PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: June 9, 2016

Time: 6:30 P.M.

COMMISSION MEMBERS

Tom Murphy, Chair

William A. Muller, Vice Chair

Jim Heywood, Commissioner

Joline Hahn, Commissioner

Cody Leis, 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.

THIS PAGE INTENTIONALLY LEFT BLANK

June 9, 2016

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 Tom Murphy
   Vice Chair William Muller
   Commissioner James Heywood
   Commissioner Joline Hahn
   Commissioner Cody Leis

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: May 12, 2016, Planning Commission Meeting Draft Minutes.

PUBLIC HEARINGS

1. Consideration of Planned Development PPD15-00001 and Conditional Use Permit CUP15-00003 in conjunction with Tentative Parcel Map TPMN15-00001 (PM-19638), to create four parcels and Tentative Tract TT15-00003 (TT-20004), to construct a 2-story, 84-unit senior condominium development, a 2-story, 131-unit senior assisted living facility, a 2-story, 300-person adult day care center, a spa and wellness center, medical offices and other senior-oriented retail uses including kitchen and dining facilities with the sale of beer and wine, and a 4,000 square foot commercial building in four phases on 10.0 gross acres within the Neighborhood Commercial (NC) and the Medium Density Residential (MDR) zones of the Main Street and Freeway Corridor Specific Plan located on the north side of Main Street, approximately 250 feet east of the California Aqueduct (Applicant: Apollo Construction, LLC; APN: 0405-062-56) 1-1

2. Consideration of Development Code Amendment DCA16–00002, amending the City's minimum floor area requirements for multiple-family units. (Applicant: City of Hesperia; APN's: Citywide) 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. DRC Comments

F. Major Project Update 3-1

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, Denise Bossard, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Monday, June 6, 2016 at 5:30 p.m. pursuant to California Government Code §54954.2.

Denise Bossard
Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
May 12, 2016
MINUTES

CALL TO ORDER

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

Pledge of Allegiance to the Flag

Pledge of Allegiance led by Commissioner Cody Leis

Invocation

Invocation led by Commissioner Joline Hahn

Roll Call:

Present: **Vice Chair William Muller**
Commissioner Joline Hahn
Commissioner Cody Leis

Motion by Commissioner Joline Hahn to excuse the absence of Chair Tom Murphy and Commissioner James Heywood, Seconded by Commissioner Cody Leis, passed with the following roll call vote:

AYES: **Vice Chair William Muller, Commissioner Joline Hahn, and Commissioner Cody Leis**
NOES: **None**
ABSENT: **Chair Tom Murphy and Commissioner James Heywood**

JOINT PUBLIC COMMENTS

Vice Chair Muller opened the Public Hearing at 6:36 pm.
Vice Chair Muller closed the Public Hearing at 6:36 pm.
There were no Public Comments

CONSENT CALENDAR

Approval of Minutes: April 14, 2016, Planning Commission Meeting Draft Minutes.

Motion by Commissioner Joline Hahn to approve April 14, 2016, Planning Commission Meeting Draft Minutes, Seconded by Commissioner Cody Leis, passed with the following roll call vote:

AYES: **Vice Chair William Muller, Commissioner Joline Hahn, and Commissioner Cody Leis**
NOES: **None**
ABSENT: **Chair Tom Murphy and Commissioner James Heywood**

PUBLIC HEARING

1. **Consideration of Conditional Use Permit CUP16-00003, to allow the sale of beer and wine for on-site consumption within a restaurant (Pancho's Mexican Restaurant) located at 16082 Main Street (Applicant: Delmy Hernandez; APN: 0413-043-26)**

   Associate Planner Ryan Leonard presented Consideration of Conditional Use Permit, CUP16-00003.
   The Commission asked questions of staff with discussions ensuing.
   Vice Chair Muller opened the Public Hearing at 6:42 pm.
   Vice Chair Muller closed the Public Hearing at 6:43 pm.

   Motion by Commissioner Joline Hahn to adopt Resolution Nos. PC-2016-15, approving Conditional Use Permit, CUP16-00003, Seconded by Commissioner Cody Leis, passed with the following roll call vote:

   AYES: Vice Chair William Muller, Commissioner Joline Hahn, and Commissioner Cody Leis
   NOES: None
   ABSENT: Chair Tom Murphy and Commissioner James Heywood

2. **Consideration of Specific Plan Amendment SPLA16-00001 amending the Main Street and Freeway Corridor Specific Plan from Auto Sales Commercial (ASC) to Regional Commercial (RC) on 63 gross acres located on the southwest corner of Caliente and El Centro Roads (APN: 3039-441-20), and Specific Plan Amendment SPLA16-00002 from Neighborhood Commercial (NC) to Regional Commercial (RC) on 65 gross acres located on the south side of Ranchero Road east of Interstate 15 (Applicant: City of Hesperia; APNs: 0357-561-63, 65 & 66)**

   Principal Planner Dave Reno presented Consideration of Specific Plan Amendment, SPLA-00001 and SPLA16-00002.
   The Commission asked questions of staff with discussions ensuing.
   Vice Chair Muller opened the Public Hearing at 6:54 pm.
   Developer Michael Gallagher spoke on the project.
   Vice Chair Muller closed the Public Hearing at 6:56 pm.

   Motion by Commissioner Joline Hahn to adopt Resolution Nos. PC-2016-13 approving Specific Plan Amendment, SPLA16-00001 and PC-2016-14, approving Specific Plan Amendment, SPLA16-00002, Seconded by Commissioner Cody Leis.

   AYES: Vice Chair William Muller, Commissioner Joline Hahn, and Commissioner Cody Leis
   NOES: None
   ABSENT: Chair Tom Murphy and Commissioner James Heywood

3. **Consideration of Development Code Amendment DCA16-00002, amending the City's minimum floor area requirements for multiple-family units. (Applicant: City of Hesperia; APN's: Citywide)**

   Principal Planner Dave Reno presented Consideration of Development Code Amendment, DCA16-00002.
   The Commission asked questions of staff with discussions ensuing.

   Motion by Commissioner Joline Hahn to continue the Consideration of Development Code Amendment DCA16-00002 to June 9, 2016, due the absence of Chair Tom Murphy and Commissioner James Heywood, Seconded by Commissioner Cody Leis, passed with the following roll call vote:

   AYES: Vice Chair William Muller, Commissioner Joline Hahn, and Commissioner Cody Leis
   NOES: None
   ABSENT: Chair Tom Murphy and Commissioner James Heywood

PRINCIPAL PLANNER'S REPORT

DRC Comments

Principal Planner Dave Reno gave an update on the Eagle senior apartment project, A-Tech Transmission outside hoist, and the Apollo Construction senior project.

Major Project Update

No update provided.

PLANNING COMMISSION BUSINESS OR REPORTS

No updates provided.

ADJOURNMENT

The meeting adjourned at 7:18 pm until June 9, 2016.

William Muller,
Vice Chair

By: Denise Bossard,
Commission Secretary

THIS PAGE INTENTIONALLY LEFT BLANK

City of Hesperia
STAFF REPORT

DATE: June 9, 2016

TO: Planning Commission

FROM: Dave Reno, Principal Planner

BY: Stan Liudahl, Senior Planner

SUBJECT: PPD15-00001, CUP15-00003, TPMN15-00001 & TT15-00003 (Apollo Construction, LLC; APN: 0405-062-56)

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2016-16, recommending that the City Council introduce and place on first reading an ordinance approving PPD15-00001 and adopt Resolution Nos. PC-2016-17, PC-2016-18 and PC-2016-19, approving CUP15-00003, TPMN15-00001 (PM-19638) and TT15-00003 (TT-20004).

BACKGROUND

Proposal: The project consists of Planned Development PPD15-00001 and Conditional Use Permit CUP15-00003, to construct a two-story, 84-unit senior condominium development totaling 70,610 square feet; a two-story, 131-unit senior assisted living facility totaling 98,454 square feet; a two-story, 300-person adult daycare center totaling 11,200 square feet; kitchen and dining facilities; a spa and wellness center; 11,200 square feet of medical offices; a hair salon and other senior-oriented retail uses; and a 4,000 square foot commercial building in four phases on 10.0 gross acres (Attachment 1).

Tentative Parcel Map TPMN15-00001 (PM-19638) been filed, which will create four parcels within the entire 10.0 gross acre site, allowing separate ownership of the senior daycare and other senior-oriented nonresidential uses, the assisted living facility and the kitchen and dining facilities, and the 4,000 square foot retail building. Proposed Tentative Tract TT15-00003 (TT-20004) will establish separate ownership of the 84 senior condominium units (Attachments 2 and 3). An easement will be recorded as part of the parcel map to provide reciprocal access across all parcels within the project.

This project is unique inasmuch in that it will provide a complete Adult Senior Living Community (only persons 55 years or older qualify), enabling residents to obtain many needed services without leaving the development. The project is designed to provide meals, exercise and recreational facilities, medical care, and hair care for those residing within the condominiums and assisted living facilities and those seniors visiting the daycare center. The project requires approval of a Planned Development, as the Neighborhood Commercial (NC) and Medium Density Residential (MDR) Zones of the Main Street and Freeway Corridor Specific Plan (Specific Plan) do not allow the proposed intensity of nonresidential development nor the proposed parking reductions that this unique combination of senior-oriented uses may obtain. The Planned Development provides regulations specific to the special needs of this senior development and takes into account the associated relationships between the uses, reducing the number of parking spaces required for this development.

Location: On the north side of Main Street, approximately 250 feet east of the California Aqueduct.

Current General Plan, Zoning and Land Uses: The south 3.4 gross acres of the site are within the Neighborhood Commercial (NC) and the north 6.6 gross acres are within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated as noted on Attachment 4. The project site, as well as the properties to the north and east are currently vacant. A restaurant and a multi-tenant retail building exist to the south and a commercial mini-storage exists to the west (Attachment 5).

ISSUES/ANALYSIS

Planned Development

The project site is within the Neighborhood Commercial (NC) and the Medium Density Residential (MDR) Zone of the Specific Plan. The southern 3.4 gross acres of the subject property is within the MDR and the northern 6.4 gross acres is within the NC Zone. While the current zoning allows the proposed senior condominiums, the assisted living facility (an institutional use allowed in any zone), hair salon, restaurant and dining facilities, and medical offices with approval of a site plan review, the adult daycare and on-site sale of beer and wine requires approval of a conditional use permit (Attachment 15).

The proposed residential portion of the development is consistent with the City's lot coverage limitation as well as the maximum 15 dwelling units per gross acre density limitation. The Planned Development will allow an increase in Floor Area Ratio (FAR), as well as a decrease from the City's current minimum livable dwelling unit area. The Planned Development also allows a reduction in the minimum number of parking spaces required for the residential development, based upon the concept that this project provides a complete Adult Senior Living Community enabling residents and visitors to obtain many needed services without leaving the development. The Planned Development allows reductions in the minimum outdoor recreational living areas and landscaping requirements as well.

Conditional Use Permit

Phase I of the project will offer studio, one-bedroom and two-bedroom condominium units ranging in size from 438 square feet to 938 square feet (Attachment 6). These units will provide fully independent living units intended for occupancy by seniors that do not require assistance on a day-to-day basis. The condominiums include a 1,600 square foot recreation building and a pool/spa within its atrium. Those seniors who own a condominium within the project will have the option to be on a meal plan with completion of the kitchen and dining room in phase II. They will also be able to enjoy the wellness center and other senior-oriented uses to be developed within phase II.

Those seniors who are less independent will be able to rent a room within the assisted living facility (phase II). The facility contains 131 rooms, which will be limited to a maximum of 217 persons. The assisted living facility will have four floor plans to choose from; three studio plans and a one-bedroom plan ranging in size from 398 to 590 square feet (Attachment 7). Each room can accommodate two seniors and will contain a kitchen. The senior assisted living facility includes two 1,600 square foot recreation buildings within its atrium. A 9,651 square foot

spa/wellness center, a hair salon, and a full-service kitchen with indoor and outdoor dining areas will also be constructed in this phase (Attachment 8). Those within the assisted living facility will also have the option to have a meal plan. The friends and family of the seniors may also dine within the facility during visiting hours. The applicant has requested that beer and wine be sold for on premise consumption within the dining areas as part of this application. Review and approval of the project is required from the City as well as from the Office of Statewide Health Planning and Development (OSHPOD) for the assisted living facility.

The adult daycare facility and the medical offices will be constructed within phase III. The daycare facility will be limited to a maximum of 300 seniors. The seniors will be able to use the dining room as well as all of the senior-oriented uses. Three medical offices totaling 11,200 square feet in area will be constructed above the daycare facility (Attachment 9). It is intended that the medical units serve the needs of the residents and visitors of the daycare. However, the medical units will be leased on a first-come basis and may serve non-seniors.

Phase IV will allow construction of a 4,000 square foot retail building. Although the use of this building has not been determined, the Planned Development has use restrictions which ensure that future uses within this building will be compatible with the Adult Senior Living Community. Should a use within this building request to sell alcoholic beverages, it will require approval of another conditional use permit. The proposed development is summarized in Table 1.

Table 1: Number of Dwelling Units/Rooms and Building Floor areas

Phase	Use	Number of Dwelling Units/Rooms	Building Floor Area (square feet)
1	Senior Condominiums	84 units	70,610
2	Assisted Living Facility	131 rooms (217 seniors max.)	98,454
	Spa/hair salon/wellness center		9,651
	Kitchen/dining		9,696
3	Adult daycare facility	300 seniors max.	11,200
	Medical offices		11,200
4	Retail		4,000
Totals			**214,811**

FLOOR AREA RATIO REQUIREMENTS

The FAR established by the Main Street and Freeway Corridor Specific Plan limits the nonresidential gross building floor area to 35,066 square feet, based upon the maximum FAR of 0.23 permitted within the NC Zone. The 45,747 square foot nonresidential building will exceed this limitation by just 10,681 square feet, resulting in a maximum FAR of 0.33. The Planned Development (Attachment 15) allows this proposed building intensity.

MINIMUM LIVABLE FLOOR AREA REQUIREMENTS

The City's Specific Plan requires a minimum 675 square foot livable floor area for studio units, 875 square feet for one-bedroom units, and 1,075 square feet for two-bedroom units. The condominium units and assisted living units required by the Development Code are for all-age units, which require additional space for the belongings of children and young adults. The Planned Development justifies the reduced floor areas since seniors owning or renting condominium or assisted living units do not require as much space as all-age residential units.

PARKING REQUIREMENTS

Condominium units

A minimum of 124 parking spaces (including 84 carports) are required for the proposed senior condominiums based upon the parking space ratios within the Development Code as shown in Table 2. The Planned Development requires 105 parking spaces, including 40 spaces within garages. The reduced number of parking spaces is based upon 1.25 spaces per unit, since senior couples typically own fewer vehicles and 0.25 spaces per unit is required for guests. The Planned Development requires one covered space for every two-bedroom unit, consistent with the intent of the City's reduced parking requirements for senior units. The condominiums are provided 105 parking spaces, with a minimum of 12 garage spaces. Therefore, the Planned Development will allow a reduction of 19 spaces.

Table 2: Parking spaces required for senior condominiums per the Development Code

Use	Development Code Parking Formula	Spaces Required
84-unit condominiums		
20-studio units	1.25 spaces/unit (includes 1 covered space / unit)	25
52-one bedroom units	1.50 spaces/unit (includes 1 covered space / unit)	78
12-two bedroom units	1.75 spaces/unit (includes 1 covered space / unit)	21
84 units	**(includes a minimum of 84 covered spaces)**	**124**

Assisted living units

The Development Code requires a minimum of one space for every three beds for the assisted living facility. The assisted living facility is designed for a maximum of 217 beds served by 15 employees during the highest shift. Consequently, 72 parking spaces required by the Development Code. The Planned Development requires one space for every five beds plus one space for every employee during the highest work shift. Since 15 employees will work during the highest shift, the Planned Development requires a minimum of 58 spaces. Consequently, the Planned Development affords a 14-space reduction.

Adult daycare facility

Both the Development Code and the Planned Development require a minimum of one space for every 10 seniors and one space for every employee. Since the daycare facility is designed for a maximum of 300 seniors and 20 staff, 50 parking spaces are required.

Kitchen/dining and spa/wellness center/hair salon

The Development Code requires 10 parking spaces for every 1,000 square feet of kitchen/dining area and 6.67 spaces per 1,000 square feet for the spa and wellness facility and the hair salon. The kitchen/dining area occupies 9,696 square feet and the spa/wellness facility and hair salon occupies 9,651 square feet. Consequently, the Development Code requires a minimum of 97 spaces for the kitchen/dining and 64 spaces for the spa/wellness center/hair salon. Consequently, a minimum of 161 spaces are required by the Development Code. Since the restaurant, spa and wellness facility, and hair salon are for use by the seniors residing within the condominiums or visiting the daycare facility and their family and friends, additional parking spaces are only required for the number of employees during the highest work shift pursuant to the Planned Development. Since the restaurant/dining facility, the spa and wellness center, and

the hair salon will each employ 14 employees, 42 parking spaces are required by the Planned Development.

Medical offices

Both the Development Code and the Planned Development require a minimum of five spaces for every 1,000 square feet for the medical offices. Since the medical offices will occupy 11,200 square feet, 56 parking spaces are required.

Retail building

Both the Development Code and the Planned Development require a minimum of four spaces for every 1,000 square feet for the retail building. Since the retail building is 4,000 square feet, 16 parking spaces are required.

Parking requirement Summary

A comparison of the minimum number of parking spaces for each phase of the development by the Development Code and the Planned Development is shown within Table 3.

Table 3: Comparison between the Development Code and the Planned Development

Phase	Use	Development Code	Planned Development	Parking Provided
1	Senior Condominiums	124	105	105
2	Assisted Living Facility	72	58	100
	Kitchen/dining	97	14	
	Spa/wellness center/salon	64	14	
3	Adult daycare facility	50	50	106
	Medical offices	56	56	
4	Retail	16	16	20
Totals		**479**	**313**	**331**

PARKING LOT STREET FRONTAGE LIMITATIONS

The Development Code does not allow parking areas to front on more than 30 percent of street frontages and within the front and street yard setbacks. The Planned Development does not restrict parking area along street frontages or within the front yard. Compliance with this Development Code regulation would further reduce the number of parking spaces provided.

MINIMUM BUILDING SEPARATION REQUIREMENTS

The Specific Plan requires a minimum 15-foot separation between buildings. The Planned Development provides 15-foot separations between habitable buildings, but allows garages and other non-habitable structures to be only 10 feet apart.

COMMON AND PRIVATE OPEN SPACE REQUIREMENTS

The Specific Plan requires a minimum of 200 square feet of common and 100 square feet of private open space per dwelling unit. The Planned Development requires a minimum of 130 square feet of common open space and a minimum of 32 square feet of private open space per unit, except for Studio Plan 1 of the assisted living units, which will not have any private open space. These units are intended to be used by seniors who do not need a patio or balcony. The site plan provides adequate open space, as seniors do not require as much outdoor open area as all-age developments. The site plan also provides two 1,600 square foot recreation buildings for the assisted living and one for the senior condominium units.

LANDSCAPING REQUIREMENTS

The Specific Plan requires a minimum six-foot wide landscaping width for all planter areas. The Planned Development requires a five-foot width instead. Maintaining the six-foot width will not allow development of 40 garages.

ARCHITECTURE

The proposed buildings exhibit changes in wall and roof planes which contain decorative tile roofing, complimentary earth tone stucco wall colors with differing stucco textures, columns, arches, a clock tower, insets with decorative tile, corbels, and other enhancements as shown on Attachments 11 and 12. The architecture meets all architectural requirements of the Specific Plan, except for the south elevation of the adult daycare and medical offices (Attachment 10), which incorporates columns without a tile roof consistent with the design of the balance of the building elevations. In addition, the south elevation is shown with signage approximately twice as large as the signs on the other building elevations.

The Development Code requires block walls and other means to screen mechanical equipment from view. The Planned Development allows landscaping alone to screen the equipment and ensures that equipment will not be visible from Main Street or La Rosa Street.

ABC LICENSE

The applicant will file an application for a Type 41 (On-Sale beer and wine) license with the State Department of Alcoholic Beverage Control (ABC) for the proposed restaurant/dining area within phase II. The Planned Development requires approval of a CUP for the sale of alcoholic beverages. This application does not authorize any additional sales of alcoholic beverages.

Table 4 identifies two existing on-sale alcoholic beverage licenses within Census Tract 100.16 (Attachment 13). ABC authorizes this census tract to have five on-sale licenses. Consequently, this area is not over concentrated and the City is not required to make a finding of public convenience and necessity.

Table 4: Existing On-Sale Licenses in Census Tract 100.16

Status	Business Name	Business Address	Type of License
Active	Chipotle Mexican Grill	9770Mariposa Road	47-Beer, Wine, and Liquor
Active	Louisiana Cajun Seafood House	14466 Main Street	41-Beer and Wine

Tentative Parcel Map

The parcel map will create four parcels, allowing each phase of the development to be owned separately. An irrevocable reciprocal access and parking easement will be provided, allowing for shared access and parking across the project with the exception of the garages within phase I, which shall be used exclusively by the owners of the condominiums. The easement will also include access to the trash enclosures. The tentative parcel map is consistent with the site design and is in accordance with the Specific Plan and the Subdivision Map Act.

Tentative Tract Map

The tentative tract will create separate ownership for each of the proposed 84 condominium units. The tentative tract (condo) map will be recorded with Conditions, Covenants and Restrictions (CC&Rs), establishing a property owner's association as well as standards for maintenance and use of all private and common areas.

Drainage: The project shall retain the drainage created on-site beyond that which has occurred historically within an approved drainage system in accordance with City standards. Further, the proposed development is not allowed to concentrate or redirect stormwater flow. Although the site is approximately 800 feet upstream of a major regional drainage flow, the project site is not impacted. Therefore, the site is not impacted by drainage and will not impact properties downstream.

Water and Sewer: The development will be connected to the existing 8-inch water line in Main Street. The nearest sewer line is located approximately 1,500 feet to the north in Live Oak Street. Therefore, prior to issuance of a grading permit, improvement plans for this sewer connection shall be submitted.

Schools and Parks: Topaz Elementary is located approximately one-mile to the northeast and Hesperia Regional Park is located approximately one and one-half miles to the north.

Environmental: Approval of this development requires adoption of a mitigated negative declaration pursuant to the California Environmental Quality Act (CEQA). The mitigated negative declaration and initial study (Attachment 14) prepared for the development conclude that there are no significant adverse impacts resulting from the project. A biological assessment and a protected plant plan were required. The biological assessment shows that the site does not contain habitat for the desert tortoise nor any other threatened or endangered species. However, a pre-construction survey for the burrowing owl will be conducted prior to issuance of a grading permit. A protected plant plan was also submitted, which ensures that all transplantable plants protected by the City's Ordinance will be handled in accordance with the City's Protected Plant Ordinance. The project site is in an area where cultural resources are not expected to be found. However, if cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law.

Conclusion: The project conforms to the policies of the Specific Plan and the Development Plan, specifically land use with adoption of the Planned Development. The Planned Development is also consistent with the General Plan. Further, approval of the sale of beer and wine for on-site consumption within the dining areas is appropriate, particularly since it is in an area which is not over-concentrated. Before establishing another use which intends to sell alcoholic beverages, another CUP msut be filed for review and approval.

FISCAL IMPACT

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

ALTERNATIVE(S)

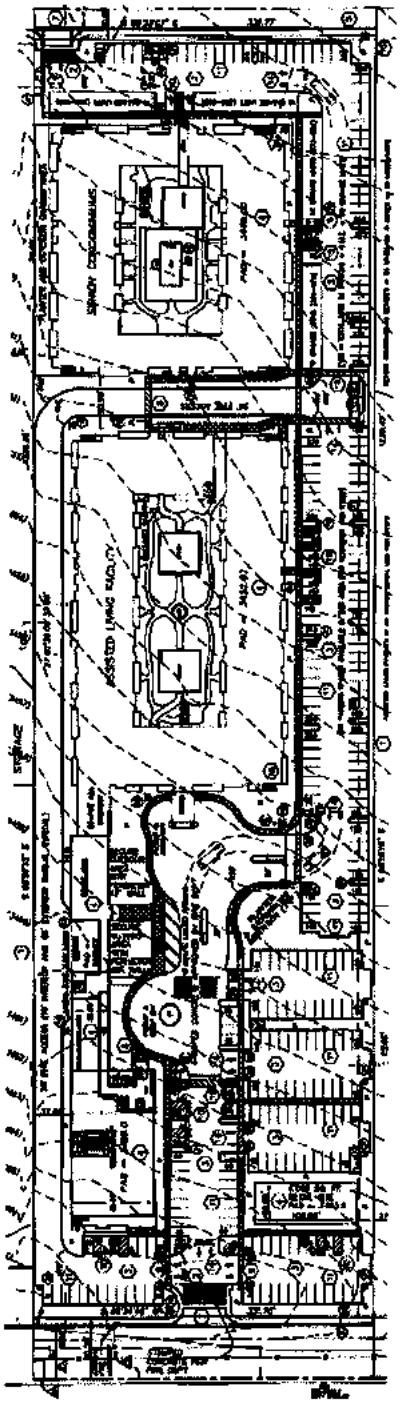
1. The Planning Commission may disagree with one or more of the provisions within the Planned Development which provide reduced parking spaces and deficiencies for other development standards that allow for the proposed increased intensity of development. Since this development provides a complete Adult Senior Living Community, staff believes that the proposed reductions in development standards are appropriate. Further, any modifications to the standards within the Planned Development will likely require significant changes to the project and will necessitate that the project be continued. Therefore, staff does not recommend approval of this alternative.
2. The Planning Commission may approve the project without requiring that the architecture of the south building elevation be revised prior to issuance of a building permit. Inasmuch as this elevation is inconsistent with the balance of the elevations, staff does not recommend approval of this alternative.
3. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. Tentative Parcel map
3. Tentative Tract map
4. General Plan & zoning map
5. Aerial photo
6. Condominium floor plans
7. Assisted living floor plans
8. Kitchen/dining & wellness center floor plans
9. Senior daycare & medical offices floor plans
10. South elevations
11. East elevations
12. West elevations
13. Census Tract map
14. Negative Declaration ND16-00004 with the Initial Study
15. Resolution No. PC-2016-16 with Exhibits "A" and "B" (PPD15-00001)
16. Resolution No. PC-2016-17, with list of conditions (CUP15-00003)
17. Resolution No. PC-2016-18, with list of conditions (TPMN15-00001)
18. Resolution No. PC-2016-19, with list of conditions (TT15-00003)

ATTACHMENT 1

LA ROSA ST

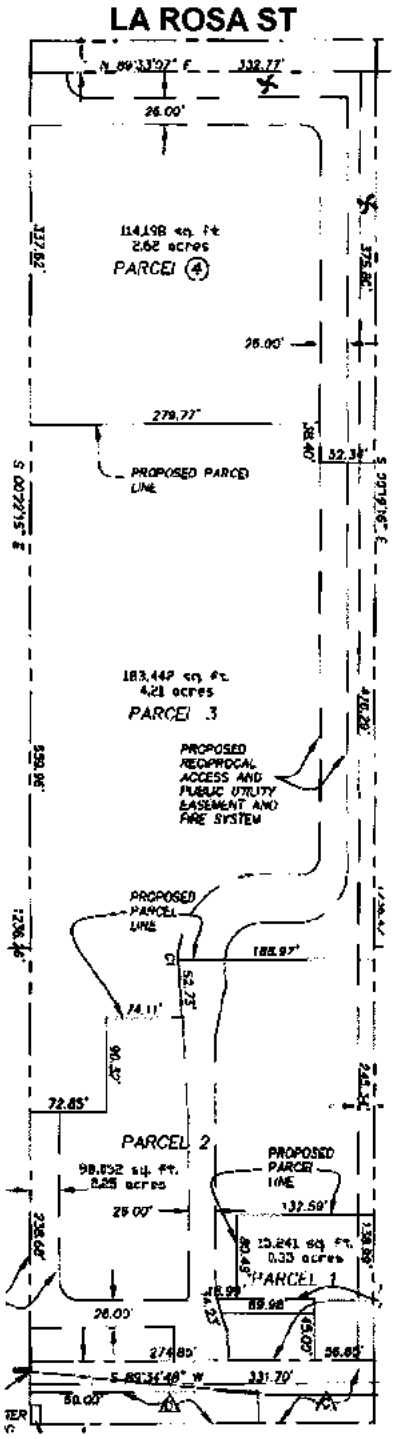


MAIN ST

APPLICANT(S): APOLLO CONSTRUCTION, LLC	**FILE NO(S):** PPD15-00001, CUP15-00003, TPMN15-00001 & TT15-00003
LOCATION: ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT	**APN(S):** 0405-062-56
PROPOSAL: CONSIDERATION OF A PLANNED DEVELOPMENT AND CONDITIONAL USE PERMIT IN CONJUNCTION WITH A TENTATIVE PARCEL MAP, TO CREATE FOUR PARCELS AND A TENTATIVE TRACT, TO CONSTRUCT A 2-STORY, 84-UNIT SENIOR CONDOMINIUM DEVELOPMENT, A 2-STORY, 131-UNIT SENIOR ASSISTED LIVING FACILITY, A 2-STORY, 300-PERSON ADULT DAY CARE CENTER, A SPA AND WELLNESS CENTER, MEDICAL OFFICES AND OTHER SENIOR-ORIENTED RETAIL USES INCLUDING KITCHEN AND DINING FACILITIES, AND A 4,000 SQUARE FOOT COMMERCIAL BUILDING IN FOUR PHASES ON 10.0 GROSS ACRES	**N** ↑

SITE PLAN

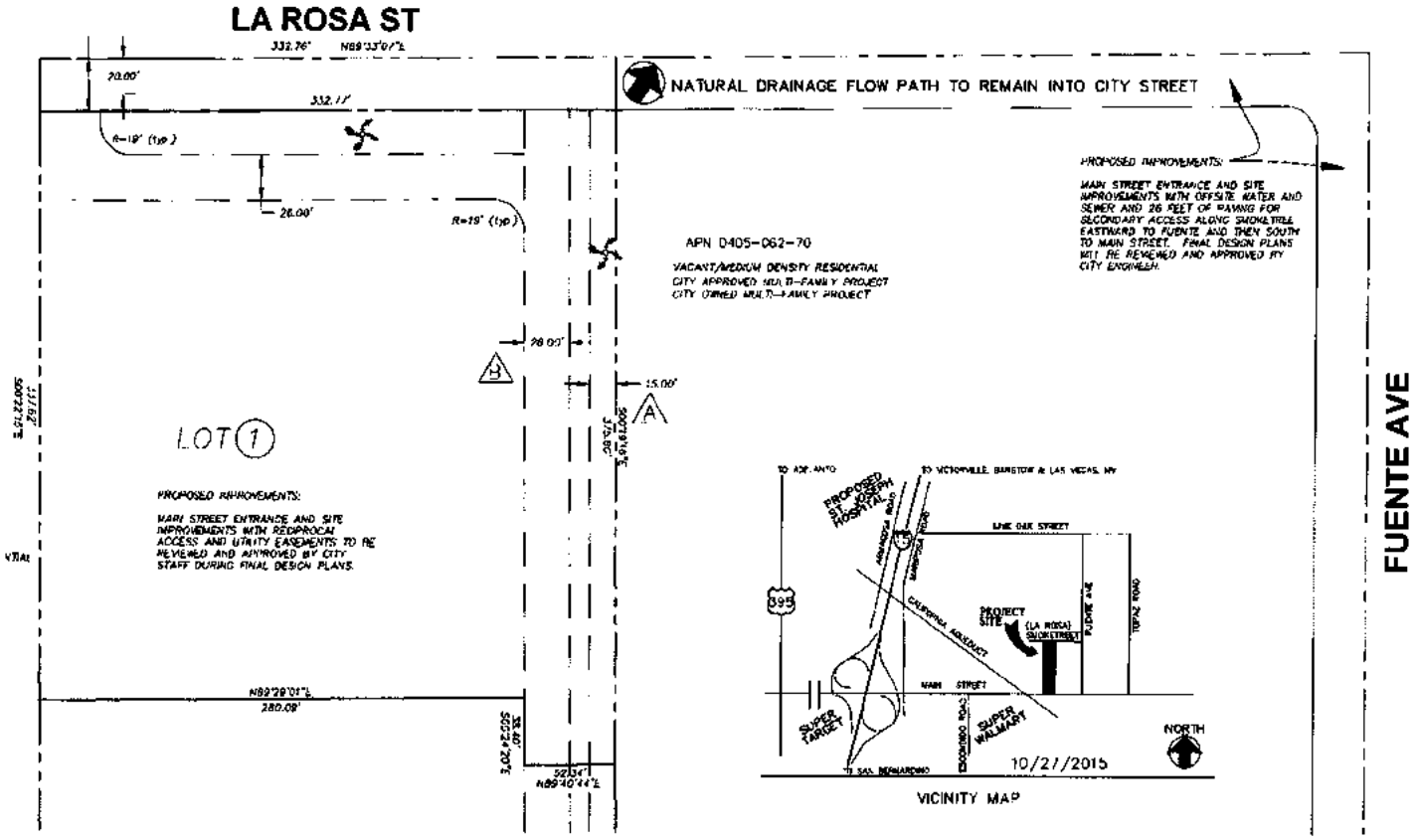
ATTACHMENT 2



APPLICANT(S): APOLLO CONSTRUCTION, LLC	**FILE NO(S):** PPD15-00001, CUP15-00003, TPMN15-00001 & TT15-00003
LOCATION: ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT	**APN(S):** 0405-062-56
PROPOSAL: CONSIDERATION OF A PLANNED DEVELOPMENT AND CONDITIONAL USE PERMIT IN CONJUNCTION WITH A TENTATIVE PARCEL MAP, TO CREATE FOUR PARCELS AND A TENTATIVE TRACT, TO CONSTRUCT A 2-STORY, 84-UNIT SENIOR CONDOMINIUM DEVELOPMENT, A 2-STORY, 131-UNIT SENIOR ASSISTED LIVING FACILITY, A 2-STORY, 300-PERSON ADULT DAY CARE CENTER, A SPA AND WELLNESS CENTER, MEDICAL OFFICES AND OTHER SENIOR-ORIENTED RETAIL USES INCLUDING KITCHEN AND DINING FACILITIES, AND A 4,000 SQUARE FOOT COMMERCIAL BUILDING IN FOUR PHASES ON 10.0 GROSS ACRES	**N** ↑

TENTATIVE PARCEL MAP

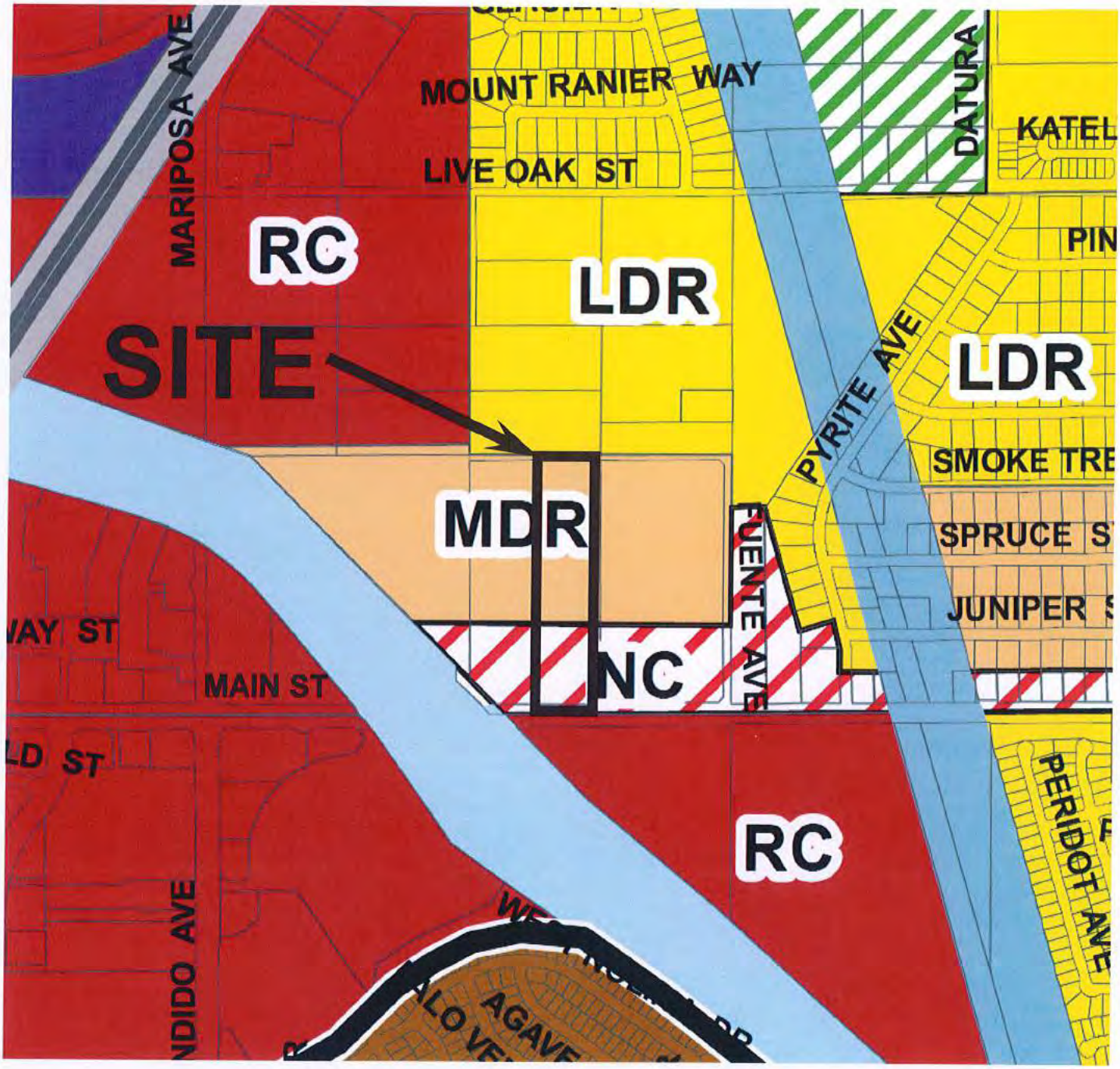
ATTACHMENT 3



APPLICANT(S): APOLLO CONSTRUCTION, LLC	**FILE NO(S):** PPD15-00001, CUP15-00003, TPMN15-00001 & TT15-00003
LOCATION: ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT	**APN(S):** 0405-062-56
PROPOSAL: CONSIDERATION OF A PLANNED DEVELOPMENT AND CONDITIONAL USE PERMIT IN CONJUNCTION WITH A TENTATIVE PARCEL MAP, TO CREATE FOUR PARCELS AND A TENTATIVE TRACT, TO CONSTRUCT A 2-STORY, 84-UNIT SENIOR CONDOMINIUM DEVELOPMENT, A 2-STORY, 131-UNIT SENIOR ASSISTED LIVING FACILITY, A 2-STORY, 300-PERSON ADULT DAY CARE CENTER, A SPA AND WELLNESS CENTER, MEDICAL OFFICES AND OTHER SENIOR-ORIENTED RETAIL USES INCLUDING KITCHEN AND DINING FACILITIES, AND A 4,000 SQUARE FOOT COMMERCIAL BUILDING IN FOUR PHASES ON 10.0 GROSS ACRES	**N** ↑

TENTATIVE TRACT MAP

ATTACHMENT 4



APPLICANT(S): APOLLO CONSTRUCTION, LLC	**FILE NO(S):** PPD15-00001, CUP15-00003, TPMN15-00001 & TT15-00003
LOCATION: ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT	**APN(S):** 0405-062-56
PROPOSAL: CONSIDERATION OF A PLANNED DEVELOPMENT AND CONDITIONAL USE PERMIT IN CONJUNCTION WITH A TENTATIVE PARCEL MAP, TO CREATE FOUR PARCELS AND A TENTATIVE TRACT, TO CONSTRUCT A 2-STORY, 84-UNIT SENIOR CONDOMINIUM DEVELOPMENT, A 2-STORY, 131-UNIT SENIOR ASSISTED LIVING FACILITY, A 2-STORY, 300-PERSON ADULT DAY CARE CENTER, A SPA AND WELLNESS CENTER, MEDICAL OFFICES AND OTHER SENIOR-ORIENTED RETAIL USES INCLUDING KITCHEN AND DINING FACILITIES, AND A 4,000 SQUARE FOOT COMMERCIAL BUILDING IN FOUR PHASES ON 10.0 GROSS ACRES	N ↑

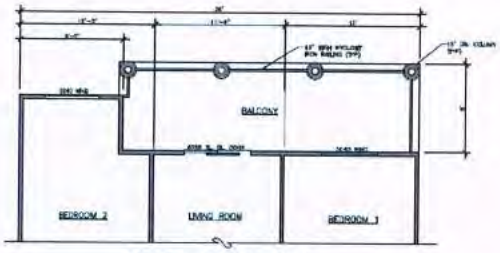
GENERAL PLAN & ZONING MAP

ATTACHMENT 5

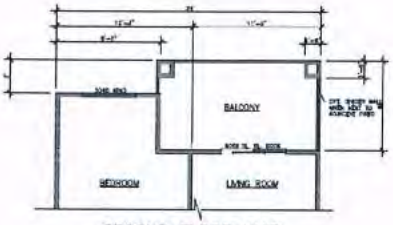
APPLICANT(S): APOLLO CONSTRUCTION, LLC	**FILE NO(S):** PPD15-00001, CUP15-00003, TPMN15-00001 & TT15-00003
LOCATION: ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT	**APN(S):** 0405-062-56
PROPOSAL: CONSIDERATION OF A PLANNED DEVELOPMENT AND CONDITIONAL USE PERMIT IN CONJUNCTION WITH A TENTATIVE PARCEL MAP, TO CREATE FOUR PARCELS AND A TENTATIVE TRACT, TO CONSTRUCT A 2-STORY, 84-UNIT SENIOR CONDOMINIUM DEVELOPMENT, A 2-STORY, 131-UNIT SENIOR ASSISTED LIVING FACILITY, A 2-STORY, 300-PERSON ADULT DAY CARE CENTER, A SPA AND WELLNESS CENTER, MEDICAL OFFICES AND OTHER SENIOR-ORIENTED RETAIL USES INCLUDING KITCHEN AND DINING FACILITIES, AND A 4,000 SQUARE FOOT COMMERCIAL BUILDING IN FOUR PHASES ON 10.0 GROSS ACRES	**N** ↑

AERIAL PHOTO

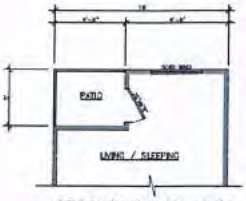
ATTACHMENT 6



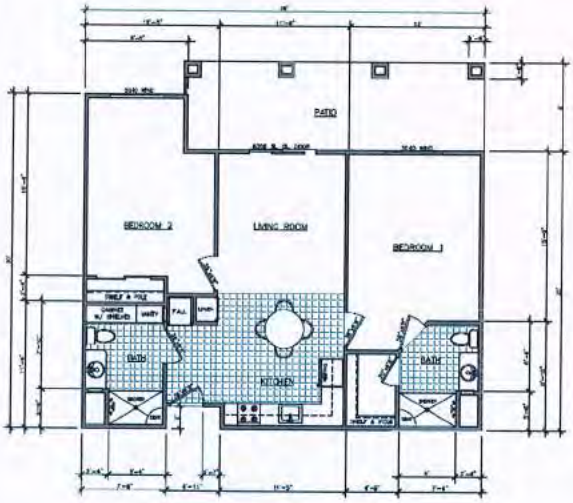
SECOND FLOOR UNIT



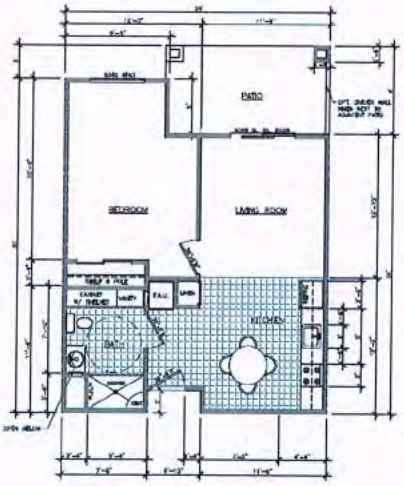
SECOND FLOOR UNIT



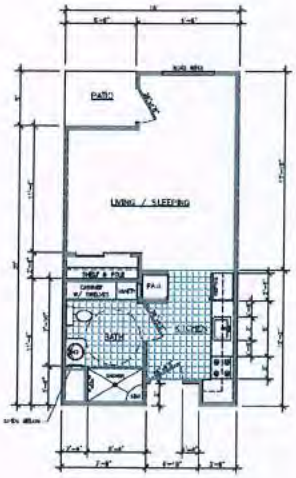
SECOND FLOOR UNIT



2 BEDROOM PLAN



1 BEDROOM PLAN

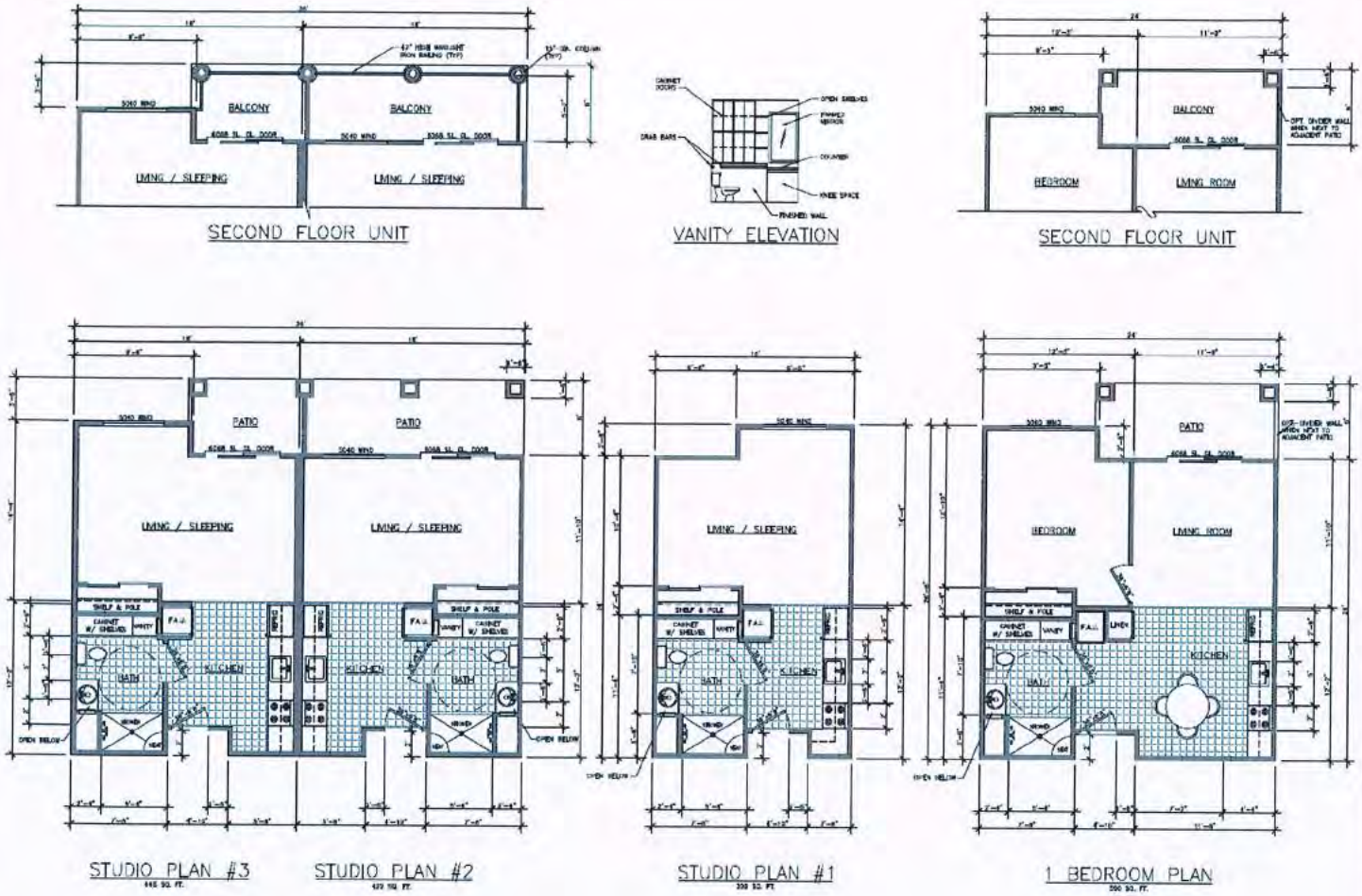


STUDIO PLAN

APPLICANT(S): APOLLO CONSTRUCTION, LLC	**FILE NO(S):** PPD15-00001, CUP15-00003, TPMN15-00001 & TT15-00003
LOCATION: ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT	**APN(S):** 0405-062-56
PROPOSAL: CONSIDERATION OF A PLANNED DEVELOPMENT AND CONDITIONAL USE PERMIT IN CONJUNCTION WITH A TENTATIVE PARCEL MAP, TO CREATE FOUR PARCELS AND A TENTATIVE TRACT, TO CONSTRUCT A 2-STORY, 84-UNIT SENIOR CONDOMINIUM DEVELOPMENT, A 2-STORY, 131-UNIT SENIOR ASSISTED LIVING FACILITY, A 2-STORY, 300-PERSON ADULT DAY CARE CENTER, A SPA AND WELLNESS CENTER, MEDICAL OFFICES AND OTHER SENIOR-ORIENTED RETAIL USES INCLUDING KITCHEN AND DINING FACILITIES, AND A 4,000 SQUARE FOOT COMMERCIAL BUILDING IN FOUR PHASES ON 10.0 GROSS ACRES	

CONDO FLOOR PLANS

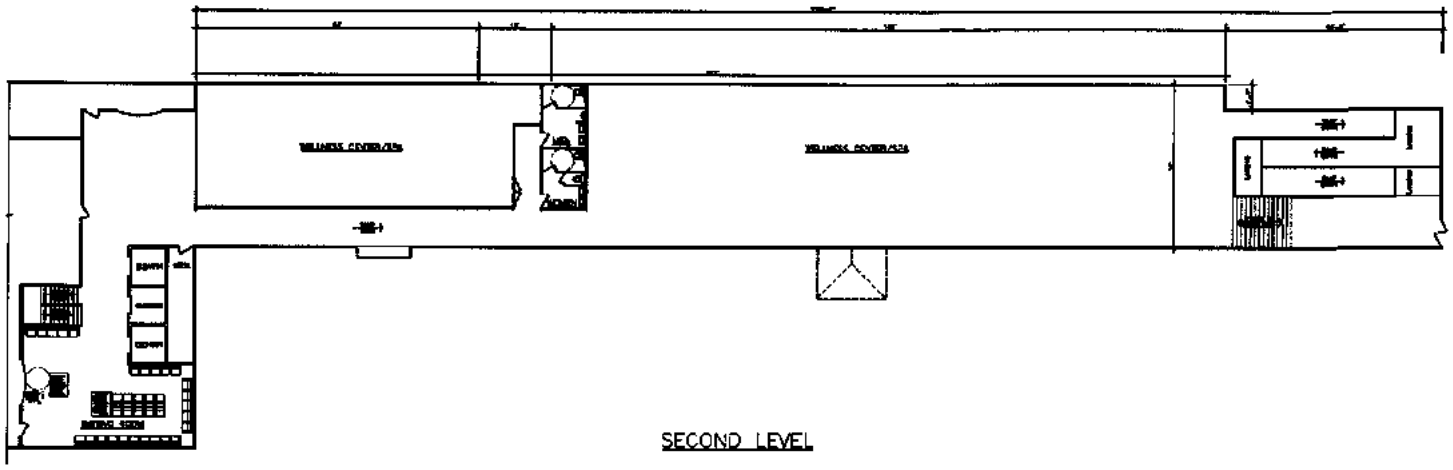
ATTACHMENT 7



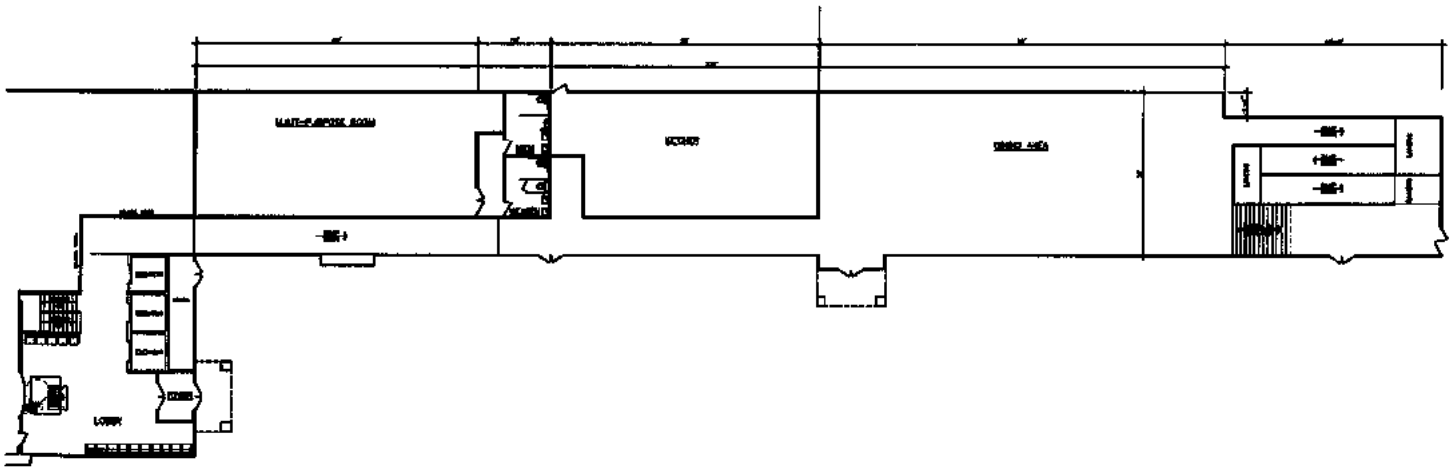
APPLICANT(S): APOLLO CONSTRUCTION, LLC	**FILE NO(S):** PPD15-00001, CUP15-00003, TPMN15-00001 & TT15-00003
LOCATION: ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT	**APN(S):** 0405-062-56
PROPOSAL: CONSIDERATION OF A PLANNED DEVELOPMENT AND CONDITIONAL USE PERMIT IN CONJUNCTION WITH A TENTATIVE PARCEL MAP, TO CREATE FOUR PARCELS AND A TENTATIVE TRACT, TO CONSTRUCT A 2-STORY, 84-UNIT SENIOR CONDOMINIUM DEVELOPMENT, A 2-STORY, 131-UNIT SENIOR ASSISTED LIVING FACILITY, A 2-STORY, 300-PERSON ADULT DAY CARE CENTER, A SPA AND WELLNESS CENTER, MEDICAL OFFICES AND OTHER SENIOR-ORIENTED RETAIL USES INCLUDING KITCHEN AND DINING FACILITIES, AND A 4,000 SQUARE FOOT COMMERCIAL BUILDING IN FOUR PHASES ON 10.0 GROSS ACRES	

ASSISTED LIVING FLOOR PLANS

ATTACHMENT 8



SECOND LEVEL

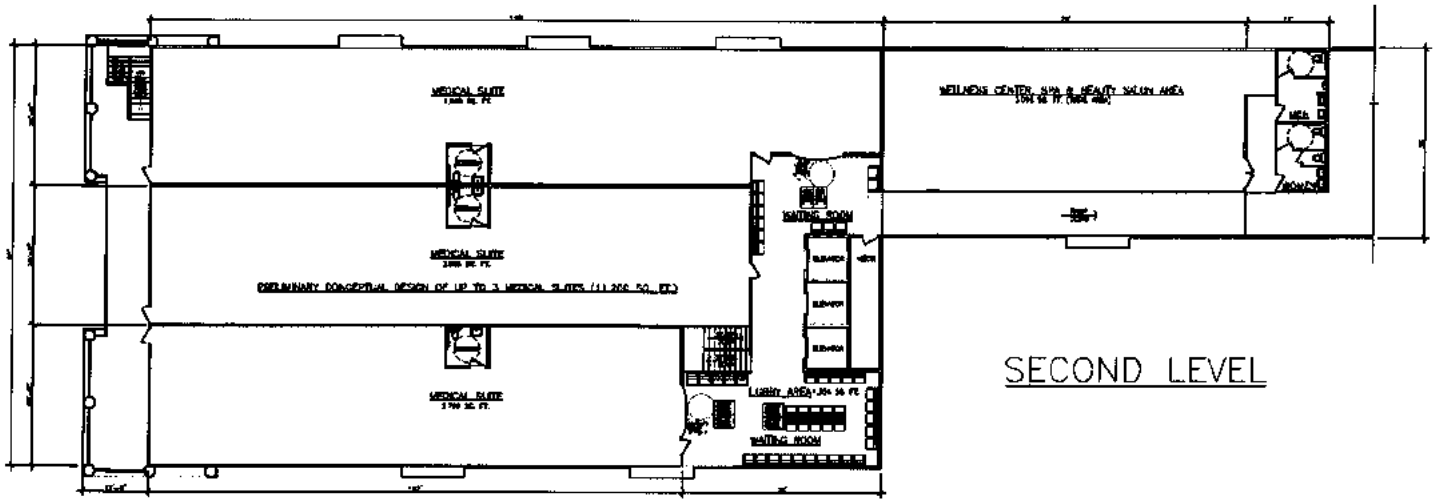


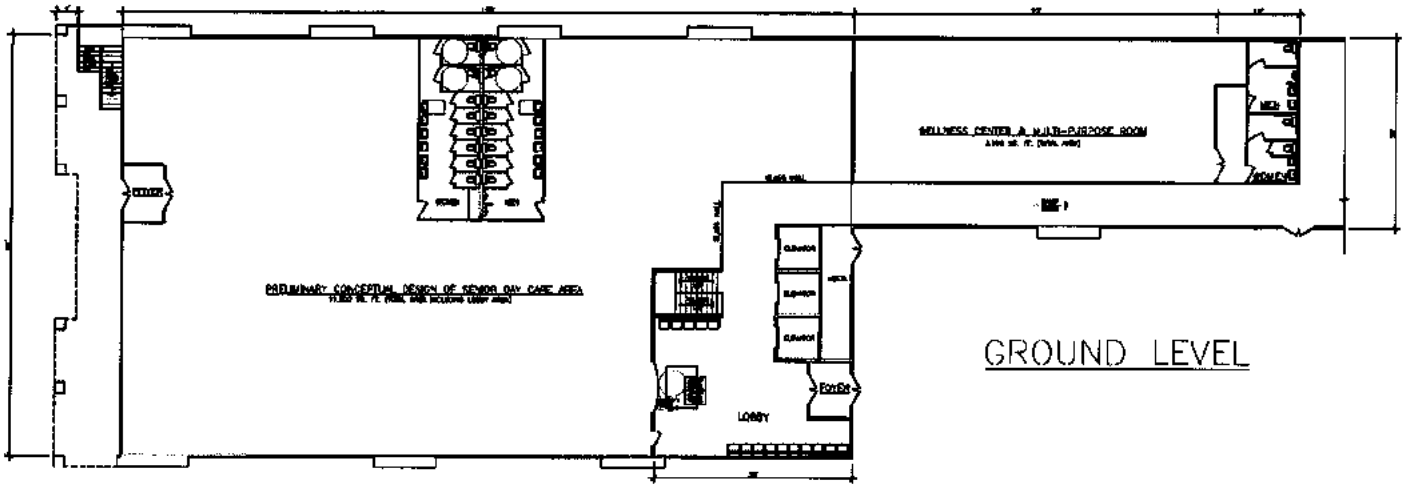
GROUND LEVEL

APPLICANT(S): APOLLO CONSTRUCTION, LLC	**FILE NO(S):** PPD15-00001, CUP15-00003, TPMN15-00001 & TT15-00003
LOCATION: ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT	**APN(S):** 0405-062-56
PROPOSAL: CONSIDERATION OF A PLANNED DEVELOPMENT AND CONDITIONAL USE PERMIT IN CONJUNCTION WITH A TENTATIVE PARCEL MAP, TO CREATE FOUR PARCELS AND A TENTATIVE TRACT, TO CONSTRUCT A 2-STORY, 84-UNIT SENIOR CONDOMINIUM DEVELOPMENT, A 2-STORY, 131-UNIT SENIOR ASSISTED LIVING FACILITY, A 2-STORY, 300-PERSON ADULT DAY CARE CENTER, A SPA AND WELLNESS CENTER, MEDICAL OFFICES AND OTHER SENIOR-ORIENTED RETAIL USES INCLUDING KITCHEN AND DINING FACILITIES, AND A 4,000 SQUARE FOOT COMMERCIAL BUILDING IN FOUR PHASES ON 10.0 GROSS ACRES	

KITCHEN/DINING & WELLNESS CENTER FLOOR PLANS

ATTACHMENT 9





APPLICANT(S): APOLLO CONSTRUCTION, LLC	**FILE NO(S):** PPD15-00001, CUP15-00003, TPMN15-00001 & TT15-00003
LOCATION: ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT	**APN(S):** 0405-062-56
PROPOSAL: CONSIDERATION OF A PLANNED DEVELOPMENT AND CONDITIONAL USE PERMIT IN CONJUNCTION WITH A TENTATIVE PARCEL MAP, TO CREATE FOUR PARCELS AND A TENTATIVE TRACT, TO CONSTRUCT A 2-STORY, 84-UNIT SENIOR CONDOMINIUM DEVELOPMENT, A 2-STORY, 131-UNIT SENIOR ASSISTED LIVING FACILITY, A 2-STORY, 300-PERSON ADULT DAY CARE CENTER, A SPA AND WELLNESS CENTER, MEDICAL OFFICES AND OTHER SENIOR-ORIENTED RETAIL USES INCLUDING KITCHEN AND DINING FACILITIES, AND A 4,000 SQUARE FOOT COMMERCIAL BUILDING IN FOUR PHASES ON 10.0 GROSS ACRES	

SENIOR DAY CARE & MEDICAL OFFICES FLOOR PLANS

ATTACHMENT 10

South Elevation of Adult Day Care

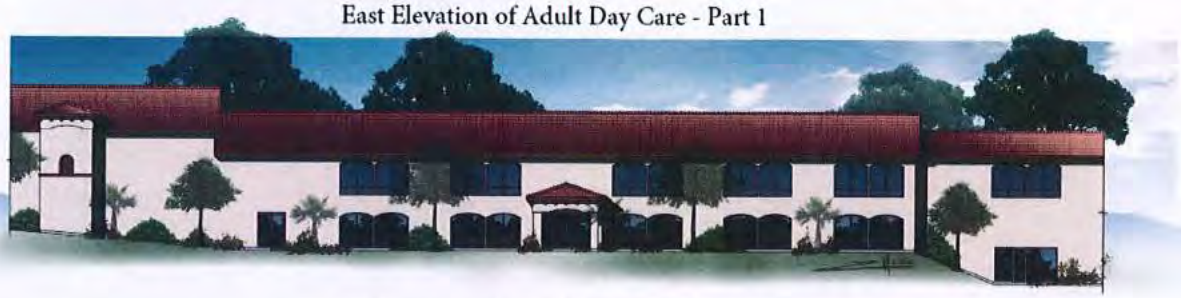
South Elevation of Assisted Living Facility

APPLICANT(S): APOLLO CONSTRUCTION, LLC	**FILE NO(S):** PPD15-00001, CUP15-00003, TPMN15-00001 & TT15-00003
LOCATION: ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT	**APN(S):** 0405-062-56
PROPOSAL: CONSIDERATION OF A PLANNED DEVELOPMENT AND CONDITIONAL USE PERMIT IN CONJUNCTION WITH A TENTATIVE PARCEL MAP, TO CREATE FOUR PARCELS AND A TENTATIVE TRACT, TO CONSTRUCT A 2-STORY, 84-UNIT SENIOR CONDOMINIUM DEVELOPMENT, A 2-STORY, 131-UNIT SENIOR ASSISTED LIVING FACILITY, A 2-STORY, 300-PERSON ADULT DAY CARE CENTER, A SPA AND WELLNESS CENTER, MEDICAL OFFICES AND OTHER SENIOR-ORIENTED RETAIL USES INCLUDING KITCHEN AND DINING FACILITIES, AND A 4,000 SQUARE FOOT COMMERCIAL BUILDING IN FOUR PHASES ON 10.0 GROSS ACRES	

SOUTH BUILDING ELEVATIONS

ATTACHMENT 11

East Elevation of Adult Day Care - Part 1



East Elevation of Adult Day Care - Part 2

East Elevation of Assisted Living Facility
Representative Elevation of Assisted Living & Adult Condominiums

APPLICANT(S): APOLLO CONSTRUCTION, LLC	**FILE NO(S):** PPD15-00001, CUP15-00003, TPMN15-00001 & TT15-00003
LOCATION: ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT	**APN(S):** 0405-062-56
PROPOSAL: CONSIDERATION OF A PLANNED DEVELOPMENT AND CONDITIONAL USE PERMIT IN CONJUNCTION WITH A TENTATIVE PARCEL MAP, TO CREATE FOUR PARCELS AND A TENTATIVE TRACT, TO CONSTRUCT A 2-STORY, 84-UNIT SENIOR CONDOMINIUM DEVELOPMENT, A 2-STORY, 131-UNIT SENIOR ASSISTED LIVING FACILITY, A 2-STORY, 300-PERSON ADULT DAY CARE CENTER, A SPA AND WELLNESS CENTER, MEDICAL OFFICES AND OTHER SENIOR-ORIENTED RETAIL USES INCLUDING KITCHEN AND DINING FACILITIES, AND A 4,000 SQUARE FOOT COMMERCIAL BUILDING IN FOUR PHASES ON 10.0 GROSS ACRES	

EAST BUILDING ELEVATIONS

ATTACHMENT 12

West Elevation of Adult Day Care - Part 1

West Elevation of Adult Day Care - Part 2

APPLICANT(S): APOLLO CONSTRUCTION, LLC	**FILE NO(S):** PPD15-00001, CUP15-00003, TPMN15-00001 & TT15-00003
LOCATION: ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT	**APN(S):** 0405-062-56
PROPOSAL: CONSIDERATION OF A PLANNED DEVELOPMENT AND CONDITIONAL USE PERMIT IN CONJUNCTION WITH A TENTATIVE PARCEL MAP, TO CREATE FOUR PARCELS AND A TENTATIVE TRACT, TO CONSTRUCT A 2-STORY, 84-UNIT SENIOR CONDOMINIUM DEVELOPMENT, A 2-STORY, 131-UNIT SENIOR ASSISTED LIVING FACILITY, A 2-STORY, 300-PERSON ADULT DAY CARE CENTER, A SPA AND WELLNESS CENTER, MEDICAL OFFICES AND OTHER SENIOR-ORIENTED RETAIL USES INCLUDING KITCHEN AND DINING FACILITIES, AND A 4,000 SQUARE FOOT COMMERCIAL BUILDING IN FOUR PHASES ON 10.0 GROSS ACRES	

WEST BUILDING ELEVATIONS

ATTACHMENT 13

APPLICANT(S): APOLLO CONSTRUCTION, LLC	**FILE NO(S):** PPD15-00001, CUP15-00003, TPMN15-00001 & TT15-00003
LOCATION: ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT	**APN(S):** 0405-062-56
PROPOSAL: CONSIDERATION OF A PLANNED DEVELOPMENT AND CONDITIONAL USE PERMIT IN CONJUNCTION WITH A TENTATIVE PARCEL MAP, TO CREATE FOUR PARCELS AND A TENTATIVE TRACT, TO CONSTRUCT A 2-STORY, 84-UNIT SENIOR CONDOMINIUM DEVELOPMENT, A 2-STORY, 131-UNIT SENIOR ASSISTED LIVING FACILITY, A 2-STORY, 300-PERSON ADULT DAY CARE CENTER, A SPA AND WELLNESS CENTER, MEDICAL OFFICES AND OTHER SENIOR-ORIENTED RETAIL USES INCLUDING KITCHEN AND DINING FACILITIES, AND A 4,000 SQUARE FOOT COMMERCIAL BUILDING IN FOUR PHASES ON 10.0 GROSS ACRES	**N** ↑

CENSUS TRACT

ATTACHMENT 14

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

NEGATIVE DECLARATION ND16-00004
Preparation Date: May 16, 2016

Name or Title of Project: Planned Development PPD15-00001, Conditional Use Permit CUP15-00003, Tentative Tract TT15-00003 (TT-20004) and Tentative Parcel Map TPMN15-00001 (PM-19638).

Location: On the north side of Main Street, approximately 250 feet east of the California Aqueduct.

Entity or Person Undertaking Project: Apollo Construction, LLC.

Description of Project: Consideration of Planned Development PPD15-00001 and Conditional Use Permit CUP15-00003 in conjunction with Tentative Parcel Map TPMN15-00001 (PM-19638), to create 4 parcels and Tentative Tract TT15-00003 (TT-20004), to construct a 2-story, 84-unit senior condominium development, a 2-story, 131-unit senior assisted living facility, a 2-story, 300-person adult day care center, a spa and wellness center, medical offices and other senior-oriented retail uses including kitchen and dining facilities, and a 4,000 square foot commercial building in four phases on 10.0 gross acres within the Neighborhood Commercial (NC) and the Medium Density Residential (MDR) zones of the Main Street and Freeway Corridor Specific Plan.

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

Mitigation Measures:

1. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
2. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.

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

Public Review Period: May 19, 2016 through June 17, 2016.

Adopted the Planning Commission: June 9, 2016.

Attest:

_____
DAVE RENO, AICP, PRINCIPAL PLANNER

CITY OF HESPERIA INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM

PROJECT DESCRIPTION

1. **Project Title:**	Planned Development PPD15-00001, Conditional Use Permit CUP15-00003, Tentative Tract TT15-00003, and Tentative Parcel Map TPMN15-00001 (ND-2016-04)
2. **Lead Agency Name:** **Address:**	City of Hesperia Planning Division 9700 Seventh Avenue, Hesperia, CA 92345
3. **Contact Person:** **Phone number:**	Stan Liudahl, AICP, Senior Planner (760) 947-1231
4. **Project Location:**	On the north side of Main Street, approximately 250 feet east of the California Aqueduct (APN: 0405-062-56)
5. **Project Sponsor:** **Address:**	Apollo Construction, LLC 560 West Main Street, Unit C Alhambra, CA 91801
6. **General Plan & zoning:**	Neighborhood Commercial (NC) and Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan).

The project consists of Planned Development PPD15-00001 and Conditional Use Permit CUP15-00003 in conjunction with Tentative Parcel Map TPMN15-00001 (PM-19638), to create four parcels and Tentative Tract TT15-00003 (TT-20004), to construct a two-story, 84-unit senior condominium development totaling 70,610 square feet. The project also includes a two-story, 131-unit senior assisted living facility totaling 98,454 square feet; a two-story, 300-person adult day care center totaling 11,200 square feet; kitchen and dining facilities; a spa and wellness center; 11,200 square feet of medical offices, a hair salon; and other senior-oriented retail uses; and a 4,000 square foot commercial building in four phases on 10.0 gross acres. Phase I entails development of the 84-unit senior condominiums with a 1,600 square foot recreation building and a pool/spa within its atrium; phase II includes construction of the 131-unit senior assisted living facility with two 1,600 square foot recreation buildings within its atrium, a spa/wellness center, a salon and other senior-oriented retail uses; phase III will provide a 300-person adult day care center and medical offices; and a 4,000 square foot commercial building will be constructed within phase IV. The Conditional Use Permit includes approval of on-site consumption of alcoholic beverages (beer and wine) within the dining room. The sale of alcoholic beverages for off-site consumption may be proposed as part of development of the 4,000 square foot commercial building. Prior to the sale of alcoholic beverages within this commercial building, approval of a separate Conditional Use Permit will be required.

This project is unique inasmuch in that it will provide a complete Adult Senior Living Community, enabling residents to obtain many needed services without leaving the development. The project is designed to provide meals, exercise and recreational facilities, medical care, and even hair care for those residing within the condominiums and assisted living facilities and those seniors visiting the day care center. The project requires approval of a Planned Development, as the Neighborhood Commercial (NC) and Medium Density Residential (MDR) Zone districts of the Main Street and Freeway Corridor Specific Plan (Specific Plan) do not enable the unique combination of uses proposed within this development. The Planned Development provides regulations specific to the special needs of this senior development and takes into account the associated relationships between the uses, reducing the number of parking spaces required for this development.

Phase I of the project will offer studio, one-bedroom and two-bedroom condominium units ranging in size from 438 square feet to 938 square feet. These units will provide fully independent living units intended for occupancy by mostly independent seniors that may or may not require minor assistance on a day-to-day basis. Those seniors who own a condominium within the project will have the option to be on a meal plan with completion of the kitchen and dining room in phase II. They will also be able to enjoy the wellness center and other senior-oriented uses to be developed within phase II.

Those seniors who are less independent will be able to rent a room within the assisted living facility (phase II). The assisted living facility will have four floor plans to choose from; three studio plans and a one-bedroom plan ranging in size from 398 to 590 square feet. Each room can accommodate two seniors and will contain a kitchen. Those within the assisted living rooms will also have the option to have a meal plan. The project contains 131 rooms, which will be limited to a maximum of 217 persons.

The adult day care facility and the medical offices will be constructed within phase III. The day care facility will be limited to a maximum of 300 seniors. The seniors will be able to use the dining room as well as all of the senior-oriented uses. Three medical offices totaling 11,200 square feet in area will be constructed above the day care facility. It is intended that the medical units serve the needs of the residents and visitors of the project. However, the units will be leased on a first-come basis.

7. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.) The project site, as well as the properties to the north and east, is currently vacant as shown on Attachment "A." A restaurant and a multi-tenant retail building exist to the south and a commercial mini-storage exists to the west.

8. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.) Review and approval of the project is required from the City as well as from the Office of Statewide Health Planning and Development (OSHPOD) for the assisted living facilities.

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.

☐	Aesthetics	☐	Agriculture & Forestry Resources	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Geology / Soils
☐	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials	☐	Hydrology / Water Quality
☐	Land Use / Planning	☐	Mineral Resources	☐	Noise
☐	Population / Housing	☐	Public Services	☐	Recreation
☐	Transportation / Traffic	☐	Utilities / Service Systems	☐	Mandatory Findings of Significance

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 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: MAY 16, 2016

Stan Liudahl, AICP, Senior Planner, Hesperia Planning Division

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

I. AESTHETICS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista **(1)**?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway **(1 & 2)**?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings **(1, 2, and 3)?**			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area **(4)**?			X	

Comments.
The site is vacant and has been previously disturbed by past vehicle use. This property is within the Neighborhood Commercial (NC) and Medium Density Residential (MDR) Zones of the Main Street and Freeway Corridor Specific Plan (Specific Plan) and is next to an existing commercial mini-storage and across Main Street from a restaurant and multi-tenant retail building **(1)**. Therefore, this project is within an area that has been partially developed. The proposed use is permitted with adoption of Planned

Development PPD15-00001. This Planned Development is generally consistent with the existing zoning, which allows a maximum building height of 45 feet within the NC Zone and 35 feet for the MDR Zone **(6)**. The nonresidential building is 38 feet in height and the residential buildings are 31 feet in height.

The Planned Development will allow an increase in Floor Area Ratio for the nonresidential development from 0.23 to 0.33 on approximately 3.4 gross acres. The FAR limitation for the nonresidential portion of the development limits the gross building floor area to 35,066 square feet. The 45,747 square foot nonresidential building will exceed this limitation by just 10,681 square feet. The proposed residential portion of the development is consistent with the 60 percent lot coverage limitation. However, the Specific Plan allows a maximum of 15 dwelling units per gross acre. Therefore, the 6.6 gross acre portion of the site is limited to a maximum of 99 dwelling units. The assisted living facility is considered an institutional use allowed in any zone district. The transportation impact of the uses proposed under this Planned Development is analyzed within Section XVI (TRANSPORTATION / TRAFFIC).

The proposed development does not exceed the maximum allowable traffic impact for the 10-acre property, based upon the maximum allowable Floor Area Ratio (FAR) permitted within the existing zoning. As such, the proposed development will not pose a greater impact upon aesthetics than what was analyzed by the General Plan Update Environmental Impact Report (GPUEIR).

The City contains many scenic views of the Mojave Desert, the Mojave River, the San Bernardino and San Gabriel mountains, as well as of the Summit Valley area. The GPUEIR addressed the scenic vistas and focuses on preservation of natural open space to protect sensitive environments and specific amenities like washes, bluffs, Joshua tree forests and juniper woodlands **(3)**. The City does not contain any registered historic buildings. In addition, the site is not adjacent to a state scenic highway **(2)**. State Highways 138 and 173 are eligible for being designated scenic highways within the southern portion of the City. Since the project site is not in proximity to this area, the project will not have a significant negative impact upon a scenic highway.

The site is within the Neighborhood Commercial (NC) and Medium Density Residential (MDR) Zone. While the proposed project will allow a different mix of nonresidential development, the proposed project will not exceed the allowable development intensity permitted within the Specific Plan. Development of the site for commercial and multi-family residential use was analyzed by the Environmental Impact Report for the Specific Plan and the General Plan Update. Since the Specific Plan is consistent with the General Plan Update, and the General Plan Update (GPUEIR) was adopted subsequent to the EIR for the Specific Plan, this project will be evaluated using the GPUEIR. Inasmuch as the General Plan Update Environmental Impact Report (GPUEIR) considered development of the subject property to the maximum allowable development intensity within the Specific Plan, the proposed development intensity has been adequately addressed by the GPUEIR and no further analysis of development intensity is required **(18)**.

The proposed development is not adjacent to sensitive land uses, which are located to the east, beyond the logical Extension of Fuente Avenue. The Development Code requires that any light created by the development not exceed 0.5 foot-candle illumination at the site boundary abutting a street or any property within a residential zone **(4)**. In addition, all exterior lighting within this development shall be hooded and directed downward to reduce the impact upon the nighttime sky in accordance with the General Plan Update **(5)**, which identifies the impact of development in accordance with the General Plan as less than significant. Based upon these regulations, the use will not adversely affect day or nighttime views in the area. Therefore, approval of the proposed project will not have a significant negative impact upon aesthetics.

II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and State Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use **(6, 7 & 8)**			X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract **(8, 9 & 10)**?			X
c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) **(10 & 11)**?			X
d) Result in the loss of forest land or conversion of forest land to non-forest use **(10 & 11)**?			X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use **(9, 10 & 11)**?			X

Comments.

As part of evaluation of this land use entitlement, the potential impact upon prime farmland, unique farmland, or farmland of statewide importance has been evaluated **(9 & 10)**. Staff has reviewed the General Plan as well as those properties subject to the Williamson Act and the United States Soil Conservation Service Soil Survey of San Bernardino County, which identifies soils which are suitable for prime farmland, unique farmland, or farmland of statewide importance.

The soil at this location is identified as Cajon sand, zero to two percent slopes and Hesperia loamy fine sand, two to five percent slopes **(11)**. These soils are mainly used for homestead development, grazing, and wildlife habitat. These soils are limited by slightly to high soil blowing hazard, excessively drained and sloped, high water intake rate, low available water capacity, and low fertility. Further, the proximity of commercial and residential uses does not make this site viable for agriculture. The U.S. Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County California Mojave River Area states that "Urban and built-up land and water areas cannot be considered prime farmland..." The City contains few sites currently in agricultural use and only two properties within a Williamson Act contract. This action will not change the zoning of any properties designated as prime or unique farmland and will not negate any Williamson Act contract as the site is currently within the Neighborhood Commercial (NC) and Medium Density Residential (MDR) Zones of the Main Street and Freeway Corridor Specific Plan **(9)**. The site was also evaluated for past agricultural uses. There is no record of past agricultural activities on the site. Therefore, this project will not have an impact upon agricultural resources.

The City and its Sphere Of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes **(12)**. 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 **(13)**. The project site is located in the western portion of the City within the Interstate 15 corridor adjacent to an existing nonresidential area **(1, 7 & 9)**. 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 **(14)**. Local timber production has not occurred since that time. Therefore, this project will not have an impact upon forest land or timberland.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan **(15, 16 & 17)**?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation **(15, 16 & 17)**?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) **(15, 16 & 17)**?			X	
d) Expose sensitive receptors to substandard pollutant concentrations **(1, 7, 15, 16 & 17)**?			X	
e) Create objectionable odors affecting a substantial number of people **(1, 7, 15 & 16)**?			X	

Comments.

The General Plan Update and its Environmental Impact Report (EIR) address the impact of build-out in accordance with the Land Use Plan, with emphasis upon the impact upon sensitive receptors **(15 & 16)**. Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality. The closest sensitive receptors are the occupants of the single-family residential area located approximately 850 feet to the east and approximately 1,200 feet to the south **(1)**. The residences to the east are currently within the Low Density Residential (LDR) Zone and the properties to the south are within the R1-4500 designation.

The Mojave Desert Air Quality Management District (MDAQMD) has published a number of studies that demonstrate that the Mojave Desert Air Basin (MDAB) can be brought into attainment for particulate matter and ozone, if the South Coast Air Basin (SCAB) achieves attainment under its adopted Air Quality Management Plan. The High Desert and most of the remainder of the desert has been in compliance with the federal particulate standards for the past 15 years **(15)**. The ability of MDAQMD to comply with ozone ambient air quality standards will depend upon the ability of SCAQMD to bring the ozone concentrations and precursor emissions into compliance with ambient air quality standards **(15 & 16)**.

All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD **(17)**. Programs have been established in the Air Quality Attainment Plan which address emissions caused by area sources. Both short-term (construction) emissions and the long-term (operational) emissions associated with the development were considered. Short-term airborne emissions will occur

during the construction phase related to demolition, site preparation, land clearance, grading, excavation, and building construction; which will result in fugitive dust emissions. Also, equipment emissions, associated with the use of construction equipment during site preparation and construction activities, will generate emissions. Construction activities generally do not have the potential to generate a substantial amount of odors. The primary source of odors associated with construction activities are generated from the combustion petroleum products by equipment. However, such odors are part of the ambient odor environment of urban areas. In addition, the contractor will be required to obtain all pertinent operating permits from the Mojave Desert Air Quality Management District (MDAQMD) for any equipment requiring AQMD permits.

The General Plan Update identifies large areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the impact to air quality upon build-out of the General Plan. Based upon this analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with air quality impacts **(18)**. As part of the General Plan Update Environmental Impact Report (GPUEIR), the impact of commercial and residential development to the maximum allowable intensity permitted by the Land Use Plan was analyzed. The proposed planned development will increase the maximum allowable Floor Area Ratio (FAR) for the project. However, the proposed development does not exceed the maximum allowable traffic impact for the 10-acre property, based upon the maximum allowable Floor Area Ratio (FAR) permitted within the existing zoning. Consequently, this project will not exceed the development intensity analyzed as part of the GPUEIR.

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service **(19)**?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service **(1 & 19)**?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means **(1 & 19)**?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites **(1 & 19)**?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance **(19 & 20)**?		X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan **(21)**?				X

Comments.
The site is not expected to support the Mohave ground squirrel, given the very low population levels of the species in the region and proximity to existing development. Further, the project site is outside the

area considered suitable habitat for the species **(22)**. The desert tortoise is also not expected to inhabit the site, given its proximity to existing residences **(1)**. The site is also outside the range of the arroyo toad, which has been documented to inhabit a portion of the Rancho Las Flores Specific Plan and adjacent areas **(23)**.

Since the site contains native plant species, a biological survey was conducted by Randolph J. Coleman to determine the presence of the desert tortoise, Mohave ground squirrel, burrowing owl, loggerhead shrike, and sharp-skinned hawk **(19)**. The biological report states that none of these nor any other threatened or endangered species inhabit the site. Since the burrowing owl is not sensitive to development and may occupy the site at any time, a mitigation measure requiring another biological survey to determine their presence shall be submitted no more than 30 days prior commencement of grading activities. The mitigation measure is listed on page 24.

A protected plant plan was also prepared as part of the detailed on-site biological baseline assessment inventory **(19)**. The site contains four Joshua Trees, of which two are healthy and transplantable. The protected plant plan will ensure that the site's two Joshua Trees, which are protected under the City's Native Plant Protection Ordinance, will be relocated or protected in place. The grading plan for the project shall stipulate that all transplantable protected plants identified within the report will be relocated or protected in place. The mitigation measure is listed on page 24.

The project site is not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities. The Southern Sycamore Alder Woodland and Mojave Riparian Forest vegetation communities exist within the Rancho Las Flores Specific Plan and vicinity **(24)**. Consequently, approval of the proposed development will not have an impact upon biological resources, subject to the enclosed mitigation measures.

V. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 **(25)**?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 **(25)**?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature **(26)**?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries **(27)**?			X	

Comments.
Based upon a site visit and review of the aerial photos **(1)**, 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 **(25)**. 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 inasmuch as the Cultural Resources Sensitivity Map indicates that the site has a low sensitivity potential for containing cultural resources **(26)**. Since this project is not exempt from the California Environmental Quality Act (CEQA), the City sent a letter dated December 8, 2015 giving all interested tribes the

opportunity to consult pursuant to Section 21080.3.1 of the California Public Resources Code (AB 52). The City will also notify the tribes in writing of the Planning Commission and City Council meeting dates. As of the date of preparation of this document, staff has not received a consultation request. In the event that human remains are discovered during grading activities, grading shall cease until the County Coroner has made the necessary findings in accordance with the California Environmental Quality Act (CEQA) **(27)**. 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. Consequently, this project is not expected to have an impact upon cultural resources.

VI. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 **(28, 29 & 30)**.				X
ii) Strong seismic ground shaking **(31 & 32)**?			X	
iii) Seismic-related ground failure, including liquefaction **(11 & 31)**?				X
iv) Landslides **(31)**?				X
b) Result in substantial soil erosion or the loss of topsoil **(11)**?			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 **(11 & 31)**?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property **(11)**?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater **(11)**?				X

Comments.

The project site contains generally flat topography with slopes of between two and five percent. No large hills or mountains are located within the project site. 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 and the site is not within an Alquist-Priolo Special Studies Zone or Earthquake Fault Zone **(28)**. The City and Sphere of Influence (SOI) is near several major faults, including the San Andreas, North Frontal, Cleghorn, Cucamonga, Helendale, and San Jacinto faults **(28 & 32)**. The nearest fault to the site is the North Frontal fault, located approximately five miles to the east of the City. The Alquist-Priolo Earthquake Fault Zoning Act prohibits structures designed for human occupancy within 500 feet of a major active fault and 200 to 300 feet from minor active faults **(28)**. The project site is not located in an Alquist-Priolo Earthquake Fault Zone or within 500 feet of a fault **(28 & 29)**.

The soil at this location is identified as Cajon sand, zero to two percent slopes and Hesperia loamy fine sand, two to five percent slopes **(11)**. These soils are mainly used for homestead development, grazing, and wildlife habitat. These soils are limited by a slightly to high soil blowing hazard, excessively drained, high water intake rate, low available water capacity, and low fertility. During construction, soil erosion will be limited through compliance with an approved erosion control plan in accordance with National Pollution Discharge Elimination System (NPDES) and Storm Water Prevention Plan (SWPP) regulations. Although disturbance of the soil will result in significant soil loss due to wind erosion, the site will be fully developed with a building, paved parking, and landscaping **(7)**. These improvements will ensure that soil disturbance will not result in significant soil erosion.

As a function of obtaining a building final, the proposed development will be built in compliance with the Hesperia Municipal Code and the Building Code **(33)**, which ensures that the buildings will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soil study is required, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be performed in accordance with all development codes to assure that all structures will not be negatively affected by the soil. Consequently, the impact upon geology and soils associated with the proposed project is considered less than significant.

VII. GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment **(34)**?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases **(34)**?			X	

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

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

Lead agencies may use the environmental documentation of a previously adopted Plan to determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements of the Plan or mitigation program under specified circumstances. As part of the General Plan Update, the City adopted a Climate Action Plan (CAP)**(34)**. The CAP provides policies along with implementation and monitoring which will enable the City of Hesperia to reduce greenhouse emissions 28 percent below business as usual by 2020, consistent with AB 32.

The Neighborhood Commercial (NC) Zone allows a maximum FAR of 0.23. The proposed planned development provides a 0.33 FAR. The proposed project will not increase the greenhouse gas (GHG) emissions beyond that analyzed within the General Plan Update Environmental Impact Report (GPUEIR). Consequently, the proposed development will not cause an increase in greenhouse gas emissions beyond that which was addressed by the GPUEIR. Locating senior housing in a commercial center with medical offices, a spa/wellness center, a hair salon and other senior-oriented uses will reduce the number of vehicle trips. The additional job creation from this development will also reduce the number of residents commuting to other communities for work, further reducing vehicle miles traveled and resulting in additional GHG reductions. The buildings will be equipped with energy efficient mechanical systems for heating and cooling. That, in combination with use of dual pane glass and insulation meeting current Building Code regulations **(33)** will cause a reduction in GHG emissions from use of less efficient systems, resulting in additional community emission reduction credits. Consequently, the impact upon GHG emissions associated with the proposed project is less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials **(7 & 35)**?				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 **(7 & 35)**?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school **(1 & 7)**?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment **(1)**?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area **(9 & 36)**?				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 **(36)**?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan **(37)**?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands **(1 & 38)**?				X

Comments.

The project is comprised of residential and non-residential uses which do not include the routine transport and storage of hazardous wastes. The project site is not listed in any of the following hazardous sites database systems, so it is unlikely that hazardous materials exist on-site:

- National Priorities List www.epa.gov/superfund/sites/query/basic.htm. List of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. There are no known National Priorities List sites in the City of Hesperia.

- Site Mitigation and Brownfields Reuse Program Database www.dtsc.ca.gov/database/Calsites/Index.cfm. This database (also known as CalSites) identifies sites that have known contamination or sites that may have reason for further investigation. There are no known Site Mitigation and Brownfields Reuse Program sites in the City of Hesperia.
- Resource Conservation and Recovery Information System www.epa.gov/enviro/html/rcris/rcris_query_java.html. Resource Conservation and Recovery Information System is a national program management and inventory system of hazardous waste handlers. There are 53 Resource Conservation and Recovery Act facilities in the City of Hesperia, however, the project site is not a listed site.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS) (http://cfpub.epa.gov/supercpad/cursites/srchsites.cfm). This database contains information on hazardous waste sites, potentially hazardous waste sites, and remedial activities across the nation. There is one Superfund site in the City of Hesperia, however, the project site is not located within or adjacent to the Superfund site.
- Solid Waste Information System (SWIS) (http://www.ciwmb.ca.gov/SWIS/Search.asp). The SWIS database contains information on solid waste facilities, operations, and disposal sites throughout the State of California. There are three solid waste facilities in the City of Hesperia, however the project site is not listed.
- Leaking Underground Fuel Tanks (LUFT)/ Spills, Leaks, Investigations and Cleanups (SLIC) (http://geotracker.waterboards.ca.gov/search/). This site tracks regulatory data about underground fuel tanks, fuel pipelines, and public drinking water supplies. There are fourteen LUFT sites in the City of Hesperia, six of which are closed cases. The project site is not listed as a LUFT site and there are no SLIC sites in the City of Hesperia.
- There are no known Formerly Used Defense Sites within the limits of the City of Hesperia. Formerly Used Defense Sites http://hq.environmental.usace.army.mil/programs/fuds/fudsinv/fudsinv.html.

The proposed project will not conflict with air traffic nor emergency evacuation plans. The site is approximately five miles from the Hesperia Airport to the southeast and is therefore not within a restricted use zone associated with air operations **(38)**. Consequently, implementation of the project will not cause safety hazards to air operations. The site is also not along an emergency evacuation route or near a potential emergency shelter **(37)** and will not interfere with emergency evacuation plans.

The project's potential for exposing people and property to fire and other hazards was also examined. The site is located within an urbanized area and is not in an area susceptible to wildland fires. The areas primarily in proximity to the San Bernardino National Forest are most susceptible to wildland fires **(39)**. All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. Consequently, approval of the project will not have any impact upon or be affected by hazards and hazardous materials.

IX. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements **(40 & 41)**?				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) **(42 & 43)**?			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 **(38)**?			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 **(7 & 38)**?			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 **(44)**?			X	
f) Otherwise substantially degrade water quality **(44)**?			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 **(7, 45 & 46)**?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows **(7, 38 & 46)**?				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 **(7, 45 & 46)**?				X
j) Inundation by seiche, tsunami, or mudflow **(7, 28)**?				X

Comments.
Development of the site will disturb more than one-acre of land area. Consequently, the project will be required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to land disturbance **(47)**. Issuance of a Storm Water Pollution Prevention Plan (SWPPP) will also be required, which specifies the Best Management Practices (BMPs) that will be implemented to prevent construction pollutants from contacting storm water. Obtaining the NPDES and implementing the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). These are mandatory and NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts to water quality during project construction.

The development may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff **(48)**. Therefore, the project shall retain the drainage created on-site beyond that which has occurred historically within an approved drainage system in accordance with City of Hesperia Resolution 89-16. The site is within Flood Zone X, based upon the latest Flood Insurance Rate Maps **(46)**. The proposed development is not allowed to concentrate or redirect stormwater flow. Although the site is approximately 800 feet upstream of a major regional drainage flow identified as A-04 within the Victorville Master Plan of Drainage **(45)**, the project site is not impacted **(7)**. The retention facilities required by the City for the development will ensure that no additional storm water runoff impacts the area and that any contaminants will be filtered from stormwater runoff prior to any release. The release will be no greater than the amount of runoff which currently leaves the site prior to development.

The 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 **(38)**. The areas most affected by a dam failure are located in the low lying areas of southern Rancho Las Flores, most of the Antelope Valley Wash, and properties near the Mojave River.

The City of Hesperia is located just north of the Cajon Pass at an elevation of over 2,500 feet above sea level, which is over 60 miles from the Pacific Ocean. As such, the City is not under threat of a tsunami, otherwise known as a seismic sea wave. Similarly, the potential for a seiche to occur is remote, given the limited number of large water bodies within the City and its sphere. A seiche would potentially occur only in proximity to Silverwood Lake, Hesperia Lake and at recharge basins **(48)**. The subject property exhibits a two to five percent slope and the water table is significantly more than 50 feet from the surface. Therefore, the mechanisms necessary to create a mudflow; a steep hillside with groundwater near the surface, does not exist at this location.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin **(42)**.

Senate Bill SB 610 requires approval of a Water Supply Assessment (WSA) if any individual development exceeds 500 dwelling units, a proposed shopping center or business establishment employing more than 1,000 persons, or a commercial center employing more than 1,000 persons or encompassing more than 500,000 square feet of building area, a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space, a proposed hotel or motel, or both, having more than 500 rooms. The planned development will allow construction of 84 senior condominiums, 131 senior assisted living units; a 41,747 square foot multi-tenant commercial building and a 4,000 square foot retail building. This level of development does not meet the threshold requiring a WSA.

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere Of Influence (SOI). The UWMP indicates that the City is currently using less than half of its available water supply and that supply is projected to exceed demand beyond the year 2030 **(42)**. The HWD has maintained a water surplus through purchase of water transfers, allocations carried over from previous years, and recharge efforts. Therefore, the impact upon hydrology and water quality associated with this project is considered less than significant.

X. LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community **(1)**?				X

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect **(11 & 34)**?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan **(24)**?				X

Comments.
Although the site is currently vacant, it is adjacent to an existing restaurant and multi-tenant retail building to the south and a mini-storage to the west **(1)**. The site is currently zoned Neighborhood Commercial on its southern portion and Medium Density Residential (MDR) on its northern portion **(11)**. Changing the land use designation to Planned Development (PPD15-00001) will allow the proposed uses, which are not allowed in the development intensity and combination of land uses permitted within the existing zoning.

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 **(24)**. The project site is located approximately five miles northwest of this specific plan within the developed portion of the City. Therefore, the proposed project will have a less than significant impact upon land use and planning.

XI. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state **(49)**?				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 **(49)**?				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 **(49)**. 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. The mineral resources within the property are not unique locally or regionally and need not be preserved. Consequently, the proposed project would not have an impact upon mineral resources.

XII. NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies **(1, 7 & 50)**?			X	

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels **(50)**?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project **(7 & 9)**?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project **(50 & 51)**?			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 **(1 & 9)**?				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 **(1 & 9)**?				X

Comments.
Approval of the proposed project will result in both construction noise and operational noise, mostly associated with trucks and vehicular traffic to and from the site, but also including noise from both residential and nonresidential uses. According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles and aircraft **(50)**. Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Noises associated with this type of project will be mostly from traffic caused by arriving and departing vehicles, especially semi-trucks (employees, customers, and deliveries).

Construction noise levels associated with any future construction activities will be slightly higher than the existing ambient noise levels in the vicinity of the project site. Noise generated by construction equipment, including trucks, graders, backhoes, well drilling equipment, bull-dozers, concrete mixers and portable generators can reach high levels and is typically one of the sources for the highest potential noise impact of a project. However, the construction noise would subside once construction is completed. The proposed project must adhere to the requirements of the City of Hesperia Noise Ordinance **(51)**. The Noise Ordinance contains an exemption from the noise level regulations during grading and construction activities occurring between 7:00 A.M. and 7:00 P.M., Monday through Saturday, except federal holidays.

The project site will be subjected to higher levels of noise, due to its proximity to Main Street. Most commercial uses are not sensitive to noise and may be subjected to a maximum 55 dB (A) building interior noise limitation. However, the senior assisted living and condominiums are subject to the more restrictive interior noise standard of 45 dB (A) **(51)**. The proposed assisted living and condominiums are expected to receive 65 dB (A) at 350 feet from the centerline of Main Street at build-out of the City **(52)**. Since the exterior noise level does not exceed 65 dB (A) for the residential portion of the development, implementation of standard building methods will result in the buildings meeting the 45 dB (A) interior noise standard **(51)**. The potential impact of the project upon the nearest sensitive uses to the site are the single-family residences to the east, which will be impacted more by Main Street than by the proposed use **(1)**. Consequently, the impact of noise and vibration upon the proposed use as well as its impact upon noise-sensitive uses in its vicinity is not significant.

The impact of the residential uses upon the area will be minor, inasmuch as the units are reserved for seniors, who typically drive less and do not own as many vehicles as other age groups. Operation of the nonresidential uses will create additional noise associated with truck and passenger vehicle traffic. The General Plan Update Environmental Impact Report (GPUEIR) accounts for the usual traffic in this area caused by commercial and residential activities. Although the project will increase noise levels in

the area, due to increased vehicular traffic, the noise impact of Main Street will surpass any noise increase due to this project. Therefore, noise mitigation is unnecessary.

The project site is approximately five miles north of the Hesperia Airport. At this distance, the project is not impacted by any safety zones associated with this private airport **(9)**. The project site is even farther from the Southern California Logistics Airport (SCLA) and the Apple Valley Airport and will not be affected by any safety zones for these airports.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the noise impact upon build-out of the General Plan to the maximum allowable development intensity permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with noise impacts **(18)**. The transportation impact of the uses proposed under this Planned Development is analyzed within Section XVI (TRANSPORTATION / TRAFFIC). Inasmuch as this project does not exceed the traffic impact analyzed as part of the GPUEIR, this project will not exceed the amount of noise expected at City build-out and will not exceed the noise level impact analyzed by the General Plan Update Environmental Impact Report (GPUEIR). Consequently, the noise impact of this project is not significant.

XIII. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) **(7)**?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere **(1)**?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere **(1)**?				X

Comments.
The proposed project entails development of both residential and nonresidential uses to serve seniors **(7)**. This project does not exceed the traffic impact analyzed as part of the GPUEIR. Consequently, the proposed project will not create a significant increase in the demand for housing. The transportation impact of the uses proposed under this Planned Development is analyzed within Section XVI (TRANSPORTATION / TRAFFIC). This project does not exceed the traffic impact analyzed as part of the GPUEIR. As a result, the project's impact upon population growth will not exceed the impact analyzed by the GPUEIR. The northern 6.6 gross acres of the site is vacant and is identified for development of residential land uses **(9)**. Further, the project will not displace any existing housing, necessitating the construction of replacement housing elsewhere.

The population in Hesperia has increased mainly because of the availability of affordable housing in the High Desert and its proximity to the job-rich areas of the Inland Empire. There is currently more demand for commercial services and jobs than there are services and jobs available in Hesperia. As a result, the proposed nonresidential development will not induce substantial population growth as the development will provide much needed services and jobs for the current population in the High Desert, The demand for senior housing has outpaced the number of units constructed for some time, as existing senior residential developments have a waiting list. Since the proposed use will primarily serve the existing senior population, development of the proposed project would have a less than significant impact upon population and housing.

XIV. PUBLIC SERVICES.	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services **(53)**:			X	
Fire protection? **(53)**			X	
Police protection? **(53)**			X	
Schools? **(53)**				X
Parks? **(53)**				X
Other public facilities? **(53)**			X	

Comments.
Senate Bill SB 610 requires approval of a Water Supply Assessment (WSA) if any individual development exceeds 500 dwelling units, a proposed shopping center or business establishment employing more than 1,000 persons, or a commercial center employing more than 1,000 persons or encompassing more than 500,000 square feet of building area, a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space, a proposed hotel or motel, or both, having more than 500 rooms. The planned development will allow construction of 84 senior condominiums, 131 senior assisted living units; a 41,747 square foot multi-tenant commercial building and a 4,000 square foot retail building do not meet the threshold requiring a WSA. Water will be supplied by the Hesperia Water District (HWD).

Although the proposed project will create an increase in demand for public services **(53)**, that increase is consistent with that which is anticipated as part of the General Plan Update Environmental Impact Report (GPUEIR). The site is served by an existing 8-inch water line and an 8-inch sewer line in Main Street **(54)**. Full street improvements comprised of curb, gutter, and sidewalk will be constructed along the project's Main Street frontage as part of its construction. Development Impact Fees (DIFs) will be assessed at the time that building permits are issued for construction of the site **(55)**. These fees are designed to ensure that appropriate levels of capital resources will be available to serve any future development. Therefore, the impact of the proposed project upon public services is less than significant.

XV. RECREATION.	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated **(7)**?				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 **(7)**?				X

Comments.
As evaluated previously, approval of the proposed project will only induce population growth indirectly, as it will provide facilities mostly for the existing senior population. A modest demand for new employees will result from its development **(7)**. The facility contains recreational facilities for all occupants of the residential development as well as the seniors within the day care. Therefore, the proposed project will have a small indirect impact upon recreation.

XVI. TRANSPORTATION / TRAFFIC. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit **(56)**?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways **(57, 58 & 59)**?			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 **(36)**?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) **(58 thru 62)**?				X
e) Result in inadequate emergency access **(7)**?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities **(58 thru 62)**?				X

Comments.
The proposed project fronts upon Main Street, which is to be constructed as a Special Street Section identified as Main Street A **(56 & 62)**. As part of development of this project, Main Street will be constructed to City standards, including curb, gutter, and sidewalk across the project frontage and pavement tapers beyond the frontage, improving safety. Access to and within the site has been evaluated by both the City and the San Bernardino County Fire Department. Access to the project shall be from both Main Street and La Rosa Street north to the nearest paved street **(7)**. The driveway from Main Street shall be a right-in and right-out movement only. Eastbound traffic on Main Street will be required to turn north on Fuente Avenue and west on La Rosa Street to access the project. Therefore, secondary access will be provided in phase I.

The City's General Plan includes a non-motorized transportation network **(63)**. The site fronts upon Main Street, which is part of the Bikeway System Plan. A Class I bike path will ultimately be constructed within Main Street from I-15 to I Avenue. This will provide a viable alternative to the use of automobiles.

The City's Circulation Plan is consistent with the Congestion Management Program (CMP) for San Bernardino County **(61)**. The CMP requires a minimum Level of Service (LOS) standard of "E." When a jurisdiction requires mitigation to a higher LOS, then the jurisdiction's standard takes precedence. The Circulation Element requires a minimum LOS of D for street segments instead of LOS E. The Element also strives to maintain a LOS of C or better on roadways which exhibit an LOS better than D. The LOS of Caliente Road will not be significantly negatively affected by the increased number of vehicle trips to be created by this use with the mitigation measures outlined within the traffic study.

The project site is located approximately four miles from the Hesperia Airport and is not within an airport safety zone **(9)**. Consequently, the project will not cause a change in air traffic patterns nor an increase in traffic levels or location. The project site will also not impact the air traffic patterns for the Southern California Logistics Airport nor the Apple Valley Airport.

Based upon the Institute of Transportation Engineer's Trip Generation Manual (Trip Generation Manual), the EIR for the General Plan and Specific Plan approved residential and nonresidential development which can generate up to **4,147** daily vehicle trips as calculated below. This traffic volume was determined using the Trip Generation Manual, assuming that the 10.0 gross acre parcel is developed to the maximum residential density and nonresidential intensity allowed by the Specific Plan. The north 6.6 gross acres of the parcel are within the Medium Density Residential (MDR) Zone District and the southern 3.4 gross acres are within the Neighborhood Commercial (NC) Zone District of the Specific Plan. The MDR Zone allows a maximum of 15 dwelling units per gross acre and the NC Zone allows a maximum Floor Area Ratio (FAR) of 0.23. Therefore, the maximum allowable development density/intensity allowed under the EIR is determined as:

- The 6.6 gross acres within the MDR Zone is allowed a maximum of 99 dwelling units, since 15 dwelling units are allowed per acre. Apartments generate 6.72 daily vehicle trips on a weekday **(57)**. Therefore, 99 apartments will generate a maximum of **665** daily vehicle trips.
- The 3.4 gross acres within the NC Zone is allowed a maximum of 34,064 square feet of nonresidential development, based upon the 0.23 FAR. A supermarket generates 102.24 daily vehicle trips for every 1,000 square feet of gross building floor area on a weekday **(57)**. Therefore, a 34,064 square foot supermarket will generate a maximum of **3,482** daily vehicle trips.

The proposed development will generate **4,102** daily vehicle trips, based upon the calculations in the following table. Vehicle trips are not included for the spa, hair salon, recreational buildings, or the restaurant, since these facilities are only to be used by the owners and guests within the condominiums and the tenants and guests of the assisted living and senior day care facility. Since the current zoning allows uses which can generate up to **4,147** daily vehicle trips, the proposed senior mixed-use project will not exceed the development impact analyzed by the EIR.

AVERAGE DAILY VEHICLE TRIPS FOR THE PROPOSED PROJECT		
LAND USE	TRIP GENERATION FORMULA	NUMBER OF DAILY VEHICLE TRIPS
84-unit senior condominiums	3.48 vehicle trip ends per unit	292
131-unit assisted living (217 beds)	2.66 vehicle trip ends per bed	577
300-person senior daycare	2.81 vehicle trip ends per person	843
Medical offices (11,200 SF)	36.13 vehicle trip ends per 1,000 SF	405
Convenience market (4,000 SF)	496.32 vehicle trip ends per 1,000 SF	1,985
Total		**4,102**

The GPEIR analyzed development of this site to the maximum allowable FAR. Therefore, the impact of the proposed project upon transportation/ traffic will not exceed that which was analyzed by the GPEIR. Consequently, the impact of this project upon transportation/traffic is not significant.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board **(64)**?				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 **(54)**?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects **(45)**?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed **(42 & 43)**?			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 **(42)**?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs **(65 & 66)**?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste **(67)**?			X	

Comments.
The proposed development will increase the amount of wastewater due to increased impervious surface area, but this additional amount was considered as part of the GPUEIR. The development will be connected to the existing 8-inch water and sewer line in Main Street within the City's water system **(54)**. The water capacity of this line will be sufficient to serve this project.

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

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the

Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, in a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin **(43)**.

Senate Bill SB 610 requires approval of a Water Supply Assessment (WSA) if any individual development exceeds 500 dwelling units, a proposed shopping center or business establishment employing more than 1,000 persons, or a commercial center employing more than 1,000 persons or encompassing more than 500,000 square feet of building area, a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space, a proposed hotel or motel, or both, having more than 500 rooms. The planned development will allow construction of 84 senior condominiums, 131 senior assisted living units; a 41,747 square foot multi-tenant commercial building and a 4,000 square foot retail building do not meet the threshold requiring a WSA. Water will be supplied by the Hesperia Water District (HWD).

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 **(68)**. 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 **(67)**. Currently, approximately 63 percent of the solid waste within the City is being recycled **(65)**. About 168 tons of solid waste is disposed at the landfill and 243 tons are recycled of the total solid waste produced by the City per day. The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 600 tons per day in order to accommodate future development. Therefore, the proposed project will not cause a significant negative impact upon utilities and service systems.

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

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

XIV. EARLIER ANALYSES.
Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case a discussion identifies the following: The Certified General Plan Environmental Impact Report.
a) **Earlier analyses used.** Earlier analyses are identified and stated where they are available for review.
b) **Impacts adequately addressed.** Effects from the above checklist that were identified to be within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards are noted with a statement whether such effects were addressed by mitigation measures based on the earlier analysis.
a) **Mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project are described.

The following mitigation measures are recommended as a function of this project.

1. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.
2. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

(1)	Aerial photos of the City of Hesperia taken February, 2015.
(2)	Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-7.
(3)	Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-8.
(4)	Section 16.20.085 (O) of the Hesperia Municipal Code.
(5)	Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-9.
(6)	Section E of Chapter 7 and Section G of Chapter 9 of the Main Street and Freeway Corridor Specific Plan, 100 thru 106 and pages 199 thru 204

(7)	General Plan Amendment GPA12-00002, Specific Plan Amendment SPL13-00001, Tentative Parcel Map PMN13-00001, and Conditional Use Permit CUP12-00021 applications and related materials.
(8)	Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-1
(9)	Official Maps showing the General Plan Land Use and zoning of the City of Hesperia and its sphere of influence.
(10)	Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2
(11)	United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 31, Pages 27 and 44.
(12)	2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
(13)	2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
(14)	Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34.
(15)	Air Quality Section of the 2010 City of Hesperia General Plan Update, pages CN-47 thru CN-50.
(16)	Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
(17)	Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
(18)	Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR).
(19)	Biological Baseline Assessment & Native Plant Report prepared by Randolph J. Coleman on March 17, 2015.
(20)	Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
(21)	Section 3.4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.4-30.
(22)	Exhibit CN-5 of the 2010 City of Hesperia General Plan Conservation Element, page CN-27.
(23)	Exhibit OS-2 of the 2010 City of Hesperia General Plan Update, page OS-9.
(24)	Exhibit CN-3 of the 2010 City of Hesperia General Plan Conservation Element, page CN-17.
(25)	Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages C-1 thru C-34.
(26)	Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibits 5b and 5e.
(27)	Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
(28)	Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1, page SF-9.
(29)	Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, Figure 1-2, page 1-5.
(30)	Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
(31)	Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.

(32)	Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-23 thru 1-36.
(33)	2010 California Building Code.
(34)	2010 City of Hesperia General Plan Update Climate Action Plan.
(35)	Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
(36)	Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-60 and LU-61.
(37)	Potential Emergency Shelters and Evacuation Routes shown within the 2010 Hesperia General Plan Safety Element, Exhibit SF-4.
(38)	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.
(39)	Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
(40)	Section 3.8.2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
(41)	Section 3.8.5 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-20 thru 3.8-22.
(42)	Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
(43)	Mojave Water Agency letter dated March 27, 1996.
(44)	Section 4.3.8 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 4-9.
(45)	1992 Victorville Master Plan of Drainage Volume II, identifying future drainage improvements for the area.
(46)	FEMA flood map, City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
(47)	Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
(48)	Flooding Hazards Section of the 2010 City of Hesperia General Plan Update Safety Element, pages SF-16 thru SF-18.
(49)	Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
(50)	Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
(51)	Section 16.20.125 of the Hesperia Municipal Code, pages 464 thru 467.
(52)	Table 3.11-9 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.11-34.
(53)	Section 4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-13 thru 4-18.
(54)	Current Hesperia water and sewer line atlas, page I8.
(55)	1991 City of Hesperia Ordinance 180 entitled "An Ordinance of the City Council of the City of Hesperia, California, Establishing a Development Impact Fee for all New Residential, Commercial, and Industrial Structures" and Resolution No. 2007-110 on November 20, 2007.
(56)	Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, page CI-27.

(57)	Institute of Transportation Engineers Trip Generation Manual, Sixth Edition, Volume 3.
(58)	Exhibit CI-22 showing the Urban Design Framework within the 2010 City of Hesperia General Plan Update Circulation Element, page CI-55.
(59)	Table 4-4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, page 41.
(60)	Section 2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 2-19.
(61)	Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 4 thru 6.
(62)	Exhibit CI-1 showing the General Plan Traffic Circulation Plan within the 2010 City of Hesperia General Plan Update Circulation Element.
(63)	Exhibit CI-23 showing the Non-Motorized Transportation Plan General Plan within the 2010 City of Hesperia General Plan Update Circulation Element, Page CI-57.
(64)	Section 3.8 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-8 thru 3.8-14.
(65)	Quarterly data of the San Bernardino County Disposal Reporting System for the 3rd quarter 2014.
(66)	2009 California Department of Resources, Recycling and Recovery Annual AB939 Report.
(67)	California Integrated Waste Management Act (AB 939).
(68)	City of Hesperia Urban Water Management Plan.

Attachment "A"

PPD15-00001, CUP15-00003, TT15-00003, and TPMN15-00001 initial study

ATTACHMENT 15

RESOLUTION NO. PC-2016-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A PLANNED DEVELOPMENT TO CREATE SENIOR-ORIENTED DEVELOPMENT STANDARDS IMPLEMENTING CONDITIONAL USE PERMIT CUP15-00003 AND AMEND THE OFFICIAL GENERAL PLAN AND ZONING MAP BY RECLASSIFYING CERTAIN REAL PROPERTY HEREIN DESCRIBED WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM THE NEIGHBORHOOD COMMERCIAL (NC) AND MEDIUM DENSITY RESIDENTIAL (MDR) ZONES TO PLANNED DEVELOPMENT ON 10.0 GROSS ACRES OF LOCATED ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT (PPD15-00001)

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

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

WHEREAS, Apollo Construction, LLC has filed an application requesting approval of PPD15-00001 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 10 gross acres within the Neighborhood Commercial (NC) and Medium Density Residential (MDR) Zones of the Main Street and Freeway Corridor Specific Plan located on the north side of Main Street, approximately 250 feet east of the California Aqueduct and consists of Assessor's Parcel Number 0405-062-56; and

WHEREAS, the Application, as contemplated, proposes to change the General Plan Land Use designation and zoning of the subject property within the Main Street and Freeway Corridor Specific Plan (Specific Plan) from the Neighborhood Commercial (NC) and Medium Density Residential (MDR) Zone to Planned Development PPD15-00001. This Planned Development will create senior-oriented development standards implementing Conditional Use Permit CUP15-00003; and

WHEREAS, Apollo Construction, LLC has also filed applications requesting approval of Conditional Use Permit CUP15-00003 in conjunction with Tentative Parcel Map TPMN15-00001 (PM-19638), to create four parcels and Tentative Tract TT15-00003 (TT-20004), to construct a 2-story, 84-unit senior condominium development, a 2-story, 131-unit senior assisted living facility, a 2-story, 300-person adult day care center, a spa and wellness center, medical offices and other senior-oriented retail uses including kitchen and dining facilities with the sale of beer and wine, and a 4,000 square foot commercial building in four phases; and

WHEREAS, the subject property as well as the properties to the north and east, are currently vacant. A restaurant and a multi-tenant retail building exist to the south and a commercial mini-storage exists to the west; and

WHEREAS, the subject property is currently within the Neighborhood Commercial (NC) and Medium Density Residential (MDR) Zone of the Specific Plan. The properties to the east and west are also within the NC and MDR Zone. The properties to the north are within the Low Density Residential (LDR) and the properties to the south are within the Regional Commercial (RC) Zone of the Specific Plan; and

WHEREAS, an environmental Initial Study for the proposed project was completed on May 16, 2016, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND16-00004 was subsequently prepared; and

WHEREAS, on June 9, 2016, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced June 9, 2016 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

(a) Based upon Negative Declaration ND16-00004 and the initial study which supports the Mitigated Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed Specific Plan Amendment will have a significant effect on the environment;

(b) The site of the proposed Planned Development is suitable for any of the land uses permitted within the proposed Planned Development, because the land uses can meet the standards for setbacks, parking, circulation, and access within the proposed Zone District.

(c) Since this development is designed as an adult senior living community, the Planned Development restricts uses within the development to ensure land use compatibility. The existing Neighborhood Commercial zone would allow potentially incompatible land uses within this project. Further, the current zoning does not permit the proposed minimum livable floor area for the condominiums and the assisted living units; the project exceeds the maximum allowable floor area ratio, and the minimum private and common outdoor recreational living area for the condominiums and the assisted living facility. The minimum number of parking spaces required for the condominiums, the assisted living, the kitchen and the dining room, the spa and wellness center, and the hair salon are also not provided, since only the seniors living within the condominiums or the assisted living facility, as well as their friends and family will be able to use these services. The condominiums are also not provided a two-car garage for each unit and carports are not provided for the assisted living units, since many seniors, especially those in the assisted living facility, will not own cars. Additionally, the project does not meet the maximum 30 percent allowable parking lot frontage on

meet the maximum 30 percent allowable parking lot frontage on Main Street and La Rosa Street or the minimum building separation requirements. The Planned Development also allows the use of landscaping without walls to screen utility equipment and does not comply with the minimum landscaping width adjacent to the garages.

Approval of this unique mix of senior uses at the proposed intensity/density of development is not possible under the standards within the Main Street and Freeway Corridor Specific Plan or the Development Code. Maintaining the standards, particularly the minimum number of parking spaces, would not enable this project to be viable. The demand for occupancy of senior apartments in the City demonstrates a current need for this type of development. Therefore, the proposed Planned Development is reasonable and beneficial at this time, because it will facilitate the planning and development of this area that is needed to support the well-planned growth of Hesperia.

(d) The proposed Planned Development will not have a significant adverse impact on surrounding properties or the community in general, because the project will be subject to policies governing design and the mitigation measures for ND16-00004.

(e) The proposed project is consistent with the adopted General Plan of the City of Hesperia, with approval of this Planned Development.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends approval of Planned Development PD15-00001, amending the Official General Plan and Zoning Map of the City of Hesperia as shown on Exhibit "A" and Negative Declaration ND16-00004, which is attached to the staff report for this item, establishing the Planned Development standards shown on Exhibit "B."

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

ADOPTED AND APPROVED on this 9th day of June 2016.

_____
Tom Murphy, Chair, Planning Commission

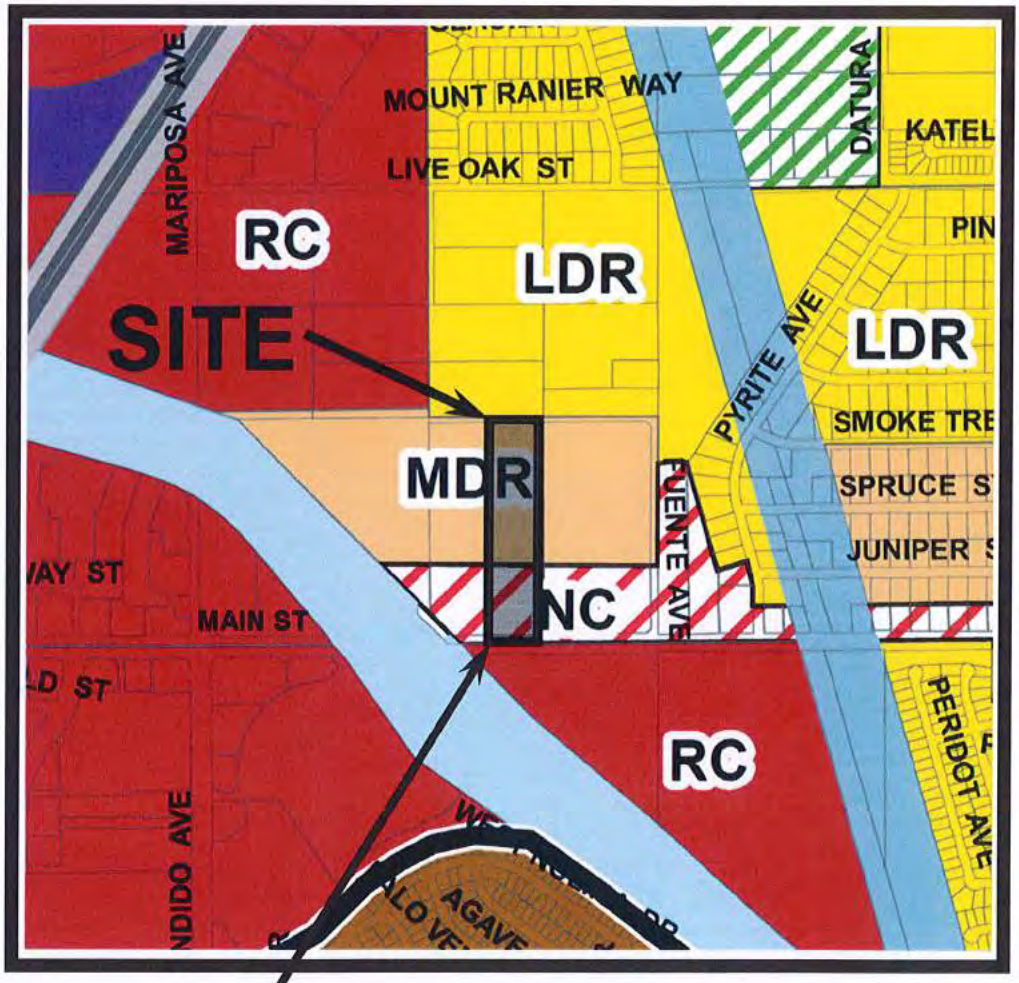
ATTEST:

_____
Denise Bossard, Secretary, Planning Commission

EXHIBIT "A"

PPD15-00001

Applicant: Apollo Construction, LLC



PROPERTY TO BE CHANGED FROM NC AND MDR TO PPD15-00001

PLANNED DEVELOPMENT

IN THE CITY OF HESPERIA, SAN BERNARDINO COUNTY

ASSESSOR'S PARCEL NUMBERS: 0405-062-56-0000

LEGAL DESCRIPTION:
EAST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 5 WEST, S.B.M.

PREPARED FOR:

APOLLO CONSTRUCTION, LLC
C/O AGNES YEN
150 N. SANTA ANITA AVE., #300
ARCADIA, CA 91006

PREPARED BY:

BCA ENGINEERING CORP.

Ginger E. Coleman, MPA, Director of Planning

Randolph J. Coleman, AICP CEP, PE, PLS
Certified Wildlife Biologist #43090
Certified Arborist & Tree Risk Assessment Qualified WE#8024A
Qualified Stormwater Developer/Planner #21595

© APRIL 1, 2016

I PURPOSE

The purpose of this Planned Development (PD) is to promote public health, safety and welfare to senior citizens by allowing increased land use flexibility for this proposed Adult Senior Living Community.

This PD is within the boundaries of the Main Street and Freeway Corridor Specific Plan (SP or Specific Plan) and promotes neighborhood diversity without ignoring possible concerns regarding potential impacts on surrounding residential uses.

A PD will allow specific development standards that fit the goals and objectives of this unique project with a submitted application for a Conditional Use Permit, Site Plan, Tentative Parcel Map and Tract Map, Planned Development and numerous other appurtenant maps, reports and documents. City staff considers the Assisted Living Facility to be an institutional use because of separate state approvals.

Specific tables are on the following pages that identify specific issues that this Planned Development addresses, as requested by the City of Hesperia.

II PROJECT PROPOSAL SUMMARY

This PD project is a mixed use "two-story" Adult Senior Living Community on 10 gross acres (APN: 0405-062-56) in the City of Hesperia, consisting of these components:

- 84-unit Senior Condominium development for 55-plus-year-old seniors in a single two-story structure with a total of 69,010 square feet and a 1,600 square foot common use building in the courtyard area.
- 131-unit Assisted Living Facility (217-bed maximum per State approval pending – 1 bedroom units (86) may have two beds [131+86=217]) in a single two-story structure (95,254sq.ft.) with a total of 98,454 square feet and inclusive of two 1,600 square foot common use buildings in the courtyard area.
- 300 person Adult Day Care having a 11,200+/- (140'X80') square feet facility
    - Medical suites of 11,200+/- (140'X80') square feet of (up to 3 suites)
    - Spa Area, Beauty Salon and Wellness Center of 9,651+/- square feet
- Restaurant facility of 9,696+/- (36'x227'+48.5'x30.5'+5'X3') square feet attached by ADA access and ramps to both the Assisted Living Facility and the Adult Day Care Facility.
- 4,000 square foot (single story) commercial retail building along Main Street

The following uses are exclusively for residents (inclusive of family and friends) of the Senior Condominiums and Assisted Living Facility and clients of the Adult Day Care:

- Restaurant facility portion with a total of 9,696+/- square feet attached by ADA Access to both the Assisted Living and Day Care Facilities
- Spa Area, Beauty Salon and Wellness Center of 9,651+/- square feet

III APPLICABILITY AND CONFORMITY WITH THE PLANNED DEVELOPMENT

The provisions of this Planned Development shall apply for this specific parcel only [10±Gross Acres - APN 0405-062-56-0000 - Legal Description: The East 1/2 of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 14, Township 4 North, Range 5 West, S.B.M.].

A. The regulations of this Planned Development replace those set forth in the Main Street and Freeway Corridor Specific Plan (SP), planning and zoning provisions of the Hesperia Development Code, and any other applicable ordinances. Where land use regulations and/or development standards of the SP, Development Code (Title 16) of the Hesperia Municipal Code are inconsistent with this Planned Development, the standards and regulations of the Planned Development shall prevail and supersede the applicable provisions of the Specific Plan and Development Code.

B. The Planned Development does not convey any rights not otherwise granted under the provisions and procedures contained in the Specific Plan and/or Development Code and the other applicable ordinances, except as specifically provided herein. Any issue not specifically covered in the Planned Development shall be subject to the Specific Plan and/or Hesperia Municipal Code, or to interpretation by the Development Services Director or his/her designee if not specifically covered in the City's existing regulations.

IV RELATIONSHIP OF THE PLANNED DEVELOPMENT TO THE CITY'S GENERAL PLAN

The designated requirements within this document shall apply to this specific parcel of land only.

Concurrent with the adoption of this PD are numerous other legal entitlement applications and required approvals by the City. The Main Street and Freeway Corridor Specific Plan and the City of Hesperia General Plan are amended to designate this property as PD through the appropriate mechanisms of the City of Hesperia General Plan and the Main Street and Freeway Corridor Specific Plan to ensure consistency between these City Documents, where applicable.

This PD is consistent with the General Plan goals and associated policies that provide for the use of Planned Development as part of the General Plan to address detailed design, land use and policy direction(s) for a particular parcel or designated boundary area within the City of Hesperia and as a method of detailed and systematic implementation of the General Plan.

V RELATIONSHIP OF THE PLANNED DEVELOPMENT TO THE CITY'S DEVELOPMENT CODE

The designated requirements within this document shall apply to this specific parcel only. Adoption of this Planned Development (PD) establishes a PD designation, which incorporates all of the standards for land use and development set forth in this Plan.

The regulations of this PD replace those set forth in the planning and zoning provisions of the Main Street and Freeway Corridor Specific Plan and the City of Hesperia Development Code, and any other applicable ordinances. The specified land use regulations of this PD supersede the development standards of Main Street and Freeway Corridor Specific Plan and Development Code (Title 16) of the Hesperia Municipal Code. For items which are inconsistent with the Main Street and Freeway Corridor Specific Plan, the standards and regulations of the PD shall prevail and supersede the applicable provisions of the City of Hesperia Development Code and other regulations.

The PD does not convey any rights not otherwise granted under the provisions and procedures contained in the City of Hesperia Development Code and other applicable ordinances, except as specifically provided herein. Any issue not specifically covered in the PD shall be subject to the Main Street and Freeway Corridor Specific Plan and applicable portions of the Hesperia Municipal Code, or to interpretation by the Development Services Director or his/her designee if not specifically covered in the City's existing regulations.

VI GENERAL PLAN AND MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

Adoption of this PD is within the Goals and Policies established for the Main Street and Freeway Corridor Specific Plan area and City of Hesperia General Plan by providing alternative residential opportunities for age-restricted residents and day care clientele. This PD incorporates a variety of concepts for age-restricted residents and clientele by being conceptually a mixed use development with alternative designs, smart growth concepts and alternative parking and shared requirements.

This PD is a mix of age-restricted uses that are Permitted and Conditionally Permitted Uses and this PD is attempting to create a cohesive and well-planned senior complex with complimentary residential uses and senior services that encourage pedestrian-oriented uses with both on-site and off-site opportunities. All of the standards for land use and development criteria within this PD are delineated in the following:

A. Chapter 7 (E)(1) of the Main Street and Freeway Corridor Specific Plan allows courtyard apartments, condominiums, community care facilities, and senior housing as permitted uses and Section (E)(2) allows assisted living and day care facilities as conditionally permitted uses within the Medium Density Residential Zone (MDR), which comprises approximately 6.5 gross acres of the northern portion of the subject property.

i. Commercial Design Standards and Guidelines 4. Site and Building Entrances. The Assisted Living and Day Care Facilities have specific Main Entrances and a vehicular drop-off zone for convenience. The Adult Condominiums do not have an elaborate demarcated entry due to the type of use but the use of awnings and color treatment to delineate an open, inviting, ADA compliant, well-lighted, highly visible, clear and safe path of pedestrian access into the condominium complex is incorporated. It is noted that this ADA pedestrian path is not shown on exterior building elevations or color renderings

B. The southern approximately 3.5 gross acre portion is zoned Neighborhood Commercial (NC). Chapter 9 (G)(1) allows retail sales, offices, and restaurants. However, senior day care facilities are allowed with a City approval of a CUP.

TABLE 1A NON-RESIDENTIAL USES			
Retail Building	1st Floor (up to 4 suites)	4,000 square feet	4,000 square feet
	2nd Floor	0 square feet	
Senior Daycare Facility	1st Floor Senior Day Care Facility Restaurant	11,200 square feet 9,696 square feet 20,896 square feet	41,747 square feet
	2nd Floor Medical (up to 3 suite) Spa Area	11,200 square feet 9,651 square feet 20,851 square feet	NOTE: Total of 45,747 square feet

TABLE 1B RESIDENTIAL USES			
Assisted Living	1st Floor (62 units) Recreational Amenities (2 * 1,600 square foot buildings)	47,627square feet 3,200 square feet 50,827square feet	98,454 square feet (131 units)
	2nd Floor (69 units)	47,627square feet	
Senior Condos	1st Floor (42 Units) Recreational Amenity (1 * 1,600 square foot buildings)	34,505 square feet 1,600 square feet 36,105 square feet	70,610 square feet (84 Units)
	2nd Floor (42 Units)	34,505 square feet	

Senior Condos **84 Total Units**

Studio -	438 square feet:	20 units
1 Bedroom Unit -	638 square feet:	52 units
2 Bedroom Unit -	938 square feet:	12 units

Assisted Living Units: **131 Total Units (Potential Bed Occupancy of 217)**

Studio Plan 1 -	398 square feet:	29 units
Studio Plan 2 -	422 square feet:	8 units
Studio Plan 3 -	446 square feet:	8 units
1 Bedroom Unit -	590 square feet:	86 units

Within the Main Street and Freeway Corridor Specific Plan is Chapter 7: Residential Zones, E. Medium Density Residential and 4. Development Standards have a gross residential density of 8-15 units per acre and the following requirements:

TABLE 2			
SP Item	**Development Standard**	**SP Requirement**	**PD Requirement**
4.5	Minimum Living Area	675 square feet for studio unit and with 200 square feet for each additional bedroom	**Condominiums:** Studio – 438 square feet 1 Bedroom – 638 square feet 2 Bedroom – 938 square feet **Assisted Living Facility** Studio – 398 square feet 1 Bedroom – 590 square feet
4.6	Distance Between Building	15 feet between multiple buildings	15 feet between multiple habitable structures and a minimum of 10 feet for non-habitable structures such as garage, and appurtenant structures
4.7	Street Yard Setback	25 feet	25 feet
4.8	Rear Yard Setback	15 feet	15 feet
4.9	Interior Side Yard Setback	10 feet	10 feet
4.10 (1)	Private Usable Open Space	100 square feet accessible from the living area with a minimum length of 8 feet and no more than 50 percent of ground level space covered with an overhang balcony or patio roof.	0 square feet. Reasoning: Only Studio Plan 1 provides no private useable space because of personal safety concerns, potential allergy or other issues of some potential residents. The remaining Plans have patios and balconies of a variety of sizes. The minimum balcony is 32 square feet with a minimum width of 5 feet and length from 6 and the largest with a length of 16 feet. The Balcony above the Patios covers 100 percent of patio of the ground level space.
4.10 (2)	Common Usable Open Space.	At least 200 square feet per dwelling unit with at least two recreational amenities or equivalent, as approved by the Planning Commission	The Site Plan for the Assisted Living and Condominium facilities has common courtyards for each use as shown on the Site Plan. Each use has adequate space for a variety of recreational amenities and an area west of the Condo's for an outdoor

TABLE 2 - continued			
SP Item	**Development Standard**	**SP Requirement**	**PD Requirement**
			Garden Area of [15'x250'] 3,750 sq. ft. The Total Courtyard areas are 33,774 sq. ft. for 215 units plus the Garden area of 3,750 sq. ft. creates a total of 175 sq. ft. per unit and being 87% of 200 square feet. Assisted Living Facility (131 units) has a total of 18,000 sq.ft. Courtyard area; 137 sq.ft./unit [69% of 200 sq. ft.] Senior Condominiums (84 units) has a total of 15,774 sq.ft. in the Courtyard area; 232 sq.ft./unit [116% of 200 sq. ft.] A minimum standard will be 130 sq. ft. per unit and conceptually the total project provides numerous other amenities with the full restaurant, adult daycare and medical facilities, spa and beauty salon facilities.
4.10*	*Site Amenities	Such as, Exercise Room, Pool and Spa, Barbecue area, clubhouse, gardening and/or others.	The common courtyard for each use as shown on the Site Plan has adequate space for a variety of recreational amenities. NOTE: The ALF has two buildings in the courtyard which will have different uses to meet this requirement such as an exercise Room, Friendship Kitchen, Library, room for small groups or clubs (i.e. knitting, scrapbooking, card games)
4.15	Mechanical Equipment Screening	Use of Block walls and other criteria	Screening of ground and ground-mounted utility equipment shall be screened by landscaping only. No equipment will be visible from Main or Smoketree Streets.
9 (c)	Parking lot area issues	does not occupy more than 30% of the linear street frontage and is allowed within the front setback areas along the perimeter streets.	No requirements for Parking Lot design issues. The Site Plan does occupy more than 30% of the linear street frontage and is allowed within the front setback areas along the perimeter streets.

9 (d)	Parking lot area issues	Parking garages shall have a 4 foot sidewalk and a 7 foot landscaping strip.	Parking garages shall have a 4 foot sidewalk access path and a 5' landscaping strip between any designated parking spaces or garage units and the habitable buildings
9 (f)	Carports issues	Shall meet setback and building separation requirements	No Carports are proposed for this project.

Within the Main Street and Freeway Corridor Specific Plan is Chapter 7: Neighborhood Commercial – Non Residential Zones for the following:

TABLE 2 - continued			
SP Item	**Development Standard**	**SP Requirement**	**PD Requirement**
E	Permitted Uses	Health Club, office, restaurant including outdoor dining, retail sales	Conceptually these mixed use age-restricted facilities have similar uses such as, Health Club, offices, restaurant including outdoor dining, retail sales
E	Conditional Use Permit Uses	Alcohol sales on-site and off-site, Day Care Centers, medical services	On-Site Sales of Beer and Wine Only, in conjunction with a restaurant use is allowed through the approval of the Planned Development, accompanying Conditional Use Permit and additionally requires separate approval by State of California Department of Alcohol and Beverage Control [ABC] License). The Retail Pad may be approved by the City with an approved Conditional Use Permit for On-Site and Off-Site Alcohol Sales, [for example, in conjunction with a Convenience Store, Wine Bar, Craft Beer or similar uses] (requires separate approval by State of California Department of Alcohol and Beverage Control [ABC] License).
9 (f)	Carports issues	Shall meet setback and building separation requirements	There are no carports included.
4.2	Maximum Gross Floor Area Ratio	Designated as 0.23 (for the commercial portion along Main St.)	Designated as 0.33 (for the commercial portion along Main Street)
4.4	Street Yard Setbacks	Minimum Landscaping of 8 feet	Minimum Landscaping of 8 feet and inclusive of City Right of Way.
	Interior Side Yard Setbacks		Minimum Landscaping of 5 feet and inclusive of the eastern property line perimeter block wall or other existing fencing along the western property line for those portions without Fire Access Requirements.

			No Interior Landscaping along the Fire Access routes which shall be "0" feet as delineated along the western property line and between the Assisted Living Facility.
7(d)	Parcel issues	Parcels wider than 200 feet may only have parking lots occupy 40% of the street frontage	Parking Lots can occupy entire street frontage.

VII PROJECT DISCUSSION

This Planned Development (PD) project is a mixed use Adult Senior Living Community on 10 gross acres (APN: 0405-062-56) in the City of Hesperia.

- 84-unit Senior Condominium development for 55-plus-year-old seniors
- 131-unit/(217-bed maximum - State approval pending) Assisted Living Facility
  - Attached Restaurant facility is a major portion of the first floor containing 9,696+/- square feet with barrier free path of travel ADA Access
- 300 person Adult Day Care having a 11,200+/- square feet facility (1st Floor)
  - Medical suites of 11,200 square feet of (up to 3 suites on 2nd Floor)
  - Spa Area and Wellness Center of 9,651+/- square feet (2nd Floor)
    - 2,800+/- of Beauty Salon (inclusive of)
- 4,000 square foot commercial retail building along Main Street (1 Story Only)

The following uses are exclusively for residents of the Adult Senior Condominiums and Assisted Living Facility and clients of the Adult Day Care:

- Restaurant facility is a major portion of the first floor containing 9,696+/- square feet attached by ADA Access to both Assisted Living and Day Care Facilities
- Spa Area and Wellness Center of 9,651+/- square feet

The following table delineates the use of each Parcel on the accompanying Parcel Map #19638 for this project and the use for each of the first and second floors and totals:

TABLE 3

Parcel	USE	1st – First Floor	2nd – Second Floor	Totals
1	Retail Building	4,000 square foot	Not Applicable	4,000 square foot
2	Assisted Living Facility	62 units (+ 3,200 common space included) 50,827 Sq.ft.	69 units 47,627 Sq.ft.	131 units 98,454 sq.ft.
2	Front Building	Adult Day Care 11,200 Sq.ft.	Medical suites 11,200 Sq.ft (up to 3 suites)	22,400 sq.ft.
2	Mid-Section of building	Restaurant area 9,696 Sq.ft.	Spa and Wellness Center 9,651 Sq.ft.	19,347 Sq. Ft. NOTE: Total of Front and Mid-Section Building is 41,747 Sq. Ft.
3	Condominiums	42 units – 1,600 + 34,505 Sq. Ft.	42 units 34,505 Sq. Ft. +	84 units 70,610 Sq. Ft.
Total		111,828 Sq. Ft.	102,983 Sq. Ft. +	214,811 Sq. Ft.

A. RESIDENTIAL & INSTITUTIONAL LAND USES

TABLE 4 - MINIMUM RESIDENTIAL UNIT SIZE				
USE	**Unit Type**	**MSFCSP***	**Planned Development**	**# of Units**
Senior Condominiums				84
	Studio	675 square feet	438 square feet	20
	1 bedroom	875 square feet	638 square feet	52
	2 bedroom	1075 square feet	938 square feet	12
Assisted Living Facility				131
	Studio 1	675 square feet	398 square feet	29
	Studio 2	675 square feet	422 square feet:	8
	Studio 3	675 square feet	446 square feet:	8
	1 bedroom	875 square feet	590 square feet	86

* Designated as 675 square feet for studio unit and with 200 square feet for each additional bedroom

B. COMMERCIAL LAND USES

The PD does not convey any rights not otherwise granted under the provisions and procedures contained in the City of Hesperia Development Code and other applicable ordinances, except as specifically provided herein. Any issue not specifically covered in the PD shall be subject to the Main Street and Freeway Corridor Specific Plan and applicable portions of the Hesperia Municipal Code, or to interpretation by the Development Services Director or his/her designee if not specifically covered in the City's existing regulations.

C. PARKING REQUIREMENTS

The "Off-Street Parking" is designed as a single on-site common parking facility with American with Disabilities Act Barrier-Free Path-of-Travel (ADA-BFPOT) as improved pedestrian access from perimeter streets and to destination building entry points and between buildings on the site and a portion of the general parking area.

Parking areas adjacent to the buildings have adjacent ADA-BFPOT sidewalks, as well as a portion of the general parking areas.

Conceptually, the number of daily vehicle trips for this project is approximately 65 percent of the normal daily vehicle trips due to the residential/institutional age-restrictions and inclusion of the on-site medical, hair salon, dining and wellness center for its senior residents. It is sound rational that the parking requirements would be substantially less than existing city requirements. Additionally, this PD being a mixed use age-restricted project then further lowers parking requirements because on-site businesses reduce vehicular uses and needs, as delineated in various sections of City of Hesperia Development Code and Main Street Freeway Corridor Specific Plan.

Generally other parking and transportational issues are the following:

- Off-Site based "Private Transportation Services" will be available to meet the needs of the residents;
- On-site grooming, medical, retail and dining services are proposed;
- Any changes to the proposed uses will be subject to additional review for compliance and legal entitlement processes with City Off-street parking and other requirements;
- The combination of on-site uses minimizes vehicular transportation needs;
- The combination of on-site uses provides a major concept of in-lieu amenities for the integrated design of this complex;
- 40 garage units are designed for ease of parking in the condominium complex and with double car garages to minimize the visual impacts, garage spaces will have floor striping and may have a 30 inch high divider (plastic and flexible) between garage spaces, if striping is insufficient;
- All Parking and Driveways shall have a "Reciprocal Access and Parking Easement", as delineated on the Site Plan under "Information" Note; and
- The project does not propose a Bus Stop in front of this site due to the limited frontage and lack of larger commercial retail uses. [NOTE: Kevin Kane, G.M. of the Victor Valley Transit Agency (VVTA) was contacted regarding this issue.]

VIII PARKING REQUIREMENTS SUMMARY

1. Senior Condominium Owner/Tenant Parking

The 84 unit senior condominium complex will have 1.25 parking spaces per unit, a total of (84 * 1.25 = 105) 105 parking spaces shall be provided for this use.

1) The condominiums shall have 40 garage spaces within 4 - 10 unit garage buildings because they are immediately adjacent to the condominium building and the required ADA Parking spaces and the ADA-BFPOT {American with Disabilities Act - Barrier Free Path-of-Travel} pedestrian pathways. Additionally, the garage spaces will have floor striping and may have a 30 inch high divider (plastic and flexible) between garage spaces, if striping is insufficient;
2) Each of the 2-bedroom units will have a single designated garage parking space (for a total of 12 units).

2. Assisted Living Tenant Parking

One parking space per five assisted living unit beds will be provided. Based on the number of assisted living units (131 units and 86 1 bedroom units) and a maximum potential number of beds at (131 + 86 = 217 beds), a total of 43 parking spaces shall be provided for clients at 1 space per every 5 beds. Additionally, this use requires 15 parking spaces for peak staffing for a total of 58 parking spaces.

3. Senior Day Care Center

Day care clients who do not live on-site in either the senior condominiums or in the assisted living facility will be dropped off. Conceptually, day care clients are unable to drive themselves, hence their need for day care and increased social interaction. Parking for this use will be provided at a rate of one parking space for every ten clients, which is consistent with parking requirements for other day cares in the City. A total of 30 parking spaces will be provided for day care services since the maximum occupancy will be 300. Additional parking is required for peak staffing and projected for 20 staff, a total of 50 parking spaces will be provided for this use.

4. Medical Suites:

The three medical suites are for use primarily by day care clients and senior residents in the community and additionally for City of Hesperia senior residents. Sufficient parking for this use shall be provided at a rate of one parking space per 200 square feet (5/1000sq.ft.) [11,200 / 200 = 56]. A total of 56 parking spaces shall be allocated for the medical suites.

5. Spa Area and Wellness Center:

-i) Wellness Rooms

These rooms will be used for spa-like services for the health benefit of on-site senior residents and clients. This use does not require additional Off-street parking because these services are for internal use only and will not be made available to the public.

-ii) **Beauty Salon**

The beauty salon will only service on-site senior residents or day care clients. This use does not require additional Off-street parking because these services are for internal use only and will not be made available to the public.

Additionally the Spa & Wellness Center requires 14 parking spaces for peak staffing.

6. Restaurant

Restaurant services will be limited to use by on-site senior residents or day care clients. This use does not require additional Off-street parking because these services are for internal use only and will not be made available to the public.

Additionally the Restaurant requires 14 parking spaces for peak staffing.

7. Retail Uses

Conceptually, the various retail uses within the 4,000 square foot commercial building will complement other on-site uses. These retail uses will serve senior residents and day care clients in addition to the general public, thus reducing vehicle trips to and from this community. A total of 16 parking spaces shall be provided for these uses based on one parking space required per 250 square feet (4/1000) of gross building floor area.

8. Employee Parking

Sufficient parking will be provided for all staff, as delineated above. Based on the maximum number of employees during the largest shift per use, one parking space per employee will be allocated for facilities specifically.

Assisted Living Facility: Peak staffing and projected for 15 staff.

Restaurant: Peak staffing and projected for 14 staff.

Senior Day Care Center: Peak staffing and projected for 20 staff.

Spa Area, Salon and Wellness Center: Peak staffing and projected for 14 staff.

9. Senior (Age-Restricted) Parking Standards for Local Victor Valley Cities:

Apple Valley:	Senior parking standards can be reduced by Planning Commission approval if a nearby bus line or low income issues.
Victorville:	No specific Senior parking standards
Adelanto:	No specific Senior parking standards

10. Loading Zones

There are 3 designated Loading Zones (1 each for retail and both institutional uses of Daycare and Assisted Living Facilities) as requested by City Planning Staff. Additionally, a ten –(10) minute limited parking zone is provided.

Parking Summary Chart

Table 5			
USE	**Parking for Residents or Clients**	**Staff**	**Total Spaces**
Condominiums	105	0	105
Assisted Living Facility	43	15	58
Adult Day Care	30	20	50
Medical	56	Inclusive of 56 spaces	56
Mid-Section of building	Spa Facilities= 0 Restaurant= 0	14 14	28
Retail Building	16	Inclusive of 16 spaces	16
Sub-Total Required	250	63	**313**
		Total Spaces Provided	**331**

Minimum ADA Parking Summary Chart

Table 6						
USE	**Total Parking spaces**	**ADA Required Parking**	**Van Accessible Required Parking**	**Total ADA Req. Parking**	**Provided Site Plan Parking**	**Requirement Met**
Condominiums	105	3	1	4	4	Yes
Assisted Living Facility	58	1	1	2	6	Yes
Adult Day Care including Restaurant, SPA, Salon, and Medical	134	4	1	5	8	Yes
Retail Building	16	0	1	1	2	Yes
Sub-Total of Uses	**313**	8	4	12	20	Yes
Total Project	331	7	1	8	20	Yes

Notes:

City staff recommended providing the minimum ADA parking per use, as shown above. Van Accessible are a minimum of 1 and 1 for every 8 ADA spaces or portion thereof. Retail Buildings requiring less than 25 spaces are required to have One ADA Van Accessible space. City staff wanted One ADA Van space for each primary use (4 total).

EXHIBIT "A"

Allowed Uses

The PD does not convey any rights not otherwise granted under the provisions and procedures contained in the City of Hesperia Development Code and other applicable ordinances, except as specifically provided herein.

Any issue not specifically covered in the PD shall be subject to the Main Street and Freeway Corridor Specific Plan and applicable portions of the Hesperia Municipal Code, or to interpretation by the Development Services Director or his/her designee if not specifically covered in the City's existing regulations.

Similar uses and future needs for 55 and over adult population groups.

Disallowed Uses

Any issue not specifically covered in the PD shall be subject to the Main Street and Freeway Corridor Specific Plan and applicable portions of the Hesperia Municipal Code, or to interpretation by the Development Services Director or his/her designee if not specifically covered in the City's existing regulations.

This PD specifically disallows the following uses for the designated Parcel 1, which is the 4,000 square foot building and separate retail pad parcel:

Medical offices or any other similar medical uses
Beauty Parlor, Nail Salon or similar uses
Day care for children
VAPE or smoke shops and similar retail uses
Adult oriented businesses and similar uses
Cash Checking and Advance and similar uses
Tattoo Parlor and similar uses
Pawn shops and similar uses
Gold Sales and Exchange and similar uses

ATTACHMENT 16

RESOLUTION NO. PC-2016-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A CONDITIONAL USE PERMIT TO CONSTRUCT A 2-STORY, 84-UNIT SENIOR CONDOMINIUM DEVELOPMENT, A 2-STORY, 131-UNIT SENIOR ASSISTED LIVING FACILITY, A 2-STORY, 300-PERSON ADULT DAYCARE CENTER, A SPA AND WELLNESS CENTER, MEDICAL OFFICES AND OTHER SENIOR-ORIENTED RETAIL USES INCLUDING KITCHEN AND DINING FACILITIES WITH THE SALE OF BEER AND WINE, AND A 4,000 SQUARE FOOT COMMERCIAL BUILDING ON 10.0 GROSS ACRES LOCATED ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT (CUP15-00003)

WHEREAS, Apollo Construction, LLC has filed an application requesting approval of CUP15-00003 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 10 gross acres within the Neighborhood Commercial (NC) and Medium Density Residential (MDR) Zones of the Main Street and Freeway Corridor Specific Plan located on the north side of Main Street, approximately 250 feet east of the California Aqueduct and consists of Assessor's Parcel Number 0405-062-56; and

WHEREAS, the Application, as contemplated, proposes to construct a 2-story, 84-unit senior condominium development, a 2-story, 131-unit senior assisted living facility, a 2-story, 300-person adult day care center, a spa and wellness center, medical offices and other senior-oriented retail uses including kitchen and dining facilities with the sale of beer and wine, and a 4,000 square foot commercial building in four phases; and

WHEREAS, Apollo Construction, LLC has also filed applications requesting approval of Planned Development PPD15-00001, which will replace the existing zoning to provide specific development standards allowing this unique mix of senior uses at the proposed intensity/density of development. The applicant has also filed Tentative Parcel Map TPMN15-00001 (PM-19638), to create four parcels and Tentative Tract TT15-00003 (TT-20004), to allow separate ownership of the 84-unit senior condominium development; and

WHEREAS, the subject property as well as the properties to the north and east, are currently vacant. A restaurant and a multi-tenant retail building exist to the south and a commercial mini-storage exists to the west; and

WHEREAS, the subject property is currently within the Neighborhood Commercial (NC) and Medium Density Residential (MDR) Zone of the Specific Plan. The properties to the east and west are also within the NC and MDR Zone. The properties to the north are within the Low Density Residential (LDR) and the properties to the south are within the Regional Commercial (RC) Zone of the Specific Plan; and

WHEREAS, an environmental Initial Study for the proposed project was completed on May 16, 2016, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND16-00004 was subsequently prepared; and

WHEREAS, on June 9, 2016, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced June 9, 2016 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

(a) The Planning Commission has independently reviewed and analyzed Negative Declaration ND16-00004 and finds that it reflects the independent judgement of the Commission, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.

(b) The site for the proposed use is adequate in size and shape to accommodate the proposed project subject to approval of the regulations within Planned Development PPD15-00001. The proposed assisted living and the adult daycare facilities as well as the sale of alcoholic beverages are conditionally allowed, pursuant to PPD15-00001. This conditional use permit also allows the 2-story, 84-unit senior condominium development, the spa and wellness center, the medical offices and other senior-oriented retail uses including kitchen and dining facilities. The use would not impair the integrity and character of the surrounding neighborhood, and is consistent with the Planned Development as well as the Main Street and Freeway Corridor Specific Plan. The sale of alcoholic beverages associated with the kitchen and the indoor and outdoor dining areas is restricted to the sale of beer and wine for on-site consumption for the seniors who stay within a condominium or assisted living unit or are being cared for within the adult daycare facility. Although the restaurant is intended to be used exclusively by seniors, their family and friends may eat and consume beer and wine in the dining areas during visits. This project will meet all regulations of Planned Development PPD15-00001, which is consistent with the objectives of the General Plan and the Specific Plan.

(c) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the Planned Development, which provides limitations on land use that prevent incompatibilities, with approval of this conditional use permit. The proposed use would not create significant noise or traffic or cause other conditions or situations that may be objectionable or detrimental to other uses allowed in the vicinity or be adverse to the public convenience, health, safety or general welfare. The proposed senior development and related uses as well as the sale

of beer and wine for on-site consumption will not have a detrimental impact on adjacent properties or the permitted use thereof because the proposed project is consistent with Planned Development PPD15-00001, with approval of this conditional use permit.

(d) The proposed conditional use permit is consistent with the goals, policies, standards and maps of the adopted Zoning, Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia with approval of PPD15-00001. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments as well.

(e) The site for the proposed use will have adequate access based upon its access from La Rosa Street and Main Street. There are also adequate provisions for sanitation, water and public utilities and general services to ensure the public convenience, health, safety and general welfare. The residential and nonresidential buildings will have adequate infrastructure to operate with the extension of La Rosa Street and Fuente Avenue to Main Street and an approximately 1,350 foot extension of sewer line to connect with the existing sewer line to the north. These improvements are not considered a major extension of infrastructure.

(f) Approval of Planned Development will change the zoning of the project site to PPD15-00001. The Planned Development is consistent with the adopted General Plan of the City of Hesperia. The proposed sale of alcoholic beverages is allowed with approval of this Conditional Use Permit (CUP). However, establishment of any additional alcoholic beverage sales within the project will require approval of another CUP.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends approval of Conditional Use Permit CUP15-00003 subject to the conditions of approval as shown in Attachment "A" and Negative Declaration ND16-00004, which is attached to the staff report for this item.

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

ADOPTED AND APPROVED on this 9th day of June 2016.

_____
Tom Murphy, Chair, Planning Commission

ATTEST:

_____
Denise Bossard, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for CUP15-00003

Approval Date: July 05, 2016
Effective Date: August 23, 2016
Expiration Date: August 23, 2019

This list of conditions applies to: Consideration of Planned Development PPD15-00001 and Conditional Use Permit CUP15-00003 in conjunction with Tentative Parcel Map TPMN15-00001 (PM-19638), to create 4 parcels and Tentative Tract TT15-00003 (TT-20004), to construct a 2-story, 84-unit senior condominium development, a 2-story, 131-unit senior assisted living facility, a 2-story, 300-person adult day care center, a spa and wellness center, medical offices and other senior-oriented retail uses including kitchen and dining facilities with the sale of beer and wine, and a 4,000 square foot commercial building in four phases on 10.0 gross acres within the Neighborhood Commercial (NC) and the Medium Density Residential (MDR) zones of the Main Street and Freeway Corridor Specific Plan located on the north side of Main Street, approximately 250 feet east of the California Aqueduct (Applicant: Apollo Construction, LLC; APN: 0405-062-56)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	SPECIALTY PLANS. The following additional plans/reports shall be required for businesses with special environmental concerns: (B) A. Restaurants and food handling facilities shall submit plans to the San Bernardino County Department of Environmental Health Services. One set of the approved plans shall be submitted to the Building Division with the required application fees. B. Submit two (2) sets of engineered plans for the proposed swimming pool to the Building Division for review and construction permits with the required application fees. The plans shall have prior review and approval by the San Bernardino County Department of Environmental Health Services.
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	FINAL MAP: A Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66434 of the Subdivision Map Act as well as the San Bernardino County Surveyor's Office Final Map Standards. (E) (For SPR Associated with Parcel Map, Final Map, Condo Map, and Townhome Map)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DRAINAGE STUDY. The Developer shall submit a Final Hydrology Hydraulic study identifying the method of collection and conveyance of any tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	N.P.D.E.S. The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E)

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	STORM WATER POLLUTION PREVENTION PLAN. The Developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off control during construction. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	PLAN CHECK FEES. Along with improvement plan submittal, the Developer shall pay applicable plan-checking fees. Improvement Plans and requested studies shall be submitted as a package. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the Citys Engineering Department for review and approval. At time of submittal the developer shall complete the Citys application for document review and pay all applicable fees. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	WATER/SEWER/STORM DRAIN EASEMENT. The Developer shall submit a "Grant of Easement" to the City's Engineering Department for review and approval if needed. A time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	PLANNED DEVELOPMENT. These conditions are concurrent with approved Planned Development PPD15-00001 becoming effective. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	TENTATIVE TRACT. These conditions are concurrent with approved Tentative Tract TT15-00003 (TT-20004) becoming effective. This tract map must be recorded prior to development of the proposed senior condominiums. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	RECREATIONAL FACILITIES. Building plans shall include detailing of the required recreational facilities within the atriums and the secured outdoor areas. Lounge chairs and/or tables and trash receptacles shall be provided around the pool and benches and/or tables and trash receptacles shall be located within the secured outdoor areas in accordance with City standards. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	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 Applicants 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 Citys election to defend itself, whether at the cost of the Applicant or at the Citys own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01. (F)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	PHASING. The on site and off site improvements shall be developed in accordance with the phasing shown on the approved site plan. (E, P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

NOT IN COMPLIANCE		PRE-CONSTRUCTION MEETING. 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)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the Citys improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for La Rosa Street. The right of way full width for La Rosa Street shall be sixty (60') feet. The Developer shall grant to the City an Irrevocable Offer of Dedication for Main Street. The right of way half width for Main Street shall be sixty (60') feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. It is the Developers responsibility to obtain any additional Right of Way dedication needed to satisfy the 26 minimum paving requirement at no cost to the City. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	GRANT OF EASEMENT FOR DOUBLE DETECTOR CHECK VALVE. The Developer shall grant to the City an easement for any part of a required double detector check valve that encroaches onto private property. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non-interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. Grading permits will not be issued until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developer's responsibility. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	N.P.D.E.S. The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	STORM WATER POLLUTION PREVENTION PLAN. All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building footprints and proposed development of the retention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	OFF-SITE GRADING LETTER(S). It is the Developers responsibility to obtain signed Off-Site Grading Letters from any adjacent property owner(s) who are affected by any Off-Site Grading that is needed to make site work. The Off-Site Grading letter(s) along with the latest grant deed(s) must be submitted and appropriate fees paid to the Citys Engineering Department for plan check approval. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	ON SITE RETENTION. The Developer shall design / construct on site retention facilities, which have minimum impact to ground water quality and incorporates the adopted LID (Low Impact Developement) requirements. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells.

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

COMPLETED NOT IN COMPLIANCE **COMPLIED BY** STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

COMPLETED NOT IN COMPLIANCE **COMPLIED BY** Main Street. Saw-cut (2-foot min.) and match-up asphalt pavement on Main Street across the project frontage, based on City's Main Street Corridor "A" Standard. The curb face is to be located at 48' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

A. 8" Curb and Gutter per City standards.
B. Sidewalk (width = 6 feet) per City standards.
C. Roadway drainage device(s).
D. Commercial driveway approaches per City standards.
E. Pavement transitions per City Standards.
F. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 12 and per the soils report.
G. Cross sections every 50-feet per City standards.
H. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
I. Provide a signage and striping plan per City standards.
J. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards.
K. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED NOT IN COMPLIANCE **COMPLIED BY** La Rosa Street. Construct full half width (26' minimum paving) on La Rosa Street across the project frontage, based on City's 60-foot Local Roadway Standard. The curb face is to be located at 20' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

A. 8" Curb and Gutter per City standards.
B. Sidewalk (width = 6 feet) per City standards.
C. Roadway drainage device(s).
D. Commercial driveway approaches per City standards.
E. Pavement transitions per City Standards.
F. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 8 and per the soils report.
G. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
H. Provide a signage and striping plan per City standards.
I. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
J. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED NOT IN COMPLIANCE **COMPLIED BY** La Rosa Street and Fuente Avenue. Construct 26' minimum paving to satisfy secondary access requirement. These improvements shall consist of:

A. Pavement transitions per City Standards.
B. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 8 and per the soils report.

C. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
D. Provide a signage and striping plan per City standards.
E. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
F. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the proposed 8" PVC water line as outlined in the water design portion of these conditions per City Standards.
C. It is the Developers responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to design and construct 8" (minimum) PVC sewer main and tie into the existing 8" PVC sewer main in Live Oak Street. Developer shall aquire all easements needed to construct prosed sewer at no cost to the City. Developer shall submit all easement documents to the City for review and pay applicable fees.
D. Complete V.V.W.R.A.s Wastewater Questionnaire for Commercial / Industrial Establishments and submit to the Engineering Department. Complete the Certification Statement for Photographic and X ray Processing Facilities as required.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SEWER IMPR. PLAN. The Developer shall design sewer improvements in accordance with City standards, and as indicated below. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SEWER IMPROVEMENT PLAN: The Developer shall design and construct an 8' minimum PVC SDR 35 sewer main in La Rosa Street across project frontage, then continue north from proposed project and tie into existing 8" PVC sewer main in Live Oak Street. Design shall consist of plan and profile per City standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WATER IMPR. PLAN. The Developer shall design and construct an 8 minimum PVC water main that will run through project from Main Street, through project site, in La Rosa Street (across project frontage), then north and tie into existing 8" PVC in Live Oak Steet. Design shall consist of plan and profile per City standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WATER IMPR. PLAN. The Developer shall design water improvements in accordance with City standards, and as indicated below. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FIRE FLOW TEST. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied.This requirement shall be completed prior to combination inspection by Building and Safety. [F 5b]

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WATER SYSTEM. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 8,000 GPM for a 4 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 95,254 sq.ft. structure. [F 5]

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of $2,260.25 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

COMPLETED **COMPLIED BY**

PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall

NOT IN COMPLIANCE

be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PROTECTED PLANTS. Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CONSISTENCY WITH APPROVED GRAPHICS. Improvement plans for off site and on site improvements shall be consistent with the graphics approved as part of this conditional use permit application. The plans shall also meet the requirements of Planned Development PPD15-00001 and all applicable regulations of the Main Street and Freeway Corridor Specific Plan, Title 16 and Engineering Division requirements with the following revisions made to the improvement plans: (E, P)
A. The trash enclosures shall be relocated to provide a minimum of 6 feet from the walls of the enclosure to the required 26-foot drive aisles for sight-distance concerns. The specific location of all trash enclosures shall be subject to approval by Planning staff;
B. A four-foot wide handicapped accessible route of travel shall be provided from the sidewalks in Main Street and Smoketree Street to each phase of the proposed development as approved by Planning staff;
C. A minimum four-foot wide landscaped area and a one-foot sidewalk in addition to the six-inch concrete curb shall be installed at the end of all parking space rows as approved by Planning staff;
D. The two columns and arches proposed on the south elevation of the nonresidential building shall be replaced with a sloped spanish tile roof consistent with the balance of the buildings as approved by the Planning Division.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CONSTRUCTION WASTE. The developer or builder shall contract with the Citys 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)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:
A. School fees (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FIRE ACCESS 150+ FT. Dead End roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. [F 45]

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FIRE ACCESS-POINTS OF VEH. ACCESS. The development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FIRE ALARM-AUTOMATIC. An automatic fire sprinkler monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F 62]

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FIRE SPRINKLER NFPA#13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a

Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of (minimum 1/8 scale) shall include hydraulic calculations and manufacturers specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. [F 59

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	WATER SYSTEM COMMERCIAL. A water system approved by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site.Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel ways) and no more than three hundred (300) feet from any portion of a structure. [F 54]
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	FIRE SURFACE-MINIMUM 80K POUNDS. All roads shall be designed to 85 compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds. [F 42]
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	(RPD) LANDSCAPE AND IRRIGATION PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations required application fees and a completed landscape packet to the Building Division with the required application fees. 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 RPD)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	SOLID MASONRY WALLS AND FENCES. The Developer shall submit four sets of masonry wall and/or wrought iron fencing plans to the Building Division with the required application fees for all proposed fencing. A combination solid three foot high split face masonry wall or other approved decorative wall with a three foot high wrought iron fence shall be provided along the property lines where headlight glare from vehicles on site would negatively affect adjacent residentially designated properties. An approved six foot high wall with decorative cap may be substituted for the combination wall/fence provided its height is in accordance with the Development Code. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	LIGHT AND LANDSCAPE DISTRICT ANNEXATION. Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DEVELOPMENT FEES. The Developer shall pay required development fees as follows: A. Development Impact Fees (B) B. Utility Fees (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	UTILITY CLEARANCE AND C OF O. 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)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2014 to the City's Engineering Department. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	AS BUILT PLANS. The Developer shall provide as built plans, Notice of Completion, and One Year Maintenance Bonds to the Engineering / Water Sewer Departments. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	FIRE EXTINGUISHERS. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. **[F88]**

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	GATE OVERRIDE SWITCH. Where an automatic electric security gate is used, an approved Fire Department override switch (Knox) is required. [F86]
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	HOOD AND DUCT SUPPRESSION. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit three (3) sets of detailed plans (minimum 1/8 scale) with manufactures specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F 65]
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	HYDRANT MARKING. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. [F80]
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	KNOX BOX. An approved Fire Department key box is required. [F85]
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	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 Planned Development PPD15-00001, all applicable requirements of the Main Street and Freeway Corridor Specific Plan and Title 16. The buildings 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)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	RECREATIONAL FACILITIES. The required recreational facilities for each phase shall be completed in accordance with City standards. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	MASONRY WALLS AND FENCING. The required masonry walls and wrought iron fencing shall be completed adjacent to each phase prior to issuance of a certificate of occupancy for each phase in accordance with City standards. (P)

ONGOING CONDITIONS

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	ABC REQUIREMENTS. The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	VALID LICENSE. At all times during the conduct of the use allowed by this permit, the use shall obey all laws and shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void. (P)

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	**947-1300**
(E) Engineering Division	**947-1476**
(F) Fire Prevention Division	**947-1603**
(P) Planning Division	**947-1200**
(RPD) Hesperia Recreation and Park District	**244-5488**

ATTACHMENT 17

RESOLUTION NO. 2016-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A TENTATIVE PARCEL MAP (PM-19638), TO CREATE FOUR PARCELS ON 10.0 GROSS ACRES LOCATED ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT (TPMN15-00001)

WHEREAS, Apollo Construction, LLC has filed an application requesting approval of Tentative Parcel Map TPMN15-00001 (PM-19638) described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 10 gross acres within the Neighborhood Commercial (NC) and Medium Density Residential (MDR) Zones of the Main Street and Freeway Corridor Specific Plan located on the north side of Main Street, approximately 250 feet east of the California Aqueduct and consists of Assessor's Parcel Number 0405-062-56; and

WHEREAS, the Application, as contemplated, proposes to create four parcels on approximately 10.0 gross acres; and

WHEREAS, Apollo Construction, LLC has also filed applications requesting approval of Planned Development PPD15-00001 and Conditional Use Permit CUP15-00003 in conjunction with Tentative Tract Map TT15-00003 (TT-20004), to construct a 2-story, 84-unit senior condominium development, a 2-story, 131-unit senior assisted living facility, a 2-story, 300-person adult day care center, a spa and wellness center, medical offices and other senior-oriented retail uses including kitchen and dining facilities with the sale of beer and wine, and a 4,000 square foot commercial building in four phases; and

WHEREAS, the subject property as well as the properties to the north and east, are currently vacant. A restaurant and a multi-tenant retail building exist to the south and a commercial mini-storage exists to the west; and

WHEREAS, the subject property is currently within the Neighborhood Commercial (NC) and Medium Density Residential (MDR) Zone of the Specific Plan. The properties to the east and west are also within the NC and MDR Zone. The properties to the north are within the Low Density Residential (LDR) and the properties to the south are within the Regional Commercial (RC) Zone of the Specific Plan; and

WHEREAS, an environmental Initial Study for the proposed project was completed on May 16, 2016, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND16-00004 was subsequently prepared; and

WHEREAS, on June 9, 2016, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced June 9, 2016 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

(a) The Planning Commission has independently reviewed and analyzed Negative Declaration ND16-00004 and finds that it reflects the independent judgement of the Commission, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.

(b) The proposed map is consistent with the City's General Plan of the City of Hesperia, with approval of Planned Development PPD15-00001.

(c) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia with approval of the Planned Development, as the project supports the existing land use and circulation pattern in the area.

(d) The site is physically suitable for the type of development because there are no known significant physical constraints to development and the site has adequate area to accommodate the proposed parcels.

(e) The site is physically suitable for the proposed density and intensity of residential and nonresidential development because the parcels are adequate in size and shape and all regulations applicable to the development can be met with approval of Planned Development PPD15-00001.

(f) The design of the subdivision or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes.

(g) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Section 3. Based on the findings and conclusions set forth in this Resolution, the Planning Commission hereby approves Tentative Parcel Map TPMN15-00001 (PM-19638) subject to the conditions of approval as shown in Attachment "A," and Negative Declaration ND16-00004, which is attached to the staff report for this item.

ATTACHMENT "A"
List of Conditions for TPMN15-00001

Approval Date: July 05, 2016
Effective Date: August 23, 2016
Expiration Date: August 23, 2019

This list of conditions applies to Consideration of Tentative Parcel Map TPMN15-00001 (PM-19638), to create four parcels on 10 gross acres within Planned Development PPD15-00001 located north of Main Street and west of Topaz Road (Applicant: Apollo Construction, LLC; APN: 0405-062-56)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED PRIOR TO RECORDATION OF THE PARCEL MAP

COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		PARCEL MAP (NONRES). A Parcel Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Map Standards. (E)
NOT IN COMPLIANCE		TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)
NOT IN COMPLIANCE		PLAN CHECK FEES. A customer request form from Engineering shall be completed and submitted to the Engineering Department. Upon receipt of form, plan-checking fees will be provided to the developer. Fees must be paid along with submittal. Map, CDP (If Required), Improvement Plans (If Required), requested studies, and CFD annexation must be submitted as a package. (E)
NOT IN COMPLIANCE		ALL EASEMENTS OF RECORD. It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. (E)
NOT IN COMPLIANCE		ACCESS EASEMENTS. The Developer shall grant an Access Easement to provide reciprocal access and parking to and from parcels. Said easements shall be indicated on the Map. (E)
NOT IN COMPLIANCE		OFF SITE OFFERS OF DEDICATION AND EASEMENT. Should off site offers of dedication or easements be required for off site improvements, it shall be the responsibility of the Developer to obtain such dedications or easements at no cost to the City, pursuant to section 66462.5 of the Subdivision Map Act. (E)
NOT IN COMPLIANCE		IRREVOCABLE OFFERS OF DED. AND EASEMENT. The Developer shall show all Offers of Dedication(s) and Easement(s) on the Map as outlined below: (E) A. 60' half-width for Main Street. B. 30' half-width for La Rosa Street. B. Easement for Double Detector Check for any part of the DDC encroaches onto private property.
NOT IN COMPLIANCE		PLANNED DEVELOPMENT. These conditions are concurrent with approved Planned Development PPD15-00001 becoming effective. (P)

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of $2,260.25 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	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 Applicants 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 Citys election to defend itself, whether at the cost of the Applicant or at the Citys own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO DEVELOPMENT OF ANY PARCEL OF THE PARCEL MAP

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	RECORDATION OF MAP. Map shall be recorded with the San Bernardino County Recorders Office. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	UTILITIES. Each parcel shall be served by a separate water meter, service line, and sewer lateral connection where available. A Fire Fly automatic meter reader to be included on all meter connections. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	UTILITY RELOCATION/UNDERGROUND. If the developer is required to install water, sewer, or construct street improvements or when utilities shall be placed underground, it shall be the developer's responsibility to relocate / underground any existing utilities at their own expense. Relocation / undergrounding of utilities shall be identified upon submittal of construction plans. (P, E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DRAINAGE STUDY. The Developer shall submit a Final Hydrology / Hydraulic study identifying the method of collection and conveyance of any tributary flows from off site as well as the method of control for increased run off generated on site. The Developer shall design street improvements, as identified in the Hydrology study or per the Citys Engineering and Building and Safety Department requirements upon review of the grading plan. Street design shall be in accordance with City standards (E)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DUST CONTROL. Dust control shall be maintained before, during, and after all grading operations. (B)

COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		CONSTRUCTION WASTE. The developer or builder shall contract with the Citys 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)
COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		Approval of All Required Improvement Plans. All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)
COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		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)
COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		PROTECTED PLANTS. Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT

COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		AS BUILT PLANS. The Developer shall provide as built plans, Notice of Completion, and One Year Maintenance Bonds to the Engineering / Water Sewer Departments. (E)
COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2014 to the City's Engineering Department. (E)
COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

NOTICE TO DEVELOPER: THIS CONCLUDES THE REQUIREMENTS FOR RECORDATION OF THE PARCEL MAP. IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	**947-1300**
(E) Engineering Division	**947-1476**
(F) Fire Prevention Division	**947-1603**
(P) Planning Division	**947-1200**
(RPD) Hesperia Recreation and Park District	**244-5488**

ATTACHMENT 18

RESOLUTION NO. 2016-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A TENTATIVE TRACT (TT-20004), TO CREATE A SENIOR CONDOMINIUM DEVELOPMENT ON 10.0 GROSS ACRES LOCATED ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT (TT15-00003)

WHEREAS, Apollo Construction, LLC has filed an application requesting approval of Tentative Tract TT15-00003 (TT-20004) described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 10 gross acres within the Neighborhood Commercial (NC) and Medium Density Residential (MDR) Zones of the Main Street and Freeway Corridor Specific Plan located on the north side of Main Street, approximately 250 feet east of the California Aqueduct and consists of Assessor's Parcel Number 0405-062-56; and

WHEREAS, the Application, as contemplated, proposes to create separate ownership of the 84-unit senior condominium development on the northern portion of the project; and

WHEREAS, Apollo Construction, LLC has also filed applications requesting approval of Planned Development PPD15-00001 and Conditional Use Permit CUP15-00003 in conjunction with Tentative Parcel Map TPMN15-00001 (PM-19638), to construct a 2-story, 84-unit senior condominium development, a 2-story, 131-unit senior assisted living facility, a 2-story, 300-person adult day care center, a spa and wellness center, medical offices and other senior-oriented retail uses including kitchen and dining facilities with the sale of beer and wine, and a 4,000 square foot commercial building in four phases; and

WHEREAS, the subject property as well as the properties to the north and east, are currently vacant. A restaurant and a multi-tenant retail building exist to the south and a commercial mini-storage exists to the west; and

WHEREAS, the subject property is currently within the Neighborhood Commercial (NC) and Medium Density Residential (MDR) Zone of the Specific Plan. The properties to the east and west are also within the NC and MDR Zone. The properties to the north are within the Low Density Residential (LDR) and the properties to the south are within the Regional Commercial (RC) Zone of the Specific Plan; and

WHEREAS, an environmental Initial Study for the proposed project was completed on May 16, 2016, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND16-00004 was subsequently prepared; and

WHEREAS, on June 9, 2016, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced June 9, 2016 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

(a) The Planning Commission has independently reviewed and analyzed Negative Declaration ND16-00004 and finds that it reflects the independent judgement of the Commission, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.

(b) The proposed map is consistent with the City's General Plan of the City of Hesperia, with approval of Planned Development PPD15-00001.

(c) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia with approval of the Planned Development, as the project supports the existing land use and circulation pattern in the area.

(d) The site is physically suitable for the type of development because there are no known significant physical constraints to development and the site has adequate area to accommodate the proposed parcels.

(e) The site is physically suitable for the proposed density and intensity of residential and nonresidential development because the parcels are adequate in size and shape and all regulations applicable to the development can be met with approval of Planned Development PPD15-00001.

(f) The design of the subdivision or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes.

(g) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Section 3. Based on the findings and conclusions set forth in this Resolution, the Planning Commission hereby approves Tentative Tract TT15-00003 (TT-20004) subject to the conditions of approval as shown in Attachment "A," and Negative Declaration ND16-00004, which is attached to the staff report for this item.

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

ADOPTED AND APPROVED this 9th day of June 2016.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for TT15-00003

Approval Date: July 07, 2016
Effective Date: August 23, 2016
Expiration Date: August 23, 2019

This list of conditions applies to Tentative Tract TT15-00003 (TT-20004), to create a condominium subdivision for 84 senior condominiums on the north side of Main Street, approximately 250 feet east of the California Aqueduct (Apollo Construction, Inc.; APN: 0405-062-56)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		Condo Map (Residential). A Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyor's Office Map Standards. (E)
NOT IN COMPLIANCE		TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)
NOT IN COMPLIANCE		PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. The Final Map CDP improvement plans requested studies and CFD annexation must be submitted as a package. The developer shall coordinate with the Citys Engineering Department for any additional fees. (E)
NOT IN COMPLIANCE		ALL EASEMENTS OF RECORD. It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. (E)
NOT IN COMPLIANCE		ACCESS EASEMENTS. The Developer shall grant an Access Easement if required to provide reciprocal access to and from parcels. Said easements shall be indicated on the Map. (E)
NOT IN COMPLIANCE		FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of $2,260.25 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)
NOT IN COMPLIANCE		PLANNED DEVELOPMENT. These conditions are concurrent with approved Planned Development PPD15-00001 becoming effective. (P)
NOT IN COMPLIANCE		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 Applicants

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 Citys election to defend itself, whether at the cost of the Applicant or at the Citys own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO RECORDATION OF ANY PHASE OF THE FINAL MAP

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	RECORDATION OF MAP. Map shall be recorded with the San Bernardino County Recorders Office. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	LIGHT AND LANDSCAPE DISTRICT ANNEXATION. Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CONDITIONS, COVENANTS & RESTRICTIONS (CC&Rs). CC&Rs shall be submitted for review and approval by the City prior to recordation. The CC&Rs shall contain the following provisions at a minimum: A. Establishment of an association, including membership requirements, members and association rights (powers and obligations), selection of officers, and meetings, which shall occur at least once per quarter with special meetings to occur on an as needed basis, due to special circumstances. B. Maintenance provisions for common areas shall be created to ensure that the project is maintained satisfactorily. The provisions shall include, but need not be limited to the driveways, drive aisles and parking areas; retention/detention and other drainage facilities; recreational facilities, including open areas and landscaped areas; walls, gates, fences and signage; and maintenance of buildings. C. Provisions for architectural controls and variances shall be included. Only an architectural review board composed of members of the association shall exercise judgments in these matters. D. The CC&Rs shall be enforced by the association. Should the CC&Rs be deemed invalid in part by court action, the provisions required as part of this condition shall remain in full force and effect. E. The CC&Rs or the common amenities addressed therein shall not be terminated, amended, or removed without the prior written authorization of the City of Hesperia. F. The CC&Rs shall require that the condominiums be sold only to seniors. If a couple occupies any unit, at least one shall be at least 55 years old in accordance with the standard requirements for a senior project.

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DUST CONTROL. Dust control shall be maintained before, during, and after all grading operations. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CONSTRUCTION WASTE. The developer or builder shall contract with the Citys 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)

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	APPROVAL OF IMPROVEMENT PLANS. All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	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)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	PROTECTED PLANTS. Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	AS BUILT PLANS. The Developer shall provide as built plans. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2014 to the City's Engineering Department. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

NOTICE TO DEVELOPER: THIS CONCLUDES THE REQUIREMENTS FOR RECORDATION OF THE TENTATIVE TRACT MAP. IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	**947-1300**
(E) Engineering Division	**947-1476**
(F) Fire Prevention Division	**947-1603**
(P) Planning Division	**947-1200**
(RPD) Hesperia Recreation and Park District	**244-5488**

THIS PAGE INTENTIONALLY LEFT BLANK

City of Hesperia
STAFF REPORT

DATE: June 9, 2016

TO: Planning Commission

FROM: Dave Reno - Principal Planner

BY: Stan Liudahl, AICP, Senior Planner
Ryan Leonard, AICP, Associate Planner

SUBJECT: Floor Area Requirements for Multiple-family Units

RECOMMENDED ACTION

It is recommended that the Planning Commission review this report and make a recommendation to the City Council regarding an ordinance revising the minimum floor area requirements for multiple family units.

BACKGROUND

The City's Municipal Code establishes design standards for residential, commercial, industrial and public uses. In 1994, Ordinance No. 149, established minimum floor area requirements for below market rate units (seniors and low income). In 2008, the Main Street and Freeway Corridor Specific Plan established minimum floor area requirements for multifamily units within the Specific Plan area. In 2011, Ordinance No. 2011-03 established the same standards citywide.

At this time, the City's standards for multiple-family units and below-market rate units are shown in the table below:

Table 1: Minimum Floor Area Requirements for Multiple-family Units

	Studio	1 BDR	2 BDR	3 BDR	4 BDR
Market Rate units:	675	875	1075	1275	1475
Senior/Affordable units:	500	600	750	1000	1200

On January 28, 2016, Frontier Communities submitted a request for the City to consider a reduction in the minimum floor area sizes for multiple-family units. Frontier has proposed an 168-unit apartment project consisting of a 754 SF two-bedroom unit and a 910 SF two-bedroom unit. The proposed unit sizes are 16% and 30%, respectively, below the City's standard of 1,075 SF for two-bedroom units.

This project is not intended to be deed restricted for senior or low-income residents. Absent this consideration, staff cannot approve this reduction for a market rate project. Therefore, a code amendment is necessary in order to address the request.

On May 12, 2016, the Planning Commission held a public hearing on this item. Although nobody spoke, one letter (Attachment 1) was submitted requesting that the area of any required garage parking be substituted for the required livable floor area. Staff researched this issue and found no data specifically addressing this concept.

ISSUES/ANALYSIS

Since incorporation, the City has approved 25 apartment projects totaling 1,729 units (Attachment 2). Of these, two are pending review. One of these two pending projects will create 84 condominium units for seniors. Eighteen of these projects totaling 1,110 units have been constructed; only seven projects totaling 619 units are approved but have not been constructed. Two of the approved projects not yet completed allow for senior and/or affordable housing. Table 2 shows that the average floor area of the approved one-bedroom, two-bedroom, and three bedroom units is 690, 993, and 1,323 square feet, respectively.

Table 2: Mean Floor Area for Pending, Approved, and Constructed Multiple-family Units					
Pending Projects					
Project Type	Studio	1 BDR	2 BDR	3 BDR	4 BDR
Apartments	-	-	1,106	1,275	-
Senior Condos	438	638	938	-	-
Average Unit Size	438	638	1,022	1,275	-
Approved Projects					
Project Type	Studio	1 BDR	2 BDR	3 BDR	4 BDR
Affordable Apartments	-	-	825	1,030	-
Apartments	-	-	967	1,174	-
Condos	-	-	1,300	1,764	-
Affordable Senior Apartments	-	690	879	-	-
Average Unit Size	-	690	993	1,323	-
Constructed Projects					
Project Type	Studio	1 BDR	2 BDR	3 BDR	4 BDR
Affordable Apartments	-	671	868	1,032	1,253
Apartments	-	650	915	1,165	-
Affordable Senior Apartments	-	700	900	-	-
Senior Apartments	-	700	912	-	-
Average Unit Size	-	680	899	1,099	1,253

Staff also compared the City's standards with the County and 15 cities (Attachment 3). In general, the City's standard for market-rate units is over 200 feet higher for the one and three-bedroom units and over 300 feet higher for the two-bedroom units.

Staff also compared average rents for homes or apartments within each ZIP Code in the Victor Valley. The data shows that Hesperia does have the lowest vacancy rate, but with the exception of 92344, the average rent levels are comparable within all the jurisdictions (Attachment 4).

In conclusion, while the City's square footage requirements are higher than other jurisdictions, the high rate of completion for these projects, as well as a low vacancy rate, appears to indicate that market demand is present for larger apartments. Staff recommends that the Planning Commission make no changes to the mimimum floor area requirements. Requests for reduced floor areas may be addressed during consideration of Senior/affordable projects or as a variance procedure as discussed in the alternatives below.

ALTERNATIVE(S)

1. The Planning Commission may recommend that the City's standards be revised to match that of Apple Valley. This would result in only a 75 SF reduction in each category. This alternative is shown in Exhibit "B" attached to the resolution.
2. The Planning Commission may recommend that a new category of minor exceptions be created in Chapter 16.12 of the Development Code. This would permit staff discretion to reduce apartment sizes by up to 15% for market rate units. Staff could make the findings for such reductions based on the provision of superior architecture, landscaping and amenities. This alternative is shown in Exhibit "C" attached to the resolution.
3. Provide alternative direction to staff.

ATTACHMENT(S)

1. Letter from Rim Properties, dated May 9, 2016
2. Pending, approved, and constructed multi-family residential project unit sizes
3. Minimum floor area requirements for Hesperia and other jurisdictions
4. Rents and vacancy rates for Victor Valley ZIP Codes
5. Draft Resolution No. PC-2016-12

THIS PAGE INTENTIONALLY LEFT BLANK

ATTACHMENT 1

RIM PROPERTIES

15434 Sequoia Rd. • Hesperia, CA 92345 • (760) 244-7282 • Fax (760) 244-6211 • www.RimApartments.com

5/9/2016

From: Ian Bryant, Rim Properties, 15434 Sequoia Rd, Hesperia, CA 92345

To: City of Hesperia Planning Commission

RE: Discussion of "Floor Area Requirements for Multiple-Family Units"

To Chairman and fellow Planning Commissioners:

As the topic of minimum square footage for apartments is being discussed, I would like to provide additional information that I have experienced through designing, building, and operating apartments in the City of Hesperia for the last 32 years. Our company, Rim Properties, is headquartered here in the City of Hesperia and owns and operates 15 apartment communities, accounting for 10% of the total apartments in the city.

By far, the most requested and appreciated amenity an apartment development can offer to a prospective resident is an enclosed garage. We have found that having a garage is the single best determining factor in the overall quality of residents.

We have found that residents with garages are on average:

- Willing to pay more for apartments with garages
- Have higher incomes
- Drive newer cars and are more concerned about their cars
- Are more stable and responsible residents.

A garage substantially increases the overall storage space of the apartment. This provides a direct impact to the resident's enjoyment by expanding the usable interior livable space of the apartment. A garage provides residents with a safe place to store large items such as bicycles or BBQs, as well as countless general household items that would normally be packed inside their apartment or piled on a balcony. A laundry area can also be included in the garage, enhancing the overall livability of the apartment and an outstanding convenience to the resident. Garages are significant.

Additionally, apartments with garages provide residents with a safe space to park their cars, work trucks as well as motorcycles. This substantially reduces the number of vehicle break-ins that are an ongoing problem in unprotected and open space parking areas, thereby reducing Sheriff's calls. This data is readily available through the Sheriff's department for confirmation.

I propose that apartments that do not offer the amenity of an enclosed garage need to provide additional living space within the livable area of the apartment. This concept should be part of the discussion.

Therefore, I suggest a fair and just proposal for all parties involved, the city, owners and our residents. Our proposed solution is, when the amenity of an enclosed garage is provided that a reduction of 200sf of livable space should be allowed.

As an example, a 2 bedroom apartment with an enclosed garage will require a min. of 850sqft of livable area, or a 2 bedroom apartment without an enclosed garage will require a min. of 1050sqft.

Thank you for your time and consideration. I am sorry I can not attend your meeting in person, as I have my son's graduation ceremonies in Nashville Friday morning. However, I can be reached anytime for further information or questions at the contact information below.

Ian Bryant
Rim Properties – Partner
15434 Sequoia Ave.
Hesperia, CA. 92345
Email: irim@aol.com
Cell: 760-963-3435.

ATTACHMENT 2

PENDING, APPROVED AND CONSTRUCTED APARTMENT / CONDO / TOWNHOME UNIT SIZES

Case Nos.	Developer/Owner	Type	Approval/ Date	Status/ Date	Expiration Date	Location/APNs	No. of Units	Unit Sizes[1] Studio	1 bdrm	2 bdrm	3bdrm	4bdrm
SPR15-00012 VAR16-00001	Investment Concepts, Inc. Olivetree Apartments, LP	Apartments	Pending	Incomplete 02/25/2016	Pending	South side of Olive St between Third Ave and Hesperia Rd. APNs: 0413-162-09, 10, 35 & 36	186	-	-	1,106	1,275	-
CUP15-00003 PPD15-00001 TT15-00003	Apollo Construction, LLC Universal Holdings, LLC	Senior Condos	Pending	Incomplete 12/21/2015	Pending	North side of Main St, approx. 250 feet east of the California Aqueduct APN: 0405-062-56	84	438	638	938	-	-
SPR14-00008 DA15-00001	TMS Consortium Bella Sky, LLC	Senior Affordable	CC 10/06/2015	Approved 10/06/2015	10/06/2018	West side of H Ave, 90 feet north of Sultana St APN: 0410-192-56	23	-	690	879	-	-
SPR14-00006 SPLA14-00005	Joseph Chirco & Bruno Mancinelli	Apartments	CC 08/18/2015	Approved 08/18/2015	10/01/2018	North side of Main St, 430 feet west of Mesa Linda Ave APNs: 3064-441-01 thru 03	200	-	-	1,074	1,330	-
SPR11-10213 SPRR13-00012 DA11-10002	TMS Consortium Joseph Sorota Trust	Affordable Apartments	CC 09/18/2012	Revision 01/29/2014	03/12/2017	South side of Live Oak St, between Eighth and Ninth Ave APN: 0407-142-03 & 04	114	-	-	825	1,030	-
SPR10-10237 SPRE16-00001 TT-18166 TTE16-00001	Granite Springs, LLC	Condos	PC 02/10/2011	02/10/2016 Extension 03/01/2017 Extension	03/01/2017	650 north of Main St between Tamarisk Ave and Topaz Ave APN: 0405-271-32	164	-	-	1,300	1,500	-
SPR-2006-68	Palm Desert Development Co San Remo Hesperia Ltd Prtnp	Apartments	DRC 02/22/2007	Completed 09/25/2009	NA[2]	9055 Santa Fe Ave APN: 0410-201-14 & 15	123	-	-	1,037	1,167	-
SPR-2006-14 SPRE15-00005 TT-18069	Graco Equities, LLC	Condos	PC 07/13/2006	10/07/2015 Extension	11/22/2016	14475 Yucca St APN: 3057-131-35	20	-	-	-	1,971	-
SPR-2006-06 SPRE15-00006 TT-17763	Pierce Johnson Greg Crump	Condos	PC 10/11/2007	11/18/2015 Extension	10/25/2016	17105 Donert St APN: 0415-093-09	14	-	-	-	1,820	-
SPR-2005-26	KDF Communities KDF Hesperia	Affordable Apartments	CC 12/07/2005	Completed 04/10/2008	NA[2]	16599 Muscatel St APN: 0410-241-01	110	-	-	901	998	1,242
SPR-2005-11	Thomas Devranos Carey Family Trust	Apartments	DRC 08/10/2005	Completed 11/10/2008	NA[2]	16348 Sequoia St APN: 0414-041-20	10	-	-	1,054	-	-

[1] Unit sizes are in square feet.
[2] Not Applicable.

PENDING, APPROVED AND CONSTRUCTED APARTMENT / CONDO / TOWNHOME SIZES
April 12, 2016

Case Nos.	Developer/Owner	Type	Approval/ Date	Status/ Date	Expiration Date	Location/APNs	No. of Units	Unit Sizes Studio	1 bdrm	2 bdrm	3 bdrm	4 bdrm
SPR-2004-48	Michael Lampignano Leo Flores	Apartments	DRC 12/29/2004	Completed 09/21/2009	NA[2]	8671 C Ave APN: 0410-242-67	38	-	-	939	-	-
SPR-2004-33	Investment Concepts, Inc. Villas 154, LP	Apartments	DRC 12/28/2005	Completed 12/10/2009	NA[2]	8810 C Ave APN: 0410-211-16	154	-	-	1,090	1,157	-
SPR-2004-23	Mike Zeid Palo Plesnik	Apartments	DRC 06/30/2004	Completed 06/05/2009	NA[2]	16955 Olive St APN: 0410-202-41	24	-	-	-	1,308	-
SPR-2003-25 SPRE15-00007	TMS Consortium Desert Green Villas, LLC	Apartments	DRC 02/11/2004	01/27/2016 Extension	11/21/2016	East side of Santa Fe Ave, 346 feet south of Sultana St APNs: 0410-211-08 & 09	84	-	-	859	1,017	-
SPR-2003-13 SPR-2005-14-R	Investment Concepts, Inc. Crossings at Hesperia, LP	Apartments	PC 01/08/2004	Completed 10/20/2005	NA[2]	8809 C Ave APNs: 0410-212-45 & 51	108	-	-	1,088	1,165	-
SPR-2003-09	Rim Properties	Apartments	DRC 05/21/2003	Completed 04/04/2005	NA[2]	17219 Sequoia St APN: 0415-036-27	56	-	-	856	1,134	-
SPR-2002-35	Verpooten & Hunt Enterprises Hesperia Apartments AF, LLC	Apartments	DRC 12/11/2002	Completed 07/10/2006	NA[2]	15166 Sequoia St APN: 0406-041-06	15	-	-	898	-	-
SPR-2002-08 SPR09-10260	KDF Communities Hesperia at 9th Phase I, LP	Senior Apartments	PC 03/28/2002	Completed 02/22/2008	NA[2]	9901 Ninth Ave APN: 0407-142-05	92	-	700	912	-	-
SPR-2001-31	Rim Properties	Apartments	DRC 11/14/2001	Completed 04/25/2003	NA[2]	17175 Sequoia St APN: 0415-036-09	25	-	-	856	-	-
SPR-98-010	Opportunity Builders Three Palms Apartments, LP	Senior Affordable	CC 10/05/1998	Completed 10/04/2001	NA[2]	9800 Seventh Ave APN: 0407-221-01	112	-	700	900	-	-
SPR-97-015	Opportunity Builders Santa Fe Hesperia AR, LP	Affordable Apartments	CC 02/05/1998	Completed 05/20/1999	NA[2]	16576 Sultana St APN: 0410-201-02	89	-	671	835	1,065	1,264
PPD-90-040	Rim Properties Michael Bryant	Apartments	PC 10/25/1990	Completed 09/02/1992	NA[2]	15434 Sequoia St APN: 0406-051-20	42	-	-	868	-	-
PPD-89-85	Verpooten & Hunt Enterprises Hesperia Apartments AF, LLC	Apartments	PC 10/25/1990	Completed 01/28/1993	NA[2]	15544 Sequoia St APN: 0406-061-07	15	-	-	979	-	-
PPD-89-40	Frank Ovanin II Rim Properties	Apartments	DRC 08/01/1989	Completed 10/08/1990	NA[2]	17132 Donert St APN: 0415-036-01	10	-	-	965	-	-
PPD-89-23	Rim Properties Michael Bryant	Apartments	DRC 04/24/1989	Completed 07/26/1990	NA[2]	8890 G Ave APN: 0410-191-11	29	-	-	842	-	-
PPD-88-7	Stan Mullins Sunset Pointe 58, Ltd	Apartments	PC 12/28/1989	Completed 11/26/1991	NA[2]	16700 Muscatel St APN: 0410-212-44	58	-	650	902	1,058	-

ATTACHMENT 3

City of Hesperia		Difference
Studio	675	–
1 Bedroom	875	–
2 Bedroom	1,075	–
3 Bedroom	1,275	–
San Bernardino County		
Studio	450	(225.00)
1 Bedroom	650	(225.00)
2 Bedroom	850	(225.00)
3 Bedroom	1050	(225.00)
Apple Valley		
Studio	600	(75.00)
1 Bedroom	800	(75.00)
2 Bedroom	1000	(75.00)
3 Bedroom	1200	(75.00)
Victorville		
Studio	500	(175.00)
1 Bedroom	600	(275.00)
2 Bedroom	800	(275.00)
3 Bedroom	N/A	N/A
Fontana		
Studio	550	(125.00)
1 Bedroom	700	(175.00)
2 Bedroom	900	(175.00)
3 Bedroom	1,000	(275.00)
Rancho Cucamonga		
Studio	550	(125.00)
1 Bedroom	650	(225.00)
2 Bedroom	800	(275.00)
3 Bedroom	950	(325.00)
Rialto		
Studio	650	(25.00)
1 Bedroom	750	(125.00)
2 Bedroom	900	(175.00)
3 Bedroom	1,100	(175.00)
Chino Hills		
Studio	750	75.00
1 Bedroom*	750	(125.00)
2 Bedroom*	750	(325.00)
3 Bedroom*	750	(525.00)
Adelanto		
Studio	600	(75.00)
1 Bedroom*	600	(275.00)
2 Bedroom*	600	(475.00)
3 Bedroom*	600	(675.00)

City of San Bernardino		Difference
Studio	500	(175.00)
1 Bedroom*	600	(275.00)
2 Bedroom*	800	(275.00)
3 Bedroom*	1,000	(275.00)
Highland		
Studio	425	(250.00)
1 Bedroom	650	(225.00)
2 Bedroom	800	(275.00)
3 Bedroom	N/A	N/A
Moreno Valley		
Studio	N/A	N/A
1 Bedroom	450	(425.00)
2 Bedroom	800	(275.00)
3 Bedroom	1,000	(275.00)
City of Riverside		
Studio	400	(275.00)
1 Bedroom	500	(375.00)
2 Bedroom	600	(475.00)
3 Bedroom	700	(575.00)
Eastvale		
Studio	400	(275.00)
1 Bedroom	550	(325.00)
2 Bedroom	700	(375.00)
3 Bedroom	N/A	N/A
Corona		
Studio*	600	150.00
1 Bedroom*	600	(50.00)
2 Bedroom*	600	(250.00)
3 Bedroom*	600	(450.00)
Yorba Linda ("Garden Apartments")		
Studio	750	75.00
1 Bedroom	900	25.00
2 Bedroom	1,000	(75.00)
3 Bedroom	1,200	(75.00)
Yorba Linda ("Urban Setting")		
Studio	550	(125.00)
1 Bedroom	675	(200.00)
2 Bedroom	700	(375.00)
3 Bedroom	900	(375.00)

Average		
Studio	*537.5*	*(137.50)*
1 Bedroom	*651.6*	*(223.44)*
*2 Bedroom***	*761*	*(314.29)*
*3 Bedroom***	*1,010*	*(265.00)*

*No criteria for unit size in relation to the number of bedrooms

** Does not include those cities marked with *

CITY	MUNICIPAL CODE SECTION	REQUIREMENT
Hesperia	16.16.130 (b)	**Standard Units** Studio- 675 sq. ft One Bedroom-875 sq. ft Two Bedroom-1,075 sq. ft Three bedrooms- 1,275 sq. ft **Affordable Units** Studio- 500 sq. ft One Bedroom- 600 sq. ft Two Bedroom-750 sq. ft Three bedrooms- 1,000 sq. ft Three + bedrooms- 1,200 sq. ft
San Bernardino County	84.16.040 (c)	Studio- 450 sq. ft One Bedroom- 650 sq. ft Two Bedroom-850 sq. ft Three bedrooms- 1,050 sq. ft Four + bedrooms- 1,200 sq. ft
Apple Valley	9.29.070 (b)(5)	Studio - 600 square feet One Bedroom - 800 square feet Two Bedroom - 1,000 square feet Three Bedroom and larger - 1,200 square feet
Victorville	16-3.08.020	Studio -500 sq. ft One Bedroom -600 sq. ft Two Bedroom -800 sq. ft Single-family dwelling- 1,600 sq. ft
Fontana	Division 4. Section 30-159	**Multiple Family Dwelling Size (Standard):** a. Studio- 550 sq. ft b. One Bedroom- 700 sq. ft c. Two Bedroom-900 sq. ft d. Three or more bedrooms- 1000 sq. ft **Multiple Family Dwelling Size (Senior/Standard)** a. Studio- 550 sq. ft b. One Bedroom- 700 sq. ft c. Two Bedroom-900 sq. ft d. Three or more bedrooms- 1000 sq. ft **Multiple Family Dwelling Size (Affordable)** a. Studio- 550 sq. ft b. One Bedroom- 650 sq. ft c. Two Bedroom-800 sq. ft d. Three or more bedrooms- 950 sq. ft

		Multiple Family Dwelling Size (Senior/Affordable) a. Studio- 550 sq. ft b. One Bedroom- 600 sq. ft c. Two Bedroom-750 sq. ft d. Three or more bedrooms-850 sq. ft
Rancho Cucamonga	17.36.010	Studio -550 sq. ft One Bedroom -650 sq. ft Two Bedroom -800 sq. ft Three or More Bedrooms- 950 sq. ft
Rialto	18.80.070	Studio - 650 One Bedroom -750 sq. ft Two Bedroom -900 sq. ft Three Bedrooms- 1,100 sq. ft Four Bedrooms- 1,300 sq. ft
Chino	Phone	*No criteria for unit size. Confirmed with phone conversation with City.
Chino Hills	16.10.040	"All dwelling units shall have a minimum gross floor area of 750 square feet" *No criteria for unit size in relation to the number of bedrooms.
Adelanto		Dwelling units shall have a minimum gross floor area of 750 square feet. However, if located within the R3-30 zoning designation, minimum gross floor area shall be 600 square feet.
City of San Bernardino	19.04 (H)(2)	Studio -500 sq. ft One Bedroom -600 sq. ft Two Bedroom -800 sq. ft Three Bedrooms- 1,000 sq. ft Three + Bedrooms- 1,200 sq. ft
Highland	16.16.040	Studio - 425 One Bedroom -650 sq. ft Two or more Bedrooms -800 sq. ft
Moreno Valley	9.03.040	One Bedroom - 450 Two Bedroom -800 sq. ft Three Bedrooms -1,000 sq. ft
City of Riverside	19.100.70	400 square feet for each unit; and an additional 100 square feet for each bedroom.
Eastvale	120.04.030	Studio -400 sq. ft One Bedroom -550 sq. ft Two Bedroom -700 sq. ft
Corona	17.24.50	Each dwelling unit shall have a floor area of not less than 600 square feet.

		*No criteria for unit size in relation to the number of bedrooms.
Yorba Linda		**<u>RM Zoning ("Garden Apartments")</u>** Studio -750 sq. ft One Bedroom -900 sq. ft Two Bedroom -1,000 sq. ft Three Bedrooms- 1,200 sq. ft **<u>RM 20 and RM 30 Zoning ("Apartments commonly found in urban setting")</u>** Studio -550 sq. ft One Bedroom -675 sq. ft Two Bedroom -700 sq. ft Three Bedrooms- 900 sq. ft

ATTACHMENT 4

RENTS AND VACANCY RATES FOR VICTOR VALLEY ZIP CODES

Jurisdiction (Zip Code)	Studio	1 BDR	2 BDR	3 BDR	4 BDR	Vacancy Rate
Adelanto (92301)	$650	$750	$950	$1,340	$1,640	16.89%
Apple Valley (92307)	$590	$680	$860	$1,210	$1,480	12.66%
Apple Valley (92308)	$660	$760	$960	$1,360	$1,650	12.57%
Hesperia (92344)	**$1,020**	**$1,170**	**$1,490**	**$2,110**	**$2,570**	**10.98%**
Hesperia (92345)	**$660**	**$760**	**$960**	**$1,360**	**$1,650**	**8.43%**
Victorville (92392)	$820	$950	$1,200	$1,700	$2,070	12.89%
Victorville (92394)	$730	$840	$1,070	$1,510	$1,840	12.75%
Victorville (92395)	$620	$720	$910	$1,290	$1,570	12.08%
Average Rents and Vacancy Rates	**$719**	**$829**	**$1,050**	**$1,485**	**$1,809**	**12.41%**
Average Rents and Vacancy Rates Excluding Hesperia (92344)	**$676**	**$780**	**$987**	**$1,396**	**$1,700**	**12.61%**

ATTACHMENT 5

RESOLUTION NO. PC-2016-12

A RESOLUTION OF THE PLANNING COMMISISON OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL REVISE REGULATIONS REGARDING MIMIMUM FLOOR AREAS FOR MULTIPLE FAMILY UNITS (DCA16-00002)

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

WHEREAS, Chapter 16.16 of the Hesperia Development Code establishes minimum floor areas for market rate dwelling units within multiple family projects. Similar regulations are established within the Main Street and Freeway Corridor Specific Plan. The City is considering revisions to these standards to better reflect market demands;

WHEREAS, The proposed Development Code amendment is exempt from the provisions of CEQA under Section 15061(b)(3) of the CEQA Guidelines, as there is no possibility that the proposed Development Code revisions regarding minimum floor areas for multiple family units can have significant adverse effects on the environment;

WHEREAS, On May 12, 2016 and June 9, 2016, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to minimum floor areas for multiple family units and concluded said hearing on June 9, 2016.

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

NOW THEREFORE, THE PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

1. All of the facts set forth in the Recitals, Part A of this Resolution, are true, correct and are adopted as findings.

2. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds that the proposed Resolution is consistent with the goals and objectives of the adopted General Plan.

3. The proposed Development Code revisions are exempt from the provisions of CEQA under Section 15061(b)(3) of the CEQA Guidelines, as there is no possibility that the proposed Code revisions regarding minimum floor areas for multiple family units can have significant adverse effects on the environment.

4. Based upon the conclusions set forth in paragraphs 1, 2 and 3 above, this Commission hereby recommends that the City Council approve and place on first reading an ordinance revising the minimum floor area requirements for multiple family units, as shown in EXHIBIT "--")

5. The Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 9th day of June 2016.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

MFR Floor Area pc res

EXHIBIT A

Section 16.16 .130(B) of the Hesperia Development Code is hereby revised to read as follows:

(Deletions are shown in strikeout and additions are shown in red)

B. Development Standards. All property in the R3 designation shall be developed according to the following standards:

2. Minimum Living Area. ~~The minimum living area for residential units shall be six hundred seventy-five (675) square feet for a studio unit, with two hundred (200) square feet for each additional bedroom.~~ The minimum living area for residential units shall be as follows:

Minimum Floor Area Requirements for Multiple-family Units					
	Studio	1 BDR	2 BDR	3BDR	4 BDR+
Market Rate units:	550	650	750-900*	1100	1250

*Units shall be split approximately 50–50% within the project and within each phase.

Chapter 7 (E) and (F), sub-section 4.5 of the Hesperia Main Street and Freeway Corridor Specific Plan is hereby revised to read as follows:

4.5 Minimum Living Area

~~The minimum living area for residential units shall be 675 square feet for studio unit, with 200 square feet for each additional bedroom.~~ The minimum living area for residential units shall be as follows:

Minimum Floor Area Requirements for Multiple-family Units					
	Studio	1 BDR	2 BDR	3BDR	4 BDR+
Market Rate units:	550	650	750-900*	1100	1250

*Units shall be split approximately 50–50% within the project and within each phase.

EXHIBIT "B"

Section 16.16 .130(B) of the Hesperia Development Code is hereby revised to read as follows:

(Deletions are shown in strikeout and additions are shown in red)

B. Development Standards. All property in the R3 designation shall be developed according to the following standards:

2. Minimum Living Area. ~~The minimum living area for residential units shall be six hundred seventy-five (675) square feet for a studio unit, with two hundred (200) square feet for each additional bedroom.~~ The minimum living area for residential units shall be as follows:

Minimum Floor Area Requirements for Multiple-family Units					
	Studio	1 BDR	2 BDR	3BDR	4 BDR+
Market Rate units:	600	800	1000	1200	1400

Chapter 7 (E) and (F), sub-section 4.5 of the Hesperia Main Street and Freeway Corridor Specific Plan is hereby revised to read as follows:

4.5 Minimum Living Area

~~The minimum living area for residential units shall be 675 square feet for studio unit, with 200 square feet for each additional bedroom.~~ The minimum living area for residential units shall be as follows:

Minimum Floor Area Requirements for Multiple-family Units					
	Studio	1 BDR	2 BDR	3BDR	4 BDR+
Market Rate units:	600	800	1000	1200	1400

EXHIBIT "C"

Section 16.12.220 (B) is hereby revised to read as follows:

B. Review and approval for the following minor exception requests will be through the administrative review with notice procedure, pursuant to Section 16.12.005(A)(2).

10. Minimum floor area requirements for multiple family units. The minimum floor area for a multifamily unit within the R3 designation and the HDR and MDR zones, may be reduced by up to 15%, provided that:

- Private usable of open space shall be increased to 110 SF per unit;
- Common usable open space shall be increased to 220 SF per unit;
- A pedestrian system be provided throughout the project to link at least <u>four</u> amenities as provided for in section 16.16.130 (B) to be constructed within the development;
- That the project exhibit superior design, architecture and landscaping.

~~10~~11.

Other Exceptions. Exceptions may be considered, where in the opinion of the reviewing authority, such exceptions may not have a cumulative effect greater than those exceptions previously listed.

CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE

City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, May 18, 2016

A. PROPOSALS:

1. JEROME A. KAUFER; (ME16-00004)

Proposal: Consideration of Minor Exception to construct a 2,080 square foot metal accessory building which exceeds the 5% accessory building limitation.

Location: 8321 Tenth Avenue (APN: 0412-092-06)

Planner: Daniel Alcayaga

2. NV HESPERIA INVESTMENT; LLC (TTE16-00007)

Proposal: An extension of time for Tentative Tract TT-17916 to create 177 single-family residential lots on 40.0 gross acres.

Location: Southwest corner of Mojave Street and Topaz Avenue (APN(s): 0405-261-15 thru 18 & 27 thru 30).

Planner: Ryan Leonard

CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE

City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, June 1, 2016

A. PROPOSALS:

1. GEORGE G. BAUM; (TTE16-00008)

Proposal: Consideration of an Extension of Time to extend TT-18309 to create 12 single-family lots on 7.5 gross acres.

Location: South side of Ryeland Road, east of Danbury Avenue (APN: 0397-181-04)

Planner: Ryan Leonard

2. QUIEL SIGNS (SSP16-00001)

Proposal: Consideration of a Site Sign Plan for the Hesperia Gateway Centre.

Location: Southwest corner of Ranchero Road and Mariposa Road (APN: 0357-561-65 & 66)

Planner: Stan Liudahl