

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: October 9, 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.

October 9, 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: September 11, 2014 Planning Commission Meeting Draft Minutes. -1-

PUBLIC HEARINGS

- 1. Consideration of Conditional Use Permit CUP14-00010 to establish the sale of beer, wine and liquor in conjunction with a restaurant at 15555 Main Street, Suites G3 & G4. (Applicant: Serafina Pizzo; APN: 0413-111-55) 1-1
- 2. Consideration of Site Plan Review SPR14-00005, to construct an 85-foot high, 750 square foot City Freeway Pylon Sign which includes a 364 square foot digital display; located southeast of the Main Street and Interstate 15 Interchange (HCL Hesperia Vista LLC; APN: 3057-011-38) 2-1

PRINCIPAL PLANNER'S REPORT

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

- E. Discussion item on General Plan Designation and Density Ranges. 3-1
- F. DRC Comments 4-1
- G. Major Project Update

PLANNING COMMISSION BUSINESS OR REPORTS

The Commission Members may make comments of general interest or report on their activities as a representative of the Planning Commission.

ADJOURNMENT

The Chair will close the meeting after all business is conducted.

I, Andrea Ngalo, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, October 2, 2014 at 5:30 p.m. pursuant to California Government Code §54954.2.


Andrea Ngalo
Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
September 11, 2014
MINUTES

DRAFT

The Regular Meeting of the Planning Commission was called to order at 06:30 p.m. by Chair Elvert in the Council Chambers, 9700 Seventh Avenue, Hesperia, California.

CALL TO ORDER 6:30 p.m.

Pledge of Allegiance to the Flag

Invocation

Roll Call:

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

JOINT PUBLIC COMMENTS

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

Reverend Lonyae D. Miller Sr. from the Greater Harvest African Methodist Episcopal Church spoke.

Chair Chris Elvert closed Public Comments at 6:35 p.m.

CONSENT CALENDAR

D. Approval of Minutes: August 14, 2014 Planning Commission Meeting Draft Minutes.

Motion by Tom Murphy to approve the August 14, 2014 Planning Commission Meeting Draft Minutes, Seconded by William Muller, passed with the following roll call vote:

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

PUBLIC HEARING

Consideration of Tentative Tract TT14-00001 (TT-18942) to create eight (8) single-family residential lots, on 2.3 gross acres designated R1, located approximately 300 feet north of Palm Street, on the west side of Afton Avenue (Applicant: TMS Consortium; APN: 3046-011-14)

Senior Planner Daniel Alcayaga gave a power point presentation.

Chair Chris Elvert opened the Public Hearing at 6:50 p.m.

No Comments.

Chair Chris Elvert closed the Public Hearing at 6:50 p.m.

Motion by Tom Murphy to adopt Resolution No. PC-2014-27 approving TT14-00001. Seconded by Tom Steeno, passed with the following roll call vote:

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

PRINCIPAL PLANNER'S REPORT

E. Discussion item on Retail Outdoor Display

Daniel Alcayaga gave presentation.

Discussion ensued.

F. DRC Comments

G. Major Project Update

Principal Planner Dave Reno, AICP gave an update on major projects and DRC projects.

PLANNING COMMISSION BUSINESS OR REPORTS

No business or reports from the Planning Commission.

ADJOURNMENT

Chair Chris Elvert adjourned the meeting at 7:45 p.m. until October 9, 2014.

Chris Elvert
Chair

By: Erin Baum,
Commission Secretary

City of Hesperia
STAFF REPORT



DATE: October 9, 2014
TO: Planning Commission
FROM:  Dave Reno, AICP, Principal Planner
BY:  Daniel S. Alcayaga, AICP, Senior Planner
SUBJECT: Conditional Use Permit CUP14-00010; Applicant: Giuseppe Italian Restaurant - Serafina Pizzo; APN: 0413-111-55

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2014-28, approving Conditional Use Permit CUP14-00010.

BACKGROUND

Proposal: A Conditional Use Permit to allow the sale of beer, wine and liquor for on-site consumption within a restaurant.

Location: 15555 Main Street, G-3 & G-4

Current General, Plan, Zoning and Land Uses: The site is within the Pedestrian Commercial (PC) zone of the Main Street and Freeway Corridor Specific Plan (Attachment 1). The surrounding land is designated as noted on Attachment 2. The restaurant will occupy a suite within an existing building as part of an outpad of the Hesperia Marketplace. The anchor tenant in this center is Cardenas Market. The applicant will be occupying a 5,900 square foot suite within an existing 7,200 square foot building. Recently, the suite was an administrative office operated by San Bernardino County, and prior to that, the space was used as a restaurant. Permits have been issued to the applicant for tenant improvements to revert the suite back to a restaurant. An insurance company occupies the adjacent suite within the same building. The properties to the south and east are also part of the Hesperia Marketplace. Commercial development exists on the opposite side of the Main Street to the north. A vacant parcel exists to the west (Attachment 3).

ISSUES/ANALYSIS:

Land Use: Giuseppe Italian Restaurant will be opening a restaurant within the Hesperia Marketplace and would like to sell alcohol as part of their dining service. The restaurant has existing locations in Apple Valley and Victorville. The Main Street and Freeway Corridor Specific Plan requires a conditional use permit for the sale of alcohol. The applicant has applied for a Type 47 license with the California Department of Alcoholic Beverage Control (ABC). A Type 47 is considered an on-sale general license for a bona fide public eating place. Census Tract 100.19 is generally bounded by Main Street, Eleventh Avenue, Ranchero Road, and the BNSF Railway. Currently, this census tract includes five active on-sale licenses. ABC has determined that Census Tract 100.19 exceeds its limitation of four licenses and requires the City to make a finding of public convenience and necessity (Attachment 4).

Table 1: Existing On-Sale Licenses in Census Tract 100.19

| Status | Business Name | Business Address | Type of License |
|--------|-------------------------------|-------------------|--|
| Active | Fraternal Order of Eagles | 16193-97 Main St | 51 - Beer & Wine (Club) |
| Active | China Palace Restaurant | 15555 Main St , F | 41-Beer & Wine |
| Active | Characters Sports Bar & Grill | 15918 Walnut St | 48 -Beer, Wine, & Liquor (Public premises) |
| Active | Spring House Restaurant | 16441 Main St | 41-Beer & Wine |
| Active | Los Domingos Restaurant | 15717 Main St | 47-Beer, Wine, & Liquor (Eating place) |

Staff believes that the findings of necessity and convenience required to obtain additional licenses in an over-concentrated tract can be made. The Main Street and I-15 freeway area is a major commercial corridor that provides convenient shopping and dining services. In particular, the restaurant will be located within the Pedestrian Commercial zone, considered to be a center of activity in the downtown portion of Hesperia. In this area, a variety of uses is expected in order to create a vibrant atmosphere and a convenient location whereby residents could obtain their services. It is the City's intent to continue to attract commercial developments, including sit-down restaurants in this area, which necessitate exceedence of ABC's standards for on-sale licenses. The closest establishments similar in nature to the proposed site is Cancun Mexican Seafood Restaurant located on the opposite side of Main Street, and Los Domingos Restaurant about ¼ mile to the east. The applicant is different in the sense that the restaurant specializes in Italian cuisine, and the addition of the restaurant with alcohol sales will offer residents a broader selection of dining services.

Schools and Parks: The project site is located approximately ¾ mile of Hesperia Junior High School, and less than 1/2 mile from Civic Plaza Park.

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

Conclusion: The over-concentration of alcohol sales along Main Street is based on ABC's criteria. However, when determining over-concentration within the City, staff's recommendation is based on the City's concentration of commercial land uses, primarily along Main Street, Bear Valley Road, and Hesperia Road. It is a public convenience and necessity to have a mix of different restaurants within the Pedestrian Commerical zone, serving City residents within the downtown area. Approval of alcoholic beverage licenses is supportive of the land uses intended within the Pedestrian Commerical zone.

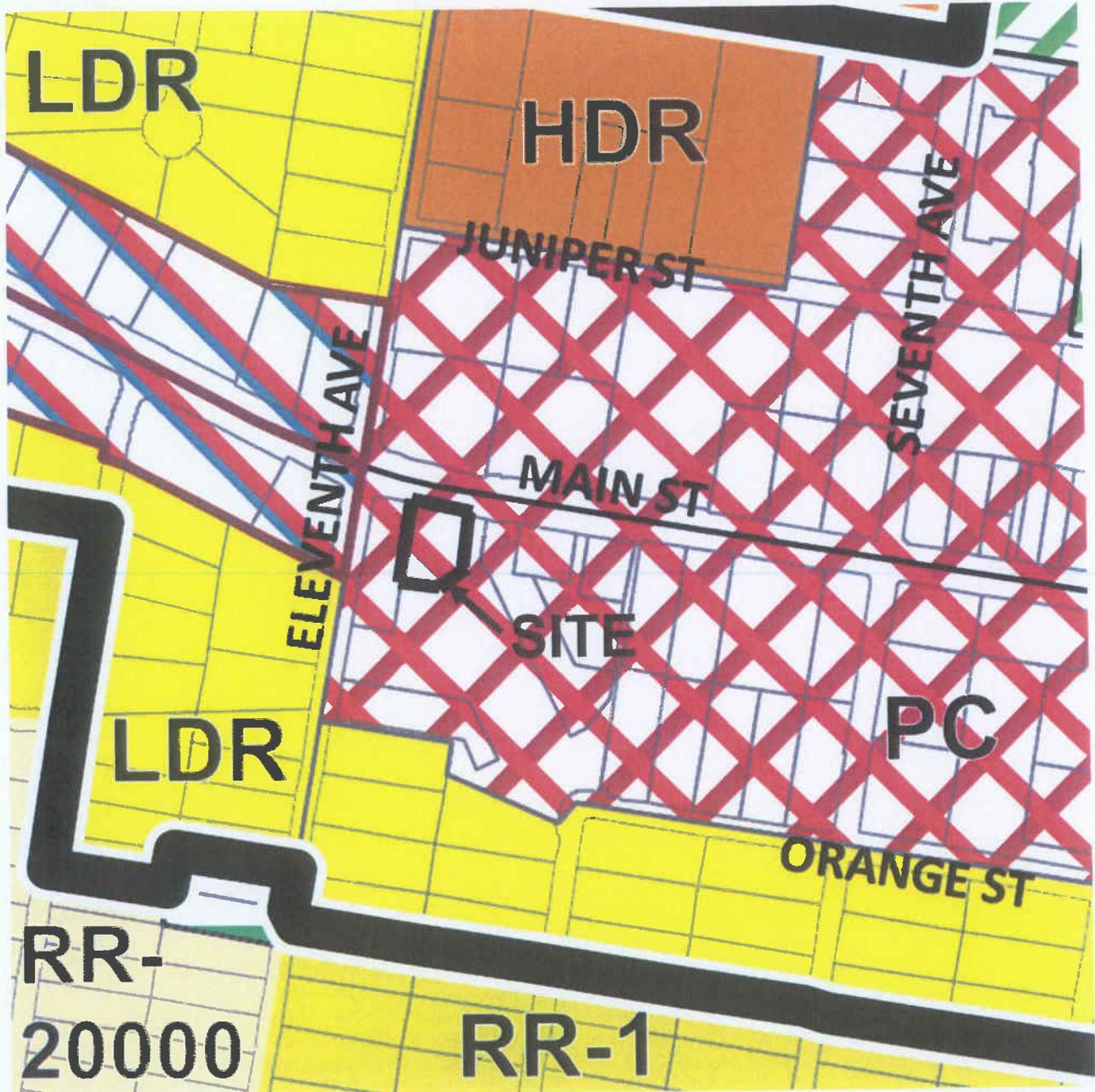
ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENTS

1. General Plan
2. Aerial photo
3. Census Tract Map
4. Resolution No. PC-2014-28, with list of conditions

ATTACHMENT 1



APPLICANT(S):
GIUSEPPE ITALIAN RESTAURANT - SERAFINA PIZZO

FILE NO(S):
CUP14-00010

LOCATION:
15555 MAIN STREET, G-3 & G-4

APN:
0413-111-55

PROPOSAL:
A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF BEER, WINE AND LIQUOR FOR ON-SITE CONSUMPTION WITHIN A RESTAURANT



ATTACHMENT 2



APPLICANT(S):
GIUSEPPE ITALIAN RESTAURANT - SERAFINA PIZZO

FILE NO(S):
CUP14-00010

LOCATION:
15555 MAIN STREET, G-3 & G-4

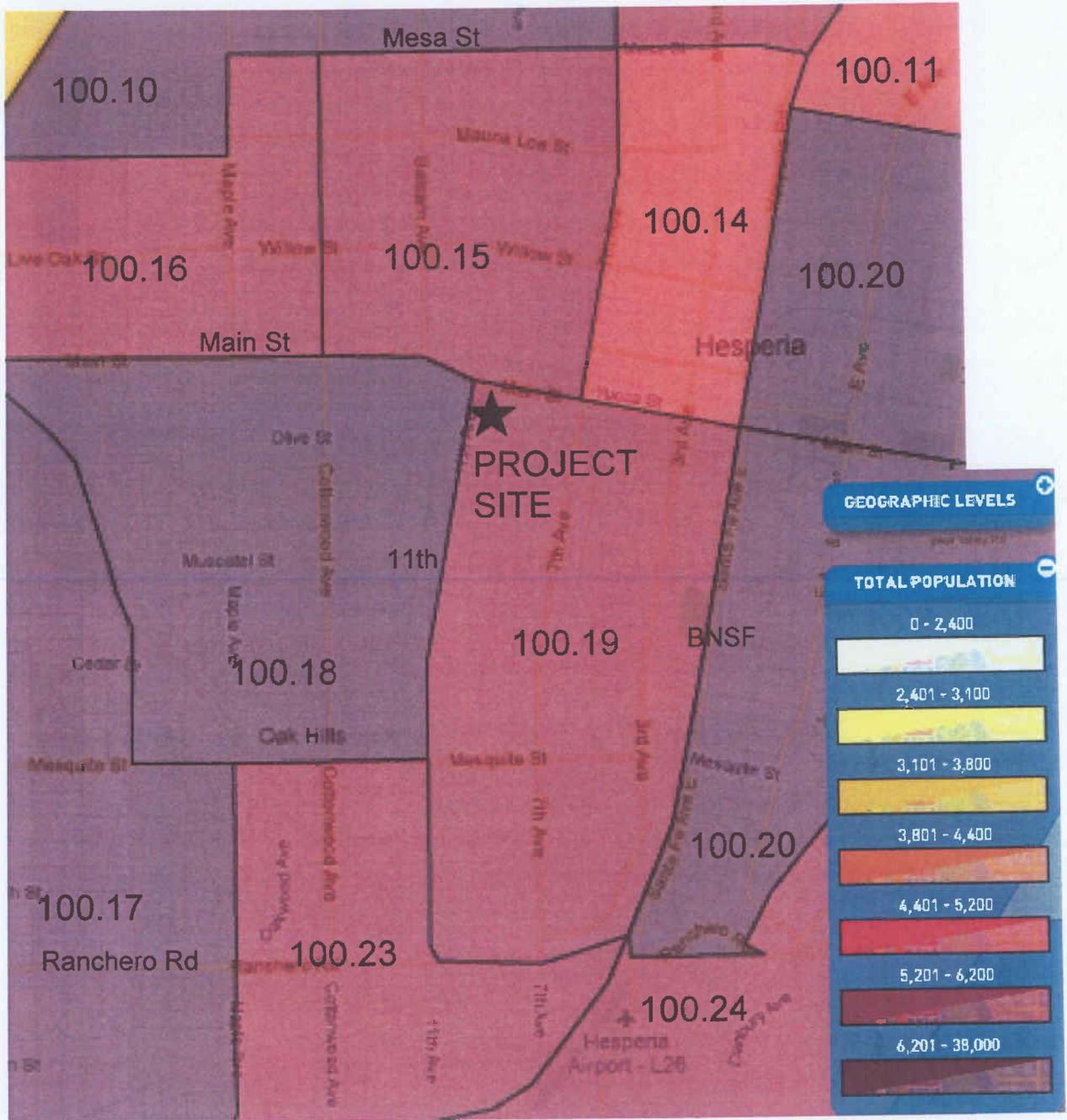
APN:
0413-111-55

PROPOSAL:
A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF BEER, WINE AND LIQUOR FOR ON-SITE CONSUMPTION WITHIN A RESTAURANT



AERIAL PHOTO

ATTACHMENT 3



APPLICANT(S):
GIUSEPPE ITALIAN RESTAURANT - SERAFINA PIZZO

FILE NO(S):
CUP14-00010

LOCATION:
15555 MAIN STREET, G-3 & G-4

APN:
0413-111-55

PROPOSAL:
A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF BEER, WINE AND LIQUOR FOR ON-SITE CONSUMPTION WITHIN A RESTAURANT

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CENSUS TRACT MAP

ATTACHMENT 4

RESOLUTION NO. PC-2014-28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF BEER, WINE AND LIQUOR FOR ON-SITE CONSUMPTION AS PART OF A RESTAURANT AT 15555 MAIN STREET, G-3 & G-4 (CUP14-00010)

WHEREAS, Giuseppe Italian Restaurant (Serafina Pizzo) has filed an application requesting approval of Conditional Use Permit CUP14-00010 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a restaurant at 15555 Main Street, G-3 & G-4 and consists of Assessor's Parcel Number 0413-111-55; and

WHEREAS, the Application, as contemplated, proposes to establish the sale of beer, wine and liquor as part of a restaurant; and

WHEREAS, the subject site is presently developed with an existing 7,200 square foot multi-tenant building as part of the Hesperia Marketplace. The properties to the south and east are also within the Hesperia Marketplace. Commercial development exists on the opposite side of Main Street to the north. The land to the west is vacant; and

WHEREAS, the subject property as well as surrounding properties are within the Pedestrian Commercial (PC) zone of the Main Street and Freeway Corridor Specific Plan; and

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

WHEREAS, on October 9, 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 October 9, 2014 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed use is conditionally allowed within the Pedestrian Commercial zone of the Main Street and Freeway Corridor Specific Plan and complies with all applicable provisions of the 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 business is restricted to the sale of beer, wine and liquor.

- (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, wine and liquor as part of the dining experience will not have a detrimental impact on adjacent commercially developed properties.
- (c) The proposed use is consistent with the objectives, policies, land uses and programs of the General Plan, Specific Plan and Development Code. The proposed use will take place within a restaurant as part of an existing development. The sale of beer, wine and liquor is consistent with the conditionally permitted uses within the Pedestrian Commercial zone.
- (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 restaurant 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.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP14-00010, subject to the conditions of approval as shown in Attachment 'A' and finds the proposal to be a public convenience and necessity.

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

ADOPTED AND APPROVED this 9th day of October 2014.

Chris Elvert, Chair, Planning Commission

ATTEST:

Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP14-00010

Approval Date: October 9, 2014
Effective Date: October 21, 2014
Expiration Date: October 21, 2017

This list of conditions apply to a Conditional Use Permit to allow the sale of beer, wine and liquor for on-site consumption within a restaurant at 15555 Main Street, G-3 & G-4 . Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: Giuseppe Italian Restaurant - Serafina Pizzo; APN: 0413-111-55).

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

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

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

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

Init Date

- | | | |
|-------|-------|---|
| _____ | _____ | 1. <u>Valid License.</u> 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. <u>Permit Revocation.</u> 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. <u>Alcohol Consumption.</u> No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee. This includes all sidewalks and the parking lot. (P) |
| _____ | _____ | 4. <u>Employee Age.</u> All employees of the applicant serving alcohol must be at least 21 years of age. (P) |

- _____ 5. **ABC Requirements.** The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. (P)
- _____ 6. **ABC License.** The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises. (P)
- _____ 7. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the Development Review Committee, the Planning Commission, City Council, or otherwise), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

IF YOU NEED 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 |

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DATE: October 9, 2014
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY:  Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Freeway Pylon Sign

RECOMMENDED ACTION

It is recommended that the Planning Commission approve Resolution No. PC-2014-29, to approve an 85-foot freeway pylon sign.

BACKGROUND

Proposal: A Site Plan Review SPR14-00005, to construct an 85-foot high, 750 square foot City Freeway Pylon Sign which includes a 364 square foot digital display.

Location: Southeast corner of I-15 Freeway and Main Street (Attachment 2).

Current General Plan, Zoning and Land Uses: The property has a Regional Commercial Land Use Designation and within the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated and zoned as noted on Attachment 1. The site is currently vacant and completely disturbed. Properties to the north and to the southeast are developed with fast food restaurants. The properties to the east and to the south are vacant. Interstate I-15 is located directly to the west. (Attachment 2)

ISSUES/ANALYSIS

An ordinance to allow Freeway Pylon Signs was approved by the City Council on October 15, 2013. This is the first sign that has been submitted since the adoption of the ordinance. The applicant was involved in the ordinance preparation, and has appeared before the Planning Commission and City Council on this matter.

The project site includes an 85-foot high sign, with 750 square feet of signage area including a 364 square foot digital display. The sign includes material and color variations as well architectural enhancements. The sign features stacked stone veneer at the base of the sign. A metal banding feature caps the veneer, where the "City of Hesperia" sign and logo are proposed. The metal banding is continued throughout the sign to separate the distinct leasable signage areas. The body of the sign is proposed in a contrasting and compatible color. Accent colors are provided at the top of the sign and at the tip of the tower. The proposed sign will be constructed within a 28' x 15' landscaped area. A six inch curb separates the landscape area from the remainder of the site, which will include decorative landscape gravel and minimal landscaping.

Access: The project is required to have access for the construction and maintenance of the sign. Access along Main Street cannot be granted as the entire right of way frontage is governed by Caltrans. A reciprocal access agreement with the properties directly to the east or to the south can be submitted, or approval from Caltrans allowing access along Main Street will be accepted provided that Caltrans indemnifies the City from all liability (Condition No. 8).

In addition to the approval of this application, a Development Agreement shall be submitted and approved by the City Council, prior to development (Condition No. 13).

ENVIRONMENTAL: Approval of this project requires adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study (Attachment 5) prepared for this project concludes that there are no significant adverse impacts resulting from establishment of the Ordinance.

ALTERNATIVES:

1. Provide alternative direction to staff.

ATTACHMENTS:

1. General Plan/Zoning Map
2. Aerial Photo
3. Site Plan
4. Elevations
5. Negative Declaration No. 2014-02 and Initial Study for SPR14-00005
6. Resolution PC-2014-29, with Conditions of Approval

ATTACHMENT 1



APPLICANT(S):
HCL HESPERIA VISTA, LLC.

FILE NO(S):
SPR14-00005

LOCATION:
ON THE SOUTHEAST CORNER OF MAIN STREET AND INTERSTATE I-15

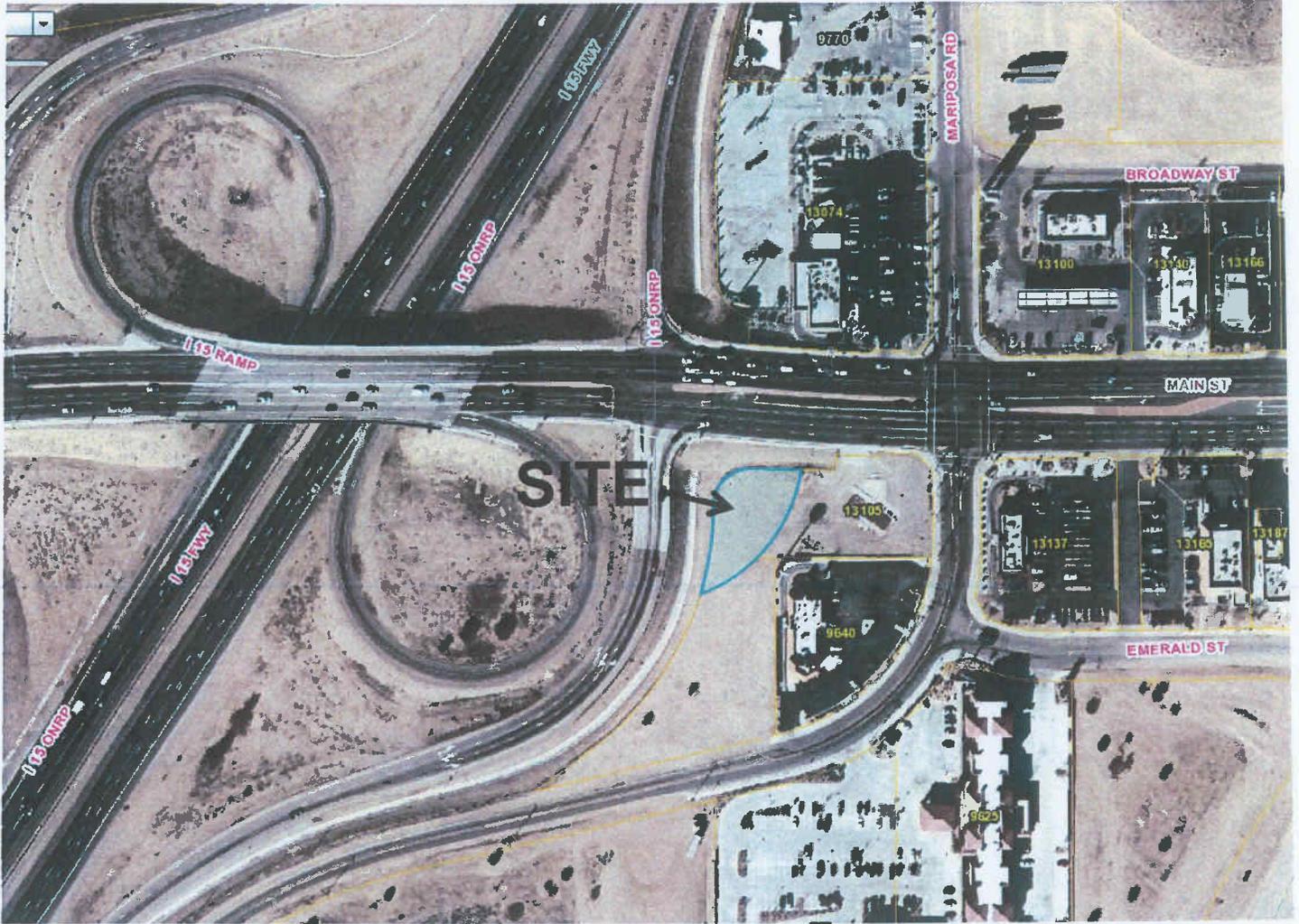
APN(S):
3057-011-38

PROPOSAL:
A SITE PLAN REVIEW TO ALLOW AN 85-FOOT FREEWAY PYLON SIGN



GENERAL PLAN/ZONING MAP

ATTACHMENT 2



APPLICANT(S):
HCL HESPERIA VISTA, LLC.

FILE NO(S):
SPR14-00005

LOCATION:
ON THE SOUTHEAST CORNER OF MAIN STREET AND INTERSTATE I-15

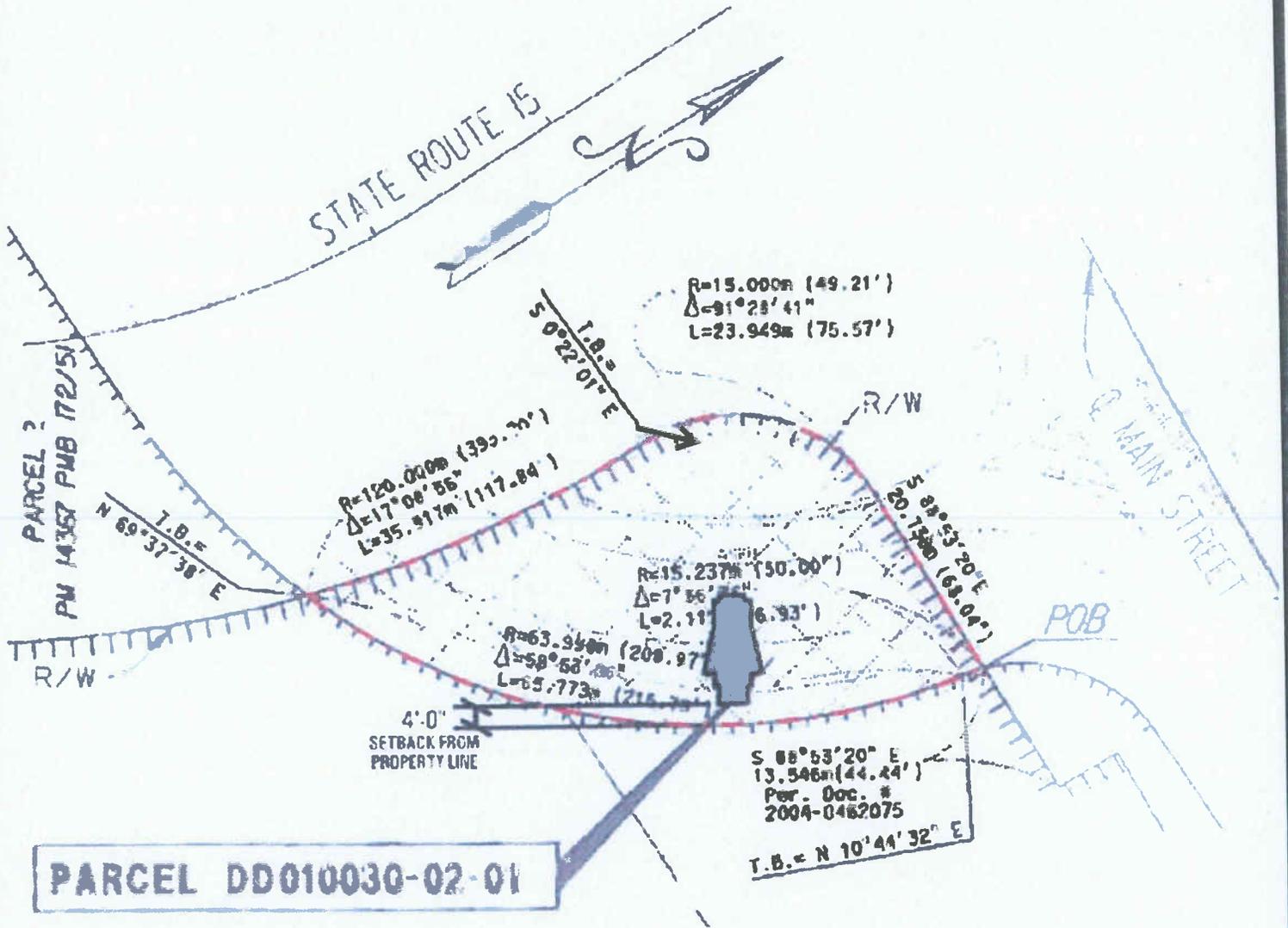
APN(S):
3057-011-38

PROPOSAL:
A SITE PLAN REVIEW TO ALLOW AN 85-FOOT FREEWAY PYLON SIGN



AERIAL PHOTO

ATTACHMENT 3



APPLICANT(S):
HCL HESPERIA VISTA, LLC.

FILE NO(S):
SPR14-00005

LOCATION:
ON THE SOUTHEAST CORNER OF MAIN STREET AND INTERSTATE I-15

APN(S):
3057-011-38

PROPOSAL:
A SITE PLAN REVIEW TO ALLOW AN 85-FOOT FREEWAY PYLON SIGN

SITE PLAN

ATTACHMENT 4



APPLICANT(S):
HCL HESPERIA VISTA, LLC.

FILE NO(S):
SPR14-00005

LOCATION:
ON THE SOUTHEAST CORNER OF MAIN STREET AND INTERSTATE I-15

APN(S):
3057-011-38

PROPOSAL:
A SITE PLAN REVIEW TO ALLOW AN 85-FOOT FREEWAY PYLON SIGN

ELEVATIONS

ATTACHMENT 5

PLANNING DIVISION

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

NEGATIVE DECLARATION ND-2014-02

Preparation Date: August 8, 2014

Name or Title of Project: SPR15-00005.

Location: South side of Main Street approximately 200 feet west of Mariposa Road (APN: 3057-011-38)

Entity or Person Undertaking Project: HCL Hesperia Vista, LLC.

Description of Project: A Site Plan Review SPR14-00005, to construct an 85-foot high, 750 square foot City Freeway Pylon Sign which includes a 364 square foot digital display.

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

Mitigation Measures:

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

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

Public Review Period: September 8, 2014 through October 7, 2014.

Adopted by the City Council:

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

Project title: Site Plan Review SPR14-00005

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

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

Project location: South side of Main Street approximately 200 feet west of Mariposa Road (APN: 3057-011-38)

Project sponsor's name and address: HCL Hesperia Vista LLC, 12302 Exposition Boulevard, Los Angeles CA 90064.

General plan designation: Regional Commercial.

Zoning: Regional Commercial

Description of project: A Site Plan Review SPR14-00005, to construct an 85-foot high, 750 square foot City Freeway Pylon Sign which includes a 364 square foot digital display.



Exhibit 'A'



Surrounding land uses and setting: (Briefly describe the project's surroundings.) The site is located within the Main Street and Freeway Corridor Specific Plan (Specific Plan).

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

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:

"De minimis"

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

 Signature

 Date

Lisette Sánchez-Mendoza, Planner, Hesperia Planning Department

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

ENVIRONMENTAL IMPACTS:

ISSUES

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

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

Construction of the freeway pylon sign would not significantly change the visual character of the area. Development of similar signage is currently allowed for freeway oriented development. Signage allowed as part of this project will be in addition to signs that are currently allowed as part of any development that qualifies for freeway signage, so the environmental impact would be slightly greater than that identified under the General Plan Update Environmental Impact Report (GPUEIR). Therefore, the impact of this project is not significant.

The development is subject to the maximum sign height of 85 feet. Digital display will be regulated by limiting the length of time and type of lighting that will be allowed as part of the sign. Based upon these regulations, the use will not adversely affect day or nighttime views in the area. Finally these signs are limited to businesses within the City. Therefore, approval of the proposed project will not have a significant negative impact upon aesthetics.

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

| | | | | |
|---|--|--|--|----------|
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | | | | X |
|---|--|--|--|----------|

Comments.
 The City contains few sites currently in agricultural use and only two properties within a Williamson Act contract. This action will not change the zoning of any properties designated as prime or unique farmland and will not negate any Williamson Act contract (6).

 The City and its Sphere Of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes (9). The southernmost portions of the City and SOI contain a narrow distribution of land within the shrub and conifer woodland bioregions. These bioregions do not contain sufficient forest land for viable timber production and are ranked as low priority landscapes (10). The project will affect the western portion of the City within the Interstate 15 corridor in the urban area and is substantially surrounded by urban development. During the nineteenth century, juniper wood from Hesperia was harvested for use in fueling bakery kilns. Use of juniper wood was discontinued when oil replaced wood in the early twentieth century (7). As a consequence, local timber production has not occurred since that time. Therefore, this project will not have an impact upon forest land or timberland.

| III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | | | | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | | | | X |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | | | | X |
| d) Expose sensitive receptors to substandard pollutant concentrations? | | | | X |
| e) Create objectionable odors affecting a substantial number of people? | | | | X |

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

 The Mojave Desert Air Quality Management District (MDAQMD) has published a number of studies that demonstrate that the Mojave Desert Air Basin (MDAB) can be brought into attainment for particulate matter and ozone, if the South Coast Air Basin (SCAB) achieves attainment under its adopted Air Quality Management Plan.

The High Desert and most of the remainder of the desert has been in compliance with most federal and state standards for many years and studies indicate that ozone levels have been decreasing over the past 20 years (12). The ability of MDAQMD to comply with ozone ambient air quality standards will depend upon the ability of the South Coast Air Quality Management District (SCAQMD) to bring the ozone concentrations and precursor emissions into compliance with ambient air quality standards (11 & 12).

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

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

| IV. BIOLOGICAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service? | | X | | |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service? | | | | X |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | | | | X |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | | | | X |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | | | | X |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | | | | X |

Comments.

The project site has been previously disturbed as part of the original freeway interchange and is not expected to support the Mohave ground squirrel, given the very low population levels of the species in the region and proximity to existing development. Further, the project site is outside the area considered suitable habitat for the species (17). The desert tortoise is also not expected to inhabit the site, given that the development of the sign will not impact substantial portion of land (15). The site is also outside the range of the arroyo toad, which has been documented to inhabit a portion of the Rancho Las Flores Specific Plan and adjacent areas (16).

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

V. CULTURAL RESOURCES. Would the project:

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

Comments.

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

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

| VI. GEOLOGY AND SOILS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | | | | X |
| ii) Strong seismic ground shaking? | | | | X |
| iii) Seismic-related ground failure, including liquefaction? | | | | X |
| iv) Landslides? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil? | | | | X |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | | | | X |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | | X | | |
| <p>Comments.</p> <p>The project site contains generally flat topography. No large hills or mountains are located within this area. According to Exhibit SF-1 of the General Plan Safety Element, no active faults are known or suspected to occur near or within the project site. Further, they are not within an Alquist-Priolo Special Studies Zone or Earthquake Fault Zone (21). The City and Sphere of Influence (SOI) is near several major faults, including the San Andreas, North Frontal, Cleghorn, Cucamonga, Helendale, and San Jacinto faults (21 & 22). The nearest fault to the sites is the North Frontal fault, located approximately five miles to the east of the City.</p> <p>The Alquist-Priolo Earthquake Fault Zoning Act prohibits structures designed for human occupancy within 500 feet of a major active fault and 200 to 300 feet from minor active faults (23). The potential project site is not located in an Alquist-Priolo Earthquake Fault Zone or within 500 feet of a fault (21 & 22).</p> <p>As a function of obtaining a building final, the proposed development will be built in compliance with the Hesperia Municipal Code and the Building Code (44), which ensures that the buildings will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soil study is required, which shall be used to determine the load bearing capacity of the native soil. load bearing capacity shall be performed in accordance with all development codes. Consequently, the impact upon the project regarding geology and soils is considered less than significant.</p> | | | | |

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

Comments.

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

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

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

Development of the proposed sign will not increase the greenhouse gas (GHG) emissions beyond that analyzed within the General Plan Update Environmental Impact Report (GPUEIR). The project does not include any commercial leasable square footage and will not generate traffic on the site other than during construction and for maintenance of the sign which will occur approximately four (4) times a year. Further, the impact during construction is a large part of the CO₂ produced, but is only a temporary condition. Consequently, the impact upon GHG emissions associated with the proposed site plan review and is less than significant.

| VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | | | | X |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | | | | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | | | | X |

| | | | | |
|--|--|--|--|---|
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | | | | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | | | | X |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | | | | X |

Comments.

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

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

- National Priorities List www.epa.gov/superfund/sites/query/basic.htm. List of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. There are no known National Priorities List sites in the City of Hesperia.
- Site Mitigation and Brownfields Reuse Program Database www.dtsc.ca.gov/database/Calsites/Index.cfm. This database (also known as CalSites) identifies sites that have known contamination or sites that may have reason for further investigation. There are no known Site Mitigation and Brownfields Reuse Program sites in the City of Hesperia.
- Resource Conservation and Recovery Information System www.epa.gov/enviro/html/rcris/rcris_query_java.html. Resource Conservation and Recovery Information System is a national program management and inventory system of hazardous waste handlers. There are 53 Resource Conservation and Recovery Act facilities in the City of Hesperia. However, the project site is not a listed site.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS) (<http://cfpub.epa.gov/superfund/cursites/srchsites.cfm>). This database contains information on hazardous waste sites, potential hazardous waste sites, and remedial activities across the nation. There is one Superfund site in the City of Hesperia. However, the project site is not located within or adjacent to the Superfund site.
- Solid Waste Information System (SWIS) (<http://www.ciwmb.ca.gov/SWIS/Search.asp>). The SWIS database contains information on solid waste facilities, operations, and disposal sites throughout the State of California. There are three solid waste facilities in the City of Hesperia; however the project site is not listed.

- Leaking Underground Fuel Tanks (LUFT)/ Spills, Leaks, Investigations and Cleanups (SLIC) (<http://geotracker.waterboards.ca.gov/search/>). This site tracks regulatory data about underground fuel tanks, fuel pipelines, and public drinking water supplies. There are fourteen LUFT sites in the City of Hesperia, six of which are closed cases. The project site is not listed as a LUFT site and there are no SLIC sites in the City of Hesperia.
- There are no known Formerly Used Defense Sites within the limits of the City of Hesperia <http://hq.environmental.usace.army.mil/programs/fuds/fudsinv/fudsinv.html>.

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

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

VIII. HYDROLOGY AND WATER QUALITY. Would the project:

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

| | | | | |
|--|--|--|--|---|
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | | | | X |
| j) Inundation by seiche, tsunami, or mudflow? | | | | X |

Comments.

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

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

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

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

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

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

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

Comments.
The site for the proposed sign is vacant and is surrounded by vacant land with the exception of the properties to the north and to the southeast, which are developed with fast food restaurants.(1). The proposed sign is consistent with the General Plan because they support commercial and industrial lands uses intended in the land use element (4).

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

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

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

| XI. NOISE. Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | | | | X |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | | | | X |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | | | | X |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | | | | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | | | | X |

| | | | | |
|--|--|--|--|---|
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | | | | X |
|--|--|--|--|---|

Comments.

Approval of the proposed sign will result in primarily construction noise, mostly associated with trucks and vehicular traffic to and from the site. According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles (37). Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Apart from the noise during construction, noises associated with this type of project will be mostly from traffic caused by arriving and departing vehicles to do maintenance on the signs. Maintenance of the sign will occur approximately four (4) times a year.

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

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

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

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

Comments.

The subject property is within the Regional Commercial District of the Specific Plan (5). Since the project proposes to develop a sign to advertise existing businesses, its potential effect as a growth-inducing factor is less than significant. Consequently, the proposed project will not cause a significant additional population or housing impact. In addition, this project will not displace any existing housing, necessitating the construction of replacement housing elsewhere, since the site is currently vacant.

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

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

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

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

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

| XV. TRANSPORTATION / TRAFFIC. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | | | | X |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | | | X | |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | | | X | |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | | | | X |
| e) Result in inadequate emergency access? | | | | X |
| f) Result in inadequate parking capacity? | | | | X |
| <p>Comments.
The project site is located within the Regional Commercial District of the Specific Plan. Consequently, the GPEIR analyzed development on this site. This project will not increase additional traffic not already accounted as part of the development that is being advertised on the proposed freeway pylon sign.</p> <p>The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the impact upon transportation at build-out of the General Plan to the maximum allowable density permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a Statement of Overriding Considerations dealing with transportation impacts (14). The proposed signs will not cause an increase in traffic from that which was analyzed under the GPUEIR. Consequently, the impact of the project upon transportation systems is less than significant.</p> | | | | |
| XVI. UTILITIES AND SERVICE SYSTEMS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | | | | X |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | | | | X |
| c) Require or result in the construction of new storm water drainage facilities, the construction of which could cause significant environmental effects? | | | | X |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | | | | X |

| | | | | |
|---|--|--|--|---|
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | | | | X |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | | | | X |

Comments.

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

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

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

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

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

| | | | | |
|---|--|--|--|---|
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | | | | X |
| Comments. | | | | |
| Based upon the analysis in this initial study, a Negative Declaration may be adopted. Development of this project will have a minor effect upon the environment. These impacts are only significant to the degree that mitigation measures are necessary. | | | | |
| 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 General Plan Environmental Impact Report. | | | | |
| a) Earlier analyses used. Earlier analyses are identified and stated where they are available for review. | | | | |
| b) Impacts adequately addressed. Effects from the above checklist that were identified to be within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards are noted with a statement whether such effects were addressed by mitigation measures based on the earlier analysis. | | | | |
| 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. | | | | |
| The following mitigation measure is recommended as a function of this project: | | | | |
| <ol style="list-style-type: none"> 1. A Sign Plan Review shall be submitted in order to review architecture is consistent with approved Exhibit 'A', and to ensure digital display timing and lighting are consistent with Caltrans regulations. 2. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading. 3. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. Further, prior to completion of the project, the applicant shall submit a report describing all cultural resources encountered during grading. | | | | |
| Authority: Public Resources Code Sections 21083 and 21087. | | | | |
| REFERENCES | | | | |

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- (1) Aerial photos of the City of Hesperia taken February, 2013.

 - (2) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-7.

 - (3) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-8.

- (4) Proposed Freeway Pylon Sign, Exhibit "A"
- (5) Figure 6.7 of the 2008 Main Street and Freeway Corridor Specific Plan.
- (6) Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2
- (7) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34.
- (8) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 31 and Pages 21 and 22.
- (9) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
- (10) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
- (11) Air Quality Section of the 2010 City of Hesperia General Plan Update, pages CN-47 thru CN-50.
- (12) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
- (13) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
- (14) Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR) adopted by Resolution No. 2008-053.
- (15) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-4.
- (16) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-3.
- (17) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-5.
- (18) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, C-1 thru C-34.
- (19) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibit 5e.
- (20) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
- (21) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1.
- (22) Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, Figure 1-2.
- (23) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
- (24) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
- (25) Section 1 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 1.
- (26) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
- (27) Table 5 of Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, pages 20 and 21.
- (28) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
- (29) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-60 and LU-61.
- (30) Map showing very high fire hazard areas, flood zones, and significant hazardous materials sites of the 2010 City of Hesperia General Plan Update Safety Element, Exhibit SF-2.

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- (31) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
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- (32) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
-
- (33) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
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- (34) Dam Inundation Map for the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 3-22.
-
- (35) Table 3.6-2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.6-24.
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- (36) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
-
- (37) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
-
- (38) Section 16.20.125 of the Hesperia Municipal Code, pages 464 thru 467.
-
- (39) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, Exhibit LU-3.
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- (40) Current Hesperia water and sewer line atlas, page H13.
-
- (41) Quarterly data of the San Bernardino County Disposal Reporting System for the 2010 calendar year.
-
- (42) 2010 California Department of Resources, Recycling and Recovery Annual AB939 Report.
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- (43) California Integrated Waste Management Act (AB 939).
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- (44) 2010 California Building Code.
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RESOLUTION NO. PC-2014-29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A SITE PLAN REVIEW TO CONSTRUCT AN 85-FOOT HIGH, 750 SQUARE FOOT FREEWAY PYLON SIGN WHICH INCLUDE A 364 DIGITAL DISPLAY ON 0.3 GROSS ACRES LOCATED ON THE SOUTHEAST CORNER OF MAIN STREET AND INTERSTATE I-15 (SPR14-00005)

WHEREAS, HCL, Hesperia Vista, LLC., has filed an application requesting approval of Site Plan Review SPR14-00005 described herein (hereinafter referred to as "Application"); and

WHEREAS, on October 15, 2013 the City Council adopted Ordinance No. 2013-015, allowing Freeway Pylon Signs; and

WHEREAS, the Application applies to a vacant lot within the Regional Commercial Land Use Designation located on the southeast corner of Main Street and Interstate I-15 and consists of Assessor's Parcel Number 3057-011-38; and

WHEREAS, the Application, as contemplated, proposes to construct an 85-foot high, 750 square foot City Freeway Pylon Sign which includes a 364 square foot digital display; and

WHEREAS, the subject site is presently vacant. The property to the east and south are vacant and the properties to the north, southeast contain fast food restaurants; and

WHEREAS, the subject property and surrounding properties have a Regional Commercial Land Use Designation; and

WHEREAS, an environmental Initial Study for the proposed Site Plan Review was completed on September 8, 2014, and no significant adverse impacts were identified. Negative Declaration ND-2014-02 was subsequently prepared; and

WHEREAS, on October 9, 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 October 9, 2014, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed sign because the site can accommodate all proposed improvements in conformance with the development code.

- (b) The proposed use will not have a substantial adverse effect on abutting properties as all surrounding properties are allowed signage as part of any commercial development.
- (c) The proposed project is consistent with the goals, policies, standards and maps of the General Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia. Further, the project is consistent with the regulations allowing Freeway Pylon Signs.
- (d) The site for the proposed use will have adequate access based submittal and approval of a reciprocal access agreement with the properties directly to the south or east or approval from Caltrans allowing access along Main Street will be accepted provided that Caltrans indemnifies the City from all liability.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit SPR14-00005 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 9th day of October 2014.

Chris Elvert, Chair, Planning Commission

ATTEST:

Erin Baum, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Site Plan Review SPR14-00005

Approval Date: October 9, 2014
Effective Date: October 21, 2014
Expiration Date: October 21, 2017

This list of conditions apply to a Site Plan Review SPR14-00005, to construct an 85-foot high, 750 square foot City Freeway Pylon Sign which includes a 364 square foot digital display; located southeast of the Main Street and Interstate 15 Interchange. Any change of use or expansion of area may require approval of a revised site plan review application (HCL Hesperia Vista LLC; APN: 3057-011-38).

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

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS:

- _____ 1. **Building Construction Plans.** Five complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division with the

- _____ 2. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

- _____ 3. **Fire Protection.** Plans for fire protection requirements shall be submitted to the Building Division as follows: (F)
 - A. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property.

- _____ 4. **Fish & Game Fee.** The applicant shall submit a check to the City in the amount of \$2,206.25 (\$2,231.25 effective January 1, 2014) payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

- _____ 5. **Cultural Resources.** If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

- _____ 6. **Pre-construction Survey.** A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)

- _____ 7. **Pre-construction Meetings.** Pre-construction meetings shall be held between the City, the Developer, grading contractors, and special inspectors to discuss permit requirements, monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B, P)

- _____ 8. **Access Easement.** Access for the construction and maintenance of the sign is required. Access along Main Street cannot be granted as the right of way is governed by Caltrans. A reciprocal access agreement with the properties directly to the east or to the south can be submitted or approval from Caltrans allowing access along Main Street will be accepted provided that Caltrans indemnifies the City from all liability (E,P)

- _____ 10. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 11. **Construction Waste.** The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction

site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

- _____ 12. **Landscape Plans.** The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)
- _____ 13. **Development Agreement.** Owners of privately-owned signs must apply to the city to participate in the program. A city freeway sign program agreement is required and shall be approved by the city council. This agreement is between the private sign owner and city in which the sign owner grants city control over all or a certain portion of the sign to use for the city freeway pylon sign program in compliance with all regulations, and shall provide provisions for the content, maintenance, and removal of the sign. (P)
- _____ 14. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 15. **Utility Clearance(s)/Certificate of Occupancy.** The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)
- _____ 16. **On-Site Improvements.** All on-site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit "A." Any exceptions shall be approved by the Director of Development Services. (P)

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 | 947-1623 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |

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DATE: October 9, 2014
TO: Planning Commission
FROM: Dave Reno - Principal Planner
SUBJECT: General Plan Designations and Density Ranges

RECOMMENDATION

Is recommended that the Planning Commission receive this report and provide direction to prepare a formal recommendation to the City Council regarding General Plan designations and density ranges.

BACKGROUND

On August 19, 2014, the City Council requested an agenda item to discuss the General Plan density ranges and possible modifications to the City's policy. At issue was a proposed tentative tract that was just below the current density range required by the General Plan Housing Element. This tract, as modified, was approved by the Planning Commission at the August 14, 2014 meeting.

Any modification to the General Plan must first be considered and recommended by the Planning Commission. Staff will facilitate a discussion regarding the current General Plan density ranges and possible options for the Commission to consider prior to making a formal recommendation to the City Council. Following this discussion, staff will prepare a General Plan Amendment and a public hearing will be scheduled and comments will be solicited from the public, the Building Industry Association and the State Department of Housing and Community Development, which must approve the change in order to be in compliance with State Housing law.

The General Plan Land Use Element specifies 11 different agricultural and residential land use designations. These designations are also defined by their density, which is expressed in a range that any new proposal within the designation must be consistent (see Table LU-17, Attachment 1). The Main Street and Freeway Corridor Specific Plan also specifies four residential densities in a similar manner. These residential land use designations form a continuum of density from 0.4 dwelling units per acre (2.5 acre lots) to 20 units to the acre (commonly associated with condos or apartments). These designations do not overlap. This was intended to permit similar uses within each land use designation and require that projects proposed above or below the density range be located in a different land use designation. These designations are shown on the attached Land Use Map (Attachment 2).

There are no variance provisions in the General Plan or the Specific Plan for projects that fall above or below a specified density range. The only variance provisions available are contained in the Development Code (Chapter 16.12) and permit deviations from design standards, (i.e., height, landscaping, setbacks, etc.). Variances for land use, either by density or type of use, are not permitted under state law (Government Code Section 65906).



ISSUES/ANALYSIS

The City Council's direction to staff centered on allowing housing development to occur at a lower density. It is possible for the City to consider proposals that fall either above or below the specified density range. However, any new policy revising the density ranges would have to be reviewed by the Planning Commission and adopted by the City Council and would also be subject to approval by the State Department of Housing and Community Development (HCD). This is because HCD is charged with reviewing housing elements that are required part of every city and county's General Plan. These policies are designed to maintain an inventory of available land best suited for housing to meet all economic sectors. Any policy that may diminish the supply of that land will be scrutinized by HCD, and if found to be inconsistent with Housing Policy ("no net loss"), it may be necessary to look at a policy that allows for increased density to go with a corresponding decrease the show a neutral effect on the potential for housing within the city.

In addition, the impacts of these new policies would have to be evaluated under CEQA. For example, additional traffic from proposals that may lie above the current density range could affect arterial roads. Also, new proposals may or may not be required to connect to sewer and this could cause impacts to utilities.

Staff has prepared three options for the Commission to consider:

1. "Overlapping land-use designations"

The original 1991 General Plan had 11 residential land use designations. With the exception of the rural estate designation, they overlapped each other by a quarter dwelling unit to 2 dwelling units per acre. See Table LU-2 (Attachment 3). This overlap was meant to address the zoning established by the County before incorporation, as well as inventory of existing lots in the City, many of which were still undeveloped at that time. In addition, aerial photography and digital mapping was not widely available. Consequently, the City employed a 2-map system, (land use map, zoning map) and the City's land use map was broadly drawn and subject to interpretation as to exactly where the boundaries lay. This approach is no longer appropriate as land use and housing policy can be established on a parcel-specific basis throughout the City.

2. "Percentage above or below the density range"

This option would permit a project to be considered consistent with the General Plan even if the project fell outside the required density range by a specified percentage. For example, a project in the Low Density Residential designation currently at 1.1 to 2.0 units per acre could be developed as low as 0.99 units and as high as 2.2 units per acre if a 10% reduction or overage was permitted. In the R-1 designation, the 2.5-4.5 units per acre range would allow a range of 2.25 to 4.95 units per acre. An advantage of this approach is that depending on the percentage ultimately chosen, this could permit design flexibility without compromising the land use intent of the particular designation. However, this approach would have to include an increase in density to go with any decrease as mentioned above, to avoid any net loss of housing capacity in the City. There may also be increased costs to the City as this option may generate time-consuming proposals to re-evaluate densities with every land use application.

3. "One lot over or under"

This would permit approval of a proposal, where the difference of one lot added or subtracted would bring the project within or outside the required density range for a given land use designation. A project falling outside the required density range by one lot would still be considered to be in compliance with the General Plan designation. This is directly applicable to the project that



the Commission reviewed in August where the project was considered within the R1-4500 land use designation. This designation had a range of between 4.5 to 8.0 dwelling units per acre. The project, as proposed, contained 11 lots and was 4.2 dwelling units per acre. Staff required the addition of a 12th lot, which brought the project to 4.8 dwelling units per acre.

The advantage of this option is that it best addresses the City's current circumstances regarding available land within suburban single-family residential land use designations. Presently, there are only 89 parcels representing 368 acres that are undeveloped and uncommitted by previously approved tentative tracts. As drafted, this option would be limited to projects of less than 10 gross acres in size and a deviation of no more than one lot for 2.5 acres would be permitted. This option would provide flexibility in the limited circumstances where a proposal is surrounded by existing development or where adjacent land is committed by established entitlements. In addition, this policy would not affect multi-family designations. Therefore, HCD may not interpret this new policy to have a negative impact in the City's ability to develop housing.

CONCLUSION

Staff would ask that the Planning Commission evaluate the options presented, consider the City's available land and existing entitlements, and provide direction to staff. Based on the general direction provided, staff will initiate a General Plan Amendment for the Planning Commission and City Council's consideration.

ATTACHMENTS

1. Table LU-17, residential densities, 2010 General Plan Update
2. General Plan Land Use Map
3. Table LU-2, 1991 General Plan Designations

ATTACHMENT 1



LAND USE

Table LU-17 summarizes the densities allowed by each of the residential designations.

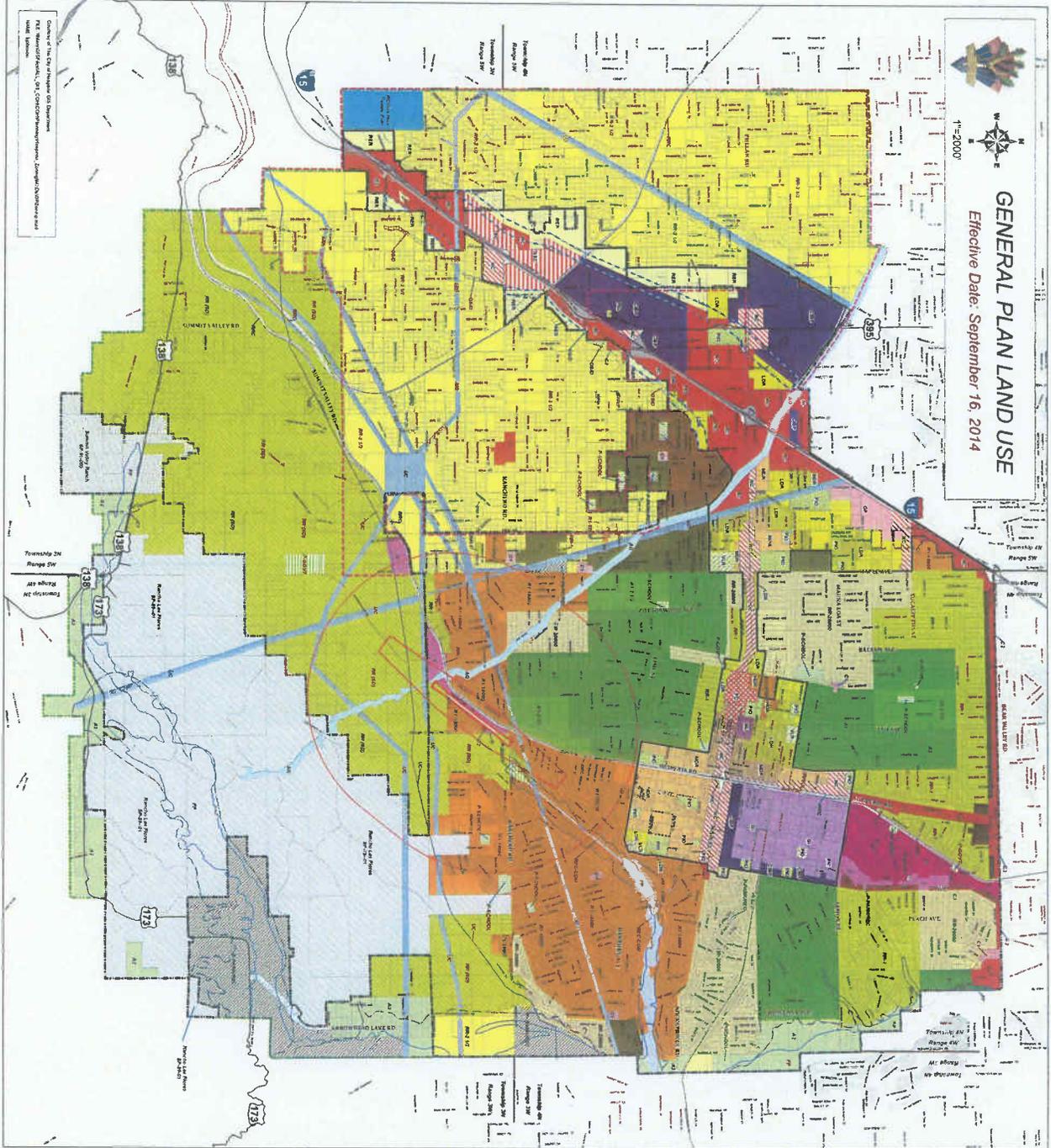
**TABLE LU-17
RESIDENTIAL DENSITIES**

| DESIGNATION | LEGEND | DWELLING UNITS PER ACRE (DU/AC) | TYPICAL LOT SIZE ^{1,2} | POPULATION DENSITY (PERSONS PER ACRE-PPA) ^{3,4} |
|--|----------|---|--|--|
| Rural Residential-Special Development ³ | RR-SD | <ul style="list-style-type: none"> • 0.0-0.4 DU/AC • 0.0-4.0 DU/AC (with Specific Plan) | 2 ½ acres ¹
Dependent upon Specific Plan | 0.7 ppa
Dependent upon Specific Plan |
| Rural ³ Residential-2½ | RR-2½ | 0.0-0.4 DU/AC | Minimum 2½ acres ¹ | 0 to 1.3 ppa |
| Rural ³ Residential-1 | RR-1 | 0.41-1.0 DU/AC | 1 acre to 2½ acres ¹ | 1.4 to 3.3 ppa |
| Rural ³ Residential-20000 | RR-20000 | 1.1-2.0 DU/AC | ½ acre to 1 acre ² | 3.3 to 6.6 ppa |
| Single-family Residence- 18000 | R1-18000 | 2.1-2.4 DU/AC | 18,000 square feet to 20,000 square feet ² | 6.9 to 7.9 ppa |
| Single-family Residence ³ | R1 | 2.5-4.5 DU/AC | 7,200 square feet to 18,000 square feet ² | 8.3 to 14.9 ppa |
| Single-family Residence-4500 | R1-4500 | 4.6-8.0 DU/AC | 4,000 square feet to 7,200 square feet ² | 15.2 to 26.4 ppa |
| Multiple family Residence ⁴ | R3 | 8.1-15.0 DU/AC | 2,900 square feet to 4,000 square feet ² | 20.3 to 49.5 ppa |

1. Gross Lot Size is used for designations one acre or larger in size.
2. Net Lot Size is used for designations less than one acre in size.
3. Population density per acre based on 3.3 persons per household for single-family residence.
4. Population density per acre based on 2.5 persons per household for multiple-family residence.



GENERAL PLAN LAND USE
 Effective Date: September 16, 2014



| Legend | |
|--------------------------|---|
| Agricultural | AZ (0.0 - 0.2 du/ac)
A1Z1/2 (0.21 - 0.4 du/ac)
A1 (0.41 - 1.0 du/ac) |
| Rural Residential | RR-1/2 (0.0 - 0.4 du/ac)
RR-2/3 (0.0 - 0.4 du/ac)
RR-1 (0.41 - 1.0 du/ac)
RR-20000 (1.1 - 2.0 du/ac) |
| Residential | R1 (0.0 - 2.0 du/ac)
R1.5 (0.45 du/ac)
R1.5-500 (0.45 - 50 du/ac)
R2 (0.1 - 1.5 du/ac) |
| Commercial | C1 - Neighborhood Commercial (0.0 - 0.5 FMU)
C2 - General Commercial (0.0 - 1.0 FMU)
C3 - Service Commercial (0.0 - 0.5 FMU) |
| Industrial | I1 - Limited Manufacturing (0.0 - 1.0 FMU)
I2 - General Manufacturing (0.0 - 1.0 FMU) |
| Public | P-SCHOOL - Public School (0.0 - 1.0 FMU)
P-GOV - Government Facility (0.0 - 1.0 FMU)
P-PARK - Park & Recreation (0.0 - 1.0 FMU)
P-FACILITY - Public Facility (0.0 - 1.0 FMU) |
| Other | Altport Live
Res-Com - Residential Commercial
Res - Resource Conservation/Oak Hills Community Plan
RQ - Railroad Corridor
RQ - Aqueduct
TC - Transportation Corridor
UC - Utility Corridor |
| Overlay | AS - Airport Safety Zone
AT - Airport Approach and Transitional Zone
AV - Airport Buffer Area - 2-Mile Radius
DUA - Urban Density Overlay
FP - 100' Fire Fish Overlay
OS / O - Open Space Overlay |
| Specific Plans | SP-01 - Eastside Las Flores Specific Plan
SP-03-003 - Sanant Valley Road Specific Plan
MSTCSP - Main Street / Freeway Corridor Specific Plan |
| Special Parks | Westside Park Overlay
MSP - Main Street Commercial
CBBP - Central Business Park
CIC - General Industrial
CIC - High Density Residential
LDR - Low Density Residential
MUP - Mixed Use Overlay Residential
MU - Mixed Use
NC - Neighborhood Commercial
OC - Office Commercial
OP - Office Park
PC - Pedestrian Commercial
PIO - Pedestrian Overlay
RC - Regional Center
REN - Rural Estate Residential
VLR - Very Low Density Residential |

City of San Jose, California
 County of Santa Clara, California
 Planning Department
 1700 North First Street, San Jose, CA 95131
 (408) 299-3000
 www.sanjoseca.gov

ATTACHMENT 3



LAND USE

**TABLE LU-2
ZONING DESIGNATION BY GENERAL PLAN DESIGNATION**

| 1991 General Plan Designation | Zoning Designation | Maximum Permissible Intensity/Density |
|---|--------------------|---------------------------------------|
| Residential | | |
| Rural Estate (RE) | A1-2½,
RR 2½ | Max 0.4 DU/AC |
| Very Low Residential (VL) | A-1, RR-1 | 0.25- 1.0 DU/AC |
| Low Residential (L) | RR, R1 | 0.75 – 2.0 DU/AC |
| Medium Low Residential (ML) | R1 | 1.5 – 4.0 DU/AC |
| Medium Residential (M) | R1, R3 | 3.0 – 6.0 DU/AC |
| Medium High Residential | R1, R3 | 5.0 – 10.0 DU/AC; |
| High Residential (H) | R3 | 8.0 – 15.0 DU/AC |
| Special Development (SD) | SP | Max 1.0 DU/AC |
| Commercial/Office | | |
| Commercial (COM) | C-1, C-2, C-4 | N/A |
| Office Professional (OF) | AP | N/A |
| Planned Commerce Development (PCD) | PCD* | |
| Commercial/Special Development (C/SD) | C-4, CR | |
| Industrial | | |
| Industrial (IND) | I-1, I-2 | N/A |
| Industrial/Commercial (IND/COM) | C-3, I-1, I-2 | N/A |
| Other | | |
| Open Space (OS) | FW | N/A |
| Community Center Development (CCD) | CCD&* | Max 4.0 DU/AC |
| Resource Conservation/Oak Hills (RC/OH) | RC* | N/A |
| Planned Mix Use (PMU) | SP | Max 4.0 DU/AC |
| Public (P) | P-I | N/A |

*Zoning district within the Oak Hills Community Plan

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**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, OCTOBER 8, 2014**

A. PROPOSALS:

1. GREG CRUMP (SPRE14-00009)

Proposal: Consideration of an extension of time for a Site Plan Review to construct a three-story, 14 unit condominium development on 1.4 gross acres within the R3 zone.

Location: Located on the southeast corner of Donert Street and "A" Avenue (APN: 0415-093-09)

Planner: Daniel Alcayaga

2. VERIZON WIRELESS (CUPR14-00008 and VAR14-00006)

Proposal: Consideration of Revised Conditional Use Permit and Variance to increase the height of an existing monopine from 63 to 80 feet.

Location: Located at 15162 Main Street (APN: 0408-163-18)

Planner: Lisette Sanchez-Mendoza

3. ELMOSTAFA ELKHIAR (CUPR14-00012)

Proposal: Consideration of Revised Conditional Use Permit, to establish a 1,224 square foot chiropractic office within an existing 23,079 square foot retail center.

Location: Located at 15664 Main Street, Unit 100. (APN: 0413-011-11)

Planner: Lisette Sanchez-Mendoza

4. **JEFF RAY (SPRR14-00013)**

Proposal: Consideration of Revised Site Plan Review to establish a 2,800 square foot personal fitness training business within an existing industrial building.

Location: Located at 10326 E Avenue, Unit B. (APN: 0410-041-43)

Planner: Lisette Sanchez-Mendoza

5. **ARMANDO FAMOSO (SPRR14-00014)**

Proposal: Consideration of a Site Plan Review to establish an outdoor display area.

Location: Located at 16190 Main Street. (APN: 0413-044-23)

Planner: Daniel Alcayaga

6. **EDMOND SECARD & JODI SECARD KIDDER (SPR14-00007)**

Proposal: Consideration of a Site Plan Review to construct a 9,998 square foot multi-tenant building on 1 gross acre within the Regional Commercial District of the Main Street and Freeway Corridor Specific Plan.

Location: Located on the west side of Mariposa Road, 360 feet south of Maple Avenue. (3072-241-12)

Planner: Lisette Sanchez-Mendoza