

# PLANNING COMMISSION AGENDA

## ***REGULAR MEETING***

**Date: March 13, 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.

MARCH 13, 2014

**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: February 13, 2014 Planning Commission Meeting Draft Minutes.

-1-

**PUBLIC HEARINGS**

1. Consideration of Conditional Use Permit CUP14-00002, to allow the sale of beer and wine as part of a proposed 2,607 square foot restaurant (Louisiana Cajun Seafood House) within an existing retail building at 14466 Main Street, Unit B-103 (Applicant: Bill Webb; APN: 0405-271-46)

1-1

- 2. Consideration of Specific Plan Amendment SPLA14-00002, to change approximately 119 gross acres within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial/Industrial Business Park (CIBP) located north of the California Aqueduct, south of Avenal Street, east of and including the Oro Grande Wash, and west of Interstate 15 (Applicant: City of Hesperia; APNs: 0405-062-51, 0405-072-37, 50, & 52 thru 55, and 3064-461-04 & 06) 2-1
  
- 3. Consideration of General Plan Amendment GPA14-00002 and Specific Plan Amendment SPLA14-00003 amending the Open Space policies and implementation measures of the General Plan and the Main Street and Freeway Corridor Specific Plan (Applicant: City of Hesperia; Affected Area: Citywide) 3-1

**PRINCIPAL PLANNER’S REPORT**

*The Principal Planner or staff may make announcements or reports concerning items of interest to the Commission and the public.*

- F. Annual Report on Status and Implementation of the General Plan 4-1
  
- G. DRC Comments 5-1
  
- H. Major Project Update

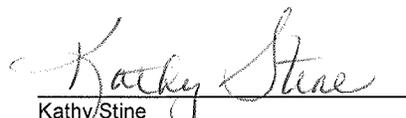
**PLANNING COMMISSION BUSINESS OR REPORTS**

*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, March 6, 2014 at 5:30 p.m. pursuant to California Government Code §54954.2.

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

HESPERIA PLANNING COMMISSION MEETING  
REGULAR MEETING  
FEBRUARY 13, 2014  
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  
Tom Steeno

Jim Heywood arrived after the roll call at 6:33 p.m.

**JOINT PUBLIC COMMENTS**

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

No comments.

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

**CONSENT CALENDAR**

D. Approval of Minutes: January 23, 2014 Planning Commission Meeting Draft Minutes.

**Motion by Chris Elvert to approve the January 23, 2014 Planning Commission Meeting Draft Minutes. Seconded by Tom Murphy and passed with the following roll call vote:**

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

## PUBLIC HEARING

1. Consideration of Development Code Amendment DCA14-00001 and Specific Plan Amendment SPLA14-00001 to amend the standards for vehicle service and repairs permitting outdoor hoists under limited circumstances (Applicant: City of Hesperia; Affected area: Citywide).

Senior Planner Daniel Alcayaga gave a PowerPoint presentation.

Chair Elvert opened the Public Hearing at 7:04 p.m.

John Hogue, owner of A-Tech Transmission spoke in favor of the ordinance.

Chair Elvert closed the Public Hearing at 7:07 p.m.

Commission discussion ensued.

Commissioner Tom Steeno recommended that if hoists are located within 300 feet of a residence, that a study be required to assure that noise from the repair activity would not adversely affect residential areas.

**Motion by Chris Elvert to recommend that the Planning Commission adopt Resolution Nos. PC-2014-05 & PC-2014-06, as amended that if hoists are located within 300 feet of a residence, that a study be required to assure that noise from the repair activity would not adversely affect residential areas and recommend that the City Council introduce and place on first reading an ordinance approving DCA14-00001 and SPLA14-00001, amending the standards for vehicle service and repairs permitting outdoor hoists under limited circumstances. Seconded by James Heywood and passed with the following roll call vote:**

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

## PRINCIPAL PLANNER'S REPORT

### F. DRC Comments

### G. Major Project Update

Principal Planner Dave Reno, AICP, updated on the City Council goal setting session.

Dave Reno briefed the Commission on the progress of Fire Station #301.

**PLANNING COMMISSION BUSINESS OR REPORTS**

Chair Elvert asked for clarification on the amount of time the public has to speak during hearings.

**ADJOURNMENT**

Chair Elvert closed the meeting at 7:22 p.m. until Thursday, March 13, 2014 Planning Commission meeting.

Chris Elvert  
Chair

By: Kathy Stine,  
Commission Secretary



**DATE:** March 13, 2014  
**TO:** Planning Commission  
**FROM:**  Dave Reno, AICP, Principal Planner  
**BY:**  Stan Liudahl, AICP, Senior Planner  
**SUBJECT:** Conditional Use Permit CUP14-00002; Applicant: Bill Webb; APN: 0405-271-46

---

### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2014-07, approving CUP14-00002.

### BACKGROUND

**Proposal:** A Conditional Use Permit to allow the sale of beer and wine for on-site consumption within a restaurant (Louisiana Cajun Seafood House).

**Location:** 14466 Main Street, Unit B-103

### Current General, Plan, Zoning and Land Uses:

The site is within the Neighborhood Commercial (NC) District of the Main Street and Freeway Corridor Specific Plan (Attachment 1). The surrounding land is designated as noted on Attachment 2. The restaurant will occupy 2,607 square feet within the existing multi-tenant building adjacent to the Stater Bros supermarket. The surrounding properties are all developed. Hesperia High School is to the north, other retail buildings within the shopping center exist to the south and east, and other retail developments are to the west.

### ISSUES/ANALYSIS:

**Land Use:** The Louisiana Cajun Seafood House specializes in Cajun-style cooking, with seafood favorites including shrimp, crawfish, lobster, oysters, and muscles. Cajun cooking is not common cuisine in the High Desert. This sit-down restaurant (formerly the Indian Express and Bamboo Express) will be renovated with Cajun-style architecture within its 2,607 square foot unit. The applicant proposes to sell beer and wine as part of its menu. The applicant has applied for a Type 41 license with the California Department of Alcoholic Beverage Control (ABC), which allows for on-site (on-sale) sales of beer and wine. The Main Street and Freeway Corridor Specific Plan requires approval of a Conditional Use Permit (CUP) for the on-site sale of alcohol.

The proposal is situated within Census Tract 100.16, which is bounded by Lilac Street to the north, Main Street to the south, Cottonwood Avenue to the east, and Interstate 15 (freeway) to the west (Attachment 3). This Census Tract contains approximately one and one-half miles of Main Street frontage, from Maple Avenue to the freeway. This Census Tract also has approximately one mile of freeway frontage. ABC allows a maximum of four on-sale licenses within Census Tract 100.16 without requiring that a finding of overconcentration be adopted. Inasmuch as only one on-sale license currently exists, the Planning Commission is not required

to make a finding of public convenience and necessity. Table 1 provides information concerning this sole active on-sale license within the Census Tract.

The Planning Commission approved a CUP for Chipotle Mexican Grill on July 12, 2012, which permits the sale of alcohol (beer, wine and liquor) within a sit-down restaurant. Construction of this restaurant was completed as of June 14, 2013.

**Table 1: Existing On-Sale Licenses in Census Tract 100.16**

Status	Business Name	Business Address	Type of License
Active	Chipotle Mexican Grill, Inc.	9770 Mariposa Road	47-Beer, Wine, & Liquor

An on-sale license permitting the sale of beer and wine is necessary in order to allow the Louisiana Cajun Seafood House to be competitive with existing restaurants and meet customer demand. The restaurant's location on Main Street adjacent to Stater Bros, is convenient for nearby residents. Although there are other restaurants in proximity to the project, this proposed restaurant offers a different type of dining experience and cuisine. Approval of this CUP will aid the restaurant in becoming viable in the competitive food service industry.

The Planning Commission has previously expressed concerns over the proliferation of alcohol establishments along Main Street. The area in proximity to Main Street currently holds 41 on-sale licenses that are primarily restaurants and 27 of which are in downtown. ABC's criteria are based on the population within each census tract and does not account for the City's unique land use characteristics or jurisdictional boundaries. Unlike other cities, the City of Hesperia offers commercial services primarily along a few major thoroughfares, while other cities may offer commercial services every mile. This results in the concentration of commercial uses primarily along Bear Valley Road, Main Street, and portions of Hesperia Road and "I" Avenue.

**Schools and Parks:** Topaz Elementary School is approximately ¼-mile and Hesperia High School is located just north of this restaurant. The restaurant is approximately ¾-mile from Hesperia Community Park.

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

**Conclusion:** The Census Tract is not considered over-concentrated by ABC with respect to on-sale alcohol outlets. Approval of the proposed on-site sale of alcoholic beverages (beer and wine) is supportive of the land uses intended within the Neighborhood Commercial District.

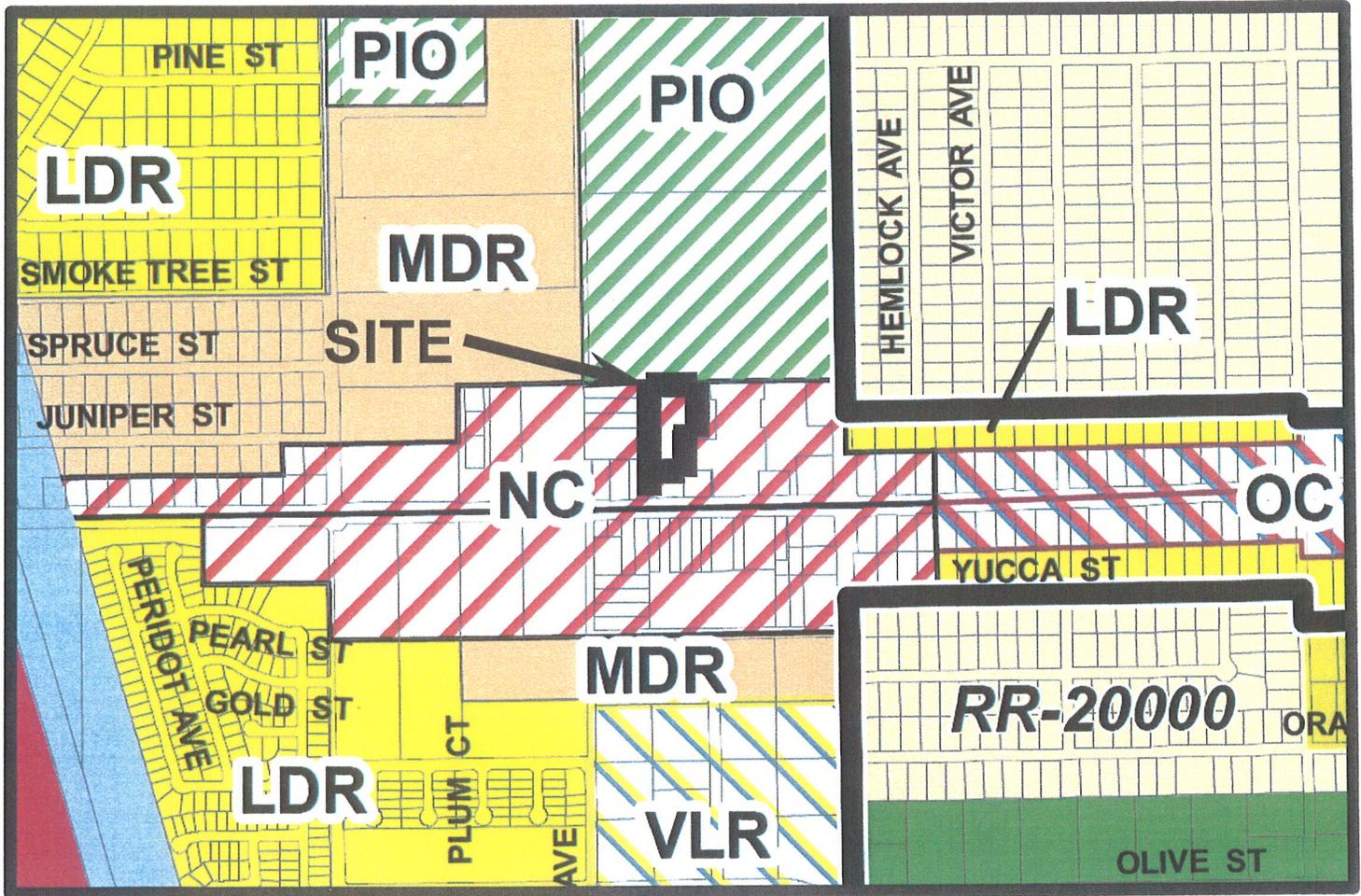
#### ALTERNATIVE

1. Provide alternative direction to staff.

#### ATTACHMENTS

1. General Plan
2. Aerial photo
3. Census Tract Map
4. Resolution No. PC-2014-07, with list of conditions

# ATTACHMENT 1



**APPLICANT(S):**  
BILL WEBB

**FILE NO(S):**  
CUP14-00002

**LOCATION:**  
14466 MAIN STREET, UNIT B-103

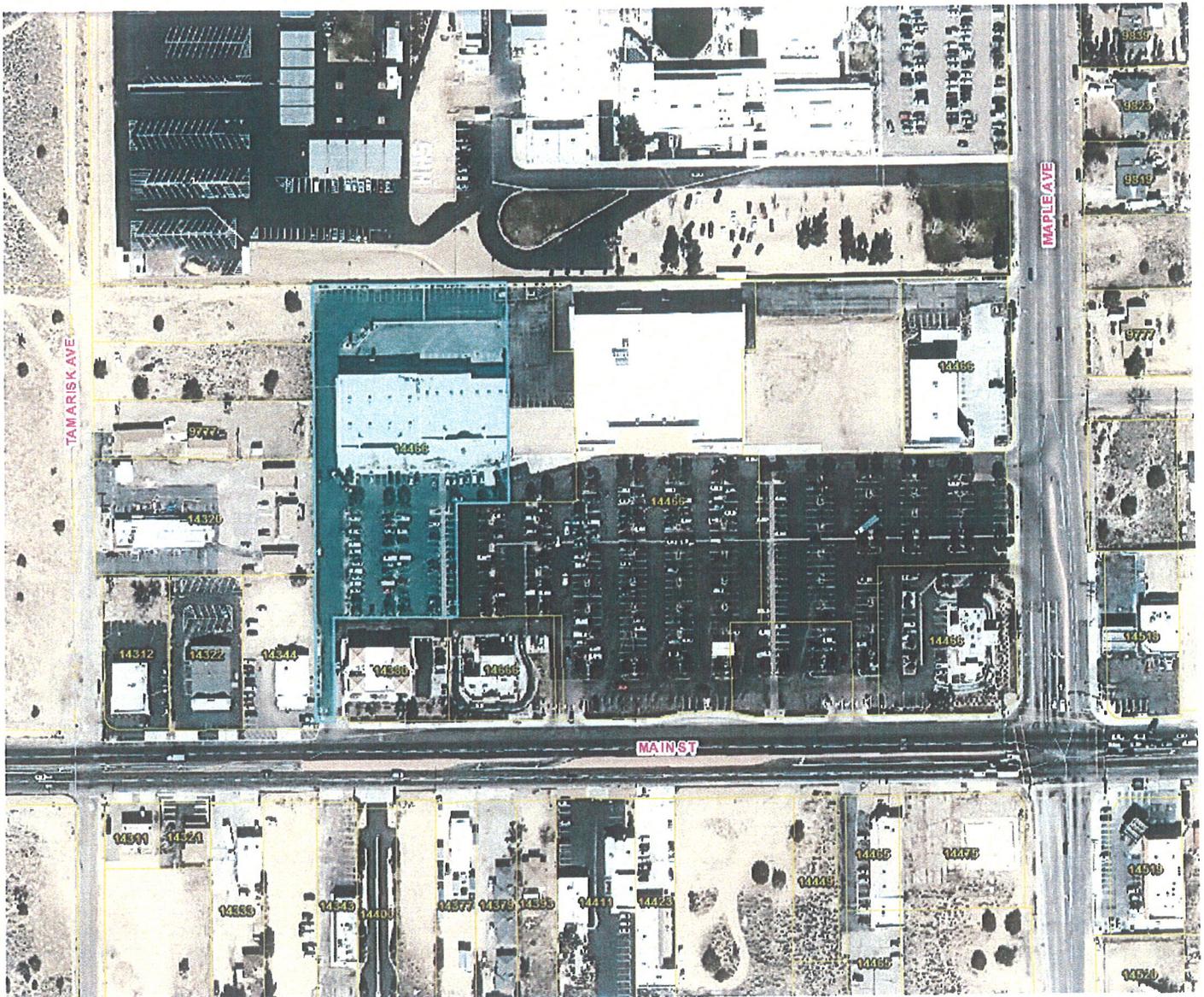
**APNs:**  
0405-271-46

**PROPOSAL:**  
CONSIDERATION OF CONDITIONAL USE PERMIT CUP14-00002, TO ALLOW THE SALE OF BEER AND WINE AS PART OF A PROPOSED 2,607 SQUARE FOOT RESTAURANT (LOUISIANA CAJUN SEAFOOD HOUSE) WITHIN AN EXISTING RETAIL BUILDING



## GENERAL PLAN MAP

# ATTACHMENT 2



**APPLICANT(S):**  
BILL WEBB

**FILE NO(S):**  
CUP14-00002

**LOCATION:**  
14466 MAIN STREET, UNIT B-103

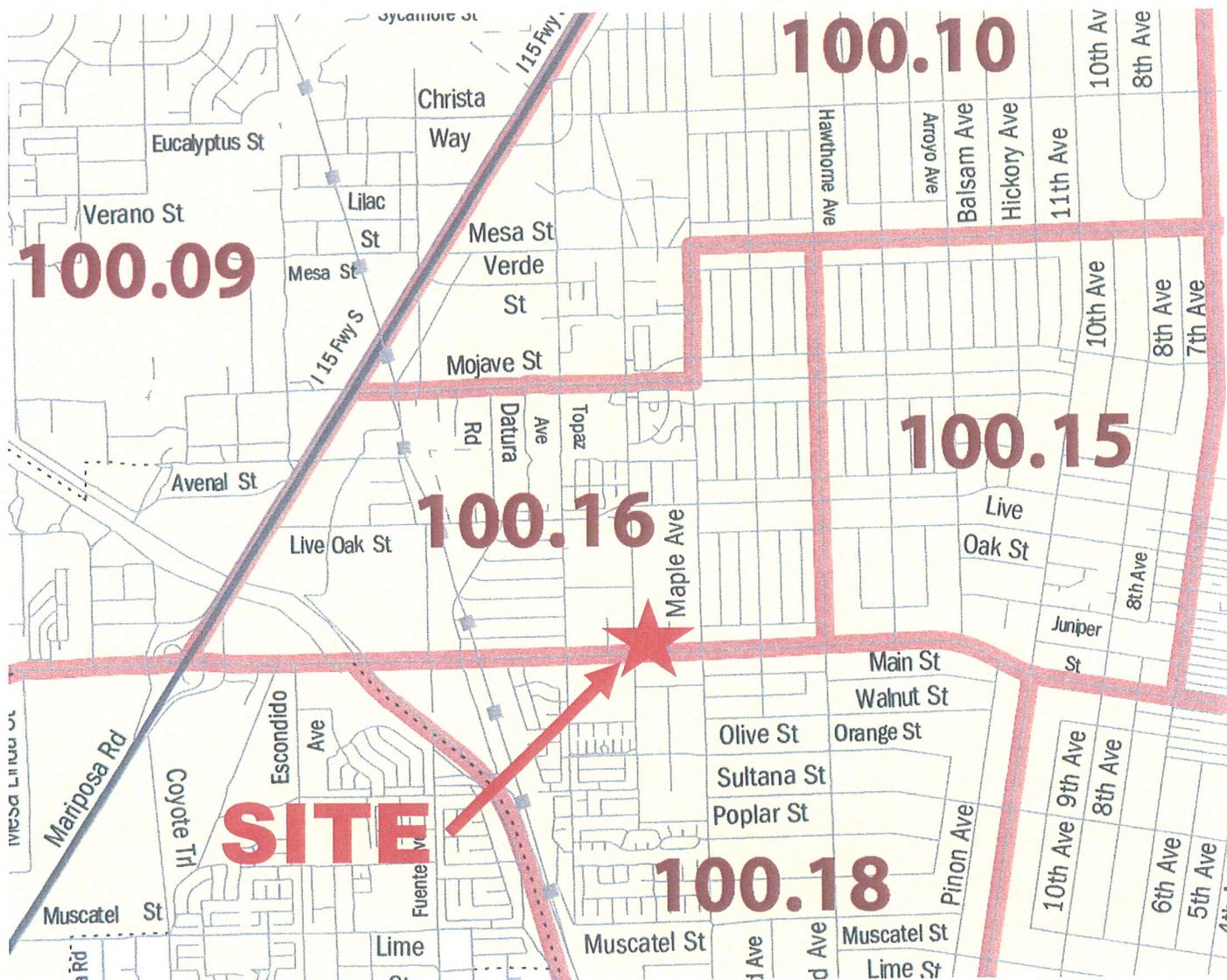
**APNs:**  
0405-271-46

**PROPOSAL:**  
CONSIDERATION OF CONDITIONAL USE PERMIT CUP14-00002, TO ALLOW THE SALE OF BEER AND WINE AS PART OF A PROPOSED 2,607 SQUARE FOOT RESTAURANT (LOUISIANA CAJUN SEAFOOD HOUSE) WITHIN AN EXISTING RETAIL BUILDING



## AERIAL PHOTO

# ATTACHMENT 3



**APPLICANT(S):**  
BILL WEBB

**FILE NO(S):**  
CUP14-00002

**LOCATION:**  
14466 MAIN STREET, UNIT B-103

**APNs:**  
0405-271-46

**PROPOSAL:**  
CONSIDERATION OF CONDITIONAL USE PERMIT CUP14-00002, TO ALLOW THE SALE OF BEER AND WINE AS PART OF A PROPOSED 2,607 SQUARE FOOT RESTAURANT (LOUISIANA CAJUN SEAFOOD HOUSE) WITHIN AN EXISTING RETAIL BUILDING



## CENSUS TRACT MAP

# ATTACHMENT 4

## RESOLUTION NO. PC-2014-07

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, TO ALLOW THE SALE OF BEER AND WINE AS PART OF A PROPOSED 2,607 SQUARE FOOT RESTAURANT WITHIN AN EXISTING RETAIL BUILDING AT 14466 MAIN STREET, UNIT B-103 (CUP14-00002)**

**WHEREAS**, Bill Webb has filed an application requesting approval of Conditional Use Permit CUP14-00002 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to an existing multi-tenant unit within the Stater Bros shopping center at 14466 Main Street and consists of Assessor's Parcel Number 0405-271-46; and

**WHEREAS**, the Application, as contemplated, proposes to establish the sale of beer and wine as part of a Cajun seafood restaurant (restaurant); and

**WHEREAS**, the subject site is part of a developed shopping center. The surrounding properties are all developed. Hesperia High School lies to the north, other retail buildings within the Stater Bros center exist to the south and east, and other retail developments not part of the Stater Bros center are located to the west; and

**WHEREAS**, the subject property is within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The property to the north is within the Public Institutional Overlay (PIO) Zone of the Specific Plan and the properties to the south, east and west are zoned NC; and

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

**WHEREAS**, on March 13, 2014, the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced March 13, 2014 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed on-sale sales of alcohol in conjunction with a restaurant is conditionally allowed use within the NC Zone District of the Specific Plan and complies with all applicable provisions of the Specific Plan and Development Code. The proposed use would not impair the integrity and character of the surrounding neighborhood. The site is suitable for the type and intensity of the use that is proposed. The expansion of the restaurant is restricted to the sale of alcoholic beverages (beer and wine only).

- (b) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or be adverse to the public convenience, health, safety or general welfare. The proposed serving of beer and wine as part of the restaurant will not have a detrimental impact on adjacent properties.
- (c) The proposed use is consistent with the objectives, policies, land uses and programs of the Specific Plan, General Plan, and Development Code. The proposed use will take place within an existing vacant retail unit within the Stater Bros shopping center. The sale of alcohol (beer and wine only) is consistent with the allowable uses within the NC Zone of the Specific Plan with approval of a conditional use permit.
- (d) There are adequate provisions for sanitation, public utilities and general services to ensure the public convenience, health, safety and general welfare. The proposed use will occur within a vacant commercial unit with adequate infrastructure. The existing transportation infrastructure is adequate to support the type and quantity of traffic that will be generated by the proposed use.
- (e) A finding of public convenience or necessity is not required as part of the approval of alcoholic beverages at this location, as the subject property is not within an over-concentrated census tract.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP14-00002, subject to the conditions of approval as shown in Attachment 'A'.

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

**ADOPTED AND APPROVED** this 13<sup>th</sup> day of March 2014.

---

Chris Elvert, Chair, Planning Commission

ATTEST:

---

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP14-00002

Approval Date: March 13, 2014  
Effective Date: March 25, 2014  
Expiration Date: March 25, 2017

This list of conditions apply to a Conditional Use Permit to allow the sale of beer and wine as part of a proposed 2,607 square foot restaurant within an existing retail building at 14466 Main Street, Unit B-103. Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: Louisiana Cajun Seafood House c/o Bill Webb; APN: 0405-271-46).

The sale of beer and wine shall not occur 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

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

- \_\_\_\_\_ 1. **Valid License.** At all times during the conduct of the use allowed by this permit, the use shall obey all laws and shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void. (P)
  
- \_\_\_\_\_ 2. **Permit Revocation.** In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall become null and void. (P)
  
- \_\_\_\_\_ 3. **Employee Age.** All employees selling alcohol must be at least 21 years of age. (P)
  
- \_\_\_\_\_ 4. **ABC Requirements.** The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. (P)
  
- \_\_\_\_\_ 5. **Alcohol Consumption.** Alcoholic beverages shall not be consumed outside the restaurant nor on any property adjacent to the licensed premises under the control of the licensee. This includes all sidewalks and the parking lot. (P)

\_\_\_\_\_ 6. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

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

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



**DATE:** March 13, 2014  
**TO:** Planning Commission  
**FROM:**  Dave Reno, AICP, Principal Planner  
**BY:**  Stan Liudahl, AICP, Senior Planner  
**SUBJECT:** Specific Plan Amendment SPLA14-00002; Applicant: City of Hesperia; APNs: 0405-062-51, 0405-072-37, 50, & 52 thru 55, and 3064-461-04 & 06

---

### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2014-08, recommending that the City Council introduce and place on first reading an ordinance approving Specific Plan Amendment SPLA14-00002.

### BACKGROUND

**Proposal:** A Specific Plan Amendment (Amendment) to change approximately 119 acres within the Main Street and Freeway Corridor Specific Plan (Specific Plan) from the Regional Commercial (RC) to the Commercial/Industrial Business Park (CIBP) Zone (Attachment 1). The CIBP Zone will permit light manufacturing, assembly, storage and distribution of retail displays. Modern Space has contacted the City to occupy approximately 258,000 square feet of the 488,817 square foot building on 33 gross acres of the proposal. Manufacturing and assembly uses are currently not allowed within the RC Zone. Staff has expanded this Amendment to include additional properties totaling 86 additional acres to provide for a continuous Light Industrial Zone to the City's northern boundary on Avenal Street.

Prior to adoption of the Specific Plan on September 16, 2008, the 33 gross acre site was within the Restricted Manufacturing (MR) and General Commercial C-2) Zone Districts. This site was zoned MR-T and C-2 prior to incorporation. The C-2 zoning was designated along the east property line within 660 feet of Interstate 15 and the balance of the property was zoned MR-T. The Specific Plan replaced the MR and C-2 zoning with the Regional Commercial (RC) Zone.

The first tenant to occupy this property was Heilig Meyers Furniture, which closed in 2001. The retail furniture store was designed with a customer showroom, a service center, and distribution facilities. Since then, this building has been leased to the Furniture Dude, the Really Living Home Store, and Graco/Newell Rubbermaid, which abandoned the property approximately 10 months ago. The property owner has had difficulty maintaining retail tenants, due to the immense size of the building. The owner entered into an Owner Participation Agreement (OPA) and Conditions, Covenants and Restrictions (CC&Rs) with the City's Redevelopment Agency (RDA) in 2007. The RDA Successor Agency initiated this Amendment on behalf of the property owner due to the importance of this building and the City's involvement on the OPA and CC&Rs.

**Location:** 10200 Amargosa Road; staff expanded this Amendment to include all properties north of the California Aqueduct, south of Avenal Street, east of and including the Oro Grande Wash, and west of Interstate 15.

**General Plan and Land Uses:** The subject property is currently within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated as noted on Attachment 1. All properties within the expanded area are vacant, except for the property within the western portion of the expanded area, which contains a potable water treatment facility for the Baldy Mesa Water District and the northern portion of the site contains a water treatment facility for the Victorville Water District (Attachment 2).

## ISSUES/ANALYSIS

**Land Use:** The RC zone is intended for regional commercial and service uses designed to serve the region as a whole. The City contains a large amount of vacant retail space suitable for regionally-oriented businesses along the east side of Interstate 15 and the western portion of Main Street. When these areas are developed, additional retail absorption will likely occur on Main Street in proximity to U. S. Highway 395. Adoption of this Amendment will allow for the continuation of distribution activities while enabling light manufacturing, assembly, and storage of retail displays at 10200 Amargosa Road and the 86 gross acres surrounding this property. The current Regional Commercial (RC) Zoning does not permit these activities. Over the years, it has been difficult to lease the building, due to its size and zoning (Attachment 3).

The owner of the subject property has had to subsidize every retailer to lease the showroom portion of the 488,817 square foot building by providing free rent and deferring the collection of past due rent payments. Every retail component in that showroom has failed, including Heilig Meyers, who constructed the site to suit their operations. The properties in this area are not suitable for retail development and without other retail uses in their proximity, there is no opportunity for synergy to improve the situation. Changing the zoning of the area to CIBP will further the City's goal to attract investment and jobs to the City. The 488,817 square-foot distribution center/warehouse on 33 acres can be the first of a viable business park environment encompassing approximately 119 gross acres.

**Environmental:** The project is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Specific Plan Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as Specific Plan Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan. Staff has analyzed the potential traffic impact of future development of the 86-acre expanded area using the Institute of Traffic Engineer's Trip Generation Manual as shown within Tables 1 and 2. This information shows that the proposed Specific Plan Amendment will reduce the traffic impact of development of this area.

**Table 1: Potential number of daily vehicle trips for Regional Commercial (RC) Uses**

Land Use	Traffic Formula <sup>1</sup>	Daily Vehicle Trips
Discount Supermarket	96.82 daily vehicle trips per 1,000 SF	83,422
Building Materials/Lumber Store	45.16 daily vehicle trips per 1,000 SF	38,910
Specialty Retail Center	44.32 daily vehicle trips per 1,000 SF	38,187
Shopping Center	42.94 daily vehicle trips per 1,000 SF	36,998
Home Improvement Superstore	29.80 daily vehicle trips per 1,000 SF	25,676
Factory Outlet Center	26.59 daily vehicle trips per 1,000 SF	22,910
<b>Average</b>	<b>46.91 daily vehicle trips per 1,000 SF</b>	<b>34,351</b>

**Table 2: Potential number of daily vehicle trips for Commercial Industrial Business Park (CIBP) Uses**

Land Use	Traffic Formula <sup>2</sup>	Daily Vehicle Trips
Business Park	12.76 daily vehicle trips per 1,000 SF	16,730
Office Park	11.42 daily vehicle trips per 1,000 SF	14,973
General Office Buildings	11.01 daily vehicle trips per 1,000 SF	14,436
Research and Development	8.11 daily vehicle trips per 1,000 SF	10,633
Corporate Headquarters	7.98 daily vehicle trips per 1,000 SF	10,463
General Light Industrial	6.97 daily vehicle trips per 1,000 SF	9,139
<b>Average</b>	<b>9.71 daily vehicle trips per 1,000 SF</b>	<b>12,729</b>

**Conclusion:** The proposed Specific Plan Amendment will allow the 488,817 square foot building at 10200 Amargosa Road to conduct light manufacturing, assembly, and storage within the building. Without this Amendment, this building will likely continue to be occupied sporadically. Given the scale of future development in this area, most of which will not front upon Interstate 15, the uses permitted by the CIBP Zone will provide a better fit than the uses permitted in the RC Zone.

## ALTERNATIVES

1. The Commission may recommend that the City Council approve this Specific Plan Amendment for 10200 Amargosa Road and not expanding it to include the 86 additional acres. Staff does not support this alternative, as this would result in creation of inconsistent zoning surrounding the existing Heilig Meyers Distribution Center site.
2. Provide alternative direction to staff.

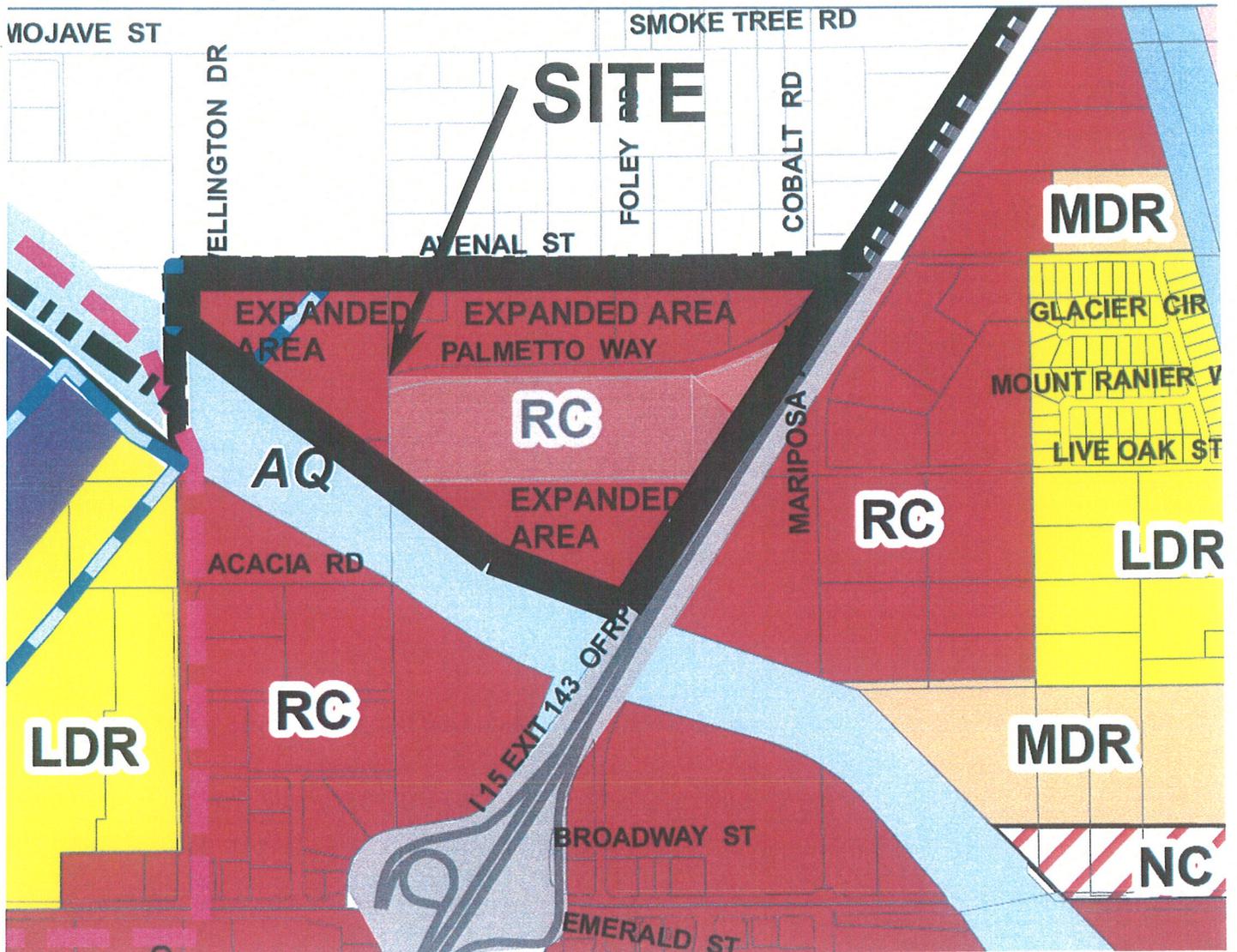
## ATTACHMENTS

1. General Plan Map
2. Aerial Photo
3. List of interested tenants for 10200 Amargosa Road not permitted by the zoning
4. Resolution No. PC-2014-08 with Exhibit "A"

<sup>1</sup> The average daily vehicle trips is calculated using the formula from the trip generation manual per 1,000 square feet of gross building floor area allowable, based upon the maximum 0.23 floor area ratio allowed within the RC Zone.

<sup>2</sup> The average daily vehicle trips is calculated using the formula from the trip generation manual per 1,000 square feet of gross building floor area allowable, based upon the maximum 0.35 floor area ratio allowed within the CIBP Zone.

# ATTACHMENT 1



**APPLICANT(S):**  
CITY OF HESPERIA

**FILE NO(S):**  
SPLA14-00002

**LOCATION:**  
NORTH OF THE CALIFORNIA AQUEDUCT, SOUTH OF AVENAL STREET, EAST OF AND INCLUDING THE ORO GRANDE WASH, AND WEST OF INTERSTATE 15

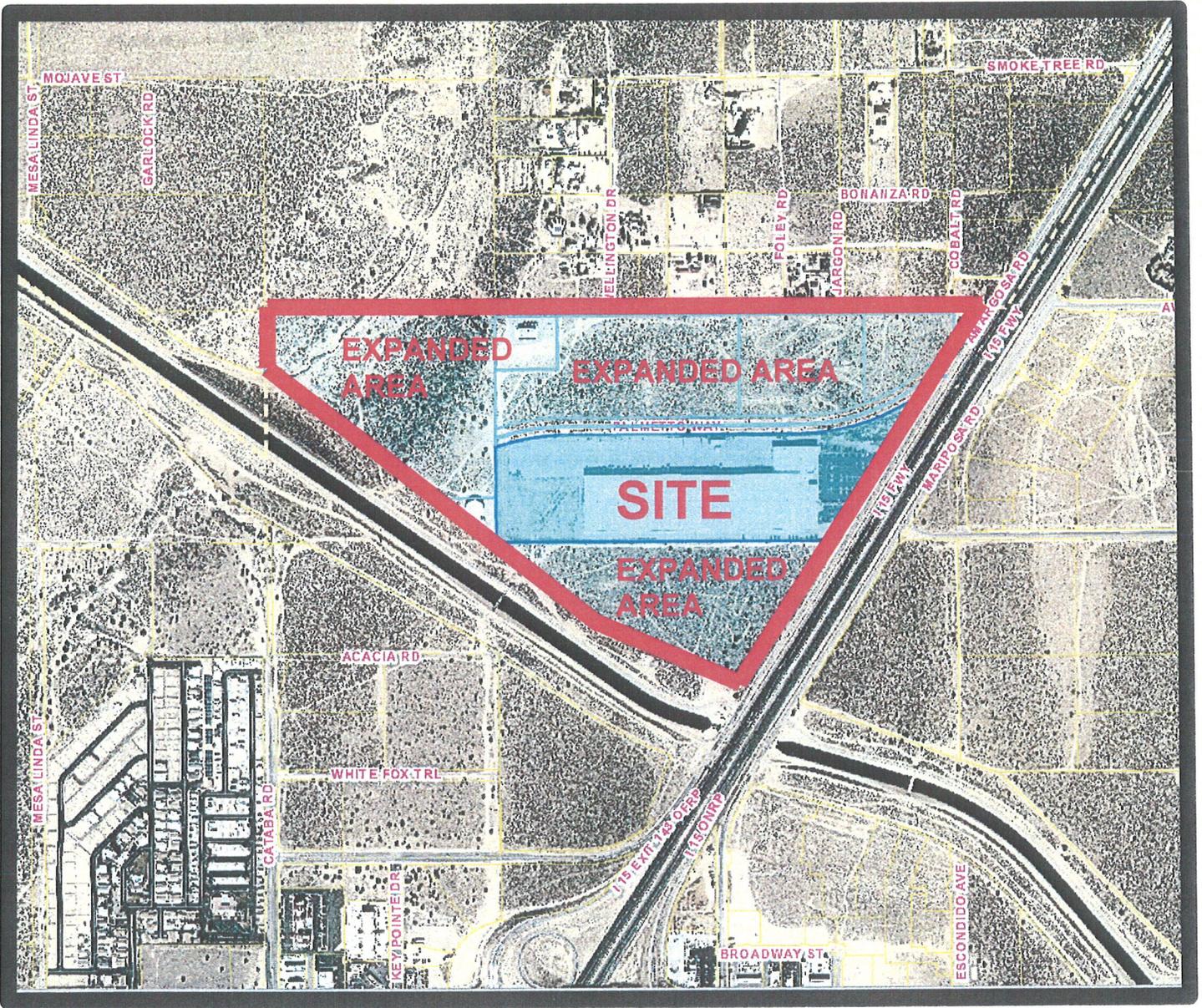
**APNs:**  
0405-062-51, 0405-072-37, 50, & 52 thru 55, and 3064-461-04 & 06

**PROPOSAL:**  
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 119 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO COMMERCIAL/INDUSTRIAL BUSINESS PARK (CIBP)



## GENERAL PLAN MAP

# ATTACHMENT 2



**APPLICANT(S):**  
CITY OF HESPERIA

**FILE NO(S):**  
SPLA14-00002

**LOCATION:**  
NORTH OF THE CALIFORNIA AQUEDUCT, SOUTH OF AVENAL STREET, EAST OF AND INCLUDING THE ORO GRANDE WASH, AND WEST OF INTERSTATE 15

**APNs:**  
0405-062-51, 0405-072-37, 50, & 52 thru 55, and 3064-461-04 & 06

**PROPOSAL:**  
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 119 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO COMMERCIAL/INDUSTRIAL BUSINESS PARK (CIBP)



## AERIAL PHOTO

Date of Inquiry	Company	Use	SF Req'd	Est Jobs:
Jan '14	International Auto Logistics	Automobile Storage and Distribution	396k	10
Dec '13 -Jan '14	ModernSpace	Storage, Distribution, Assembly and Light Manufacturing of retail displays	250 k initially	25-50 up to 100+
Jan '14	Plastics User	Storage, distribution, recycling, office	200k +	25-50
Jan '14	User Not Disclosed (UND)	Storage, distribution, warehousing, office for consumer goods and related products	300k +	30-50
Jan '14	Auto Parts Manufacturer	Mfg. of auto parts, storage, distribution, warehousing, office	200k	TBD
Nov '13	Owens Minor	Storage, distribution, warehousing, office of consumer products	400-500k	35-60
Oct '13	Pacific Rim Buyer	Manufacturing component, as well as the need for distribution, storage and warehousing	300 - 400k	TBD
Oct '13	UND	Storage, distribution, warehousing, office	300 - 400k	15-25
Oct '13	Ryder Logistics	Storage, distribution, warehousing, of auto parts and related products	200-400k	35-50
Sep '13	Amercia West	Storage, distribution, warehousing, office	300-400k	15-25
Sep '13	Master Brands Furniture	Light manufacturing, assembly, storage, office and distribution of furniture and related products	250-300k	50-75
Sep '13	GQ Aviation Engineering Services	FAA Repair facility - assy, light manufacturing, storage, distribution, office	400-500k	TBD
Sep '13	EDS	Storage, distribution, warehousing, office	300-600k	25-50
Aug '13	Lumber Liquidators	Storage, distribution, warehousing, office of lumber and related products	500-550k +	TBD
Aug '13	UND	Light manufacturing , assembly, storage, distribution	TBD	50-75
July '13	United Furniture Industries	Light manufacturing , assembly, storage, distribution	800k	100-150
July '13	FTDI	Storage, distribution, warehousing, office	TBD	50-75
July-Sep 2013	Intermodal FCL	Storage of NASA equipment	100k	5 -10
Apr-July 2013	Exel Logistics	Distribution, warehouse, assembly, storage and office of consumer products	488k	100-150
June '13	Quiet Logistic	Ecommerce use: storage, distribution, assembly and warehousing	200-250 k	50-75
June '13	IMAX Furniture	Storage, distribution, assembly and warehousing of furniture: 10-15k office	350-400k	50-75+
May '13	Sports Court Company	Sports complex for indoor basketball, volleyball courts etc	488k	15-20
Apr '13	3PL	Storage, warehouse and distribution	200k	10-15
Feb-Apr '13	Phenix Global	Manufactures plastic pellets from recycled plastics	TBD	100+

# ATTACHMENT 4

## RESOLUTION NO. PC-2014-08

**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 REGIONAL COMMERCIAL (RC) TO COMMERCIAL/INDUSTRIAL BUSINESS PARK (CIBP) ON APPROXIMATELY 119 GROSS ACRES LOCATED NORTH OF THE CALIFORNIA AQUEDUCT, SOUTH OF AVENAL STREET, EAST OF AND INCLUDING THE ORO GRANDE WASH, AND WEST OF INTERSTATE 15 (SPLA14-00002)**

**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**, the City of Hesperia has filed an application requesting approval of SPLA14-00002 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 119 gross acres within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan located north of the California Aqueduct, south of Avenal Street, east of and including the Oro Grande Wash, and west of Interstate 15 and consists of Assessor's Parcel Numbers 0405-062-51, 0405-072-37, 50, & 52 thru 55, and 3064-461-04 & 06; 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 Regional Commercial (RC) Zone to the Commercial/Industrial Business Park (CIBP) Zone; and

**WHEREAS**, the City of Hesperia initially considered changing the General Plan and zoning of only the 33 gross acre distribution facility at 10200 Amargosa Road. The application was expanded to include 86 gross acres in proximity to this property to provide for light industrial uses to the City's northern boundary on Avenal Street; and

**WHEREAS**, the expanded area to be changed from RC to CIBP is vacant, except for two water facilities, which are in the western portion of the expanded area. The surrounding properties are all vacant, except for three single-family residences located north of the expanded area; and

**WHEREAS**, the 119 gross acre site is currently within the Regional Commercial (RC) and Wash Protection Overlay Zones of the Specific Plan. The proposed Amendment will not change the Wash Protection Overlay. The properties to the north and west are within the City of Victorville, the California Aqueduct is to the south; and Interstate 15 is to the east; and

**WHEREAS**, the project is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Specific Plan Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as Specific Plan Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan; and

**WHEREAS**, on March 13, 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 March 13, 2014 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) 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.
- (b) The current Regional Commercial (RC) Zone District within the Specific Plan does not permit light manufacturing, assembly, and storage, which is an impediment to leasing large distribution-type buildings and the proposed Commercial/Industrial Business Park (CIBP) Zone District provides for these uses. 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.
- (c) 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.
- (d) 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 SPLA14-00002, 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 13<sup>th</sup> day of March 2014

---

Chris Elvert, Chair, Planning Commission

ATTEST:

---

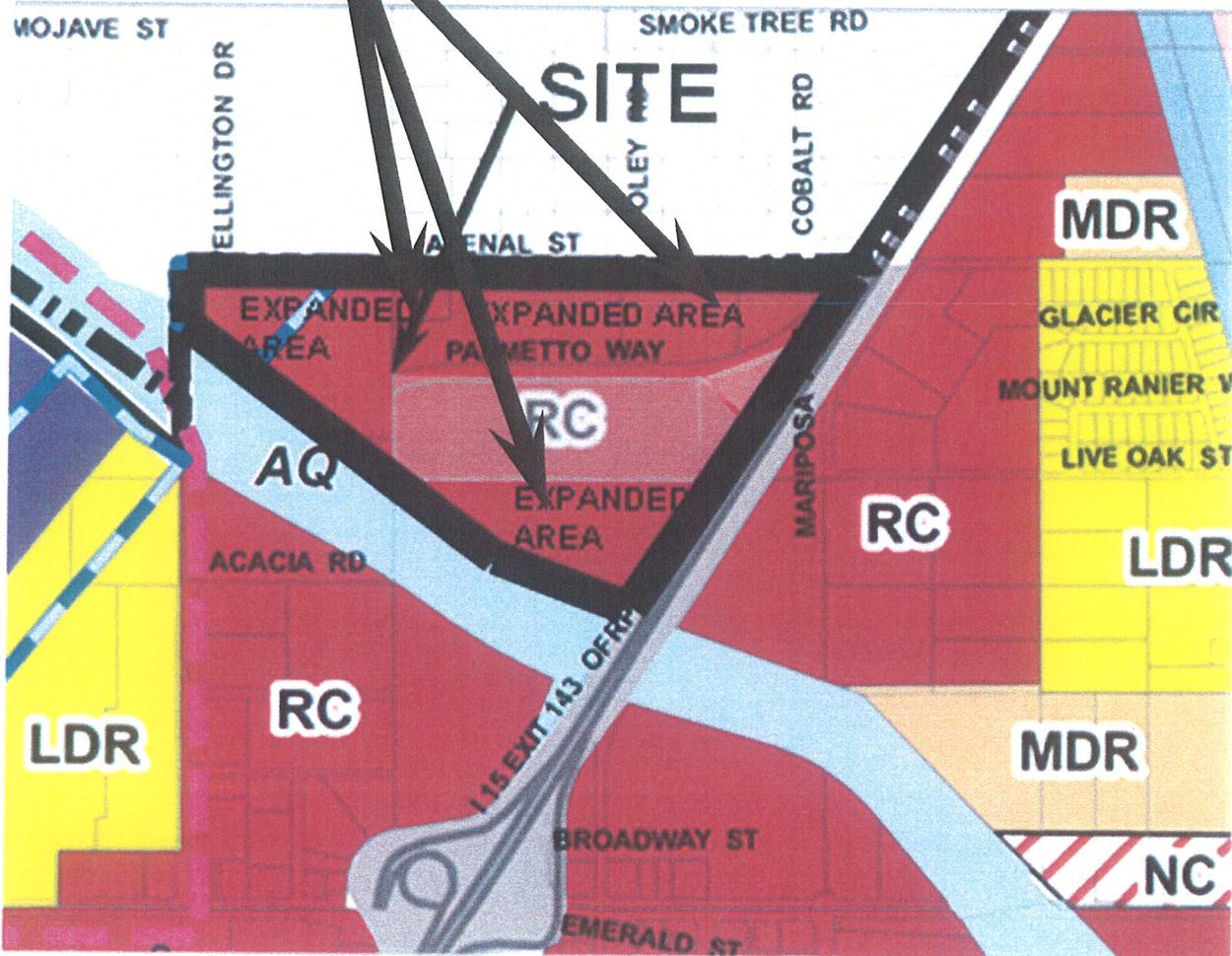
Kathy Stine, Secretary, Planning Commission

# EXHIBIT "A"

SPLA14-00002

City of Hesperia

AREAS TO BE  
CHANGED FROM  
RC TO CIBP





**DATE:** March 13, 2014

**TO:** Planning Commission

**FROM:**  Dave Reno, AICP, Principal Planner

**BY:**  Stan Liudahl, AICP, Senior Planner

**SUBJECT:** Open Space Policies and Implementation Measures (Applicant: City of Hesperia;  
Area affected: Citywide)

---

### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2014-09, recommending that the City Council approve General Plan Amendment GPA14-00002; and adopt Resolution No. PC-2014-10, recommending that the City Council approve Specific Plan Amendment SPLA14-00003 revising open space policies and implementation measures.

### BACKGROUND

State Law requires that all jurisdictions within the state include an Open Space Element (Element) as part of the General Plan. Government Code Sections 65560 through 65570 (Attachment 1) require adoption of an Open Space Element and a program for its implementation. Section 65567 states that no building permit may be issued, no subdivision map approved, and no open-space zoning ordinance adopted, unless the proposed construction, subdivision or ordinance is consistent with the local open space plan. State law also requires that the General Plan include a Conservation Element, which bears some relation to the Open Space Element, in order to preserve natural resources in the City.

In the past six years, the City took two major actions to continue to meet this law. On September 16, 2008 the Council adopted the Main Street and Freeway Corridor Specific Plan (Specific Plan). On September 7, 2010, the City Council adopted the General Plan Update. The existing goals within the Open Space and Conservation Elements promote preservation of open space and park resources. As part of the Open Space Element, three areas (Areas "A", "B", and "C"), were identified for preservation. These areas, which are predominantly in their undisturbed natural state, contain sensitive environments and amenities such as bluffs, Joshua tree forests, and juniper woodlands. These three areas, totaling approximately 406 acres, are located within the Oro Grande Wash (west of Interstate 15), the unnamed wash (paralleling the east side of Interstate 15).

In addition, areas within the Specific Plan are identified as potential park sites, which total approximately 89 acres. One of these sites, Mojave Park, has been designated for a recycled water distribution plant.

These open space goals and implementation measures state that these areas should be contiguous or connected through trails to provide accessibility for pedestrians and equestrians as well as wildlife. The Open Space Element includes a trail network for the enjoyment of the community within these washes, including the Antelope Valley Wash and the washes which

empty into the Mojave River. The Element identifies existing wash areas of about 2,125 acres within the current City boundary and within the City's sphere of influence.

The Planning Commission discussed the Open Space goals and policies on January 12, 2012 and October 11, 2012 as part of review of a proposed Transfer of Development Rights (TDR) Ordinance. At that time, the Commission took no action, expressed concerns regarding the Ordinance and asked that a revised Ordinance be provided for consideration at a future date. The City Council and PC also discussed this ordinance at a joint workshop on January 29, 2013.

Finally, the Planning Commission discussed these goals and policies at its December 12, 2013 and January 23, 2014 meetings. The Commission concluded that the policies should be changed to permit a mixture of uses in these areas and that preservation of the washes in their undisturbed natural state should not be the City's highest priority. The Commission discussed eliminating the policy concerning areas A, B and C from the Open Space Element, or revising the policy to permit flexibility in how these areas may be modified. The Planning Commission also recommended that the Transfer of Development Rights Program (TDR) be eliminated as a policy goal from the General Plan.

## **ISSUES/ANALYSIS**

There are three primary issues to be discussed for the Open Space policy: 1) Areas of potential unique characteristics to preserve and the amount of land designated for this purpose; 2) Drainage use and need; and 3) Development rights associated with TDR. These are contained in the General Plan Open Space Element (OS Element) and the Main Street and Freeway Corridor Specific Plan (Specific Plan).

### **Open Space Element and the Main Street and Freeway Corridor Specific Plan**

The OS Element adopted in 2010 identifies three areas within the Oro Grande Wash and the unnamed wash east of Interstate 15 for preservation. The Main Street and Freeway Corridor Specific Plan also established three potential park sites. The General Plan calls for the preservation of Areas identified as "A," "B," and "C." General Plan Goal OS-3 states that these three areas shall be preserved in their undisturbed natural state. However, the Specific Plan provides for parks with both passive and active recreational areas. As stated above, areas A, B and C total about 406 acres. In addition, recreational commercial uses within the Oro Grande wash and unnamed wash constitute another 1,100 acres. Some or all of these areas may be need to be reduced or eliminated from open space consideration based on the Commission's recommendations.

Finally, the Open Space Element specifies a total of 644 acres for parks and about 2,137 acres for open space acreage for a combined total of over 2,700 acres. Based on the existing and projected park and open space requirements (5 acres per 1,000 persons), these areas exceed the requirements for open space and park acreage based on the City's current and projected population. Depending on the policy recommendations discussed above, this could affect development within and adjacent to approximately 1,500 acres of the Oro Grande Wash and the unnamed wash.

## **Drainage**

The Specific Plan designates the area along the Oro Grande Wash as part of a Wash Protection Overlay (Overlay). This Overlay has been interpreted as an area of sufficient width to handle stormwater runoff, given the topography of the wash. This Overlay provides a link to landscaped corridors that connects the City's existing and proposed open space system, including neighborhood and community parks, schools, regional parks, recreational areas, as well as City, regional and state trail systems. Besides accommodating storm water runoff, a variety of recreational uses are allowed within the Overlay. The Urban Design Framework of the Specific Plan recommends a variety of recreational activities, including walking, biking and equestrian trails. Under the current policies, these features and improvements need to be designed consistent with the "natural state" requirements of the Open Space Element.

## **Currently adopted Transfer of Development Rights Program**

A Transfer of Development Rights (TDR) program allows for the acquisition of open space and park sites as well as establishment of conservation easements for trails in exchange for providing "TDR credits," reimbursing property owners for the land within the sending areas. Establishment of open space, park sites, and a 30-mile trail system advances a legitimate governmental interest as outlined within the General Plan and the Specific Plan. Implementation of a TDR program is currently a policy goal which can be used to implement the City's Open Space Element. As stated above, the Planning Commission recommended that the program be removed.

## **OPTIONS**

The Planning Commission reviewed the goals and implementation measures within the General Plan and the Main Street and Freeway Corridor Specific Plan, and provided recommendations on how these policies may be modified. In general, the revised policies seek to balance the need to permit trails, commercial recreational uses and to consider natural features, vegetation and landforms that may be protected, but only to the extent necessary to adequately handle the storm water runoff and to reinforce the recreational experience that is intended for these areas. The Commission also recommended that the transfer of development rights program be removed as a policy objective. Finally, the requirement that areas A, B and C as specified in the Open Space Element, be preserved in their undisturbed natural state has been eliminated. As an option, the policy could be revised to permit alteration of the natural drainage courses to accommodate recreational commercial uses, parks, or trails. Natural features and vegetation could be altered to permit these uses. Similar revisions within the Main Street and Freeway Corridor Specific Plan have also been made to reflect these new priorities. These revisions are shown in the exhibits attached to each resolution. (Attachments 1 and 2)

In revising these policies, the City should consider whether natural wash areas have value, both as natural drainage courses and as a visual resource for surrounding land uses. In addition, resource agencies such as the Regional Water Quality Control Board (Lahontan) and the U.S. Army Corps of Engineers have jurisdiction over the City's natural drainage courses. As projects are reviewed, these agencies may find that there are significant impacts to natural drainage courses. This may require the preparation of environmental impact reports that could result in the imposition of mitigation measures to possibly restrict development within these natural drainage courses based on state and federal mandates.

## **FISCAL IMPACT**

In the absence of a TDR program to use as a tool to acquire properties identified within the Open Space Element, the City would need to purchase all 726 acres within the sending areas (1,098 acres including those areas within the sphere of influence) or provide other means of compensation. This may significantly hinder the city's ability to preserve the open space/conservation areas. In addition, conservation easements or other mitigation measures may be required by state or federal agencies to develop within the natural drainage courses.

## **ALTERNATIVE**

1. Provide alternative direction to staff.

## **ATTACHMENTS**

1. Resolution No. PC-2014-09
2. Resolution No. PC-2014-10
3. Initial Study

**RESOLUTION NO. PC 2014-09**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT GENERAL PLAN AMENDMENT GPA14-00002 REGARDING OPEN SPACE POLICIES AND IMPLICATION MEASURES.**

**WHEREAS**, the City of Hesperia adopted the General Plan on September 7, 2010; and

**WHEREAS**, the Open Space Element of the General Plan currently contains policies, considering the development of trails and recreational uses in proximity to natural drainage courses; and

**WHEREAS**, the City's Open Space Element currently limits alteration of these natural drainage courses and provides areas in the City to be preserved in their undisturbed natural state; and

**WHEREAS**, the City seeks to revise these policies and implementation measures to provide for a variety of uses including recreational commercial uses and trails; and

**WHEREAS**, on March 13, 2014, the Planning Commission of the City of Hesperia conducted a duly noticed public meeting pertaining to the adoption this Resolution, and concluded said meeting on that date.

**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:**

1. All of the facts set forth in the Recitals of this Resolution, are true, correct and are adopted as findings.
2. The Planning Commission further finds as follows:
  - a) The City of Hesperia has prepared an environmental initial study and Negative Declaration No. ND-2014-01. The initial study finds that the proposed revisions to the policies and implementation measures will not have a significant adverse impact on the environment; and
  - b) The proposed policy revisions will provide a balanced approach to the development of recreational commercial uses and trail systems in proximity to natural drainage courses.
3. Based on the findings and conclusions set forth in this resolution, this Commission hereby recommends that the City Council adopt General Plan Amendment GPA14-00002 as shown in Exhibit "A".
4. The Secretary shall certify to the adoption of this resolution.

**ADOPTED AND APPROVED** on this 13<sup>th</sup> day of March 2014.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

## Exhibit "A"

Revised text is shown as highlighted. Deleted text is shown as strikeout.

### General Plan Goals and Implementation Measures

- ~~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.~~
- **OR:**
- **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, may be modified to permit trails, parks or other commercial recreational uses. Natural features, vegetation and landforms should be protected as natural drainage courses but may be modified to the extent necessary to reinforce the recreational experience in these areas.
- ~~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.~~
- **Goal OS-2:** ID and preserve natural OS in order to protect sensitive environments and utilize amenities such as washes, bluffs, Joshua tree forests or juniper woodlands in a recreational setting. OS areas may be contiguous or connected through trails to provide accessibility for bicyclists, hikers and equestrians as well as wildlife.
- **Imp Policy OS 2.1:** Select areas for OS preservation based on criteria such as potential for recreation, proximity to infrastructure, natural features and vegetation, sensitive areas, connectivity to the existing trail network and projected development patterns.
- **Imp Policy OS 2.3:** Utilize natural OS to preserve incorporate natural resources as well as and such as historical, biological and scenic resources into the city's trails and recreational amenities.
- **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 conditions of approval on projects occurring in or around the wash areas, and ensuring development proposals are compatible with recreational, drainage, and aesthetic goals.
- **Imp Policy OS 4.3:** Establish setbacks for buildings and walls on a case-by-case basis adjacent to wash areas the rim of washes to permit development while preserving natural land and vegetation.

- **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.
- Remove Mojave Park as a planned park site (now planned for a recycled water distribution plant).
- **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.

**RESOLUTION NO. PC 2014-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT SPECIFIC PLAN AMENDMENT SPLA14-00003 REGARDING OPEN SPACE POLICIES AND IMPLICATION MEASURES.**

**WHEREAS**, the City of Hesperia adopted the General Plan on September 7, 2010; and

**WHEREAS**, the Main Street and Freeway Corridor Specific Plan currently contains policies, considering the development of trails and recreational uses in proximity to natural drainage courses; and

**WHEREAS**, the City's Main Street and Freeway Corridor Specific Plan currently limits alteration of these natural drainage courses and provides areas in the City to be preserved in their undisturbed natural state; and

**WHEREAS**, the City seeks to revise these policies and implementation measures to provide for a variety of uses including recreational commercial uses and trails; and

**WHEREAS**, on March 13, 2014, the Planning Commission of the City of Hesperia conducted a duly noticed public meeting pertaining to the adoption this Resolution, and concluded said meeting on that date.

**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:**

1. All of the facts set forth in the Recitals of this Resolution, are true, correct and are adopted as findings.
2. The Planning Commission further finds as follows:
  - a) The City of Hesperia has prepared an environmental initial study and Negative Declaration No. ND-2014-01. The initial study finds that the proposed revisions to the policies and implementation measures will not have a significant adverse impact on the environment; and
  - b) The proposed policy revisions will provide a balanced approach to the development of recreational commercial uses and trail systems in proximity to natural drainage courses.
3. Based on the findings and conclusions set forth in this resolution, this Commission hereby recommends that the City Council adopt Specific Plan Amendment SPLA14-00003 as shown in Exhibit "A".
4. The Secretary shall certify to the adoption of this resolution.

**ADOPTED AND APPROVED** on this 13<sup>th</sup> day of March 2014.

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

ATTEST:

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

## Exhibit "A"

Revised text is shown as highlighted. Deleted text is shown as strikethrough.

### SPECIFIC PLAN GOALS AND IMPLEMENTATION MEASURES

#### Urban Design (p.26)

- **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 natural drainage course.
- **Policy UD-3.2:** Consider innovative approaches, such as TDR, to preserve the washes in perpetuity.
- **Policy UD-3.3:** Establish a goal of 5.6 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.

#### Urban Design Framework (p.36)

- Elements include OS resources for use as trails, golf courses, drainage and natural habitat.

### Page 70 & 71 - Main Street Freeway and Corridor Specific Plan (MSFCSP)

#### C. WASH PROTECTION OVERLAY

The Oro Grande Wash and the unnamed wash smaller wash on the east side of the freeway fall in three of the land use districts. The City's 2001 General Plan designates these washes as Open Space. Various other General Plan Elements also call for the preservation of these washes as passive and/or recreational open space. The preservation of these washes as an open space community resource is an important element of this Specific Plan. As described in Chapter 4 (Urban Design Framework) of this Plan, the washes serve multiple functions including natural habitat, natural drainage course storm runoff channel and recreation area.

This Plan establishes a Wash Protection Overlay that limits the construction of permanent structures within the washes' right-of-way in order to keep the washes natural and undeveloped and maintain their function as natural drainage courses drainage channels. The Development Services Director or his/her designee shall have the authority to establish the actual boundaries of the Overlay.

The washes' right-of-way mostly falls in private ownership. Setting up a program that allows the transfer of development rights from the area within the wash right-of-way to either other portions

of the same site or other sites within the Specific Plan area may minimize the impact of limiting development in these areas. The ability to balance the multiple uses in these areas transfer development rights would provide flexibility to deal with site constraints and market demands while still ensuring that the overall goals of this Plan are maintained.

#### **D. TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM**

Transfer of development rights (TDR) programs use the market to implement and pay for development density and location decisions. TDR programs allow landowners to sever development rights from properties in government-designated low density areas (sending areas), and sell them to purchasers who want to increase the density of development in areas that local governments have selected as higher density areas (receiving areas). TDR programs offer many advantages to local governments that want to control land use but also compensate landowners for restrictions on the development potential of their properties. TDR programs make development more predictable and use the market to compensate landowners for lost property value. This Plan recommends that a TDR program be set up in order to protect the washes' rights-of-way.

The following criteria should be considered in the establishment of such a program:

- The receiving sites should be in areas where there is pressure for development and where infrastructure and services can be efficiently provided.
- Single family residential density may be transferred to/from any other residential zone.
- Multi family residential density within the Regional Commercial zone may only be transferred to/from other areas with the same designation within the Main Street/Interstate-15 District.
- Commercial development rights may only be transferred to/from any commercial zone.
- Industrial development rights may only be transferred to/from other areas with the same zoning designation.

The establishment of a TDR<sup>1,2</sup> program, would generally include the following steps:

**Designation of sending areas.** All properties that fully or partially fall within the Wash Protection Overlay should be designated as sending areas.

**Designation of receiving areas.** Selected properties within the following four districts: Main Street/Interstate-15 District, Highway 395/Interstate-15 District, Freeway—South District and Freeway—North District; should be designated as receiving areas. The selection of these sites should be based on the criteria listed above. More receiving opportunities than there are rights

---

<sup>1</sup> "Transfer of Development Rights Program: Using the Market for Compensation and Preservation" by Jason Hanly-Forde, George Homsy, Katherine Lieberknecht, Remington Stone

<sup>2</sup> The New Jersey Pinelands Development Credit Program, The New Jersey Pinelands Commission

available for transfer should be provided. Infrastructure investments should be targeted in the receiving areas.

**Establishment of TDR credits.** In a TDR program, the rights become the currency of development. The development value (not price) of a TDR credit is set so that one equals another. Credits can be bought and sold at any time, not just when a particular development in the receiving site is pending. Also, a TDR should be a general investment available to anyone, not just possible developers. Local citizens, land trusts and investors may all have an interest in the market for other reasons aside from development.

**Public education.** Public education is essential so that everyone remembers the program goals and learns the operation of the market. The program should be aggressively marketed in both the sending and receiving areas. Mailings to and public meetings for landowners in sending areas, potential developers and residents of receiving areas are an integral part of the education effort. TDR program staff can also assist people with the legal aspects of the program.

### **Page 343 - Main Street and Freeway Corridor Specific Plan MSFCSP**

Capital financing for streetscape improvements include redevelopment property tax increment, developer exactions, development impact fees and possibly State or Federal transportation funding. Additional financing actions should examine the possibility of updated development impact fees for the Specific Plan area and the use of landscape and lighting assessments for maintenance of the proposed landscaping and streetscape improvements.

### ***Enhanced Public Safety Services***

This category includes the provision of enhanced public safety services, including the expansion of police and fire protection services. The City of Hesperia contracts with the San Bernardino County Sheriff for all police services. Ongoing service costs for police protection are funded through the General Fund. The City of Hesperia contracts with the San Bernardino County Fire Department for fire protection services funded through the Hesperia Fire District's share of property tax. In the future, the City and local property owners may want to consider enhanced public safety services through a Business Improvement District (BID).

### ***Parks and Recreation Facilities***

The Parks and Recreation Master Plan should be updated to reflect the new facilities. Parks and open space facilities are funded through the use of Quimby exactions, based on a minimum of 3 acres to a maximum of 6 acres per 1,000 population ratio. The City's current standard is 3 acres per 1,000 population. However, the desired goal is 6 acres per 1,000 population. Revenues generated through the Quimby Act cannot be used for the operation and maintenance of park facilities. Operations and maintenance costs are funded from the Hesperia Parks and Recreation District's property taxes and user fees and charges.

### ***Business Assistance and Attraction Programs***

In the future, in order to market and promote the City of Hesperia and the Specific Plan area to prospective businesses and visitors, a portion of City's 10 percent transient occupancy tax could be earmarked for marketing visitor and tourism activities. This would build upon the ongoing partnerships between the Hesperia Economic Development Department, the County of San Bernardino and local commercial real estate brokers in assisting City in attracting appropriate businesses to the Specific Plan area. There are also loans and grants available, such as the small business administration 504 loan program and the "tax-exempt" Industrial Development Bond Financing program available through San Bernardino County.

### ***Transfer of Development Rights (TDR) Program***

This Specific Plan establishes a Wash Protection Overlay that limits the construction of permanent structures within the washes' right-of-way in order to keep the washes natural and undeveloped and maintain their function as drainage channels. Setting up a Transfer of Development Rights (TDR) program that allows the transfer of development rights from the area within the wash right-of-way to either other portions of the same site or other designated sites within the Specific Plan area may minimize the impact on private property rights of limiting development in these areas.

Section D in Chapter 6 (Specific Plan Zones) of this Plan sets forth the criteria for establishing a TDR program in the Specific Plan area as well as the necessary steps needed.

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

1. **Project title:**  
General Plan Amendment GPA14-00002 and Specific Plan Amendment SPLA14-00003.
2. **Lead agency name and address:**  
City of Hesperia Planning Department, 9700 7<sup>th</sup> Ave., Hesperia, CA 92345.
3. **Contact person and phone number:**  
Dave Reno, Principal Planner (760) 947-1253.
4. **Project location:**  
Citywide
5. **Project sponsor's name and address:**  
City of Hesperia
6. **General plan designation:**  
Various.
7. **Zoning:**  
Various.
8. **Description of project:** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary).

This project includes revisions to the City's open space policies and implementation measures. Currently, the City's General Plan includes an Open Space Element, which designates three areas (A, B and C) as areas that should be preserved in their natural state. These areas, which are predominantly in their natural state, contain sensitive environments and amenities such as bluffs, Joshua tree forests, and juniper woodlands. These three areas, totaling approximately 406 acres, are located within the Oro Grande Wash (west of Interstate 15), and the unnamed wash (paralleling the east side of Interstate 15). In addition, areas within the Specific Plan are identified as potential park sites, which total approximately 89 acres. One of these sites, Mojave Park, has been designated for a wastewater reclamation plant.

This project would revise the policies to permit a more balanced approach and case-by-case review of development proposals in or near designated open space areas. In general, the revised policies seek to balance the need to permit trails, commercial recreational uses and to consider natural features, vegetation and landforms that may be protected, but only to the extent necessary to reinforce the recreational experience that is intended for these areas. The Commission also recommended that the transfer of development rights program be removed as a policy objective. Finally, the requirement that areas A, B and C as specified in the Open Space Element, must be preserved in their natural state has been revised. Similar revisions within the Main Street and Freeway Corridor Specific Plan have also been made to reflect these new priorities.

9. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.)  
 The project primarily concerns development adjacent to and within the washes located on either side of the Interstate-15 freeway (about 1,500 acres), as well as other natural drainage courses, including the Antelope Valley Wash and the Mojave River. Overall, the Element identifies existing wash areas of about 2,125 acres within the current City boundary and within the City's sphere of influence.

10. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.)

This project is subject to review and approval by the Mojave Desert Air Quality Management District, the Hesperia Water District, and the Hesperia Unified School District.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION:** (Completed by the Lead Agency)

On the basis of this initial evaluation:

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

  
 Signature

3-5-14  
 Date

Dave Reno, Principal Planner, Hesperia Planning Division

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

1. A brief explanation is provided for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off- as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting information sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

**ENVIRONMENTAL IMPACTS:**

**ISSUES**

I. AESTHETICS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista (1&2)?			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)			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (27)?				X

**Comments.**

The General Plan and Specific Plan contain policies would permit development and alteration of natural drainage courses. These areas, which are predominantly in their undisturbed natural state, contain sensitive environments and amenities such as bluffs, Joshua tree forests, and juniper woodlands. These three areas, totaling approximately 406 acres, are located within the Oro Grande Wash (west of Interstate 15), the unnamed wash (paralleling the east side of Interstate 15). In addition, recreational commercial uses within the Oro Grande wash and unnamed wash constitute another 1,100 acres. Trails and recreational commercial uses will be required to be developed with landscaping, decorative walls and other amenities to enhance the recreational experience in these areas. These improvements will make these areas more accessible to the general public as intended by the Open Space Element.

Development of all associated uses will have to comply with Title 16 zone district regulations (3), which limit the building height and provide for the minimum yard and lot coverage standards as implemented through the building permit review process. Projects proposed in this area may produce additional light and glare, but any light or glare produced would be limited to a maximum illumination of 0.5 foot-candles at the site boundary, which will ensure that the exterior lighting will not create a nuisance.

The Land Use plan within the General Plan identifies large areas where future residential, commercial, and industrial development will occur. The Hesperia General Plan's Program Environmental Impact Report (PEIR) analyzed the impact to aesthetics upon build-out of the Land Use Element. Inasmuch as this project does not change the density limitations of the adopted Land Use plan, or the floor area ratio identified in the Main Street and Freeway Corridor Specific Plan, no additional impact beyond that identified within the General Plan PEIR would occur.

Approval of the proposed General Plan Amendment and Specific Plan Amendment will not, in and of itself, result in establishment of any land uses. Prior to development of any site within an effected property, approval of a tentative tract, site plan review and/or conditional use permit application shall be required. All proposed projects affected by these two policy documents will be required to implement all applicable mitigation measures within these regulatory documents. Therefore, approval of the General Plan Amendment and Specific Plan Amendment will not have an impact upon aesthetics.

<b>II. AGRICULTURE RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and State Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use (4)?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (5)?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use (5)?				X

**Comments.**

The areas affected by the policy revisions are not within the area designated by the State of California as Prime Farmland, "unique farmland," Farmland of Statewide Importance, or land subject to a Williamson Act contract (4 & 5).

None of the areas affected are being used or are anticipated to be used for farming or agriculture. Therefore, the proposed project will not have an impact upon agricultural resources.

<b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan (6)?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (6)?				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) (6)?				X
d) Expose sensitive receptors to substandard pollutant concentrations (2 & 6)?				X
e) Create objectionable odors affecting a substantial number of people (2)?				X

**Comments.**

All uses identified within the Hesperia General Plan are classified as area sources by the Mojave Desert Air Quality Management District (MDAQMD) (6). Programs have been established in the MDAQMD Air Quality Attainment Plan which addresses emissions caused by area sources. Revisions to the open space policies would not change the intensity or type of uses permitted on or near the washes. Based upon the allowable floor area ratios or densities currently within the applicable General Plan designations, no change in air quality emissions is expected to occur.

Both short-term (construction) emissions and the long-term (operational) emissions 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. These impacts will be addressed through a condition of approval that requires the developer to implement dust control measures consistent with the Mojave Desert Planning Area Rule Book Section 403.2 (6), which would also address requirements of the Air Quality Management Plan's PM<sub>10</sub> Program. 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 such permits. Long-term emissions refer to those air quality impacts that occur after construction has been completed and these impacts will continue over the operational life and maintenance of the trail systems. The long-term air quality impacts are mainly associated with mobile emissions created by motor vehicles maintenance equipment. Emissions created by the mechanical equipment and exhaust systems associated with the allowable land uses will comply with all applicable building codes, which ensure compliance with the MDAQMD's regulations.

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. Since there is no change in permitted land uses, or their intensities the change of policies will not create additional emissions, which would have a significant impact upon sensitive receptors.

The Land Use plan within the General Plan identifies large areas where future residential, commercial, and industrial development will occur. The Hesperia General Plan's Program Environmental Impact Report (PEIR) analyzed the impacts upon air quality. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with the cumulative impacts (34). Inasmuch as this project is within the density limitations of the adopted Land Use plan, no additional impact beyond that identified within the General Plan PEIR would occur.

In addition, approval of the proposed General Plan Amendment and Specific Plan Amendment will not, in and of itself, result in establishment of any land uses. Prior to development of any site within an affected property, approval of a tentative tract, site plan review and/or conditional use permit application shall be required. All proposed projects affected by these two policy documents will be required to implement all applicable mitigation measures within these regulatory documents. Therefore, approval of the General Plan Amendment and Specific Plan Amendment will not have an impact upon air quality.

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 (9)?				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 (7)?				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 (7)?				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 (7)?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (8)?				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 (8 & 9)?				X

**Comments.**  
 Most of the City is located in an area listed as Category 3 habitat for the desert tortoise by the United States Bureau of Land Management (9). This classification indicates that the City is within the historical range of the Desert Tortoise, however, the probability of finding a Desert Tortoise is low. However, since the designated wash areas contain native plant species, a biological survey will be required to determine the presence of the Desert Tortoise and other species of concern. In many cases neither the Desert Tortoise, nor any other threatened or endangered species are observed.

A protected plant plan will also be required for projects that affect the Joshua tree or other protected species. The protected plant plan ensures that individual plants protected under the City's Native Plant Protection Ordinance (8) which are capable of being transplanted, will be protected in place or relocated. The grading plan for any project shall stipulate that all protected plants identified within the report are properly transplanted.

Approval of the proposed General Plan Amendment and Specific Plan Amendment will not, in and of itself, result in establishment of any land uses. Prior to development of any site within an affected property, approval of a tentative tract, site plan review and/or conditional use permit application shall be required. All proposed projects affected by these two policy documents will be required to implement all applicable mitigation measures within these regulatory documents. Therefore, approval of the General Plan Amendment and Specific Plan Amendment will not have an impact upon biological resources.

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 (10)?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (10)?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (10)?				X
d) Disturb any human remains, including those interred outside of formal cemeteries (10)?				X
<p><b>Comments.</b>                      Approval of the proposed General Plan Amendment and Specific Plan Amendment will not, in and of itself, result in establishment of any land uses. Prior to development of any site within an effected property, approval of a tentative tract, site plan review and/or conditional use permit application shall be required. All proposed projects affected by these two policy documents will be required to implement all applicable mitigation measures within these regulatory documents.</p> <p>The proposed policy revisions will not affect the City's procedures regarding cultural resources. Any project will still have to document contact with the County Museum and determine if their records indicate if there is any potential for the site to contain cultural resources (10). Consequently, the impact upon cultural resources associated with the proposed policy revisions will not change.</p>				
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 (11).				X
ii) Strong seismic ground shaking (12)?				X
iii) Seismic-related ground failure, including liquefaction (4 & 13)?				X
iv) Landslides (14)?				X
b) Result in substantial soil erosion or the loss of topsoil (4 & 14)?				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 (4 & 13)?				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 (4 & 13)?				X

**Comments.**

No known or suspected fault traces are located within the Hesperia Planning Area. Additionally, the City Planning Area is not subject to the provisions of Alquist-Priolo Special Studies Zones (11). The City is located in an area with a high potential for severe ground shaking (12). However, as a function of obtaining a building permit, any proposed structures will be built in compliance with the Hesperia Municipal Code and the Building Code (15) for structures greater than five kilometers from the North Frontal Zone (a "B" fault) (11), 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 to be provided, 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 provided in accordance with all development codes to assure that all structures will not be negatively affected by the soil.

Approval of the proposed General Plan Amendment and Specific Plan Amendment will not, in and of itself, result in establishment of any land uses. Prior to development of any site within an affected property, approval of a tentative tract, site plan review and/or conditional use permit application shall be required. All proposed projects affected by these two policy documents will be required to implement all applicable mitigation measures within these regulatory documents. Therefore, approval of the General Plan Amendment and Specific Plan Amendment will not have an impact upon geology and soils.

**VII. HAZARDS AND HAZARDOUS MATERIALS.** Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment ?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area (16)?				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 (16)?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (17)?				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 (18)?				X

**Comments.**

The proposed policy revisions do not affect the City's requirements regarding the transport, use, or disposal of hazardous materials (18) and is not inconsistent with the Hesperia Emergency Evacuation Plan (17). In addition, noise attenuation will be required, should a project be proximate to the airport or the Burlington Northern and Santa Fe Railroad. Therefore, the impact on the City's ability to address hazards and hazardous materials will not change as a result of these policy revisions.

<b>VIII. HYDROLOGY AND WATER QUALITY.</b> 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 (19)?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map (21)?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (22)?			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 (21)?				X
j) Inundation by seiche, tsunami, or mudflow (23)?				X
<p><b>Comments.</b>                      The General Plan calls for the preservation of Areas identified as "A," "B," and "C." General Plan Goal OS-3 states that these three areas shall be preserved in their undisturbed natural state. However, the Specific Plan provides for parks with both passive and active recreational areas. As stated above, areas A, B and C total about 406 acres. In addition, recreational commercial uses within the Oro Grande wash and unnamed wash constitute another 1,100 acres. The policy revisions may result in the alteration of natural drainage courses that would not otherwise have areas impacted by a regional drainage flow identified upon the City's Master Plan of Drainage (36), may experience a change in absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff (2). However, all drainage created on-site beyond that which has occurred historically must be detained within the approved detention facilities which could include underground horizontal storm chambers, landscape basins or other facilities as approved by the City Engineer, in accordance with City of Hesperia Resolution 89-16. This will result in no additional storm flow beyond that which currently impacts downstream properties during a 100-year storm event. Any approved on-site retention/detention facility will ensure that proposed development will not have a negative impact upon groundwater resources. Therefore, the impact upon hydrology and water quality associated with the proposed development is considered less than significant with mitigation.</p>				

In addition, approval of the proposed General Plan Amendment and Specific Plan Amendment will not, in and of itself, result in establishment of any land uses. Prior to development of any site within an affected property, approval of a tentative tract, site plan review and/or conditional use permit application shall be required. All proposed projects affected by these two policy documents will be required to implement all applicable mitigation measures within these regulatory documents. Therefore, approval of the General Plan Amendment and Specific Plan Amendment will not have an impact upon hydrology and water quality.

All projects that affect natural drainage courses will be referred to the appropriate state and federal agencies for review. Should these agencies find that there may be potentially significant impacts, as a result of development; a focused EIR may be required to more thoroughly address these impacts.

**IX. LAND USE AND PLANNING.** Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community (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 (3 & 39)?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan (9 & 24)?				X

**Comments.**

The existing goals within the Open Space and Conservation Elements promote preservation of open space and park resources. As part of the Open Space Element, three areas (Areas "A", "B", and "C"), were identified for preservation. These areas, which are predominantly in their undisturbed natural state, contain sensitive environments and amenities such as bluffs, Joshua tree forests, and juniper woodlands. These three areas, totaling approximately 406 acres, are located within the Oro Grande Wash (west of Interstate 15), the unnamed wash (paralleling the east side of Interstate 15). In addition, areas within the Specific Plan are identified as potential park sites, which total approximately 89 acres. One of these sites, Mojave Park, has been designated for a wastewater reclamation plant.

The Land Use plan within the General Plan identifies large areas where future residential, commercial, and industrial development will occur. The Hesperia General Plan's Program Environmental Impact Report (PEIR) analyzed the impacts of land use to ultimate build-out. Inasmuch as this project is within the density limitations of the adopted Land Use plan, no additional impact beyond that identified within the General Plan PEIR would occur.

The policy revisions do not change permitted land uses, floor area ratios or densities otherwise permitted by the General Plan Land Use Element. The pattern of land uses established by the land-use plan will not change. Therefore, no disruption or division of the physical arrangement of the established residential community will occur. Recreational amenities associated with projects adjacent to natural drainage courses may be designed differently and provide for a greater area of a site to be developed for recreational uses, trails or conservation easements. However, mitigation measures will be required to address storm runoff and access to recreational uses that may occur in or around natural drainage courses. Therefore, the impact is expected to be less than significant with mitigation. The proposed policies do not affect how any applicable habitat conservation plan or natural community conservation plan would be applied to a project within the City.

<p>Approval of the proposed General Plan Amendment and Specific Plan Amendment will not, in and of itself, result in establishment of any land uses. Prior to development of any site within an affected property, approval of a tentative tract, site plan review and/or conditional use permit application shall be required. All proposed projects affected by these two policy documents will be required to implement all applicable mitigation measures within these regulatory documents. Therefore, approval of the General Plan Amendment and Specific Plan Amendment will not have a significant impact upon land use and planning.</p>				
<p><b>X. MINERAL RESOURCES.</b> Would the project:</p>				
	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 (32)?				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 (32)?				X
<p><b>Comments.</b>                  The proposed policy revisions do not affect the City's actions regarding any known important deposits of valuable local or statewide mineral resources (32). Consequently, the impact upon mineral resources associated with the proposal is considered to be less than significant.</p>				
<p><b>XI. NOISE.</b> Would the project result in:</p>				
	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 (16, & 26)?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (26)?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (26)?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project ?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels (16)?				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 (16)?				X
<p><b>Comments.</b>                  The Land Use plan within the General Plan identifies large areas where future residential, commercial, and industrial development will occur. The Hesperia General Plan's Program Environmental Impact Report (PEIR) analyzed the noise impacts associated with build-out of the Land Use Element to the maximum allowable density, floor area ratios of the of the various Land Use designations and permitted uses within the Main Street and Freeway Corridor Specific plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with the cumulative impacts (34). Inasmuch as this project is within the density limitations of the adopted Land Use plan, no additional impact beyond that identified within the General Plan PEIR would occur.</p>				

Furthermore, approval of the proposed General Plan Amendment and Specific Plan Amendment will not, in and of itself, result in establishment of any land uses. Prior to development of any site within an affected property, approval of a tentative tract, site plan review and/or conditional use permit application shall be required. All proposed projects affected by these two policy documents will be required to implement all applicable mitigation measures within these regulatory documents. Therefore, approval of the General Plan Amendment and Specific Plan Amendment will not have a significant impact upon noise levels.

XII. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (5)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere (5)?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere (5)?				X

**Comments.**

The Land Use plan within the General Plan identifies large areas where future residential, commercial, and industrial development will occur. The Hesperia General Plan's Program Environmental Impact Report (PEIR) analyzed the impacts of development to the maximum allowable density or floor area ratios of the Land Use Element and the Main Street and Freeway Corridor Specific Plan. Inasmuch as this project is within the land-use and density limitations of the adopted Land Use plan, no additional impact beyond that identified within the General Plan PEIR would occur. Furthermore, approval of the proposed General Plan Amendment and Specific Plan Amendment will not, in and of itself, result in establishment of any land uses. Prior to development of any site within an effected property, approval of a tentative tract, site plan review and/or conditional use permit application shall be required. All proposed projects affected by these two policy documents will be required to implement all applicable mitigation measures within these regulatory documents. Therefore, approval of the General Plan Amendment and Specific Plan Amendment will not have a significant impact upon population and housing.

XIII. PUBLIC SERVICES.	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for the new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services (1&2):			X	
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

**Comments.**

The proposed policy revisions may result in an increase in the development of public recreational facilities as well as the need to maintain them **(1&2)**. Development impact fees will be assessed at the time that building permits are issued for construction of any proposed development **(28)**. These fees are designed to ensure the appropriate levels of capital resources necessary to serve future development, although current levels of public services levels may lag behind the demand.

The pattern of land uses as specified in the City's Land Use Plan will not change. Consequently, the proposed open space policy revisions, which comply with Government Code Sections 65302, 65560 through 65570, will not cause any additional demand upon public services beyond what is already recognized in the Land Use Element and General Plan. Furthermore, approval of the proposed General Plan Amendment and Specific Plan Amendment will not, in and of itself, result in establishment of any land uses. Prior to development of any site within an affected property, approval of a tentative tract, site plan review and/or conditional use permit application shall be required. All proposed projects affected by these two policy documents will be required to implement all applicable mitigation measures within these regulatory documents. Therefore, approval of the General Plan Amendment and Specific Plan Amendment will not have a significant impact upon public services. Consequently, the impact upon public services associated with the proposed development is considered to be less than significant.

**XIV. RECREATION.**

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated <b>(1&amp;2)</b> ?			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 <b>(1&amp;2)</b> ?			X	

**Comments.**

The proposed policy revisions may cause the development of new recreational facilities. The amount of commercial and residential development permitted by the land-use plan will not change. Therefore any direct increase in the need for recreational facilities will only result as development occurs **(1&2)**. Development impact fees will be collected, which will provide funding for park facilities **(28)**. These fees are designed to ensure the appropriate levels of capital resources necessary to serve future development. Furthermore, approval of the proposed General Plan Amendment and Specific Plan Amendment will not, in and of itself, result in establishment of any land uses. Prior to development of any site within an affected property, approval of a tentative tract, site plan review and/or conditional use permit application shall be required. All proposed projects affected by these two policy documents will be required to implement all applicable mitigation measures within these regulatory documents. Therefore, approval of the General Plan Amendment and Specific Plan Amendment will not have a significant impact upon recreational facilities. Furthermore, the proposed policy revisions will not cause any additional need for recreational facilities and will not cause a reduction below the amount of open space required pursuant to Government Code Sections 65302, 65560 through 65570. Therefore, the impact upon recreational facilities associated with any proposed development is considered to be less than significant.

XV. TRANSPORTATION / TRAFFIC. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections) <b>(29)</b> ?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways <b>(29)</b> ?			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 <b>(16)</b> ?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X

**Comments.**  
 The proposed open space policy revisions will not change the pattern of land uses, densities or floor area ratios permitted by the General Plan or the Main Street and Freeway Corridor Specific Plan.

The City of Hesperia General Plan Circulation Element is designed so the master-planned roadways operate at a Level of Service (LOS) of "C" or better, with a few exceptions **(29)**. In evaluating Level of Service, existing Land Use designations were applied **(5)**. The LOS descriptions relate directly to a volume to capacity ratio of street segments and intersections. An LOS of C is equivalent to a volume to capacity ratio range of between 0.71 and 0.80. LOS F would have a 1.00 or greater volume to capacity ratio, which represents a street segment or intersection at or above its design capacity.

Development impact fees will be collected at the time that building permits are issued, which will provide funding for the construction of roadways to reduce the impacts of additional vehicular traffic **(28)**. Further, preparation of a traffic impact analysis in accordance with the San Bernardino County Congestion Management Plan may be required for larger developments.

Although a statement of overriding considerations was adopted concerning traffic impacts, most of these impacts concerned intersections located along Main Street and Bear Valley Road. Therefore, the proposed open space policy revisions will not cause any additional impact upon transportation and approval of projects would not cause a significant impact upon transportation systems not already anticipated by the City's General Plan Program EIR.

XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board <b>(19)</b> ?				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 <b>(19)</b> ?			X	
c) Require or result in the construction of new storm water drainage facilities, the construction of which could cause significant environmental effects <b>(19)</b> ?				X

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (20 & 30)?				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 (19)?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (31)?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste (31)?				X

**Comments.**

The proposed open space policy revisions will not cause an increase in the use of water. In addition, this water use will not exceed current levels of water production (20). 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. Thus, the Judgment and physical solution adequately mitigates the additional water needs for the project. In addition, development considered under the City's General Plan Program Environmental Impact Report PEIR has been accounted for in the UWMP. In addition, the MWA recommends utilization of interior water conservation measures such as low flow plumbing fixtures. The MWA further states that "(t)his factor (water demand) should be given careful consideration before making significant (underlined for emphasis) commitments to increased water use" (30).

In a cumulative sense, any project will increase groundwater overdraft due to new demand. In response to the use of low flow plumbing fixtures, those are already required region-wide by the State Appliance Efficiency Standards in Title 20, thus ensuring this project, as well as all others within the Mojave River Basin, will reduce the water demand of new facilities.

Section 15206 of the CEQA Guidelines identifies projects having regional significance as follows:

"(A) A proposed residential development of more than 500 dwelling units.

"(B) A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space.

"(C) A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space.

"(D) A proposed hotel/motel development of more than 500 rooms.

"(E) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area."

The proposed open space policy revisions will not induce additional projects that constitute a project of regional significance pursuant to CEQA. Further, any projects developed under the new policies must still utilize an approved on-site retention/detention system in accordance with City of Hesperia Resolution 89-16. Any approved on-site retention/detention facility must ensure that the proposed development will not have a negative impact upon groundwater resources.

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. Currently, about 400 tons of solid waste is currently generated by the City per day (37). 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. Currently, 57 percent of the solid waste within the City is being recycled (38).

The Land Use plan within the General Plan identifies large areas where future residential, commercial, and industrial development will occur. The Hesperia General Plan's Program Environmental Impact Report (PEIR) analyzed the impacts of the Land Use Element upon water supplies. Inasmuch as future development under the new policies will be within the density limitations of the adopted Land Use plan, no additional impact beyond that identified within the General Plan PEIR would occur.

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE.**

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**Comments.**

Based upon the analysis in this initial study, a Negative Declaration may be adopted. The existing goals within the Open Space and Conservation Elements promote preservation of open space and park resources. As part of the Open Space Element, three areas (Areas "A", "B", and "C"), were identified for preservation. These areas, which are predominantly in their undisturbed natural state, contain sensitive environments and amenities such as bluffs, Joshua tree forests, and juniper woodlands. These three areas, totaling approximately 406 acres, are located within the Oro Grande Wash (west of Interstate 15), the unnamed wash (paralleling the east side of Interstate 15).

In addition, areas within the Specific Plan are identified as potential park sites, which total approximately 89 acres. One of these sites, Mojave Park, has been designated for a wastewater reclamation plant. Aside from projects located in or near the washes on either side of the freeway, development pursued under the new open space policies and implementation measures will not have a significant effect upon the environment over and above what was anticipated in the program EIR for the General Plan update.

The proposed open space policy revisions comply with Government Code Sections 65302, 65560 through 65570. Approval of the proposed General Plan Amendment and Specific Plan Amendment will not, in and of itself, result in establishment of any land uses. Prior to development of any site within an affected property, approval of a tentative tract, site plan review and/or conditional use permit application shall be required. All proposed projects affected by these two policy documents will be required to implement all applicable mitigation measures within these regulatory documents. Therefore, approval of the General Plan Amendment and Specific Plan Amendment will not have a significant negative impact upon the environment.

#### XVIII. 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 2010 General Plan Update Program 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.

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

**Authority:** Public Resources Code Sections 21083 and 21087.

#### REFERENCES

- (1) GPA14-00002, Exhibit "A".
- (2) SPLA14-00003, Exhibit "A".
- (3) Chapter 16.16 of the Hesperia Municipal Code, & Main Street and Freeway Corridor Specific Plan.
- (4) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area, Page 21-22 and Map Sheet No. 31.
- (5) Current Official City of Hesperia zoning and General Plan Land Use plan and the MSFCSP.
- (6) Mojave Desert Air Quality Management District Rule Book, Rule 403.2.
- (7) 2010 City of Hesperia General Plan Open Space Element, Exhibits OS-4 through 7.
- (8) Chapter 16.24 of the Hesperia Municipal Code, Article II. Desert Native Plant Protection.
- (9) United States Bureau of Land Management California Desert Conservation Area and 2010 City of Hesperia Conservation Element, Figure CN-3.
- (10) 2010 City of Hesperia General Plan Conservation Element, Figures CN-5 , 6 & 7.
- (11) Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada, California Department of Conservation Division of Mines and Geology, Map O-31.
- (12) 2010 City of Hesperia General Plan Safety Element, Pages SF-5 through SF-15.
- (13) 2010 City of Hesperia General Plan Safety Element, Figure SF-1.
- (14) 2010 City of Hesperia General Plan Safety Element, Page SF-7 and Figure SF-2.
- (15) 2013 California Building Code.
- (16) 1991 City of Hesperia Airport Comprehensive Land Use Plan, Figure 1-5 and pages 23-36.

- (17) City of Hesperia Disaster Preparedness Plan.
- (18) 2010 City of Hesperia General Plan Safety Element, Pages S-19 through S-21.
- (19) Environmental plans and policies of the San Bernardino County Department of Environmental Health Services, the Lahontan Regional Water Quality Control Board, the Mojave Desert Air Quality Management District, the Hesperia Water District, the Hesperia Unified School District, Southern California Edison, Southwest Gas and the Hesperia Fire Department.
- (20) 2010 Urban Water Management Plan.
- (21) 2010 City of Hesperia General Plan Safety Element, Figure SF-2.
- (22) 2010 City of Hesperia General Plan Safety Element, Figure SF-2.
- (23) 2010 City of Hesperia General Plan Safety Element, Figure S-1.
- (24) 2010 City of Hesperia General Plan Conservation Element, Page CN-3.
- (25) 2010 City of Hesperia General Plan Land Use Element.
- (26) 2010 City of Hesperia General Plan Noise Element Tables NS-4, NS-5, NS-11 & NS-13.
- (27) Chapter 16.20 of the Hesperia Municipal Code, Article V. General Performance Standards.
- (28) Fee Resolution No. 2013-47, effective 1/1/2014.
- (29) 2010 City of Hesperia General Plan Circulation Element, Page CI-41.
- (30) Mojave Water Agency letter dated March 27, 1996.
- (31) California Integrated Waste Management Act (AB 939).
- (32) 2010 City of Hesperia General Plan Conservation Element.
- (33) Not used
- (34) Exhibit "B" of Resolution No. 2010-057, certifying the 2010 City of Hesperia General Plan PEIR.
- (35) Institute of Transportation Engineers Trip Generation Manual, Ninth Edition.
- (36) Not used
- (37) Recycled Materials Report prepared by Advance Disposal.
- (38) Quarterly data of the San Bernardino County Disposal Reporting System.
- (39) Program Environmental Impact Report for the General Plan.



**DATE:** March 13, 2014  
**TO:** Planning Commission  
**FROM:**  Dave Reno, AICP, Principal Planner

**SUBJECT: ANNUAL REPORT ON STATUS AND IMPLEMENTATION OF THE GENERAL PLAN**

---

### RECOMMENDED ACTION

Staff recommends that the Planning Commission review this annual report, and forward it to the City Council with the intent to direct staff to transmit copies to the Governor's Office of Planning and Research, and the Department of Housing and Community Development as required by law.

### BACKGROUND

State law requires the Planning Department and Planning Commission to provide an annual report to the City Council on the status of the General Plan and progress in its implementation. Specifically, Government Code Section 65400 states in part,

“After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development...the status of the plan and its implementation...the progress in meeting its share of regional housing needs...and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing...”

The report also includes forms required by the Department of Housing and Community Development to report progress towards completion of the goals in the Housing Element. As noted, this report will be transmitted to the Office of Planning and Research, and the Department of Housing and Community Development. This annual report will cover the 2013 calendar year.

### ISSUES/ANALYSIS

Staff has prepared the attached document to serve three purposes. First, this report serves as the Annual Report on the status of the General Plan and progress towards implementation in accordance with Government Code Section 65400; second, this report is the Implementation

Plan for the City's General Plan, providing a comprehensive picture of the steps taken by the City in realizing the major policies established in the General Plan. Finally, since many of the General Plan policies are environmental mitigation measures from the Final Environmental Impact Report (FEIR) adopted for the General Plan, this report is the method through which the City of Hesperia complies with the requirements of Section 21081.6 of the California Public Resources Code (the "California Environmental Quality Act") which mandates monitoring of the mitigation measures.

**FISCAL IMPACT**

None

**ALTERNATIVE(S)**

1. Provide alternative direction to staff.

**ATTACHMENT(S)**

1. Hesperia General Plan Annual Report - 2013

# HESPERIA GENERAL PLAN ANNUAL REPORT

2013



## ANNUAL REPORT ON THE STATUS OF THE GENERAL PLAN

### INTRODUCTION

Government Code Section 65400(b) requires each City and County with an adopted General Plan to provide an annual report to the legislative body on: 1) The status of the plan and progress of its implementation, including the progress in meeting its share of regional housing needs, and; 2) Local efforts to remove governmental constraints to the maintenance, improvement and development of housing. This annual report is a working document that provides information on the specific direction of the City of Hesperia and it is a tool to alert the City of potential revisions that may be required in the future.

This document serves three purposes for the City of Hesperia. First, this report serves as the required annual report for the 2013 calendar year. Second, this report is the Implementation Plan for the General Plan, providing a comprehensive picture of the steps taken by the City in realizing the major policies established in the General Plan. Finally, since many of the General Plan policies are environmental mitigation measures from the Final Environmental Impact Report (FEIR) adopted for the General Plan, this report is the method through which the City of Hesperia complies with the requirements of Section 21081.6 of the California Public Resources Code (the "California Environmental Quality Act") which mandates monitoring of the mitigation measures.

### ACTIONS COMPLETED, ONGOING OR INITIATED IN 2013

The following activities have been completed, initiated, implemented or processed by the City of Hesperia in 2013, which relate to General Plan goals and/or mitigation measures. These activities are categorized by the General Plan element they relate to and assist in implementation. Many of the policies, actions and mitigation measures contained within the General Plan are on-going in nature and are not listed below.

The General Plan Update was adopted on September 7, 2010. This was the first comprehensive update since the original General Plan was adopted in 1991. The update covers the entire City and all seven elements of the General Plan. Of particular importance was the goal to convert the plan to a one-map system where all land uses are designated on the General Plan map, eliminating the zoning map and any remaining inconsistencies. This enables the public to easily determine the appropriate land uses for any parcel in the City and sphere of influence.

The General Plan is the City's "Constitution" and guide for development, outlining what the City is and how it will develop in the future. All decisions made by the City, from the annual budget and capital improvement program, to the issuance of building permits, must be consistent with the General Plan.

The City's population, size and composition have changed considerably in the last 20 years. The City has grown from about 50,000 residents to over 90,000 and is 75 square miles in area compared to 50 square miles at incorporation. Another 36 square miles of unincorporated land is in the City's Sphere of influence. As this is an area that bears

direct relationship to the City's planning, the State requires that Hesperia's General Plan include this area as well. The update addressed new laws, regulations and circumstances that did not exist when the original plan was adopted. For example, the State enacted several laws addressing climate change that will require cities to take actions that reduce carbon emissions. There were also new mandates regarding endangered species, housing and sustainable communities. Finally, the updated General Plan included the Main Street and Freeway Corridor Specific Plan, as adopted in October 2008.

**General Plan Goals:**

In addition to addressing the current circumstances of the City as described above, the overall goals of the General Plan Update are as follows:

- Preserve existing neighborhoods;
- Enhance the quality of residential areas in a variety of densities, with landscaping and architectural standards;
- Reinforce efforts to build a local job base and establish sales tax-producing businesses along Bear Valley Road, Main Street and the Freeway Corridor;
- Preserve lot sizes and prevent premature subdivision of land;
- Enhance the quality of life in higher residential density developments with paseos, parks and other amenities;
- Establish a circulation system of arterial and connector streets to carry traffic efficiently within and across the City;
- Support the urban design framework, which has two new greenways to link the freeway corridor with the downtown area;
- Dedicate housing units for senior citizens as well as for all income levels;
- Permit mixed-use developments in the downtown area and along the freeway corridor.

In addition, the General Plan Update addressed climate change issues as mandated by Assembly Bill (AB)32 and Senate Bill (SB)375. The General Plan text identifies each implementation measure that specifically mitigates impacts to the production of greenhouse gasses. The Climate Action Plan was adopted separately as a special program to be implemented that outlines requirements for new development, as well as feasible measures the City will take to address global climate change.

### **General Plan Elements:**

The General Plan consists of seven chapters, or elements. These elements address the seven subjects required by state law. A summary of each element and the associated issues are as follows:

**Land Use:** The most frequently referenced part of the General Plan is the Land Use Map. This map shows the location of residential, commercial, industrial uses, as well as schools and parks. The map also shows other features such as railroads, the airport and the California Aqueduct. Residential uses are classified by density in dwelling units per acre. The current land use map superseded and replaced both the previous land use plan as well as the zoning map. Therefore, the City has a one-map system. This will eliminate any inconsistencies between the two current maps.

Staff completed a comparison of all of the parcels where the General Plan designation was inconsistent with the Zoning map. In every case, staff revised either the General Plan or zoning designation to support the preservation of residential lot sizes and the predominant land use in the neighborhood. The Land Use map also incorporates the Main Street and Freeway Corridor Specific Plan, adopted in 2008.

The current land use map also consolidated and reduced the six previous residential General Plan designations and six zoning districts to a total of 11 designations based principally on lot size. Because adoption of the General Plan Update does not repeal or revise any part of the Development Code, the Development Code has been revised to directly address the new General Plan designations.

The text of the Land Use Element includes a description of the City's existing land uses, infrastructure and public services. Residential, commercial and industrial uses are described as well as the City's three specific plans. All of the proposed land use designations are listed and described. The implementation measures to address these issues include:

- Improving the quality of life in residential areas;
- Promoting balanced, efficient commercial development to generate sales taxes;
- Providing for industrial development to increase opportunities for local employment;
- Designate and protect land for public and open space uses;
- Sustainable development measures, including water conservation, energy efficient design and Leadership in Energy Efficient Design (LEED) building certification.

**Circulation:** The Circulation Element classifies and defines the City's system of arterial roadways. The Transportation Plan maps their locations and shows the right-of way width as well as the curb-to-curb width. The plan also shows where special street-sections will be used, such as within the Township area. As the Circulation Element also

addresses other transportation modes, the Non-Motorized Transportation Plan shows the City's system of bike paths. Most of the City's streets include room for bike paths to encourage their use. Finally, the Urban Design Framework map shows how the City's bike paths, bus routes, equestrian trails and greenways link the City's parks and schools. This supports the goal of providing alternatives to the automobile.

The text addresses the challenges the City faces, including the current need for more freeway interchanges and more crossings at the railroad and the Mojave River. Intersections operating below acceptable levels are identified. Each street cross-section is illustrated and described. Implementation measures include:

- Require road dedications in accordance with the Transportation Plan;
- Increasing the number of railroad grade separations;
- Expand park-and-ride facilities, rail spurs and bus routes;
- Construct the bike path system;
- Collect Development Impact Fees to fund construction of the transportation system;

**Housing:** The Housing Element addresses the requirement for the City to assure that housing is provided for all economic segments of the community. The Element satisfies the State's goals and includes the current Regional Housing Needs Assessment (RHNA). The Housing Element is the only element that requires approval by the State's Department of Housing and Community Development (HCD) as part of its adoption. The Southern California Associated Governments (SCAG) adopted its Sustainable Communities Strategies (SCS) in late 2012. The City prepared an updated Housing Element in 2013 as mandated by SB375. The Planning Commission recommended adoption of the Housing Element in December 2013. The City Council is scheduled to approve the Housing Element in February 2014. Once adopted, the City will be under a new RHNA cycle (2013-2021).

The Housing Element contains a complete demographic profile of the City, including income, ethnicity, employment and age. The type and age of the City's housing stock is described. An inventory of land available for multi-family housing is included. This shows that the City has an abundant amount of land to meet its RHNA without zoning any additional land for multi-family units. The Element reviews the City's past accomplishments and discusses affordable projects completed or in the planning process. The progress towards the RHNA's required number of units for each income category is shown. Finally, the City is required to report to the State the annual progress made towards meeting these goals.

The Element describes the City's program to support construction of new housing and outlines the City's Housing Plan. The Plan consists of 6 goals and 19 programs to achieve the City's objectives. These include:

- Density bonuses and/or design concessions to encourage the development of affordable projects;
- The Main Street and Freeway Corridor Specific Plan includes two zones where development may occur at above 15-units per acre. The high density residential zone allows up to 20 units per acre and the Regional Commercial zone allows up to 25 units per acre;
- Other programs include down-payment assistance, or other financial assistance for financing or infrastructure, including the township program;
- The Hesperia Community Redevelopment Agency was required to set-aside 20 percent of its tax increment to assist in the development of affordable housing. These funds were used to provide direct assistance to qualified projects or to build roads, water or sewer lines that benefit an affordable project. However, since this agency ceased operation in February 2012, alternative sources of financing may have to be developed;
- Community Development Block Grant (CDBG) funds are used to rehabilitate lower-income households.

**Open Space:** The Open Space Element details the City's plans to preserve natural areas and resources and to provide parks, recreational facilities and trails for its residents. Natural resources include habitat for endangered or threatened species. The City is in the historical range of the Desert Tortoise and the Mojave Ground Squirrel. Arroyo Toads have been found in portions of the West Fork of the Mojave River. The City is also required to survey for the Burrowing Owl before any ground-disturbing activity. Finally, Joshua Trees and other native plants are protected by City ordinance. As part of the development review process, surveys are required for these species and plants. Should any occur on the site, appropriate action is taken, depending on the species found and the associated regulations applicable to that animal or plant.

Open space also includes scenic areas, such as the Mojave River or the mountains to the south of the City. The Oro Grande Wash also provides visual separation from the freeway corridor and Oak Hills. Other wash areas include the unnamed wash on the east side of the freeway, the Antelope Valley Wash, and the area known as Honda Valley. Three limited open space areas are identified for preservation due to their relatively undisturbed condition. To the extent possible, they are to remain in their natural state. The remaining areas are to be developed over time with recreational trails. One potential approach to implementing the proposed Open Space is a Transfer of Development Rights (TDR) program. During 2013, the Planning Commission and City Council discussed the TDR programs and will further review this in 2014. If implemented, it will enable compensation for areas affected by slopes and/or drainage. The ultimate goal for these areas are to retain the natural desert environment with minimal intrusion in the form of unpaved trails and parking areas. The properties will be purchased, either directly by the City, or by a program transferring development. The TDR property remains undeveloped while the density permitted is transferred to an adjacent or nearby property. This compensates the property owner for the loss of the land. Transferred development rights can be sold or purchased and utilized on similar or

nearby properties. The Open Space element also addresses agricultural land, water and mineral resources. These resources are discussed in conjunction with the Conservation Element.

The City's park and recreation areas are described. The Hesperia Recreation and Park District's 2006 Master Plan includes regional, community and local parks. These include Hesperia Lake Park (owned by the City) and Hesperia Community Park. The District also recently assumed operation of the Hesperia Golf and Country Club, which is also owned by the City. The City or Water District also owns several other parcels managed by the District, including Civic Plaza Park, located west of City Hall.

The Element discusses the City's requirements to acquire and develop new park land. The City requires dedication of three acres of land for every 1,000 persons. In addition to this, the City requires two acres of open space for 1,000 persons. Based on this standard, at projected build out within both the City and Park District (which is larger than the City) there will be an abundance of open space for current and future use. Finally, the Element describes the City's system of bike paths and equestrian trails, consistent with the Circulation Element. Implementation measures are consistent with the Circulation Element to support development of this trail system.

**Noise:** The Noise Element is a comprehensive program to include noise control in the planning and development process. Noise at excessive levels can affect our environment and quality of life.

The Element discusses sources of noise, including roads, railroads and industrial areas. Land uses sensitive to noise, such as residential areas, schools, libraries and parks are mentioned. The Element includes compatibility standards based on state and federal standards as well as accepted methodologies. The City's noise ordinance is also discussed and is not proposed to be modified.

Implementation measures to control noise include:

- Requiring acoustical analysis for all residential structures near noise sources such as the railroad, airport or major roads;
- Requiring enhanced construction methods to limit interior noise within residences adjacent to noise sources;
- Locating or screening loading docks and other site features to protect sensitive areas or uses;
- Limiting delivery hours to commercial or industrial uses near residential areas.

**Conservation:** The Conservation Element establishes the City's priorities as they relate to natural, historical and paleontological resources and outlines the means for their preservation. This element is most closely tied to Open Space and Safety, as many of these areas identified for their value as visual amenities or drainage courses are also ideal for conservation.

Implementation measures include:

- Require use of water conserving plants and native vegetation in landscaped areas and use low-water consumption fixtures in homes and businesses;
- Coordinate activities with the Victor Valley Wastewater Reclamation Authority (VWRA) to develop sub-regional treatment facilities and encourage and provide for use of reclaimed water for irrigation;
- Preserve pristine areas for habitat and open space uses;
- Coordinate with the County Museum to research records, perform additional research and preserve any artifacts that may be found;
- Contact Native American representatives to comply with all requirements concerning monitoring and preservation of Native American artifacts and places;
- Implement the green building program and encourage LEED, or similar certification of buildings;
- Coordinate with other San Bernardino County cities to develop a greenhouse gas inventory;
- Promote the use of alternative, renewable energy sources;

**Safety:** The Safety Element describes the City's hazards, including:

- Seismic Hazards from ground shaking, including potential for liquefaction and slope failure;
- Geologic hazards not related to earthquakes, including slope instability and subsidence;
- Flood hazards;
- Fire hazards, including structure and wildland fires;
- Hazardous materials including waste sites.

The Element also discusses emergency plans, evacuation routes and emergency shelters. Maps showing these areas and routes are included.

Implementation measures to address these issues include:

- Require geo-technical and soil reports to assure proper grading and compaction of soils;

- New construction to adhere to current building codes, including provisions for lateral forces;
- Encourage assessment of for older structures and conduct seismic retrofits as necessary;
- Require that new development retain addition runoff from rooftops parking lots and driveways;
- Restrict development in floodways and FEMA defined flood areas;
- Support recycling and disposal of hazardous materials;
- Maintain mutual aid agreements with neighboring cities and the County.

Additional actions taken by the City that address implementation of General Plan goals are discussed below:

**Land Use Element:**

The City is implementing the Main Street and Freeway Corridor Specific Plan, which became effective in October 2008. As mentioned above, this plan was incorporated into the General Plan Update. This plan addresses land use and design standards, as well as motorized, bicycle and pedestrian circulation in a 10,000 acre area encompassing the City's two most important thoroughfares Main Street and the I-15 Freeway. The plan includes new zone districts, which take advantage of the City's existing and planned land use patterns to create a vibrant and attractive downtown area. The plan also anticipates regional commercial, auto sales and industrial uses to establish sales tax producing businesses and locally based jobs along the freeway corridor. The Specific Plan also includes architectural and design standards. The City reviews all new development for compliance with these standards. This assures compatibility with adjacent uses and high quality architecture.

The Hesperia Gateway Shopping Center, featuring a Target Supercenter, opened in October 2008. This center is consistent with the land use goal to establish regional commercial uses along the freeway. The design and architecture meets the requirements of the Specific Plan to create a visually interesting and attractive place to shop or dine. Marshall's, Ross and Rue 21 opened in 2010. Two more retail chains (Joann's and Famous Footwear) have been constructed and opened in 2012, along with a Chase Bank branch and a Farmers Boy's restaurant. This center approached build out in 2013.

Wal-Mart opened a Supercenter in August 2012. The store employs approximately 300 and is already attracting interest to develop the surrounding out-pads. A Panda Express restaurant opened in December 2013 and a carwash is currently being developed on the property, expected to open in spring 2014.

Since 2006, the City completed construction of the Hesperia Branch Library, City Hall, Civic Plaza Park, the Police Station and County High Desert Government Center, on 30 acres the City had acquired. All of these buildings exhibit common architecture, which unifies the Civic Plaza around the park. Cinema West opened a 12-screen theatre on land west of the park in December 2012.

In 2012, the City has completed the first phase (Spruce and Smoke Tree streets) of the Downtown Revitalization Program. This consists of installing new curb, gutter, sidewalks, landscaping and front yard fencing in a one-square mile area immediately east of the Civic Plaza. Water lines were replaced and new sewer lines were installed. Street trees have been added to complete the thematic improvements in harmony with the City's plans for the Civic Plaza. The intent is to increase the property values in this area to encourage construction or remodeling of the existing homes and apartments in this area, many of which are in dilapidated or sub-standard condition. Each of the aforementioned projects involved Redevelopment Tax Increment expenditures.

The City adopted several ordinances following completion of the General Plan Update since 2010. Ordinance completed in 2012 include: animal keeping, additional uses, hot food trucks and permitting cottage food preparation at home (as a result of State law changes). Revised CEQA Guidelines were adopted, incorporating requirements to address climate change. The City also completed comprehensive revisions to the residential, commercial, industrial and public use zoning to align the development code to the General Plan land use designations. This made possible the one-map system long envisioned by the City.

#### **Circulation Element:**

As part of the General Plan Update, the City identified new land use districts that better suited the locations along two major corridors. A traffic model was created to address impacts over a 20-year period.

#### **Capital Improvement Program**

Projects underway in 2013 which implement the Transportation Plan goals are as follows:

- Rancho Road Underpass - Construction began in August 2011 and continued through 2012. It was completed in June of 2013.
- Rancho Road Interchange - Construction began in January 2013 and is expected to be completed in October 2014.
- Rancho Corridor – Widening of the road to 4 lanes between the Underpass and the Interchange. This has been planned and design is underway in conjunction with San Bernardino County, as one-half of the five-mile length of this project is within their jurisdiction. A focused EIR was prepared and certified in June 2013. Design continued, and is expected to be complete in mid-2014. No funding is available at this time for construction.
- The City also completed six projects in the 2012-13 Fiscal Year totaling \$22.1 million. These included the Rancho undercrossing, reconstruction of Lemon Avenue between Choiceana and Santa Fe Avenues, the 8<sup>th</sup> Avenue Paseo, Main

Street widening at Escondido Avenue and the Annual Street Improvement/Maintenance Project.

The Main Street and Freeway Corridor Specific Plan addresses land uses along the City's important thoroughfares. Land uses are located to take maximum advantage of planned transportation facilities. For example, auto sales uses are planned along the freeway, adjacent to the Rancho Road freeway interchange. This will provide exposure for the auto dealerships and convenient access from the freeway. In addition, this interchange will facilitate commuter access from Rancho Road, which extends east to the southern portion of the City.

The Specific Plan also specifies areas of higher residential density in the freeway corridor as well as along the western portion of Main Street. This will place more housing in commuter-friendly locations near the freeway.

The City has also planned for housing and office uses to be located within the Civic Plaza area, so that the employees and residents may access commercial uses along Main Street and Eighth Avenue. The last 68 units of the KDF apartments, which are reserved for low income households were completed in January 2010. As mentioned above, the police station and County Government center have been completed. These new employees and residents will enhance the prospects for businesses in this area.

The General Plan Update also includes the non-motorized Transportation Plan. This includes class 1, 2 and 3 trails for bikes as well as equestrian trails these are located within power line transmission corridors as well as in open space areas. In addition, the Main Street and Freeway Corridor Specific Plan includes the Urban Design Framework. This plan established two new east-west corridors to link the City's system of parks and open space areas.

In 2009, the City received a \$2,000,000 grant from the federal government to design and build the Hesperia Lead Track Project. This project was completed in April 2012 and will enable businesses requiring rail access to receive and ship goods by rail from the City's industrial area. This project will serve over 200 acres and will reduce the need for truck traffic to cross the City.

**Safety Element:**

The City completed interim emergency repairs to the H-01 drainage course where it washed out Third Avenue. Permanent repairs are being planned with assistance by the Federal Emergency Management Agency (FEMA). A negative declaration was circulated and approved by the City Council in December 2013. The negative declaration found that the environmental impacts were not significant. A decision on construction is expected in 2014, contingent on the level of mitigation required by the Army Corps of Engineers and the California Department of Fish and Wildlife.

The City completed Fire Station 305 on the west side of the freeway. This 18,000 SF station will protect the west side of Hesperia as well as the commercial and industrial areas along the freeway corridor. The County partially funded the station and County Fire units will serve Hesperia's sphere area. The City has also bid the rebuilding of Fire

Station 301, but due to budget constraints, the project was not awarded. Revisions to the plans and specifications were made, and the project will be rebid in Spring 2014. A temporary station with use of portable trailers was planned in July 2013, and under construction from September to December 2013. Final occupancy is expected in February 2014.

The City was also awarded a Federal FEMA Staffing for Adequate Fire and Emergency Response (SAFER) grant to staff this station. The City approved the Public Safety Operations Center (PSOC) within the County's High Desert Government Center in 2011. A 175-foot communications tower was constructed adjacent to the County Government Center in 2013. The second floor was concurrently remodeled to serve as the regional Emergency Operations Center (EOC).

In 2010, The City completed Community Emergency Response Team (CERT) training for all staff. The City is now offering this training to residents and completed three classes and trained 78 people in 2013. Of these, 20 are certified as disaster service workers. The City also maintains a Reverse 911 system to allow residents to receive automatic emergency notifications. The City's new social media websites will also feature these notices. Fortunately, the City did not have to activate its EOC this year.

#### **Open Space Element:**

The City has worked with Hesperia Recreation and Park District to develop and expand the park system in the City. As part of new residential development on the west side of the City, three parks have been developed, totaling 16 acres. In addition, a paseo system was established to link these parks with Hesperia Community Park, located west of Datura Avenue. The first phase of a fourth park, Maple Park was completed west of Maple Avenue in 2010, containing soccer fields.

In 2008, the City opened Civic Plaza Park adjacent to City Hall and the Hesperia Branch Library. The City is celebrated its 25th anniversary on June 28, 2013. The Hesperia Recreation and Park District shows movies in the park and the City contracted with a new venture to operate a street fair during the summer, 2013 at Civic Plaza Park.

The General Plan includes a Non-Motorized Transportation Plan. This plan established a city-wide system of paths and trails. The plan includes class 1, 2 and 3 bike trails as well as equestrian trails in power line easements and open space areas, such as the Mojave River. The Mojave River Trail connects to the Pacific Crest Trail in Summit Valley.

The Planning Commission has held two discussions regarding the open space policies and the possible establishment of a Transfer of Development Rights (TDR) ordinance. The purpose of TDR regulations is to acquire Open Space areas necessary to complete the trail system. The City has identified preservation areas where the combination of natural vegetation, access and topography create kinds that would be preserved in a natural state, and developed with picnic or park facilities. Revisions to the City's open space policies will be scheduled for consideration in 2014. Ultimately, the City will decide whether to devise a variety of alternative strategies to prioritize and acquire land to implement its Open Space program.

**Conservation Element:**

The City adopted a new landscape ordinance in 2007 to be consistent with the State's Model Ordinance. This requires use of an approved plant list as well as restrictions on the use of turf and spray irrigation. In 2011, the ordinance was amended to incorporate the mandated water budget standards in AB 1881.

The City's General Plan identifies washes, open spaces and culturally sensitive areas within the City and Sphere of Influence. As part of the review of any development project, the City applies mitigations for drainage facilities, preservation of protected plants and hillsides as well as surveys for cultural and archaeological resources as recommended by the County Museum.

The City continues to implement its Fats, Oils and Grease (FOG) program, adopted in 2010. The FOG program requires restaurants and other food uses to monitor and maintain grease interceptors and properly dispose of FOG products to reduce potential blockages of the City's sewer system. Lack of maintenance can lead to blocked sewer pipes, poor drainage and spills. Sewer spills can subject the City to fines from the Lahontan Regional Water Quality Control Board.

The City requires that new development, as well as public projects, irrigate their landscaping with provisions to convert to the use of reclaimed water when it becomes available. The City, in conjunction with the regional wastewater authority, is building sub-regional treatment plants that will supply treated water for this purpose. The Lahontan Regional Water Quality Control Board has approved a plan for the VVWRA to construct a sub-regional treatment plant located at the corner of Mojave Street and Tamarisk Avenue. The City also requires best management practices for new construction including watering of graded areas and dirt access ways, Storm Water Pollution Prevention Program (SWPPP) measures and surveys for cultural or biological resources, as applicable to each project. Significant revisions to the SWPPP program began in late 2013, and will continue through 2015.

**Noise Element:**

The City requires walls or other noise attenuation measures as part of construction of any building within the noise contours of any highway, as well as the railroad. This provides for the interior noise levels in homes and businesses to meet the City's standards.

The City's General Plan contains an inventory of noise contours for all noise sources, including highways and railroads. The City also has established notification areas as part of the adopted Airport Land Use Plan. Referral Area "C" permits land owners to be aware of the proximity of the airport and its impacts. Projects within this area must provide avigation easements are part of the approval process.

The City's Noise Ordinance sets limits on noise from stationary sources and construction activity. These limits are consistent with the data and the compatibility matrix within the Noise Element. The City requires that outdoor activities associated with a development

project must be curtailed after normal work hours to protect adjacent residential uses. The City also limits the hours and days that construction activity may occur.

### **Housing Element:**

The City's original Housing Element was adopted along with the remainder of the General Plan in May 1991. In 2002 the Housing Element was updated as required under state law, based on the schedule for the SCAG region. This update addressed the City's housing needs for the RHNA reporting period ending in 2005.

In 2010, the City completed the General Plan Update, including the Housing Element. The new Housing Element addresses the current RHNA reporting period, which is from January 1, 2006 to June 30, 2014. Following the State's adoption of Senate Bill SB 375, a new Housing Element cycle was established from 2013 to 2021. The City updated the Housing Element in 2013, using the new RHNA assigned by the State. The City Council adopted the updated Housing Element February 2014.

The following tables contain the necessary information to report progress in meeting the City's housing goals, as well as the State's mandates for compliance with the State Department of Housing and Community Development requirements.

**Table A** is the annual building activity for 2013. The report indicates that 0 very-low income, 0 low income, and 0 moderate income units were constructed. **Table A2** shows that only 3 single family residences were constructed in 2009-10.

**Table B** shows the City's progress towards meeting the regional Housing Needs Assessment Needs numbers. 285 very-low income units or 13.5% of the required 2,116 units have been provided during the first four years of the nine-year reporting period. 253 low income units were provided, which is 22.3% of the required 1,456 units. No moderate income units were produced during this period. Overall, 1,825, or 20.2%, of the City's projected 9,015 dwelling units were produced during the current Regional Housing Needs Assessment period. As no units were constructed during 2013 the progress towards meeting the City RHNA remains unchanged. Finally, **Table C** lists the progress the City and Redevelopment Agency made during FY 2011-2012 towards meeting the program goals in the City's Housing Element. As the City's RHNA is reduced to 1,715 units for the next housing element cycle, next year's annual report will reflect these new requirements.

Due to the enactment by the State of Assembly Bill AB 26X, which dissolved redevelopment agencies, funding for affordable housing was significantly affected. The City evaluated the impacts of this action, and modified programs previously funded by redevelopment "20% housing set-aside", as no replacement funding for such programs is available.

**ANNUAL ELEMENT PROGRESS REPORT**  
*Housing Element Implementation*  
(CCR Title 25 §6202 )

**Jurisdiction** City of Hesperia  
**Reporting Period** 1-Jan-13 - 31-Dec-13

**Table A**

**Annual Building Activity Report**  
**Very Low-, Low-, and Moderate-Income Units and Mixed-Income Multifamily Projects**

Housing Development Information							Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions	
1	2	3	4				5	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low- Income	Low- Income	Moderate- Income	Above Moderate- Income		See Instructions	See Instructions	
			0	0			0		0	0
			0	0			0		0	0

			0	0	0	0	0	1)RDA/LMIHF 2) 4%Tax Credits 3) Tax- Exempt Multi- Family Revenue Bonds	0	0
(9) Total of Above Moderate from Table A2 ▶▶▶▶▶▶▶▶			0	0			0			
(10) Total by income units (Field 5) Table A ▶▶▶			0	0	0		0			

Table A2

**Annual Building Activity Report Summary for Above Moderate-Income Units  
(not including those units reported on Table A)**

	Single Family	2 - 4 Units	5+ Units	Second Unit	Mobile Homes	Total
No. of Units Permitted for Above Moderate	5	0	0	0	0	5

**Table B**  
**Regional Housing Needs Allocation Progress**  
**Permitted Units Issued by Affordability**

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.													Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9			
Very Low	Deed Restricted	2,116	38	38	89	120	0	0	0			285	1,831	
	Non-deed restricted		0	0	0	0	0	0	0					
Low	Deed Restricted	1,456	142	117	33	33	0	0	0			325	1,131	
	Non-deed restricted		0	0	0	0	0	0	0					
Moderate	Deed Restricted	1,692	0	0	0	123	0	0	0			123	1,569	
	Non-deed restricted		0	0	0	0	0	0	0					
Above Moderate		3,751	850	171	68	3	0	0	5			1,097	2,654	
Total RHNA by COG. Enter allocation number:		9,015										1,830	7,185	
Total Units ▶ ▶ ▶			1,030	326	190	279	0	0	5					
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶														

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)	Housing Programs Progress Report – Government Code Section 65583. Describe progress of all programs including progress in removing regulatory barriers as identified in the Housing Element		
Name of Program	Objective	Deadline in H.E.	Status of Program Implementation The City of Hesperia has continued to implement the goals and objectives of the H.E. The following data represents implementation for the 2012-2013 fiscal year
<p><b>PROGRAM 1:</b></p> <p><b>FIRST-TIME HOMEBUYER DOWNPAYMENT ASSISTANCE PROGRAM (DAP).</b></p>	<p>Assist 5 (5) low and moderate-income first-time homebuyers.</p> <p>Implement federal HOME funds (via State HCD) as awarded, and annually apply for additional funding for homeowner assistance programs.</p> <p>Promote programs that will increase the level of home ownership in Hesperia reducing the number of foreclosed, vacant and HUD owned homes by a minimum of 10%.</p> <p>Note: Numerical goals are based on a 5-year period</p>	<p>Through 2014</p>	<p>During fiscal year 2012-13 the City had a Housing Authority - funded Downpayment Assistance Program (DAP) that offered a 30-year, zero percent interest loan with payments deferred for thirty years. During this fiscal year the City did not fund any DAP loans.</p> <p>The City has continued to provide homeownership opportunities in the community by promoting its First-Time Homebuyer Downpayment Assistance Program. The City has focused outreach efforts towards lower income households. The City has Spanish translators available on staff if needed.</p>
<p><b>PROGRAM 2:</b></p> <p><b>SECTION 8 RENTAL ASSISTANCE PROGRAM.</b></p>	<p>Provide Section 8 rental assistance through the County of San Bernardino Housing Authority to three hundred (300) very-low and low-income people.</p> <p>Provide information at the public counter and the City's website.</p> <p>Note: Numerical goals are based on a 5-year period</p>	<p>Ongoing</p>	<p>This federally funded program provides rental assistance in the form of a Section 8 Housing Choice Voucher to very low income families, senior citizens, disabled, handicapped, and other individuals for the purpose of securing decent, affordable housing. The City is not a direct recipient of Section 8 Housing Choice Vouchers, instead the San Bernardino County Housing Authority (HASB) obtains the vouchers and recipients of the vouchers may choose to use them in the City. As a result, the HASB provided Section 8 rental subsidies to 293 lower-income renters in the City. In addition, the HASB has 100 Authority owned housing units.</p> <p>The City of Hesperia continues to work with the Housing Authority of the County of San Bernardino to maintain its Section 8 Rental Assistance lease-up rate at full utilization of contract authority.</p>
<p><b>PROGRAM 3:</b></p> <p><b>AFFORDABLE HOUSING DEVELOPMENT.</b></p> <p><b>DENSITY BONUSES AND REGULATORY CONCESSIONS.</b></p>	<p>Based on available funds, issue a NOFA to solicit housing developers.</p> <p>Purchase vacant and underutilized sites.</p> <p>Achieve 595 affordable housing units, (291 extremely/very low and 304 low income units)</p>	<p>2008 to 2014</p>	<p>Staff has completed a first draft of the Notice Of Funding Availability for affordable housing development. Due to the lack of funding, the NOFA is on hold.</p> <p>The City adopted revised density bonus provisions in its Development Code in 2011. The city offers and promotes density bonuses in conjunction with design concessions to enable developers to construct affordable units within the City.</p>

<p><b>FINANCAL ASSISTANCE, IDENTIFICATION OF AVAILABLE SITES.</b></p>			<p>The City's current inventory for multiple-family properties has been included in the adopted 2014-2021 Housing Element. This list is made available to housing providers and developers.</p> <p>There are Public Housing projects in the City of Hesperia; however, that are not sponsored by the City. The City is actively involved in the efforts of the Housing Authority of the County of San Bernardino (HASB) and its endeavor to provide public housing for low-income and special needs households. The City reviews HASB's administrative, annual and five-year plans to ensure (1) there is a system in place for public housing residents input; (2) consistency with the City's Consolidated Plan goals; and (3) that public housing priorities reflect the needs of the community. To the extent possible, the City encourages landlords to renew their agreements with the HASB to preserve the affordable housing options for recipients of Section 8 vouchers.</p> <p>The City utilized \$1,756,352 in 2012-13 and prior year CDBG funds for capital improvement projects in low-income neighborhoods including Housing Rehabilitation and Emergency Repair Programs, Acquisition and Rehabilitation of a building for use as an Intergenerational Center, and Microenterprise Assistance serving targeted populations. In addition, the City's Housing Authority continued to implement housing programs using CDBG and NSP funds.</p>
<p><b>PROGRAM 4: LARGE SITES FOR LOWER INCOME HOUSING PROGRAM. (2-10 ACRES)</b></p>	<p>Streamlining approval process.</p> <p>Reduced fees</p> <p>Provide technical assistance</p> <p>Modification of development requirements</p>	<p>2011</p>	<p>The City adopted the Main Street and Freeway Corridor Specific Plan in 2008. This plan includes the majority of the City's land designated for multiple-family housing as well as the CDBG target areas. As a result, densities in these properties have been maintained or increased. This will enable developers to realize the development potential and position the City to implement the available design incentives and concessions necessary to develop affordable housing. In 2011, the City also adopted new density bonus regulations to be consistent with State law and Housing Element requirements.</p>
<p><b>PROGRAM 5: ADEQUATE SITES MONITORING PROGRAM.</b></p>	<p>Monitor development to assure remaining capacity of site is adequate to accommodate city RHNA</p> <p>Annually update land inventory and provide to interested developers.</p>	<p>2008-2014</p>	<p>The City's current inventory for multiple-family properties has been included in the 2014-2021 adopted Housing Element. Should development occur on any of these parcels, the inventory will be updated to reflect their status. The City has more than enough available property to accommodate its RHNA. The likelihood that any of these properties would be rezoned or developed as anything other than housing is extremely remote.</p>
<p><b>PROGRAM 6: GREEN BUILDING PROGRAM.</b></p>	<p>Promote LEED certification</p> <p>Provide incentives for wind and solar power</p> <p>Include green building program in 2013 building code adoption (Completed)</p>	<p>Ongoing</p>	<p>In 2009 and as amended in 2011, the City adopted an ordinance to allow wind and solar power on residential, commercial and industrial uses. The City, through the development review process also enforces the mandatory measures in the Green Building Code related to parking of clean air vehicles.</p>

<p><b>PROGRAM 7:</b> <b>ASSISTANCE FOR THE HOMELESS.</b></p> <p><b>PROVIDE SERVICES AND/OR HOUSING ASSISTANCE FOR HOMELESS PERSONS OR PERSONS AT-RISK OF BECOMING HOMELESS.</b></p>	<p>Provide homeless assistance services, emergency shelter, transitional shelter, and supportive housing for twelve hundred (1200) homeless persons, and persons at-risk of becoming homeless on an annual basis.</p> <p>Participate in regional efforts to develop a continuum of care.</p> <p>Provide handouts for available services at public counters.</p> <p>Note: Numerical goals are based on a 5-year period</p>	<p>Ongoing</p>	<p>In order to effectively address homelessness in a comprehensive manner, HUD asks cities to form Continuums of Care. A Continuum of care refers to an overall plan to coordinate the efforts of all involved parties to meet the needs of homeless persons and persons at risk of homelessness. The components of a continuum include homeless prevention, emergency shelter, transitional shelter, permanent supportive housing, and supportive services. The overall objective is to move homeless persons and families outside the service delivery system into emergency housing, then to transitional housing, and finally to self-sufficiency or permanent supportive housing.</p> <p>In addition, City CDBG funds were used to implement the High Desert Domestic Violence program which provides shelter and support for battered women and their children; the High Desert Homeless Services which provides shelter and support services for homeless women with children, families and single adults; Victor Valley Domestic Violence which provides shelter and support services for battered women and their children; and Moses House Ministries which provides housing and services for pregnant teens, single mothers and their children. There were 256 supportive services provided to homeless persons.</p>
<p><b>PROGRAM 8:</b> <b>NEIGHBORHOOD STABILIZATION PROGRAM (NSP).</b></p>	<p>Acquire and rehabilitate 10 ownership properties</p> <p>Acquire and rehabilitate 7 rental properties.</p> <p>Purchase vacant and underutilized sites for affordable multi-family or mixed-income housing.</p>	<p>2010</p>	<p>Under the Neighborhood Stabilization Program (NSP1) the City received \$4,590,719 of NSP funds for the implementation of the NSP Program activities (i.e. Acquisition, Rehab, Resale; Acquisition, Rehab. Rental; etc.).</p> <p>The City of Hesperia used NSP1 funds to facilitate the acquisition portion of the Acquisition, Rehabilitation, Land Bank and the Rental and Rehabilitation activities. The program provides rental and resale housing (single-family properties) for households earning 50% or less of the area median income as an affordable housing project.</p> <p>Through the NSP Program, the City acquired a total of 23 foreclosed properties.</p> <p>During FY 2012-13, the City rehabilitated (10) single-family dwellings, sold one property, and listed two for lease.</p>
<p><b>PROGRAM 9:</b> <b>REDEVELOPMENT FORECLOSURE REMEDIATION IMPLEMENTATION PROGRAM. (RDA FRIP)</b></p>	<p>Acquire and rehabilitate one property annually.</p> <p>Use streamlined foreclosure process and NSP funds to acquire foreclosed properties.</p>	<p>Ongoing</p>	<p>In December 2007, the HCRA created the Foreclosure Remediation Implementation Program (FRIP) and approved the use of \$12.5 million of Housing Set-Aside Funds to purchase and rehabilitate foreclosed homes in Hesperia. The Hesperia Housing Authority continues to implement FRIP.</p> <p>The City has acquired one (1) home through FRIP , which is in escrow.</p>
<p><b>PROGRAM 10:</b> <b>RENTAL HOUSING CERTIFICATE PROGRAM.</b></p>	<p>Conduct inspections of rental properties.</p> <p>Issue 2,300 rental Housing certificates.</p>	<p>Ongoing</p>	<p>Rental properties are inspected and granted a certificate provided they pass inspection for trash, debris and maintenance items. The City has performed over 5,600 inspections on 1,307 properties since 2008. This program was discontinued in 2012.</p>

<p><b>PROGRAM 11:</b></p> <p><b>CITY OF HESPERIA TOWNSHIP PROGRAM.</b></p>	<p>Improve streets in the Township area with curb, gutter, sidewalks landscaping and front-yard fencing.</p> <p>Rehabilitate and improve the remaining streets as funds become available .</p> <p>Actively pursue funding for this program.</p>	<p>2009-2014</p>	<p>The City's original township (one square mile) had fallen on challenging times and suffered from significant disinvestment, high crime rates, gang activity and graffiti, failing infrastructure, and abnormally high number of vacant homes. The increasing cost of law enforcement in this area resulted in the City dedicating one full time officer to implement community-based policing. This aggressive stance resulted in a significant drop in crime rates which started a trend towards neighborhood recovery. The City and Agency realized that direct investment in the Township Area was necessary if revitalization efforts were to be successful.</p> <p>The City has performed public improvement in the first phase of the Township Improvement and Redevelopment Project. The City performed overlay paving and added curb and gutters and landscaping on two streets in the targeted area, which included new water lines, sewer lines, and storm drains. The City utilized redevelopment funds and water funds to complete the first phase of the project leveraging the resources available through CDBG funding. Due to the abolishment of the Agency, the Community Development Commission will administer future involvement in this program.</p>
<p><b>PROGRAM 12:</b></p> <p><b>CODE ENFORCEMENT.</b></p>	<p>Provide Code Enforcement service to 175households in the designated low-income enhancement areas.</p> <p>Provide Code Enforcement assistance to 20 low-income households.</p> <p>Note: Numerical goals are based on a 5-year period</p>	<p>Ongoing</p>	<p>The Code Enforcement Program provided services for the elimination and abatement of public nuisances in low income designated target areas. Also, code enforcement increased City efforts to improve existing housing stock and eliminate blighted structures. Code Enforcement did not utilize CDBG funds for this program during FY 2012-13.</p> <p>Neighborhood Police Services have proven to be successful in reducing illegal activities in creating a suitable living environment for the residents in CDBG eligible areas.</p> <p>The Graffiti Removal Program provided services for the elimination of blight utilizing City general funds.</p>
<p><b>PROGRAM 13:</b></p> <p><b>OWNER-OCCUPIED HOUSING REHABILITATION LOAN PROGRAM (HRLP) AND SEWER CONNECTION PROGRAM (SCP).</b></p>	<p>Offer HRLP loans between \$15-50,000 to properties within the City's projects and township areas.</p> <p>Provide five rehabilitation and/or sewer connection loans.</p> <p>Advertise program on website and at the public counter.</p>	<p>Ongoing</p>	<p>The Hesperia housing Authority (HHA) operates the HRLP utilizing housing funds providing eligible borrowers with fully deferred, non-interest bearing loans (not grants). The minimum HRLP Loan is \$15,000. Typical HRLP Loans may not exceed \$40,000 inclusive of all eligible costs for housing rehabilitation, sewer connection, loan underwriting, processing, set-up, title, and escrow, etc. as defined herein.</p> <p>The rehabilitation programs incorporate necessary repairs to bring the housing units up to code and to make them accessible to disabled residents. During this fiscal year the City did not fund any HHA HRLP loans.</p>

<p><b>PROGRAM 14:</b></p> <p><b>COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REHABILITATION LOAN PROGRAM (CDBG-HRLP).</b></p>	<p>Assist lower-income home owners with loans up to \$20,000.</p> <p>Provide loans to five lower-income housing units.</p> <p>Advertise program on website and at the front counter.</p>	<p>Ongoing</p>	<p>The CDBG Housing Rehabilitation Loan program (HRLP) was available to provide loans and grants of up to \$20,000 for low-income homeowners for housing repairs including electrical, plumbing, and roofing. During this fiscal year the City did not fund any CDBG-HRLP loans.</p> <p>One of the City's primary goals for this Program is to assist in serving to increase, improve, and preserve the supply of low- and moderate-income housing within the City for qualified low- and moderate-income individuals.</p>
<p><b>PROGRAM 15:</b></p> <p><b>LEAD-BASED PAINT EDUCATION AND OUTREACH EFFORTS.</b></p>	<p>Provide lead-based paint education and outreach to 75 low and moderate income households.</p> <p>Provide lead-based paint testing as needed.</p> <p>Note: Numerical goals are based on a 5-year period</p>	<p>Ongoing</p>	<p>As the lead agency for the CDBG programs, the Economic Development Department will continually refine its monitoring procedures to ensure that each monitoring has a meaningfully positive impact on the overall program and that projects have measurable outcomes.</p> <p>According to the Consolidated Plan, the incidence of lead-poisoning in Hesperia is not extensive. In addition to supporting HUD and EPA efforts in disseminating public information on the health hazards of lead-based paint (LBP), the City addresses LBP issues through its Housing Rehabilitation Loan Program (HRLP) and through its participation in the State's HOME programs.</p> <p>In addition, all housing units acquired or participants applying for assistance under the Neighborhood Stabilization Program (NSP) were implemented in compliance with the HUD Lead Based Paint requirements. The Program's housing inspector is required to comply with the federal requirements for lead-based paint hazards and removal.</p> <p>Lead-based paint education and outreach efforts were provided to 25 low- and moderate-income households.</p> <p>One NSP house was tested for lead during Fiscal Year 2012-13.</p>
<p><b>PROGRAM 16:</b></p> <p><b>AFFORDABLE HOUSING MONITORING.</b></p>	<p>Monitor affordable housing projects annually for compliance with affordability restrictions income eligibilities and housing quality standards.</p>	<p>Ongoing</p>	<p>The City offers a wide range of housing and density bonuses, design concessions and financial assistance to projects that commit units to affordable rents or sales levels as well as to seniors. To date, the City has deed restricted provisions in effect on 9 projects, totaling 623 units. Staff monitors the projects annually for compliance with their Regulatory Agreements. In addition, Compliance Managers at the affordable complexes submit biannual monitoring reports to City staff. The City's 2010 General Plan Update includes within the Housing Element provisions to reinforce mixed use zoning, affordable housing and higher densities within multiple family areas.</p> <p>The City worked with the fair housing service provider or other housing service agency to hold a credit workshop(s) for households entering or re-entering the rental market. Credit history information, the apartment rental process, and fair housing rights and responsibilities are discussed.</p>

			<p>Provided fair housing education and outreach services to seventy nine (79) residents in Fiscal year 2012-2013.</p> <p>Provided two (2) outreach meetings to assist renters with fair housing problems in Fiscal Year 2012-2013.</p>
<p><b>PROGRAM 17:</b></p> <p><b>MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.</b></p>	<p>The Specific Plan includes five residential zones with densities up to 25 units per acre.</p> <p>Promote densities and development tools to developers.</p> <p>Implement shared parking, density bonus and other design incentives for affordable projects in the Specific Plan area.</p> <p>*</p>	Ongoing	<p>The City adopted the Main Street and Freeway Corridor Specific Plan in 2008. This plan incorporates design standards and establishes mixed use and higher density residential zoning in commuter-friendly locations along the City's two principal thoroughfares. The plan also places higher density residential in proximity to the City's new Civic Plaza and pedestrian commercial zoning along Main Street to create a walkable downtown area. The City's completed the General Plan Update in 2010 and included provisions to reinforce mixed use zoning, affordable housing and higher densities within multiple family areas.</p>
<p><b>PROGRAM 18:</b></p> <p><b>DENSITY BONUS PROGRAM.</b></p>	<p>Amend Development Code to be consistent with current density bonus laws (completed)</p> <p>Market density bonus incentives to developers.</p> <p>Provide financial and non-financial housing development incentives, seek financing for needed on and off site improvement through assessment districts or Community Facilities Districts, assist private developers who propose construction of low or moderately priced housing units, coordinate City efforts with available County programs, incorporating State and federal funds, as available.</p>	Ongoing	<p>The City adopted revised density bonus provisions in its Development Code in 2011. The City offers and promotes density bonuses in conjunction with design concessions for enable developers to construct affordable units within the City.</p> <p>The City's Housing Authority provides assistance by providing low interest and/or deferred loan programs.</p>
<p><b>PROGRAM 19:</b></p> <p><b>HOUSING FOR THE HOMELESS/EXTREMELY LOW INCOME HOUSEHOLDS.</b></p>	<p>Provide for two zones where emergency/homeless shelters are permitted.</p> <p>Provide for design standards for emergency/homeless shelters.</p>	Completed	<p>The Main Street and Freeway Corridor Specific Plan provides for two zones (Mixed-Use and Medium Density Residential) to permit emergency/homeless shelters. The design will be generally held to similar institutional uses, depending on the services offered by the shelter. These zones are in proximity to the City's commercial core as well as the Civic Plaza. This enables the homeless to access services necessary to provide substance and maintain contact with society.</p>
<p><b>PROGRAM 20:</b></p> <p><b>FARMWORKER HOUSING.</b></p>	<p>Amend the Development code to permit farmworker housing in agricultural zones</p> <p>Amend the Development Code to permit employee housing on land where agricultural uses are permitted</p>	2011	<p>In 2011, the City revised its residential and agricultural zoning to be consistent with the General Plan update. The agricultural zones permit accessory units, guest houses and farm labor camps to augment the full range of agricultural uses and activities expected in these properties.</p>

<p><b>PROGRAM 21:</b></p> <p><b>HOUSING FOR PERSONS WITH DISABILITIES.</b></p>	<p>Develop a reasonable accommodation process to review and approve projects related to housing for people with disabilities.</p>	<p>2013</p>	<p>The City has trained two plan checkers in the latest requirements for construction of accommodations for persons with disabilities.</p> <p>The City enforces applicable California Title 24 disabled access regulations on all new development. This includes the public right-of-way as well as on-site and within the building. Plan check on these plans or improvements is conducted in conjunction with the remainder of the building and public improvement plans and does not pose a constraint. Accommodations are also made for the retrofit of existing buildings to permit their use in special circumstances.</p> <p>There were no ADA projects budgeted during this program year due to the limitation on available funds, but the City assisted 23 persons with special needs.</p>
<p><b>PROGRAM 22:</b></p> <p><b>FAIR HOUSING SUPPORT AND SERVICES.</b></p>	<p>Provide fair housing services and annual outreach meeting to assist residents, landlords and housing professionals.</p> <p>Place fair housing information and resources in the website and at the front counter.</p>	<p>Ongoing</p>	<p>The Inland Fair Housing and Mediation Board provided fair housing services, including, landlord/tenant mediation, and discrimination complaint counseling. IFHMB also provided fair housing education and outreach services to residents of Hesperia.</p> <p>The Inland Fair Housing and Mediation Board assisted 81 households.</p>



**CITY OF HESPERIA  
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room  
9700 Seventh Avenue  
Hesperia, CA 92345  
BEGINNING AT 10:00 A.M.  
WEDNESDAY, FEBRUARY 12, 2014**

**A. PROPOSALS:**

**1. BILL WEBB (CUP14-00002)**

**Proposal:** Consideration of a conditional use permit to allow the sale of beer and wine as part of a proposed 2,607 square foot restaurant (Louisiana Cajun Seafood House) within an existing retail building.

**Location:** 14466 Main Street, Unit B-103 (APN: 0405-271-46)

**Planner:** Stan Liudahl

**Action:** Forwarded to March 13, 2014 Planning Commission meeting

**2. HDRC INDOOR RACEWAY (SPRR14-00002)**

**Proposal:** Consideration of a revised site plan review to establish a remote control car racing track and retail outlet within 10,000 square feet of an existing industrial building.

**Location:** 17205 Eucalyptus Street, Unit A-1 (APN: 0415-251-23)

**Planner:** Lisette Sanchez-Mendoza

**Action:** Administrative Approval



**CITY OF HESPERIA  
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room  
9700 Seventh Avenue  
Hesperia, CA 92345  
BEGINNING AT 10:00 A.M.  
WEDNESDAY, FEBRUARY 26, 2014**

**A. PROPOSALS:**

**1. SELENE ARAGON (CUPR14-00002)**

**Proposal:** Consideration of a revised conditional use permit to establish a traffic and driving school.

**Location:** 15461 Main Street, Suite 205 (APN: 0408-183-11)

**Planner:** Lisette Sanchez-Mendoza

**Action:** Administrative Approval

**2. ALL SEASON'S FIREWOOD c/o FRANCISCO DUARTE (SPRR14-00003)**

**Proposal:** Consideration of a revised site plan review to establish an outdoor firewood business to the rear of an existing building.

**Location:** 17384 Mesa Street (APN: 0415-221-20)

**Planner:** Stan Liudahl

**Action:** Administrative Approval