interstate-15, identified as Areas A, B and C of Exhibit OS-7, shall be preserved in their natural state.
- **Policy OS-3.1:** The City shall develop a policy to Implement the TDR program. The Program should allow for the full transfer of development rights from portions of properties affected by slopes and/or drainage.

General Plan OS policies

- **Goal OS-2:** ID and preserve natural OS in order to protect sensitive environments and preserve amenities such as washes, bluffs, Joshua tree forests or juniper woodlands. OS areas should be contiguous or connected through trails to provide accessibility for hikers and equestrians as well as wildlife.

General Plan OS Policies

- **Imp Policy OS 2.1:** Select areas for OS preservation based on criteria such as natural features, sensitive areas, connectivity and development patterns.
- **Imp Policy OS 2.3:** Utilize natural OS to preserve natural resources and such as historical, biological and scenic resources.

General Plan OS Policies

- **Goal OS-4:** Permit a variety of uses with OS areas, depending on the natural amenities available.
- **Imp Policy OS 4.2:** Preserve the aesthetic integrity and usefulness of OS washes by implementing restrictive development standards on projects occurring in or around the wash areas, and ensuring development proposals are compatible.
- **Imp Policy OS 4.3:** Establish setbacks for buildings and walls along the rim of washes to preserve natural land and vegetation.

General Plan OS Policies

- **Goal OS-5:** Continue to work with the Park District to create and maintain a diverse park system that includes parks, community facilities, natural OS areas and trails for residents to enjoy.
- Mojave Park site (now planned for a wastewater reclamation plant).

General Plan OS Policies

- **Goal OS-6:** Provide connectivity among natural OS areas, parks and regional trails and OS with a trail system that allows hiking, bicycling and equestrian uses.
- **Imp Policy OS 6.3:** Provide a comprehensive network trail plan that connects residents to OS areas, recreational facilities and areas of interest.

Specific Plan Policies

- **Goal UD-3:** Take advantage of the City's climate and natural setting while preserving existing OS resources and planning for new resources.
- **Policy UD-3.1:** Recognize and preserve the washes multiple functions: a place for recreation, a natural habitat and a channel for storm runoff.
- **Policy UD-3.2:** Consider innovative approaches, such as TDR, to preserve the washes in perpetuity.
- **Policy UD-3.3:** Establish a goal of 6 acres of park space per 1,000 residents.
- **Policy UD-3.4:** Create a network of pathways to establish stronger connections between parks.
- **Policy UD-3.5:** Preserve and protect significant areas of native wildlife and plant habitat.

Specific Plan Policies

- Urban Design Framework (p.36)
- Elements include OS resources for use as trails, golf courses, drainage and natural habitat.
- Wash Protection Overlay (p.70)
- “...keep the washes in their natural state...”
- Use transfer of development rights program to acquire land.



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, DECEMBER 18, 2013**

A. PROPOSALS:

1. JOSEPH BUCKLEY (CUPR13-00006)

Proposal: Consideration of a revised Conditional Use Permit to establish a large recycling collection facility for CRV only within Building 1.

Location: 11429 Santa Fe Avenue East (APN: 0415-272-35)

Planner: Daniel Alcayaga

Action: Administrative Approval

2. PRIMACO, INC. (CUP12-00021, SPLA13-00001, GPA12-00002 & PMN13-00001)

Proposal: Consideration of a Conditional Use Permit, a Specific Plan Amendment, and a General Plan Amendment to construct a 4-story, 84-room Embassy Suites Hotel and a 4-story, 128-room Residence Inn Hotel, three restaurants totaling 11,600 square feet, and a 7,500 square foot clubhouse. The Conditional Use Permit includes the sale of beer, wine, and liquor for all uses on 64 gross acres. In addition, Tentative Parcel Map 19473 is proposed, to create six nonresidential parcels and a remainder as well as a lettered lot for drainage and a lettered lot for a recreational trail.

Location: North of Ranchero Road, south of Rodeo Street, east of Verbena Road and west of Bellflower Street (APN: 3039-281-14 & 36)

Planner: Stan Liudahl

Action: Forwarded to January 23, 2014 Planning Commission Meeting



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, JANUARY 15, 2014**

A. PROPOSALS:

1. ROO'S INDOOR BOUNCE (CUPR13-00008)

Proposal: Consideration of a revised Conditional Use Permit to allow an indoor bounce house facility within an existing 12,000 square foot building.

Location: 10968 'I' Avenue, Unit H (APN: 0415-231-21)

Planner: Daniel Alcayaga

Action: Administrative Approval

2. SALUD FRAUSTO (SPRR13-00014)

Proposal: Consideration of a revised Site Plan Review to establish a 4,000 square foot church within an existing building.

Location: 16074 Walnut Street, Suites 102-104 (APN: 0413-091-24)

Planner: Stan Liudahl

Action: Administrative Approval

3. COMMERCIAL ENGINE SERVICE (CUPR13-00007)

Proposal: Consideration of a revised Conditional Use Permit to allow diesel vehicle sales as part of an existing diesel repair facility.

Location: 8205 Caliente Road (APN: 3039-351-04)

Planner: Lisette Sanchez-Mendoza

Action: Administrative Approval