

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: October 13, 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.

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OCTOBER 13, 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 Jim 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: September 8, 2016, Planning Commission Meeting Draft Minutes.

PUBLIC HEARINGS

1. Consideration of Tentative Tract Map No. TT16-00001 (TT-20046) to create 24 single-family residential lots on 7.8 gross acres zoned Single-Family Residence (R-1) located on the west side of Maple Avenue, 290 feet south of Muscatel Street (Applicant: Harris Homes; APNs: 3046-101-11, 12 & 13). 1-1
2. Consideration of Conditional Use Permit CUP16-00007, to construct a 3,645 square foot mini-mart including four fuel islands and the sale of beer, wine, and liquor, an automated 968 square foot carwash, and a 2,546 square foot drive-thru restaurant on approximately 5.0 gross acres located on the southeast corner of Rancho Road and Mariposa Road (Applicant: Michael Gallagher; Portion of APNs: 0357-561-73 thru 76). 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

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 Thursday, October 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
September 8, 2016
MINUTES**

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE TO THE FLAG:

Pledge of Allegiance led by Commissioner Jim Heywood.

INVOCATION:

Invocation led by Commissioner William Muller.

ROLL CALL:

**Present: Chair Tom Murphy
Vice Chair William Muller
Commissioner Jim Heywood
Commissioner Joline Hahn
Commissioner Cody Leis**

JOINT PUBLIC COMMENTS:

Chair Tom Murphy opened the Joint Public Comments at 6:34 pm.
There were no Public Comments.
Chair Tom Murphy closed the Joint Public Comments at 6:34 pm.

CONSENT CALENDAR:

Approval of Minutes: August 11, 2016, Planning Commission Meeting Draft Minutes

Motion by Commissioner Joline Hahn to approve the August 11, 2016, Planning Commission Meeting Draft Minutes, Seconded by Commissioner William Muller, passed with the following roll call vote:

AYES: Chair Tom Murphy, Vice Chair William Muller, Commissioner Joline Hahn, Commissioner Jim Heywood, and Commissioner Cody Leis

PUBLIC HEARING:

- 1. Consideration of Conditional Use Permit CUP16-00006 to allow the sale of beer and wine for off-site consumption in conjunction with a 99 CENTS only store at 17255 Main Street (Applicant: Alcoholic Beverage Consultants; APN: 0410-182-51).**

Senior Planner Daniel Alcayaga gave a presentation on Conditional Use Permit, CUP16-00006.
Chair Tom Murphy opened the Public Hearing at 6:39 pm.
Applicant Steve Rawlings of Alcoholic Beverage Consultants spoke.
Chair Tom Murphy closed the Public Hearing at 6:41 pm.
The Commission asked questions of staff with discussions ensuing.

Motion by Commissioner Joline Hahn to adopt Resolution No. PC-2016-23, approving Conditional Use Permit, CUP16-00006, Seconded by Commissioner William Muller, passed with the following roll call vote:

AYES: Chair Tom Murphy, Vice Chair William Muller, Commissioner Jim Heywood, and Commissioner Joline Hahn, Commissioner Cody Leis

- 2. Consideration of Conditional Use Permit CUP15-00009 to construct a 5,120 square foot convenience store that includes an attached 1,255 square foot automated carwash tunnel, a 1,300 square foot fast food restaurant, and the sale of beer and wine for off-site consumption, a 4,704 square foot fueling station with 12 fuel dispensers, and a 3,000 square foot drive-thru restaurant, on approximately 2 gross acres located on the southwest corner of US Highway 395 and Three Flags Court (Applicant: 395 Three Flags LLC; APN 3039-331-10).**

Associate Planner Ryan Leonard gave a presentation on Conditional Use Permit, CUP15-00009. Chair Tom Murphy opened the Public Hearing at 7:02 pm. There were no Public Comments. Chair Tom Murphy closed the Public Hearing at 7:02 pm. The Commission asked questions of staff with discussions ensuing.

Motion by Commissioner Cody Leis to adopt Resolution No. PC-2016-22, approving Conditional Use Permit, CUP15-00009, Seconded by Commissioner James Heywood, passed with the following roll call vote:

AYES: Chair Tom Murphy, Vice Chair William Muller, Commissioner Jim Heywood, and Commissioner Joline Hahn, Commissioner Cody Leis

PRINCIPAL PLANNER'S REPORT:

DRC Comments:

No update provided.

Major Project Update:

Principal Planner Dave Reno talked about a project on the east side of Mariposa Road involving a revised Parcel Map to shorten Fashion Way that includes a shorter cul-de-sac to match Fashion Way on the west side.

Principal Planner Dave Reno also talked about a new infill 24 lot Tentative Tract, west of Maple just south of Muscatel.

PLANNING COMMISSION BUSINESS OR REPORTS:

No update provided.

ADJOURNMENT:

The meeting adjourned at 7:07 pm until October 13, 2016.

Tom Murphy,
Chair

By: Denise Bossard,
Commission Secretary

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DATE: October 13, 2016
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Daniel S. Alcayaga, AICP, Senior Planner
SUBJECT: Tentative Tract TT16-00001 (TT-20046); Harris Homes; APNs: 3046-101-11, 12 & 13

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2016-25, approving TT16-00001 (TT-20046).

BACKGROUND

Proposal: A tentative tract map to create 24 single-family residential lots on 7.8 gross acres (Attachment 1). The smallest lot within the subdivision is 7,200 square feet, the average lot size is 8,082 square feet, and the largest lot is 14,426 square feet in area.

Location: On the west side of Maple Avenue, 290 feet south of Muscatel Street

Current General Plan and Land Uses: The site is within the Single-family Residence (R1) General Plan Zone. The surrounding land is designated as noted on Attachment 2. The tentative tract is surrounded by similar single-family residential tracts to the north, south, and west. The land to the east, on the opposite side of Maple Avenue, is developed with single-family homes on 2 ½ acre lots (Attachment 3).

ISSUES/ANALYSIS:

Land Use: The site is within the R1 General Plan designation which allows densities between 2.5 and 4.5 dwelling units per acre. The tentative tract would create 24 single-family residential lots on 7.8 gross acres, resulting in a density of 3 dwelling units per acre (du/ac). The subdivision includes a 41,036 square foot lettered lot to be used as a detention/retention basin. The tract will be developed in a single phase. All single-family residences within this subdivision will contain a minimum livable area of 1,400 square feet. The lots comply with the 7,200 square foot minimum lot size, as well as the 60-foot minimum lot width and the 100-foot minimum lot depth requirements. The proposal matches the surrounding tentative tracts.

Drainage: This tentative map is critical in resolving nearby flooding issues associated with the HO-1 line of the Hesperia Master Plan of Drainage. Harris Homes also owns recorded Tract No. 17117 to the north and Tentative Tract No. 16591 (unrecorded) to the west. The developer purchased properties associated with TT-20046, in order to construct the necessary drainage improvements (i.e. channel) that would benefit all three tracts. A channel would ultimately extend from the California Aqueduct to detention/retention basins within Tract 17117 and proposed TT-20046.

The southern 50 feet of TT-20046 will be dedicated to the construction of a portion of this channel. The tract's eastern 124 feet will include a detention/retention basin. Culverts will be constructed beneath Tamarisk to the west at which point storm water flows will be accepted further conveying flows through the channel at 1,460 cubic feet per second (cfs). The channel will convey flows into two large detention/retention basins, one of which belongs to Tract 17117. The basin associated with TT-20046 will have a capacity of 240,000 cubic feet. Flows will be discharged on to Maple.

Prior to the economic recession, Tract 17117 had 13 houses partially completed within TT-16591 having four model homes. The land associated with TT-20046 did not initially belong to the developer; therefore the channel could not be fully constructed. A temporary basin within Tract 17117 and a 34,000 square foot basin on the corner of Muscatel and Maple were constructed while the developer obtained easements for the channel. During storm events between 2007 and 2009, Tamarisk was severely damaged and the project's detention/retention systems failed. The banks of the basins eroded and completely filled up with silt/sand. As a result, the homes within Tract 17117 and related drainage improvements were never accepted by the City. Such detention/retention basins and all storm water improvements associated with Tract 17117 and TT-20046 must be constructed and brought to working condition prior to occupancy of homes within this tentative map. A solution is now possible because Harris Homes controls all three tracts necessary to resolve drainage issues in the area.

Water and Sewer: The single-family residential development will connect to the City's water and sewer system. The development will be connected to the existing 8-inch and 12-inch lines within the City's sewer and water system.

Street Improvements: Maple Avenue will be constructed with full half-width street improvements along the project frontage. The developer will be required to obtain all street dedications necessary to satisfy access requirements. Full street improvements, including curb, gutter, and sidewalk will be constructed along the interior streets.

Traffic: The project impacts on traffic are consistent with daily vehicle trips allowed by the current R1 General Plan Zone. According to standard trip generation numbers published by the Institute of Traffic Engineers, approval of the proposed 24-lot subdivision would create an estimated 230 daily vehicle trips (9.57 daily trips per dwelling unit). For comparison, Maple in proximity to Muscatel experiences an average daily traffic of 5,599 vehicles.

Due to its size, the project alone will not result in changes to traffic patterns in the area. Per the 2010 General Plan Circulation Element, the intersection at Maple and Muscatel operates at a level of service A (Excellent Operation) in the AM and PM peak hours. At build out, the same intersection will operate at a level of service C (Good Operation). The existing roadway system, which will serve the tract, can support growth and development in this area.

In the long term, the City will have to construct capital improvements consistent with the Circulation Element, including widening arterials and collectors to ultimate capacity, redesigning intersections to operate more efficiently, and synchronize signals along major roadways. New developments in the City will continue to construct street improvements necessary to make their projects work, as well as pay traffic impact fees. Traffic impact fees will be collected as development occurs, which will help fund the Capital Improvement Program.

Schools and Parks: The development is about ½ mile west from Cottonwood Elementary, 2 ¼ miles east of Cedar Middle School, and 1 mile south of Hesperia High School. The project is over 1 mile from Maple Park to the north.

Other issues: The City Council determined during its January 17, 2007 workshop, that a minimum 1,400 square foot house size was appropriate. As a result, staff has included a condition requiring that a minimum 1,400 square foot livable house size be provided. In 2011, the City adopted architectural guidelines for new residential subdivisions. These guidelines match what was adopted in the Main Street and Freeway Corridor Specific Plan, and are designed to improve the overall appearance of homes and neighborhoods in new developments.

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 4) 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 City's General Plan and meets the standards of the Development Code.

FISCAL IMPACT

Development will be subject to payment of development impact fees.

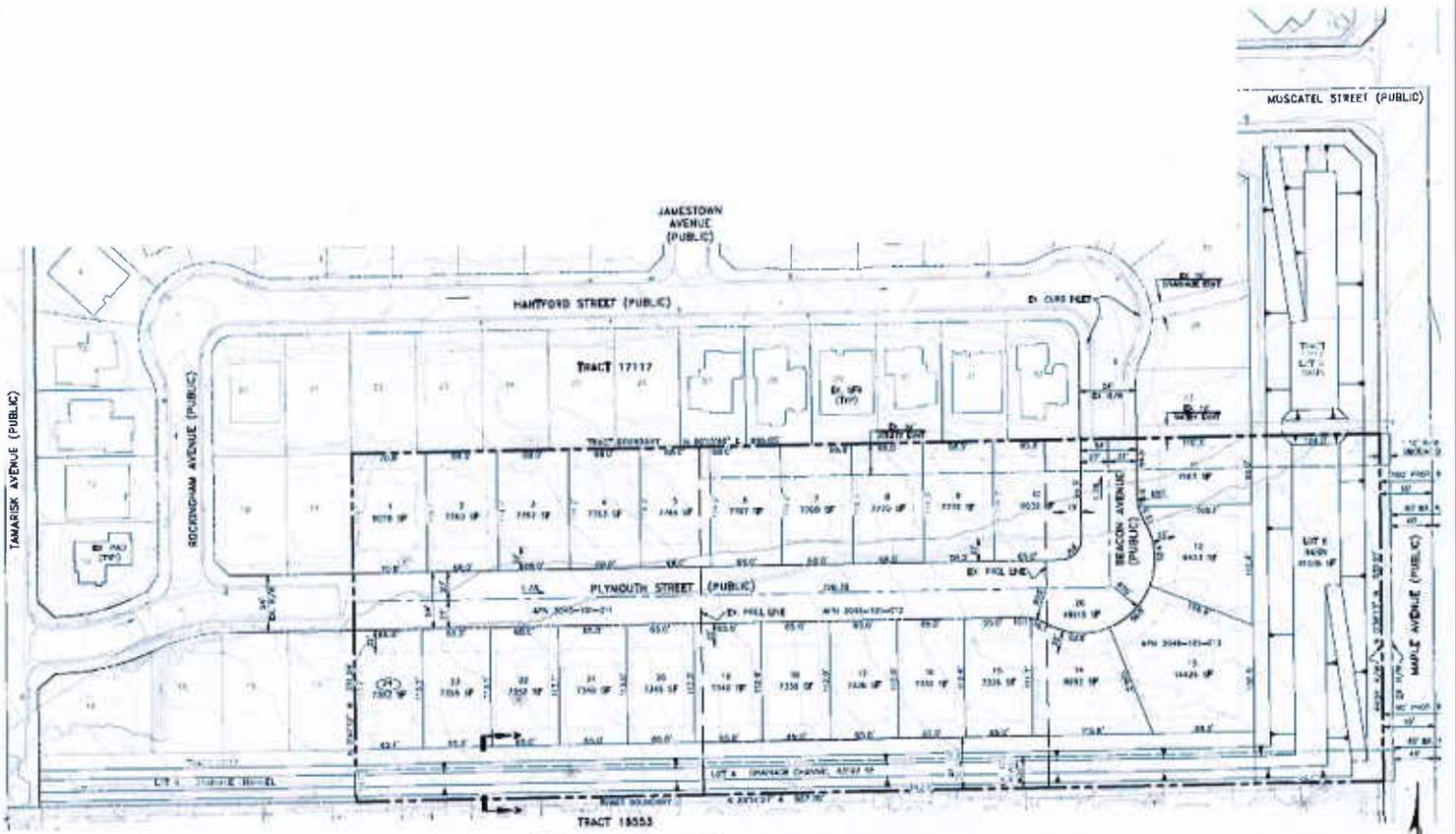
ALTERNATIVE

Provide alternative direction to staff.

ATTACHMENTS

1. Tentative Tract Map TT16-00001 (TT-20046)
2. General Plan Land Use Map
3. Aerial Photo
4. Initial Study and Mitigated Negative Declaration
5. Resolution No. PC-2016-25, with Conditions of Approval

ATTACHMENT 1



APPLICANT (S):
HARRIS HOMES

FILE NO (S):
TT16-00001 (TT-20046)

LOCATION:
ON THE WEST SIDE OF MAPLE AVENUE, 290 FEET SOUTH OF MUSCATEL STREET

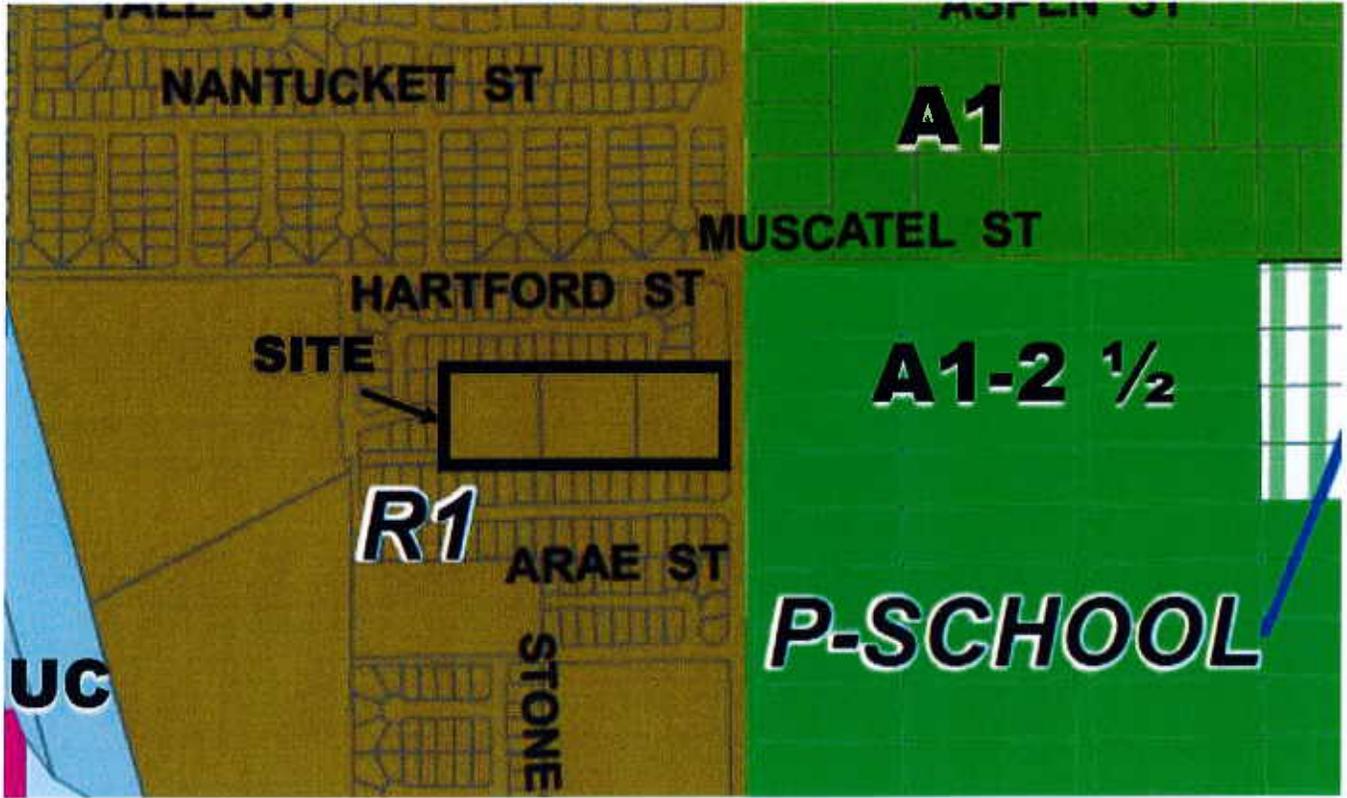
APN (S):
3046-101-11, 12
& 13

PROPOSAL:
CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE 24 SINGLE-FAMILY RESIDENTIAL LOTS ON 7.8 GROSS ACRES



TENTATIVE TRACT MAP

ATTACHMENT 2



APPLICANT (S):
HARRIS HOMES

FILE NO (S):
TT16-00001 (TT-20046)

LOCATION:
ON THE WEST SIDE OF MAPLE AVENUE, 290 FEET SOUTH OF MUSCATEL STREET

APN (S):
3046-101-11, 12
& 13

PROPOSAL:
CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE 24 SINGLE-FAMILY RESIDENTIAL LOTS ON 7.8 GROSS ACRES



GENERAL PLAN LAND USE MAP

ATTACHMENT 3



APPLICANT (S):
HARRIS HOMES

FILE NO (S):
TT16-00001 (TT-20046)

LOCATION:
ON THE WEST SIDE OF MAPLE AVENUE, 290 FEET SOUTH OF MUSCATEL STREET

APN (S):
3046-101-11, 12
& 13

PROPOSAL:
CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE 24 SINGLE-FAMILY RESIDENTIAL LOTS ON 7.8 GROSS ACRES



AERIAL PHOTO

ATTACHMENT 4

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

NEGATIVE DECLARATION ND-2016-05
Preparation Date: September 12, 2016

Name or Title of Project: Tentative Tract TT16-00001 (TT-20046)

Location: On the west side of Maple Avenue, 290 feet south of Muscatel Street. (APNs: 3046-101-11, 12 & 13).

Entity or Person Undertaking Project: City of Hesperia.

Description of Project: Consideration of a tentative tract map to create 24 single-family residential lots on 7.8 gross acres within the Single-Family Residence (R-1) zone.

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 Department.

Public Review Period: September 13, 2016 through October 12, 2016.

Adopted by the Planning Commission: October 13, 2016

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

PROJECT DESCRIPTION

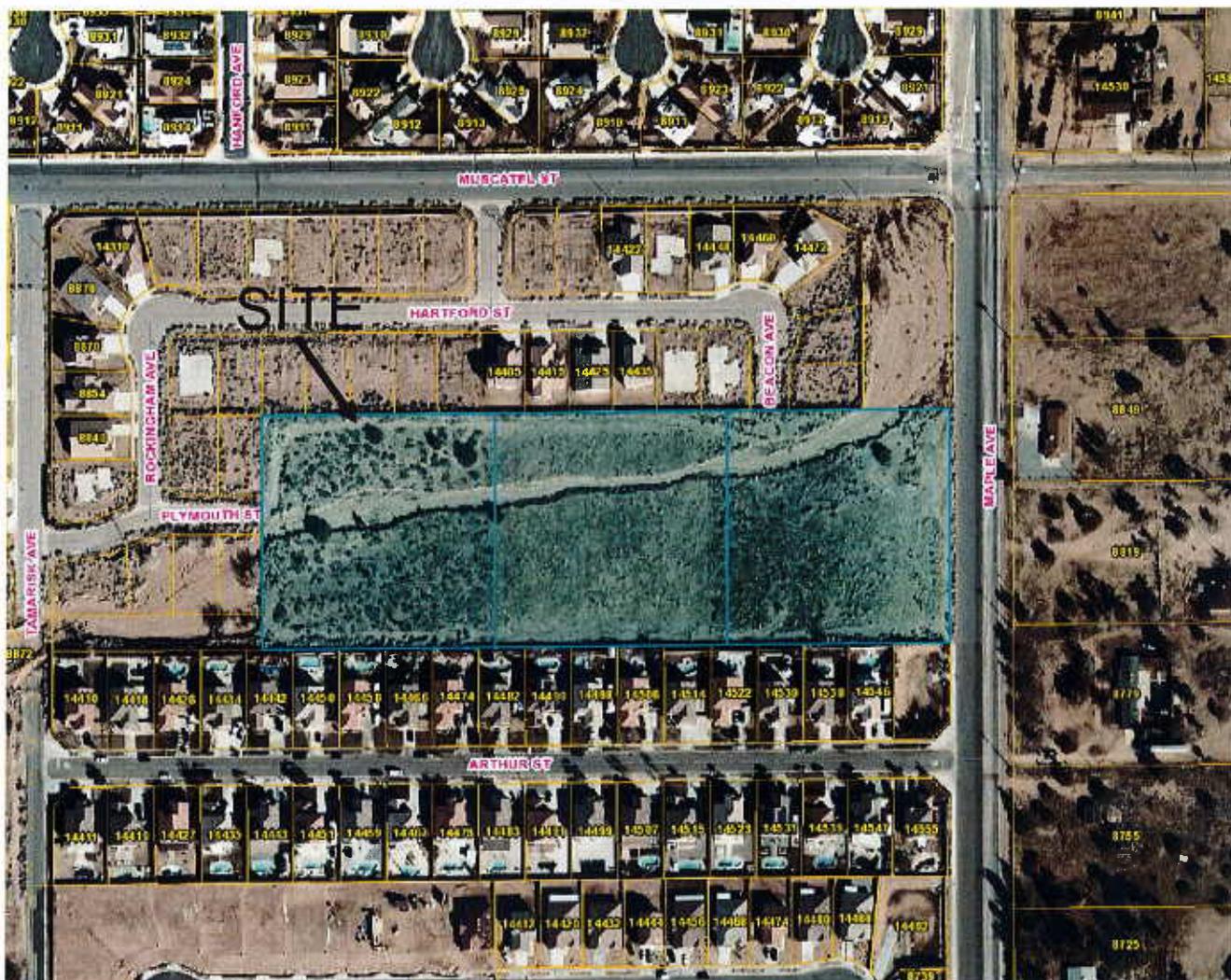
1. **Project Title:** Tentative Tract TT16-00001 (TT-20046)
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Daniel S. Alcayaga, AICP, Senior Planner
Phone number: (760) 947-1330.
4. **Project Location:** On the west side of Maple Avenue, 290 feet south of Muscatel Street. (APNs: 3046-101-11, 12 & 13).
5. **Project Sponsor:** Harris Homes
Address: 2127 Palos Verdes Drive North
Lomita, CA 90717
6. **General Plan & zoning:** Single-Family Residence (R-1)
7. **Description of project:** A tentative tract map to create 24 single-family residential lots on 7.8 gross acres Exhibit "A"
8. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.)

The site is within the Single-Family Residence (R-1). The property is currently undeveloped as shown on Attachment "B." The tentative tract is surrounded by similar single-family residential tracts to the north, south, and west. The land to the east, on the opposite side of Maple Avenue, is developed with single family homes on 2 ½ acre lots.

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

Review and approval is required from the City.

Exhibit "B" - Aerial Photo



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (Completed by the Lead Agency)

On the basis of this initial evaluation:

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



 Signature
 Daniel S. Alcayaga, AICP, Senior Planner, Hesperia Planning Division

 Date
 9-12-16

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, 3 & 4)? | | | X | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (6)? | | | X | |

Comments.

The General Plan identifies the property as being within the Single-Family Residence (R-1) Zone. The project is supported by the General Plan. Although the site is vacant, the properties in proximity to the project are developed and surrounding land is disrupted with existing roads and highways. The tentative tract is surrounded by similar single-family residential tracts to the north, south, and west. The land to the east is developed with single-family homes on 2 ½ acre lots. Consequently, only a slight change in the visual character of the area would occur.

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 General Plan Update Environmental Impact Report (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 proposed development is not located in a sensitive environment. Given the existing land uses nearby, its development will not substantially degrade the existing visual character or quality of the site and its surroundings. The project is not considered a scenic vista or resources, nor is any local roadways or highways considered a scenic road way. A state scenic highway does not traverse the City (2). The City does not contain any registered historic buildings.

The project is subject to development standards of the Development Code (5), which limit the building height and provide for minimum yard setbacks, and architectural standards. This project is consistent with the General Plan and is not adjacent to sensitive land uses. 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 (6). Further, all lights shall be hooded and directed downward to reduce the impact upon the nighttime sky in accordance with the General Plan Update, which identifies the impact of development in accordance with the General Plan as less than significant (8). Based upon these regulations, the use will not adversely affect day or nighttime views in the area. Therefore, approval of the proposed tentative tract map 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 (9) ? | | | | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (10 & 11) ? | | | | X |
| c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) (12) ? | | | | X |
| d) Result in the loss of forest land or conversion of forest land to non-forest use (12) ? | | | | X |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use (11 & 12) ? | | | | X |

Comments.

The site is currently within R1 Zone **(10)**. The General Plan and the United States Soil Conservation Service Soil Survey of San Bernardino County do not designate the property as prime farmland, unique farmland, or farmland of statewide importance. There is no record of past agricultural activities on the site. The City contains only few sites with agricultural uses and only two properties within a Williamson Act contract. The project site is not one of these properties. The proximity of residential uses does not make this site viable for agriculture.

The soil at this location is identified as Hesperia loamy fine sand, two to five percent slopes **(13)**. These soils are limited by high soil blowing hazard, high water intake rate, low available water capacity, and low fertility. 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..." Therefore, this project will not have an impact upon agricultural resources.

The City and its Sphere Of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes **(14)**. The southernmost portions of the City and SOI contain a narrow distribution of land within the shrub and conifer woodland bioregions. These bioregions do not contain sufficient forest land for viable timber production and are ranked as low priority landscapes **(15)**. The project site is primarily located in an urban area and is surrounded by urban development. During the nineteenth century, juniper wood from Hesperia was harvested for use in fueling bakery kilns. Use of juniper wood was discontinued when oil replaced wood in the early twentieth century **(12)**. 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 (16, 17 & 18)? | | | | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (16, 17 & 18)? | | | 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) (16, 17 & 18)? | | | X | |
| d) Expose sensitive receptors to substandard pollutant concentrations (7, 16 & 17)? | | | X | |
| e) Create objectionable odors affecting a substantial number of people (1, 7, 16 & 17)? | | | X | |

Comments.

The General Plan Update and its Environmental Impact Report (EIR) addresses the impact of build-out in accordance with the Land Use Plan, with emphasis upon the impact upon sensitive receptors **(16 & 17)**. 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 residences. The new single-family residences are not expected to create a significant impact on surrounding residences.

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 **(16)**. 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 **(16 & 17)**.

All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD **(18)**. 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 (19). As part of the GPUEIR, the impact of residential development to the maximum allowable density permitted by the Land Use Plan was analyzed. Further, the impact of the project does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment Plan (18).

| 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 (20 & 24)? | | | | 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 & 20)? | | | | 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 & 20)? | | | | 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, 20 & 24)? | | X | | |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (20 & 21)? | | X | | |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (22)? | | | | X |

Comments.

The site is not expected to support the Mohave ground squirrel, given the very low population levels of the species in the region and proximity to existing development. Further, the project site is outside the area considered suitable habitat for the species (23). The desert tortoise is also not expected to inhabit the site, given its proximity to largely build-out residential development (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 (24).

Since the site contains native plant species, a General Biological Resources Assessment (2016) was conducted by RCA Associates, LLC to determine the presence of the desert tortoise, Mohave ground squirrel, burrowing owl, loggerhead shrike, and sharp-skinned hawk (20). 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 prepared as part of the biological report. This protected plant plan will ensure that 9 of the site's 18 Joshua Trees, which are protected under the City's Native Plant Protection Ordinance, will be relocated or protected in place **(20)**. The 9 which will not be protected are unsuitable for transplanting, unhealthy or dead. The grading plan for the project shall stipulate that all 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. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest communities, exist within the Rancho Las Flores Specific Plan and vicinity **(25)**. The project site is located about five miles to the northwest within a developed portion of the City. Consequently, approval of the tentative tract map 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 (26) ? | | | | X |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (26) ? | | | | X |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (27) ? | | | X | |
| d) Disturb any human remains, including those interred outside of formal cemeteries (28) ? | | | X | |

Comments.

Based upon a site visit and review of the aerial photos, there is no evidence that historic resources exist within the project site. In addition, the site is not on the list of previously recorded cultural resources **(26)**. This list, which was compiled as part of the 2010 General Plan Update; was compiled 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.

Past records of paleontological resources were also evaluated as part of the General Plan. This research was compiled from records at the South Central Coastal Information Center located at the California State University, Fullerton. Based upon this review, paleontological resources are not expected to exist on the project site. Further, the Cultural Resources Sensitivity Map indicates that the site has a low sensitivity potential for containing cultural resources **(27)**. A Historical/Archaeological Resources Survey prepared by CRM TECH (2016) determined that there are no cultural resources on the property. Consequently, approval of the tentative tract map is not expected to have an impact upon cultural resources **(4)**.

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) **(28)**. Should the Coroner determine that the remains are Native American, the Native American Heritage Commission (NAHC) shall be contacted and the remains shall be handled in accordance with Public Resources Code Section 5097.98. The NAHC has indicated that the City and Sphere of Influence does not contain any sacred lands **(29)**.

| 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 (31, 32 & 33). | | | | X |
| ii) Strong seismic ground shaking (30 & 34)? | | | X | |
| iii) Seismic-related ground failure, including liquefaction (13 & 30)? | | | | X |
| iv) Landslides (30)? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil (13)? | | | X | |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse (13 & 30)? | | | | X |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (13)? | | | | X |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (13)? | | | | X |

Comments.

The project site contains generally flat topography with slopes of about two percent (1). 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 (31). 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 (31 & 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 (33). The project site is not located in an Alquist-Priolo Earthquake Fault Zone or within 500 feet of a fault (31 & 32). Further, the soil at this site does not have the potential for landslides, lateral spreading, subsidence, liquefaction, or collapse (13).

The soil at this location is identified as Hesperia loamy fine sand, two to five percent slopes (13). This soil is limited by high soil blowing hazard, high water intake rate, and moderate to high available water capacity. The site's shallow slope and moderately rapid permeability negates the potential for soil instability. 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 houses, paved streets and sidewalks, 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 (35), 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 subdivision 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 (36)? | | | X | |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases (36, 37 & 38)? | | | 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 (39). 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)(36). 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 (37).

Development of the proposed project will not increase the greenhouse gas (GHG) emissions beyond that analyzed within the (GPUEIR). The residential subdivision does create new traffic patterns (1 & 7). The houses 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 (35) will cause a reduction in GHG emissions from use of less efficient systems, resulting in additional community emission reduction credits.

Since the project complies with the R1 zone and development regulations, the impacts have already been as analyzed by the GPUEIR. Consequently, the impact upon GHG emissions associated with the proposed tentative tract map 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 (4 & 39)? | | | | 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 (39)? | | | | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | | | | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment? | | | | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area (10)? | | | | 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 (40)? | | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (41)? | | | | 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 & 7)? | | | | X |

Comments.

A residential subdivision does not involve the large handling and storage of motor oil, antifreeze, and gasoline. 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 tentative tract map would create a significant hazard to the public or the environment. The proposed subdivision will not conflict with air traffic nor emergency evacuation plans. The site is less than three miles from the Hesperia Airport to the northwest, and is therefore, not within a restricted use zone associated with air operations (44). 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 (41) 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 southernmost and westernmost portions of the City are at risk, due primarily to proximity to the San Bernardino National Forest (45 & 46). All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. In addition, no hazardous materials will be stored and transported as part of the residential subdivision (42). Consequently, approval of the tentative tract map 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 (47 & 48)? | | | | 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) (49 & 50)? | | | 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 (45)? | | | 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 & 45)? | | | 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 (52)? | | | X | |

| | | | | |
|---|--|--|---|---|
| f) Otherwise substantially degrade water quality (52) ? | | | 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, 53 & 61) ? | | | | X |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (7, 45 & 61) ? | | | | 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 (10 & 45) ? | | | | X |
| j) Inundation by seiche, tsunami, or mudflow (31) ? | | | | 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 **(54)**. Issuance of a Storm Water Pollution Prevention Plan (SWPPP) will also be required, which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting storm water **(54)**. 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 **(7)**. 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 **(51)**. The site is also not within a Flood Zone, based upon the latest Flood Insurance Rate Maps **(61)**. The retention facility required by the City will ensure that no additional storm water runoff impacts the area and that any contaminants will be filtered from storm water runoff prior to any release into a street.

A hydrology report was prepared in compliance with the City of Hesperia Development Standards and the San Bernardino County 1986 Hydrology Manual. The southern 50' and eastern 124' of this property and Tract 17117 are dedicated to the construction of a portion of the City master planned drainage channel "HO-1" and a retention basin. Storm water flows will be captured and conveyed through the drainage channel along the southern boundary of the subdivision taking drainage flows to a retention basin to the east. The drainage flows along the channel are expected to have 1,460 cubic feet per second (cfs). Flows will also be conveyed through the street along its curbs, which direct flows to two existing curb inlets further conveying drainage flows to retention basins. The preliminary basin design has a total storage of approximately 240,000 cubic feet. A condition of approval requires the existing retention basin, as part of Tract 17117 to be brought back to working condition. A final hydrology study will have to demonstrate that the catch basin can handle the additional volumes.

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 **(10)**. 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 **(30)**. 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 (30). The subject property exhibits about a two percent slope. In addition, the water table is significantly more than 50 feet from the surface. The area north of Summit Valley contains steep slopes which have the potential to become unstable during storm events (55). 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 (49).

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 (50). The HWD has maintained a water surplus through purchase of water transfers, allocations carried over from previous years, and recharge efforts. Therefore, the impact upon hydrology and water quality associated with the tentative tract map 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 (10)? | | | X | |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan (25)? | | | | X |

Comments.

The site is currently vacant and within an existing area with single family residences consistent with the proposed R1 zone (1). The R1 zone permits between 2.5-4.5 dwelling units per acre. The proposed 24 unit subdivision on 7.8 acres equals to 3.0 dwelling units per acre. The project complies with all development standards in the Development Code (7). The project will not physically divide an established community. The project is consistent with the adjacent land uses, but requires approval of a tentative tract map (7). 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 (25). The

project site is located approximately five miles northwest of this specific plan within the developed portion of the City. Therefore, the tentative tract map would have a less than significant impact upon land use and planning.

| XI. MINERAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (57)? | | | | 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 (57)? | | | | 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 (57). Known mineral resources within the City and sphere include sand and gravel, which are prevalent within wash areas and active stream channels. Sand and gravel is common within the Victor Valley. Consequently, the proposed subdivision 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 & 58)? | | | X | |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (58 & 59)? | | | X | |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (60)? | | | X | |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (60)? | | | X | |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels (10 & 44)? | | | | 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 (44)? | | | | X |

Comments.

Approval of the proposed tentative tract map will result in both construction noise and operational noise, mostly associated with vehicular traffic to and from the site. According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles and aircraft (58). 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 (residents and vehicle service).

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, 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 (58). The Noise Ordinance contains an exemption from the noise level regulations during grading and construction activities occurring between 7:00 A.M. and 7:00 P.M., Monday through Saturday, except federal holidays.

The project site currently has an existing roadway noise level of 66 dB. A noise level of 71 dB (A) is expected upon build-out in accordance with the General Plan, based upon a 50-foot distance from Maple Avenue (60). However, construction of the required six-foot high masonry wall along the perimeter of the site would reduce the noise level to less than 60 CNEL. Noise levels of up to 60 CNEL (Community Noise Equivalent Level) are considered acceptable in residential areas when structures are constructed in accordance with building code insulation requirements.

Certain activities particularly sensitive to noise include sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration, which will not be impacted. Hospitals and convalescent homes, churches, libraries, and childcare facilities are also considered noise-sensitive uses as are residential and school uses. The subdivision is consistent with surrounding residential uses, and will not cause a noise impact on nearby residents. Therefore, noise mitigation is unnecessary.

The project site is less than three miles northwest of the Hesperia Airport. At this distance, the project is not impacted by any safety zones associated with this private airport (44). The project site is even farther from the Southern California Logistics Airport (SCLA) and the Apple Valley Airport and will not be affected by any safety zones for these airports.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the noise impact upon build-out of the General Plan to the maximum allowable density permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with noise impacts (19). Inasmuch as this project is consistent with the adjacent land uses, the noise impact generated by the 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 is consistent with the General Plan Land Use designation of the adjacent properties, with approval of a tentative tract map (10). Establishment of the project will not induce a

substantial population growth. A 24 unit subdivision will not indirectly make an impact upon population growth or require extension of roads. Further, the site is in close proximity to water and other utility systems (63). As a result, development of the project would not require significant extension of major improvements to existing public facilities. The site is vacant and is identified for development of single family residences (1 & 10). Therefore, the project will not displace any existing housing, necessitating the construction of replacement housing elsewhere.

The population in Hesperia has increased mainly because of the availability of affordable housing in the high desert and its proximity to the job-rich areas of the Inland Empire. There is also currently more demand for commercial services and jobs than there are services and jobs available in Hesperia. The proposed development will not induce substantial population growth as the development will provide much needed housing for the growing population in the High Desert. Based upon the limited size and specialization of the use proposed, development of the tentative tract map 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 (64): | | | X | |
| Fire protection? (64) | | | X | |
| Police protection? (64) | | | X | |
| Schools? (64) | | | X | |
| Parks? (64) | | | X | |
| Other public facilities? (64) | | | X | |

Comments.

Although the proposed project will create an increase in demand for public services (7), that increase is consistent with that anticipated as part of the GPUEIR. The site also served by both sewer and water lines adequate to serve the development (63). Full street improvements comprised of curb, gutter, and sidewalk will be constructed along Maple Avenue as part of development of the use (65). Additionally, development impact fees will be assessed at the time that building permits are issued for construction of the site (66). 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 tentative tract map 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.

Approval of the tentative tract map will not significantly induce population growth, as the subdivision is only for 24 single family dwelling units. The developer is required to pay park impact fees based on the number of units (7). Therefore, the proposed map will not have an 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 (68)? | | | 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 (69 & 70)? | | | 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 (40)? | | | | X |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (1 & 65)? | | | 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 (71)? | | | | X |

Comments.

The City's Circulation Plan is consistent with the Congestion Management Program (CMP) for San Bernardino County (73). 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 following implementation policies from the General Plan Circulation Element establish the LOS standard in the City.

Implementation Policy CI-2.1: Strive to achieve and maintain a LOS D or better on all roadways and intersections: LOS E during peak hours shall be considered acceptable through freeway interchanges and major corridors (Bear Valley Road, Main Street/Phelan Road, Highway 395).

Therefore, any roadway segments and intersections operating a LOS of E to F is considered deficient unless located on freeway interchanges and major corridors. The information below provides the existing and future LOS from the GPUEIR analysis:

Summary of Intersection Operations, Existing Conditions

| Intersection | AM Peak Hour (Daily) | PM Peak Hour (Daily) |
|--------------------|----------------------|----------------------|
| Maple and Muscatel | A | A |

Summary of Intersection Operations, General Plan Build-out

| Intersection | AM Peak Hour (Daily) | PM Peak Hour (Daily) |
|--------------------|----------------------|----------------------|
| Maple and Muscatel | C | C |

At build-out of the Hesperia General Plan, the GPUEIR considered that the Maple and Muscatel intersection in proximity to the project would have a desired LOS of D or better. Since the project is consistent with the General Plan and impacts to streets and intersections in proximity to the project have previously been studied, the impacts do not need to be further analyzed.

The GPUEIR recommends annual adoption of a Capital Improvement Program (CIP) and establishment of Development Impact Fees (DIF). Accordingly, the City adopts a CIP every year and has an established Traffic Impact Mitigation Fee Program as part of the Development Impact Fee to fund the construction of traffic improvements to maintain adequate levels of service. The Development Impact Fees are imposed on new development and collected as part of the building permit process. The developer is required to pay all applicable City Development Impact Fees and fees will be used to fund the City's CIP.

According to the Institute of Traffic Engineers, Trip Generation, 9th Edition, approval of the proposed 24-lot subdivision would create an estimated 230 daily vehicle trips (9.57 daily trips per dwelling unit). The City's General Plan Program Environmental Impact Report (PEIR) estimated 336 daily vehicle trips. Consequently, the proposed subdivision would result in a reduction of approximately 106 daily vehicle trips. The project itself would not create a deficient LOS for any street segment or intersection in proximity to the project, provided that the developer pays the required DIF and constructs street improvements along the project frontage.

The project will not conflict with City's General Plan Circulation Element or the Hesperia Municipal Code. Maple Avenue is considered an arterial road (67). As a condition of approval, Maple Avenue will be required to be constructed as a 100-foot Arterial Roadway, including curb, gutter, and sidewalk across the project frontage and pavement tapers beyond the frontage (65). These improvements will not conflict with the Transportation Plan and are consistent with City ordinances or policies establishing measures of effectiveness for the performance of the circulation system. The City's General Plan includes a non-motorized transportation network and the project is consistent with this plan (72). Access to and within the site has been evaluated by both the City and the San Bernardino County Fire Department.

The project site is located about three miles from the Hesperia Airport and is not within an airport safety zone (44). Consequently, the project will not cause a change in air traffic patterns, nor an increase in traffic levels or location. The project site will also not impact the air traffic patterns for the Southern California Logistics Airport, nor the Apple Valley Airport.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the impact upon transportation at build-out of the General Plan to the maximum allowable density permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with transportation and circulation impacts (19).

| 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 (74)? | | | | 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 (75)? | | | | 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 (65)? | | | X | |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (49 & 50)? | | | 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 (75)? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (56 & 62)? | | | X | |
| g) Comply with federal, state, and local statutes and regulations related to solid waste (76)? | | | X | |

Comments.

The proposed project will increase the amount of wastewater, but the additional amount was considered as part of the GPUEIR. The development will be connected to the existing 8-inch and 12-inch lines within the City's water system (63). Similarly, the development will be connected to the existing 8-inch and 12-inch lines within the City's sewer system. Therefore, water and sewage capacity will be sufficient for the use.

As part of construction of the project, the City requires installation of a storm drain system which will convey drainage flows through the property and retain any additional storm water created by the impervious surfaces developed as part of the project (65). Consequently, based upon a 100-year storm event, development of this project will not increase the amount of drainage impacting downstream properties beyond that which would occur prior to its development. Additionally, the retention facility will contain a filtration system preventing contamination of the environment.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al.

vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, 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 (49).

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 (50). 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 (76). Currently, approximately 69 percent of the solid waste within the City is being recycled (56 & 62). 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 tentative tract map will not cause a significant negative impact upon utilities and service systems.

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

Comments.

Based upon the analysis in this initial study, a Mitigated 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, 2016.
- (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) Historical/Archaeological Resources Survey for TT Map No. 20046 by CRM Tech dated July 7, 2016
- (5) Title 16 – Development Code
- (6) Section 16.20.085 of the Hesperia Municipal Code.
- (7) Tentative Tract Map TT16-00001 (TT-20046) application and related materials.
- (8) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-9.
- (9) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-1

- (10) Official Maps showing the General Plan Land Use and zoning of the City of Hesperia and its sphere of influence.
- (11) Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2
- (12) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34.
- (13) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 30 and Page 44.
- (14) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
- (15) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
- (16) Air Quality Section of the 2010 City of Hesperia General Plan Update, pages CN-47 thru CN-50.
- (17) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
- (18) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
- (19) Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR).
- (20) General Biological Resources Assessment & Protected Plant Preservation Plan for the site prepared by RCA Associates, LLC, June 14, 2016.
- (21) Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
- (22) Section 3.4 of the 2010 City of Hesperia General Plan Update Biological Resources Element background technical report, page 30.
- (23) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-5.
- (24) Section 3.3.2 of the 2010 City of Hesperia General Plan Update Conservation Element background technical report, pages 14 thru 25.
- (25) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-3.
- (26) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, C-1 thru C-34.
- (27) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibit 5d.
- (28) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
- (29) Section 8 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, page 64.
- (30) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
- (31) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1.
- (32) Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, Figure 1-2.
- (33) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
- (34) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-23 thru 1-36.

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- (35) 2013 California Building Code.
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- (36) Section 1 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 1.
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- (37) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
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- (38) Table 5 of Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, pages 20 and 21.
-
- (39) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
-
- (40) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-60 and LU-61.
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- (41) Potential Emergency Shelters and Evacuation Routes shown within the 2010 Hesperia General Plan Safety Element, Exhibit SF-4.
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- (42) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-32 and SF-33.
-
- (43) California Health and Safety Code Section 25232 (b) (1) (A-E).
-
- (44) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, Exhibit LU-3.
-
- (45) Map showing very high fire hazard areas, flood zones, and significant hazardous materials sites of the 2010 City of Hesperia General Plan Update Safety Element, Exhibit SF-2.
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- (46) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
-
- (47) Section 3.8.2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
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- (48) Section 3.8.5 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-20 thru 3.8-22.
-
- (49) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
-
- (50) Mojave Water Agency letter dated March 27, 1996.
-
- (51) Flooding Hazards Section of the 2010 City of Hesperia General Plan Update Safety Element, pages SF-16 thru SF-18.
-
- (52) Section 4.3.8 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 4-9.
-
- (53) 1992 Victorville Master Plan of Drainage Volume I, identifying future drainage improvements for the area.
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- (54) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
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- (55) Table 3.6-2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.6-24.
-
- (56) Quarterly data of the San Bernardino County Disposal Reporting System.
-
- (57) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
-
- (58) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
-
- (59) Section 16.20.125 of the Hesperia Municipal Code, pages 464 thru 467.
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- (60) Table 3.11-10 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.11-44.
-
- (61) FEMA flood map, City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
-
- (62) 2009 California Department of Resources, Recycling and Recovery Annual AB939 Report.
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- (63) Current Hesperia water and sewer line atlas.
-
- (64) Section 4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-13 thru 4-18.
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- (65) Conditions of approval for TT16-00001.
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- (66) 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 and subsequent amendments.
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- (67) Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, page CI-17.
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- (68) Table 4-4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, page 40.
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- (69) Section 2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 2-19.
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- (70) Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 4 thru 6.
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- (71) Sections 6.3 and 6.4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 74 thru 76.
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- (72) Exhibit CI-22 showing the Urban Design Framework within the 2010 City of Hesperia General Plan Update Circulation Element, page CI-55.
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- (73) Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 4 thru 6.
-
- (74) Section 3.8 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-8 thru 3.8-14.
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- (75) 2013 California Plumbing Code.
-
- (76) California Integrated Waste Management Act (AB 939).
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- (77) Trip Generation Manual, 9th Edition, Institute of Transportation Engineers
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ATTACHMENT 4

RESOLUTION NO. PC-2016-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A TENTATIVE TRACT MAP TO CREATE 24 SINGLE-FAMILY RESIDENTIAL LOTS ON 7.8 GROSS ACRES ZONED R1 LOCATED ON THE WEST SIDE OF MAPLE AVENUE, 290 FEET SOUTH OF MUSCATEL STREET. TT16-00001 (TT-20046)

WHEREAS, Harris Homes has filed an application requesting approval of Tentative Tract Map TT16-00001 (TT-20046) described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 7.8 gross acres within the Single-family Residence (R1) Zone located on the west side of Maple Avenue, 290 feet south of Muscatel Street and consists of Assessor's Parcel Numbers 3046-101-11, 12 & 13; and

WHEREAS, the Application, as contemplated, proposes to create 24 single-family residential lots from 7.8 gross acres; and

WHEREAS, the subject site is vacant. The land to the north and west is partially developed with single-family residences as part of Tract 17117. Developed single-family residences on 7,200 square foot lots exist to the south and additional single-family residences on lots greater than 2 acres exist to the east; and

WHEREAS, the subject property as well as surrounding properties to the north, south, and west are zoned R1 on the City's General Plan Land Use map. The land to the east is zone Limited Agricultural with a minimum lot size of 2 ½ acres (A1-2 ½); and

WHEREAS, an environmental Initial Study for the proposed project was completed on September 12, 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 ND16-00005 was subsequently prepared; and

WHEREAS, on October 13, 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 this Commission during the above-referenced October 13, 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 ND16-00005 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 is physically suitable for the type of development because there are no known physical constraints to residential development and the site has adequate area to accommodate the proposed lots. The project site is currently undisturbed by physical development and the development is not required to demolish or build around existing improvements. 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 the property within the proposed subdivision. A channel sufficient to convey flows through the property and a detention/retention basin to retain the additional storm water run-off will be constructed as part of development; and
- (c) The site is physically suitable for the proposed density of development because the lots are adequate in size and shape and all Development Code regulations for the permitted uses can be met. The site is within the R1 General Plan Zone, which allows densities between 2.5 and 4.5 dwelling units per acre. The tentative tract map would create 24 single-family residential lots on 7.8 gross acres, resulting in a density of 3.0 dwelling units per acre. The proposed density is within the allowable density range required by the General Plan; and
- (d) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat because the project site is surrounded by existing development and not known to have fish, wildlife or related habitat. Prior to issuance of a grading permit, a pre-construction survey conducted by an approved biologist will be performed to determine whether the site contains burrowing owls; and
- (e) 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. Prior to any ground disturbance, improvement plans for drainage, erosion, sewer, water, and circulation are required to be submitted to ensure on-site and off-site improvements are constructed to the latest standards. The project will connect to a reliable potable water source and connect to sewer ensuring sanitary disposal of wastewater. Upon development of the residences, each home will be required to have trash pickup service

from the City's franchised waste hauler; and

- (f) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia as the project supports the existing land use and circulation pattern in the area; and
- (g) The design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities to each of the proposed lots. All single-family residences must meet the minimum energy efficiency standards in Title 24, which mandates building insulation, whole house fans, and light/ventilation systems to make the homes energy efficient. The tract was designed with Plymouth Street in an east-west fashion, which will position most of the homes to face north or south, making good use of natural light and creating opportunities for roof top solar systems. The City's solar energy ordinance allows residential properties to have solar energy systems.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Tentative Tract Map TT16-00001 (TT-20046), subject to the Conditions of Approval as set forth in ATTACHMENT "A" and Negative Declaration ND16-00005, 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 13th day of October.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for TT16-00001

Approval Date: October 13, 2016

Effective Date: October 25, 2016

Expiration Date: October 25, 2019

This list of conditions applies to A tentative tract map to create 24 single-family residential lots on 7.8 gross acres zoned R1 located on the west side of Maple Avenue, 290 feet south of Muscatel Street (Applicant: Harris Homes; APNs: 3046-101-11, 12 & 13)

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

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 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Final Map Standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PLANS. All required plans shall be prepared by a registered Civil Engineer per City standards and 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 along with required checking fees. The Final Map CDP Improvement Plans requested studies and CFD annexation must be submitted as a package. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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 **COMPLIED BY**
NOT IN COMPLIANCE

TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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 **COMPLIED BY**
NOT IN COMPLIANCE

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 **COMPLIED BY**
NOT IN COMPLIANCE

STORM WATER POLLUTION PREVENTION PLAN. The Developer shall provide a Storm Water Pollution Prevention Plan (S.W.P.P.) which addresses the method of storm water run-off control during construction. (E)

COMPLETED **COMPLIED BY**
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. Any outstanding fees must be paid before final inspection and the release of bonds. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PERCOLATION TEST. The applicant shall submit a percolation test, performed by a California licensed civil or soils engineer, and approved by the San Bernardino County Department of Environmental Health Services for the required private sewage disposal systems. Should the applicant agree in writing to use the most restrictive percolation test for a site in close proximity to the subject property in designing the sewage disposal systems, then a percolation test shall not be required to be performed on-site. The applicability of any percolation test for use in designing the sewage disposal systems shall be subject to review and approval by the Building and Safety Division. In the event a tract map or parcel map has previously been recorded on the project site, the City of Hesperia has a percolation test on file, and no unusual conditions apply, this requirement may be waived by the Building and Safety Division. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STREET NAME APPROVAL. The developer shall submit a request for street names for all of the interior streets for review and approval by the Building Division. (B)

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**
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 **COMPLIED BY**
NOT IN COMPLIANCE

LETTERED LOTS. Lettered lots shall be dedicated to the City of Hesperia for drainage storm drain retention basin slope maintenance and open space purposes. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

IMPROVEMENT AGREEMENT / SURETY. The Developer shall execute Improvement and Grading Agreements and post surety for all public improvements. The amounts will be approved by the City Engineer. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

NON-VEHICULAR ACCESS. Vehicular access rights across the project frontage on said Avenue and said Street shall be dedicated to the City of Hesperia and labeled as N.V.A. on the Final map. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DEDICATIONS. The Developer shall grant to the City of Hesperia an Irrevocable Offer of Dedication for roadways and Grant of Easement(s) for storm drain and utility purposes as shown on the approved tentative map and as described below (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INTERIOR STREETS-IOD. The Developer shall grant to the City an Irrevocable Offer of Dedication for the interior streets. Streets shall be fifty-four (54') feet wide per City standards for a Suburban Local Roadway Standard. 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. Corner cut-off right of way dedication per City standards is required at all intersections including interior roadways except at knuckles. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PERIMETER STREETS. The Developer shall grant to the City an Irrevocable Offer of Dedication for Maple Avenue. The dedication shall be at a 50-foot half-width per the City standards for an Arterial Roadway Standard. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

COST ESTIMATE/MATERIALS LIST. The Developer shall submit a cost estimate and materials list to the Citys Engineering Department for all on site and off site public improvements per City standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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 **COMPLIED BY**
NOT IN COMPLIANCE

ON-SITE RETENTION. The Developer shall construct on-site retention facilities which have minimum impact to ground water quality. All retention basins shall be designed to effectively handle both nuisance and storm water flows without accumulating standing water for a period longer than 72 hours. All dry wells in retention basins shall be Two Stage Systems per C.O.H Standard SP-1 with a minimum depth of 30 and a maximum depth to be determined by soils engineer at time of boring test. Retention basins over 18 in depth shall be fenced on all sides and shall have a paved 14-foot wide (min.) 12percent (max.) access with a 20 x 20 concrete parking apron at bottom of ramp. The maximum depth of any on-site retention basin shall be 6 feet. Side slopes in excess of 3 1 shall provide erosion control per City requirements. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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 **COMPLIED BY**
NOT IN COMPLIANCE

DRAINAGE ACCEPTANCE LETTERS. It is the Developers responsibility to obtain signed Drainage Acceptance Letters from any adjacent property owners who are affected by concentrated off site storm water discharge from any on site retention basins and storm water runoff. The Acceptance letter, along with the latest grant deed, must be submitted to the Citys Engineering Department for plan check approval. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INTERIOR STREETS (PLYMOUTH STREET AND BEACON AVENUE) STREET. Shall be designed to the City standard for a 54-foot wide Suburban Local Roadway per City standards, as indicated below. Curb face is to be at 16' from centerline: (E)

- A. 6-inch Curb and Gutter per City standards.
- B. Separated sidewalk (width = 4 feet) per City standards.
- C. Handicapped ramps at all intersections per City standards.
- D. Concrete residential driveway per City standards.
- E. Full paved roadway section (minimum section 3 A.C. over 4 aggregate base)
- F. Roadway drainage device(s).
- G. Streetlights per City standards.
- H. Traffic control signs and devices as required by the traffic study and/or the City Engineer.

COMPLETED **COMPLIED BY**
 NOT IN COMPLIANCE

MAPLE AVENUE. Saw-cut (2-foot min.) and match-up asphalt pavement on Maple Avenue across the project frontage, based on City's 100' Arterial Roadway Standard. The curb face is to match existing. These improvements shall consist of: (E)

- A. 8" Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
- F. Cross sections every 50-feet per City standards.
- 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. Relocate existing overhead utilities to underground. 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 private hydrant locations and sewer connections. The Developer shall adjust any existing fire hydrants to grade that are affected by the construction of the proposed project improvements. (E)

COMPLETED **COMPLIED BY**
 NOT IN COMPLIANCE

UTILITY EASEMENTS. The Developer shall grant to the City Utility Easements as required to install required water sewer and storm drain facilities as conditioned below. Said easements shall be indicated on the appropriate final map per the Subdivision Map Act. Off site easements may be required to complete the infrastructure. (E)

COMPLETED **COMPLIED BY**
 NOT IN COMPLIANCE

UTILITIES. Utility plans shall be in accordance with City standards as described below: (E)

A. During construction, the entire tract shall have a "Master Water Meter" per City standards. The "Master Meter" shall remain in place until all lots are occupied, at which time the individual meters shall be set and activated per City standards.

B. "AMR" automatic meter reader to be added on all meter connections.

COMPLETED **COMPLIED BY**
 NOT IN COMPLIANCE

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

COMPLETED **COMPLIED BY**
 NOT IN COMPLIANCE

INTERIOR STREETS (Plymouth Street and Beacon Avenue). Interior water service shall be a looped system of 8" P.V.C. water lines with hydrants at 660-foot intervals, including loops through the cul-de-sacs utilizing utility easements. Water mains in easements shall be ductile iron pipe. All utility easements shall be 15-foot minimum in width on one lot unless it is shared with another utility, in which case 20 feet is required on one lot per City standards. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct water line. The Developer shall provide plan and profile per City standards. (E)

COMPLETED **COMPLIED BY**
 NOT IN COMPLIANCE

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INTERIOR STREETS (PLYMOUTH STREET AND BEACON AVENUE) SEWER. The Developer is required to provide a minimum diameter of 8 S.D.R. 35 P.V.C. sewer lines within the tract. Any sewer easements that are required will be a minimum of 15 feet in width on one lot unless it is shared with another utility, in which case 20 feet on one lot is required. It is the Developers responsibility to obtain any dedication(s) or easement(s) needed to construct sewer line. The Developer shall provide plan and profile per City standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STORM DRAIN IMPROVEMENTS. The Developer shall design storm drain improvements in accordance with City standards as indicated below. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STORM DRAIN. The Developer shall grant to the City a Grant of Easement for storm drain purposes to adequately convey the storm water run-off safely through the tract, as identified in the City's Master Plan of Drainage and the approved Hydrology Study. This easement must be recorded in total with the first Phase of the Final Tract Map. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

BOX CULVERTS. Box culverts shall be constructed to accommodate ultimate right-of-way widths for the storm drain crossing at Tamarisk Avenue. In addition, the developer will be required to acquire drainage easements from adjacent property owner(s) for the drainage facilities. If additional off-site offers of dedication or easements are 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.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

RETENTION FACILITY. The developer shall design and construct a retention basin of sufficient capacity to handle the storm water run-off from a 100-year storm event of the developed area. If additional off-site offers of dedication or easements are 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)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DRAINAGE IMPROVEMENTS. The Developer shall design and construct all Grading, Street, and Storm Drain Improvements for the proposed project in such a manner to safely convey tributary and on-site flows from the project to Maple Avenue. The drainage improvements shall be a combination of street improvements and drainage facilities designed to convey the off-site tributary flow through the Tract and safely meter the run-off along Maple Avenue. The City shall approve all structures and drainage appurtenances during the design review period and may condition further improvements pending review of the engineered drawings. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

EASEMENTS. 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)

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

CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94 01 concurrent with recordation of the final map. (F)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

COMPOSITE DEVELOPMENT PLAN (CDP). Four copies of a CDP shall be submitted in accordance with Chapter 17.20 of the Municipal Code. CDP notes to be delineated are referenced in Section 17.20.020(C). In addition, the following notes shall be included: i) Each single-family residence within this subdivision shall contain a minimum livable area (excluding required garages) of not less than 1,400 square feet; and ii) A minimum of three different floor plans shall be provided, each with a minimum of three different elevations. At least one single story plan shall be provided.

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

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 COMPLIED BY
NOT IN COMPLIANCE

LOT SIZES. The lot size for Lot 11 shall be increased to a minimum of 7,200 square feet.

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

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

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

LANDSCAPING/IRRIGATION PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division with the required application fees. The landscaping plans shall be for the required area along Maple Avenue, along the street side yard and front yards of numbered lots, and within Lot B as required by the Planning Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P, RPD)

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)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

STORM WATER POLLUTION PREVENTION PLAN. The Developer shall implement the approved Storm Water Pollution Prevention Plan (S.W.P.P.P.), which addresses the method of storm water run-off control during construction prior to the Grading permit being issued. (E)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

RECORDATION OF FINAL MAP. Final Map shall be approved by City Council and Recorded with the County of San Bernardino

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

FIRE ACCESS-SINGLE STORY ROAD ACCESS. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

WATER SYSTEM-RESIDENTIAL. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel ways) and no more than one hundred fifty (150) feet from any portion of a structure. [F 54]

CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

UTILITY RELOCATION/UNDERGROUND. The developer is required to install water, sewer or construct street improvements or when required utilities shall be placed underground, it shall be the responsibility of the developer to relocate/underground any existing utilities at his/hers own expense. Relocation/undergrounding of utilities shall be identified upon submittal of the construction plans. (P, E, W/S)

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

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 COMPLIED BY
NOT IN COMPLIANCE

FIRE SURFACE-WEATHER DRIVING SURFACE. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation.

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

- A. Development Impact Fees (B)
- B. Park Fees (B)
- C. Utility Fees (E)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

MODEL HOME COMPLEXES. Model homes and sales trailers require approval of a Temporary Occupancy Permit. Building permits for the garage conversion to an office; signage etc. shall be submitted and approved prior to their establishment. (B)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

MASONRY WALLS AND FENCING. The required masonry walls and wrought iron fencing shall be completed in accordance with City standards. (P)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

DEVELOPMENT FEES. The Developer shall pay required School Fees. (B)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

DUST CONTROL. Dust control shall be maintained before, during, and after all grading operations. (B)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

FENCING PLANS. A combination four-foot high wrought iron fence and two-foot high split face masonry wall shall be constructed along the boundary of the retention basin in accordance with City standards, except along the boundary of the basin abutting private lots, where a six-foot high split face masonry wall with decorative cap is required. Two complete sets of engineered construction plans for the required fencing shall be submitted to the Building and Safety counter. (P)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

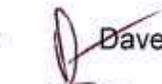
MASONRY WALL PLANS. A six-foot high split-face masonry wall with decorative cap shall be constructed on private property along the street side yard of Lot No. 10 in accordance with City standards. In addition, a six-foot high split-face masonry wall with decorative cap shall be constructed on private property adjacent to the lettered lots A and B. Two complete sets of engineered construction plans for the required walls shall be submitted to the Building and Safety counter for review. (P)

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 CONTACT 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 |

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DATE: October 13, 2016
TO: Planning Commission
FROM:  Dave Reno, Principal Planner
BY:  Stan Liudahl, AICP, Senior Planner
SUBJECT: Conditional Use Permit CUP16-00007; Applicant: Michael Gallagher; Portion of APNs: 0357-561-73 thru 76

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2016-24, approving CUP16-00007.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) has been filed to construct a 3,645 square foot mini-mart including four fuel islands, an automated 968 square foot carwash, and a 2,546 square foot drive-thru restaurant on approximately 5.0 gross acres (Attachment 1). The CUP also includes the sale of beer, wine, and liquor for off-site consumption from the mini-mart. Tentative Parcel Map TPM16-00003 (PM-19781) was approved by the Development Review Committee on August 24, 2016. This approved subdivision will create three parcels on the site, providing a separate parcel for each building (Attachment 2). The proposed development is consistent with the previously approved map.

Location: On the southeast corner of Ranchero Road and Mariposa Road.

Current General Plan, Zoning and Land Uses: The site is within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated as noted on Attachment 3. The 5.0-acre site and the properties to the north and west are vacant. Single-family residences exist to the south and east (Attachment 4).

ISSUES/ANALYSIS

The 5.0 gross acre project is within the Regional Commercial (RC), which allows the mini-mart and drive-thru restaurant as permitted uses, but requires approval of a CUP for the proposed carwash and the sale of alcoholic beverages. The proposed Conditional Use Permit (CUP) consists of development of a 3,645 square foot mini-mart with four fuel islands, an automated 968 square foot carwash, and a 2,546 square foot drive-thru restaurant (Attachment 5). The CUP also includes the sale of beer, wine, and liquor for off-site consumption from the mini-mart.

The proposed development complies with all site development regulations, including the minimum building requirements, landscaping, and number of parking spaces. The project requires a minimum of 42 parking spaces, based upon Table 1. The site design will provide 55 spaces, affording 13 surplus spaces.

Table 1: Parking Spaces Required

| Use | Parking Formula | Spaces Required |
|-----------------------|---|-----------------|
| Mini-mart | 4.0 spaces per 1,000 square feet gross floor area | 15 |
| Carwash | 2 spaces | 2 |
| Drive-thru Restaurant | 10 spaces per 1,000 square feet gross floor area | 25 |
| Total | | 42 |

The development also complies with all development standards of the Specific Plan, including building setbacks, building intensity, and architectural standards. Further, a minimum of 10 percent of the site area is required be landscaped. The site plan shows that over 50 percent of the site is proposed to be landscaped.

The architecture of the mini-mart, carwash and the restaurant are consistent with “Spanish” architecture, which exceeds the architectural requirements of the Specific Plan and will set a standard for all new development on the Ranchoero Road interchange (Attachment 6). The buildings incorporate changes in wall and roof planes, and contain tile roofs. Walls are enhanced using decorative concrete and tile veneer at their base, windows with wrought-iron bars and shutters, trellises, decorative columns, sconces, and other enhancements.

The applicant will file an application for a Type 21 (Off-Sale beer, wine, and liquor) license with the State Department of Alcoholic Beverage Control (ABC). The Specific Plan requires approval of a CUP for the sale of alcoholic beverages. Table 2 identifies eight existing off-sale alcoholic beverage licenses within Census Tract 100.17 (Attachment 7). ABC authorizes this census tract to have 10 off-sale licenses. Consequently, this area is not over concentrated and the City is not required to make a finding of public convenience and necessity.

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

| Status | Business Name | Business Address | Type of License |
|--------|---------------------|------------------------|---------------------------|
| Active | Pilot | 8701 U. S. Highway 395 | 20-Beer and Wine |
| Active | Mobil | 13302 Ranchoero Rd. | 21-Beer, Wine, and Liquor |
| Active | Target | 12795 Main St. | 21-Beer, Wine, and Liquor |
| Active | Chevron | 6000 Mariposa Rd. | 21-Beer, Wine, and Liquor |
| Active | Walmart | 13401 Main St. | 21-Beer, Wine, and Liquor |
| Active | Valero | 13187 Main St., Unit B | 21-Beer, Wine, and Liquor |
| Active | Marriott Springhill | 9625 Mariposa Rd. | 20-Beer and Wine |
| Active | Arco | 12078 Three Flags Ct. | 20-Beer and Wine |

Drainage: On-site drainage sized to retain stormwater from a 100-year storm will be retained in underground retention systems. A major wash exists east of this site. Further, drainage from Interstate 15 is conveyed around the site in an existing concrete channel. Therefore, the site is not impacted by drainage.

Water and Sewer: The development will be connected to an approved eight-inch water line in Fashion Way, which will be connected to the City's existing water system in Mariposa Road. Although sewer lines exist within the project site, these eight-inch lines have not been connected to a functioning sewer line. The development will be able to be served by individual private septic systems on each parcel, except for the carwash, which will require connection to sewer. Prior to issuance of a building permit, the Building Division shall evaluate the number of fixtures shown on

the construction documents to determine whether the building meets the Lahontan Guidelines. If the calculations exceed these limitations, either the floor plan shall be amended to reduce the number of fixtures, or connection to sewer will be required.

Environmental: This development is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332, Infill Development Projects. A biological assessment and a protected plant plan were submitted as part of Tentative Parcel Map TPM15-00003 (PM-19723). 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 not more than 30 days prior to issuance of a grading permit. A protected plant plan was also submitted, which ensures that the two transplantable plants protected by the City's Protected Plant Ordinance will be handled in accordance with the Ordinance. The Cultural Resources Sensitivity Map indicates that the site has a medium sensitivity potential for containing cultural resources. Consequently, a cultural resource survey shall be required prior to development of the site.

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

FISCAL IMPACT

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

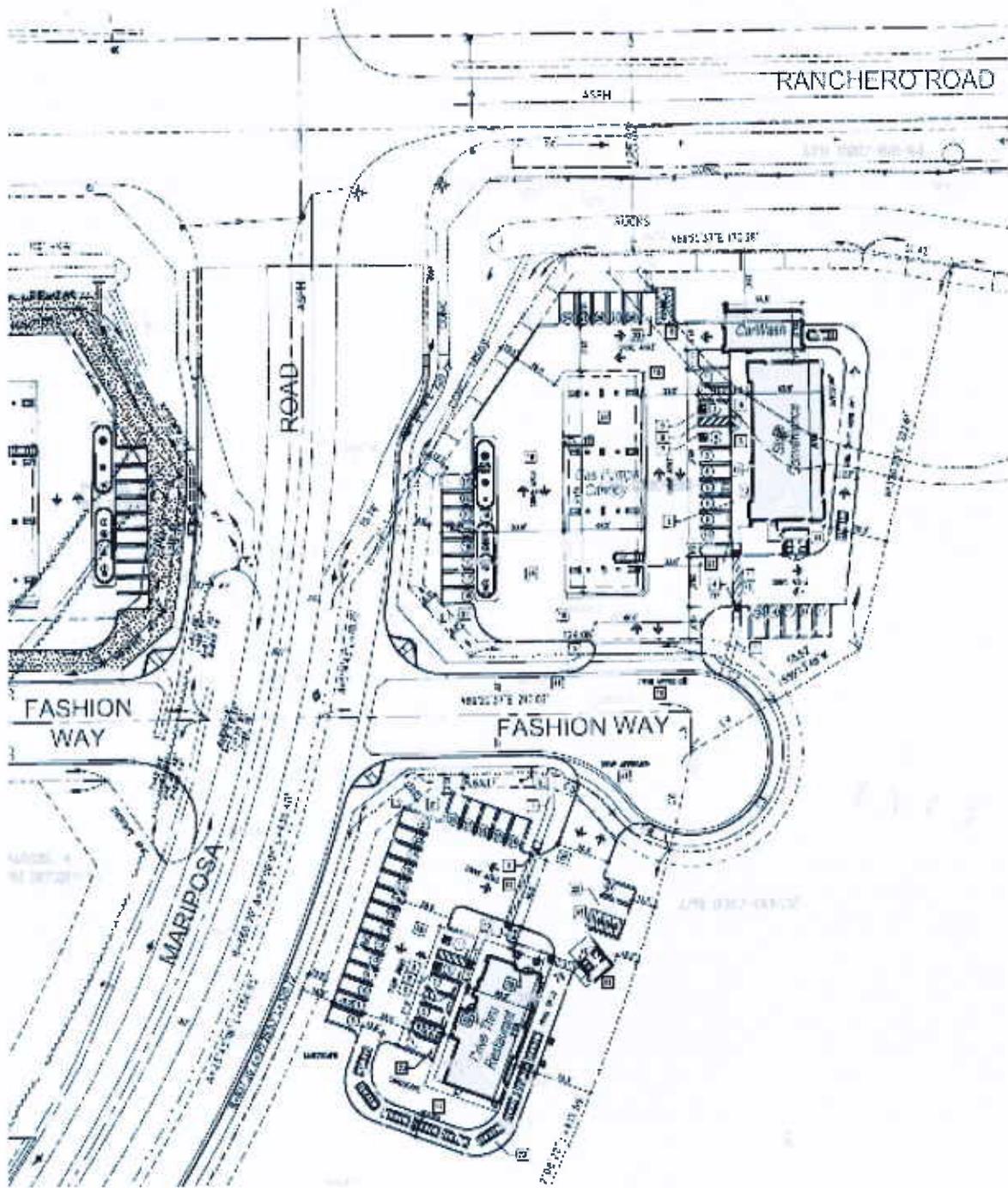
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. Approved Tentative Parcel Map
3. General Plan
4. Aerial photo
5. Floor plans
6. Color elevations
7. Census Tract Map
8. Resolution No. PC-2016-24, with list of conditions

ATTACHMENT 1



APPLICANT(S): MICHAEL GALLAGHER

FILE NO(S): CUP16-00007

LOCATION: SOUTHEAST CORNER OF RANCHERO ROAD AND MARIPOSA ROAD

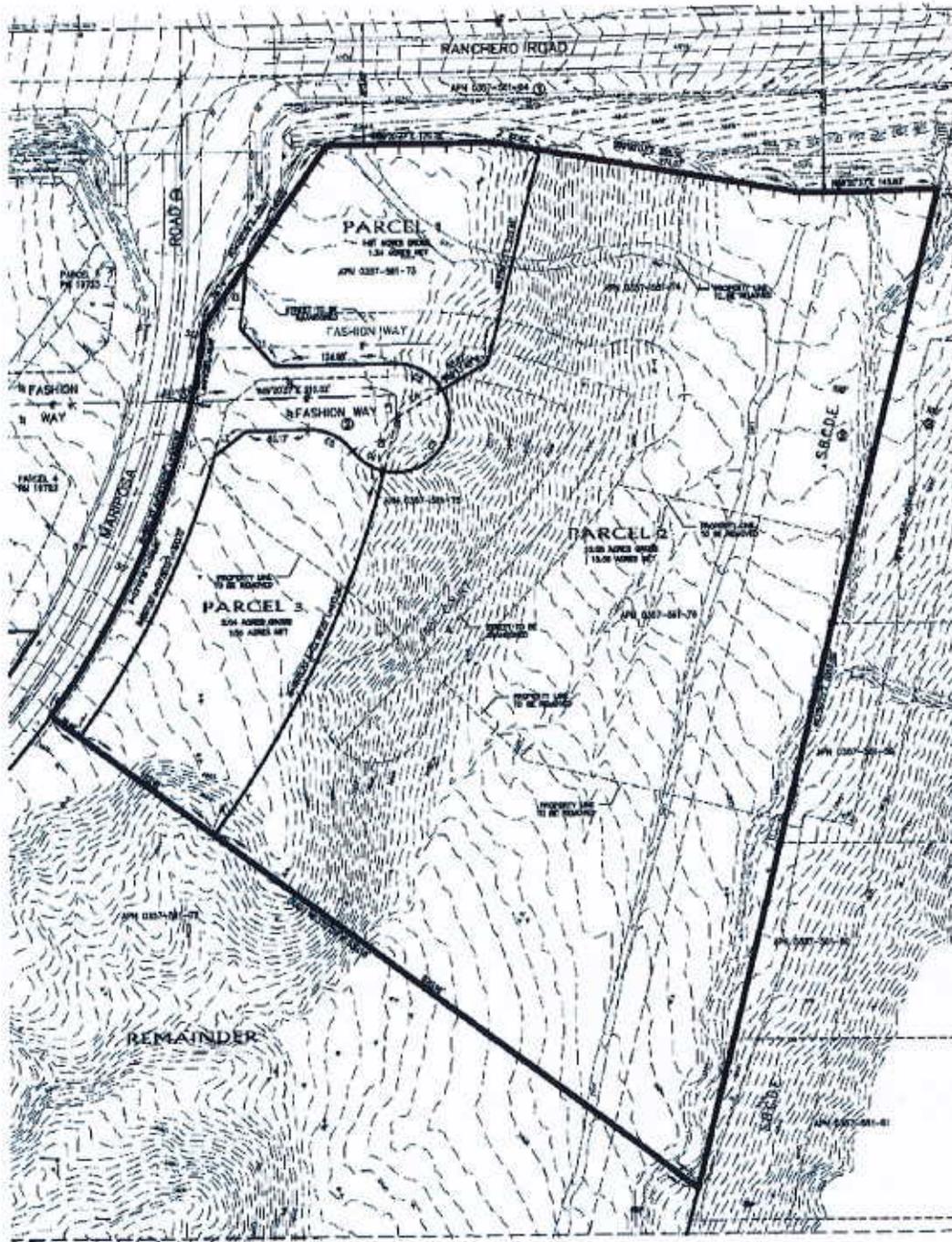
APN(S):
0357-561-73 THRU 76

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,645 SQUARE FOOT MINI-MART INCLUDING FOUR FUEL ISLANDS AND THE SALE OF BEER, WINE, AND LIQUOR, AN AUTOMATED 968 SQUARE FOOT CARWASH, AND A 2,546 SQUARE FOOT DRIVE-THRU RESTAURANT ON APPROXIMATELY 5.0 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



SITE PLAN

ATTACHMENT 2



APPLICANT(S): MICHAEL GALLAGHER

FILE NO(S): TPM16-00003

LOCATION: SOUTHEAST CORNER OF RANCHERO ROAD AND MARIPOSA ROAD

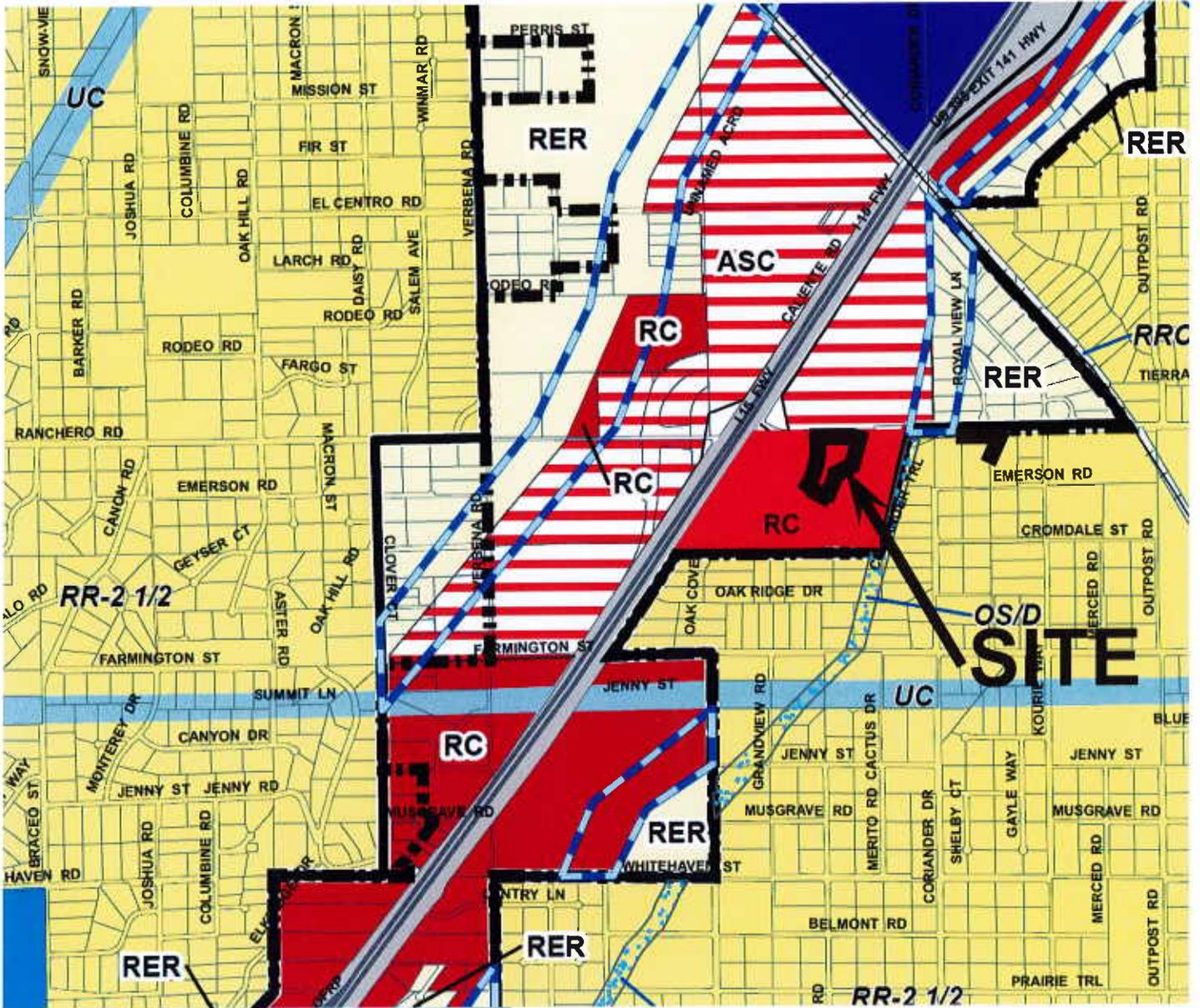
APN(S):
0357-561-73 THRU 76

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,645 SQUARE FOOT MINI-MART INCLUDING FOUR FUEL ISLANDS AND THE SALE OF BEER, WINE, AND LIQUOR, AN AUTOMATED 968 SQUARE FOOT CARWASH, AND A 2,546 SQUARE FOOT DRIVE-THRU RESTAURANT ON APPROXIMATELY 5.0 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



APPROVED TENTATIVE PARCEL MAP

ATTACHMENT 3



APPLICANT(S): MICHAEL GALLAGHER

FILE NO(S): CUP16-00007

LOCATION: SOUTHEAST CORNER OF RANCHERO ROAD AND MARIPOSA ROAD

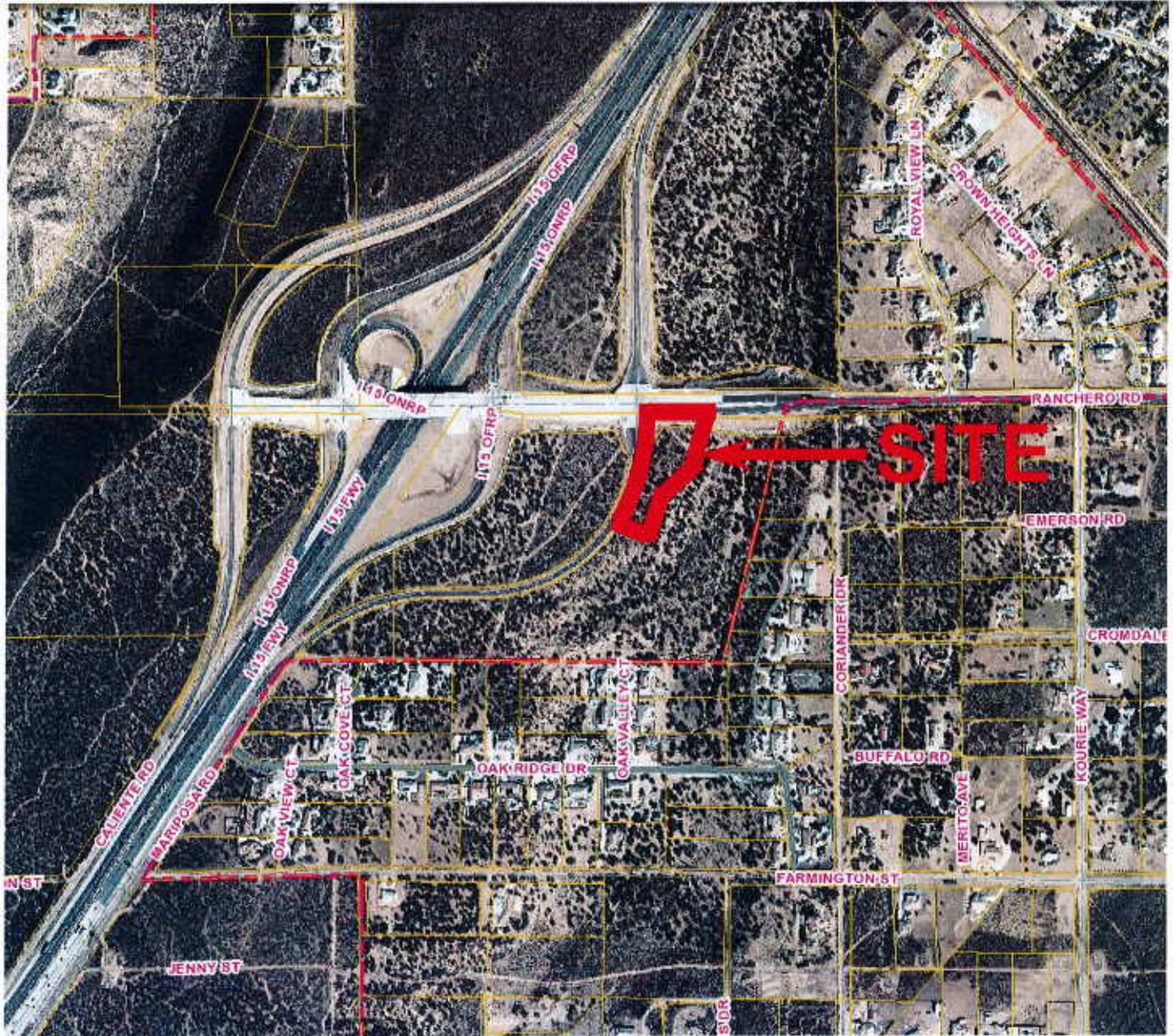
APN(S):
0357-561-73 THRU 76

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,645 SQUARE FOOT MINI-MART INCLUDING FOUR FUEL ISLANDS AND THE SALE OF BEER, WINE, AND LIQUOR, AN AUTOMATED 968 SQUARE FOOT CARWASH, AND A 2,546 SQUARE FOOT DRIVE-THRU RESTAURANT ON APPROXIMATELY 5.0 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



GENERAL PLAN MAP

ATTACHMENT 4



APPLICANT(S): MICHAEL GALLAGHER

FILE NO(S): CUP16-00007

LOCATION: SOUTHEAST CORNER OF RANCHERO ROAD AND MARIPOSA ROAD

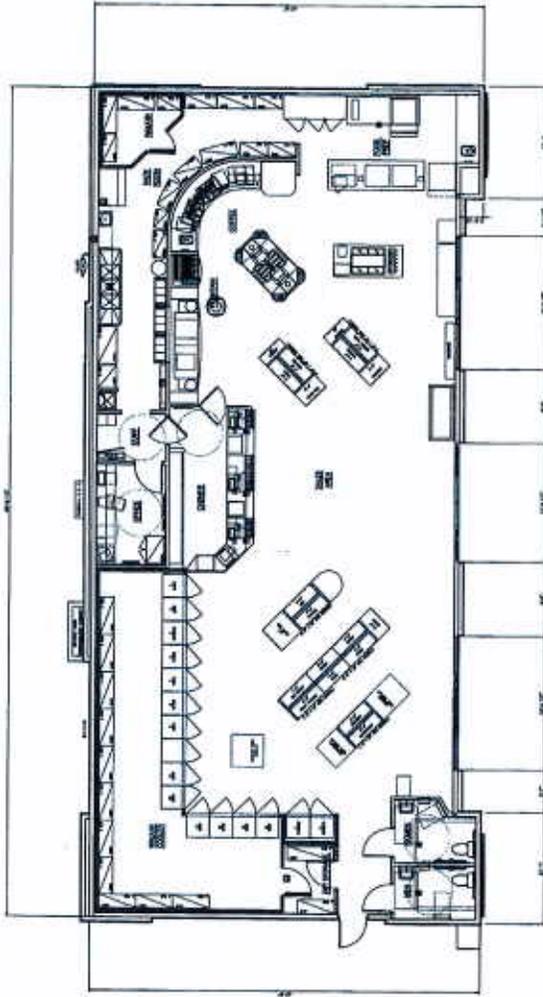
APN(S):
0357-561-73 THRU 76

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,645 SQUARE FOOT MINI-MART INCLUDING FOUR FUEL ISLANDS AND THE SALE OF BEER, WINE, AND LIQUOR, AN AUTOMATED 968 SQUARE FOOT CARWASH, AND A 2,546 SQUARE FOOT DRIVE-THRU RESTAURANT ON APPROXIMATELY 5.0 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

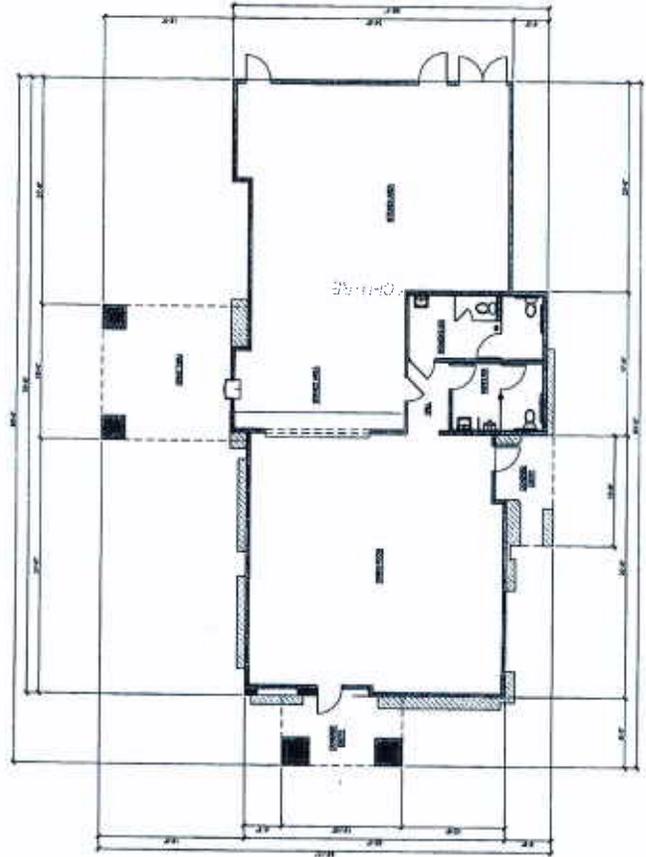


AERIAL PHOTO

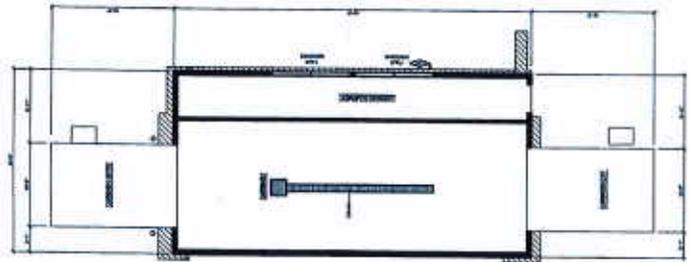
ATTACHMENT 5



MINI-MART



DRIVE-THRU RESTAURANT



CARWASH

APPLICANT(S): MICHAEL GALLAGHER

FILE NO(S): CUP16-00007

LOCATION: SOUTHEAST CORNER OF RANCHERO ROAD AND MARIPOSA ROAD

APN(S):
0357-561-73 THRU 76

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,645 SQUARE FOOT MINI-MART INCLUDING FOUR FUEL ISLANDS AND THE SALE OF BEER, WINE, AND LIQUOR, AN AUTOMATED 968 SQUARE FOOT CARWASH, AND A 2,546 SQUARE FOOT DRIVE-THRU RESTAURANT ON APPROXIMATELY 5.0 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



FLOOR PLANS

ATTACHMENT 6



MINI-MART & CARWASH FRONT ELEVATION



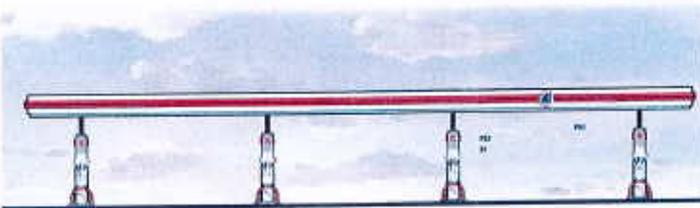
MINI-MART & CARWASH REAR ELEVATION



MINI-MART LEFT ELEVATION



MINI-MART RIGHT ELEVATION



CANOPY FRONT ELEVATION



CANOPY SIDE ELEVATION



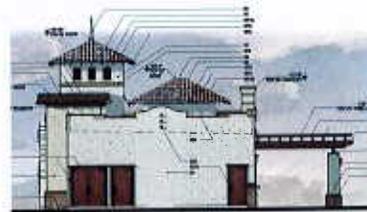
RESTAURANT FRONT ELEVATION



RESTAURANT REAR ELEVATION



RESTAURANT LEFT ELEVATION



RESTAURANT RIGHT ELEVATION

APPLICANT(S): MICHAEL GALLAGHER

FILE NO(S): CUP16-00007

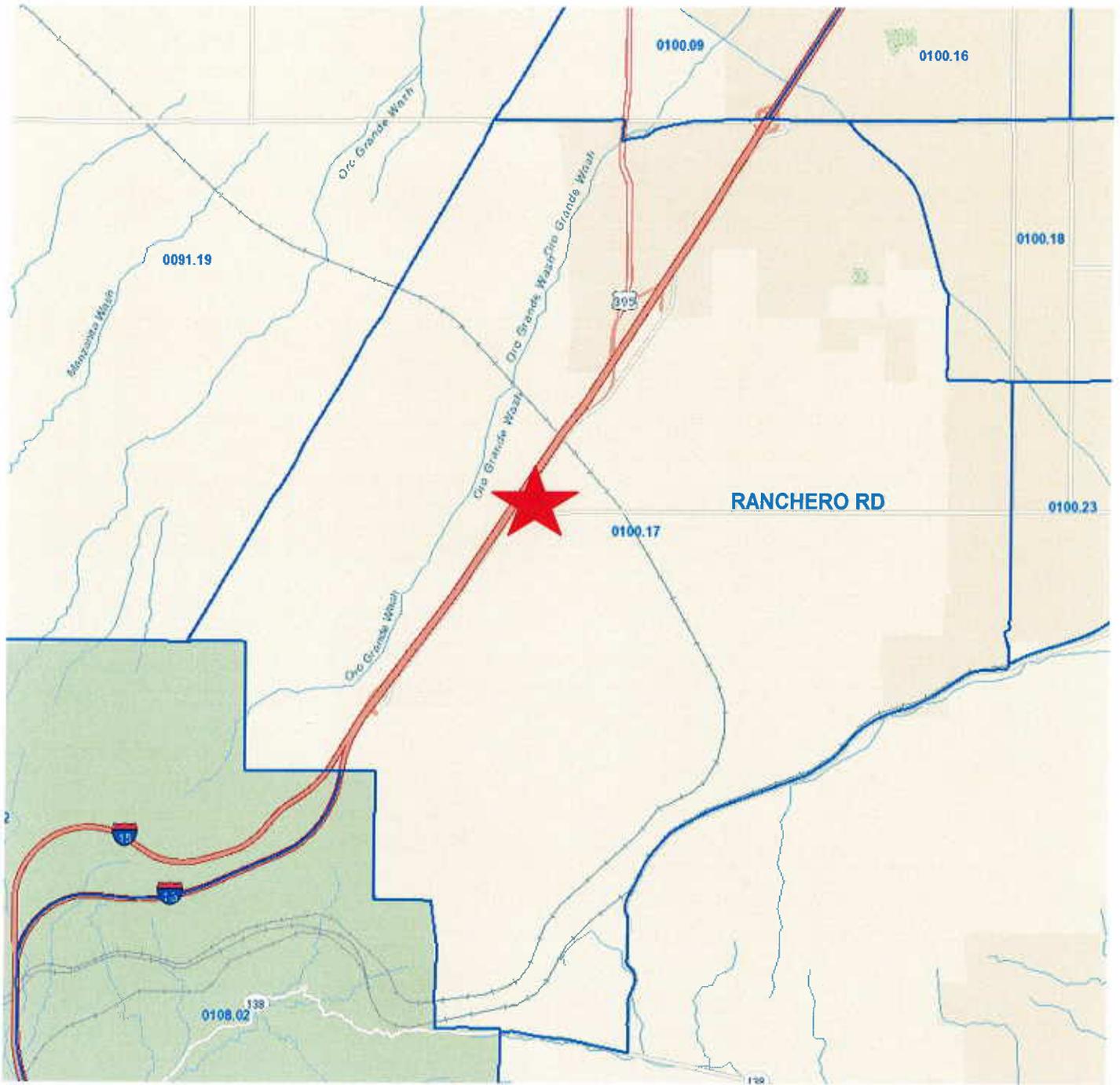
LOCATION: SOUTHEAST CORNER OF RANCHERO ROAD AND MARIPOSA ROAD

APN(S):
0357-561-73 THRU 76

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,645 SQUARE FOOT MINI-MART INCLUDING FOUR FUEL ISLANDS AND THE SALE OF BEER, WINE, AND LIQUOR, AN AUTOMATED 968 SQUARE FOOT CARWASH, AND A 2,546 SQUARE FOOT DRIVE-THRU RESTAURANT ON APPROXIMATELY 5.0 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

COLOR ELEVATIONS

ATTACHMENT 7



APPLICANT(S): MICHAEL GALLAGHER

FILE NO(S): CUP16-00007

LOCATION: SOUTHEAST CORNER OF RANCHERO ROAD AND MARIPOSA ROAD

APN(S):
0357-561-73 THRU 76

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,645 SQUARE FOOT MINI-MART INCLUDING FOUR FUEL ISLANDS AND THE SALE OF BEER, WINE, AND LIQUOR, AN AUTOMATED 968 SQUARE FOOT CARWASH, AND A 2,546 SQUARE FOOT DRIVE-THRU RESTAURANT ON APPROXIMATELY 5.0 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



CENSUS TRACT MAP

ATTACHMENT 8

RESOLUTION NO. PC-2016-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,645 SQUARE FOOT MINI-MART INCLUDING FOUR FUEL ISLANDS AND THE SALE OF BEER, WINE, AND LIQUOR, AN AUTOMATED 968 SQUARE FOOT CARWASH, AND A 2,546 SQUARE FOOT DRIVE-THRU RESTAURANT ON APPROXIMATELY 5.0 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTHEAST CORNER OF RANCHERO ROAD AND MARIPOSA ROAD (CUP16-00007)

WHEREAS, Michael Gallagher has filed an application requesting approval of CUP16-00007 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately five gross acres located within the Regional Commercial (RC) Zone District of the Main Street and Freeway Corridor Specific Plan (Specific Plan) located on the southeast corner of Ranchoero Road and Mariposa Road and consists of portions of Assessor's Parcel Numbers 0357-561-73 thru 76; and

WHEREAS, the Application, as contemplated, proposes to construct a 3,645 square foot mini-mart with four fuel islands, including the sale of alcoholic beverages (beer, wine and liquor) and an automated 968 square foot carwash and a 2,546 square foot drive-thru restaurant; and

WHEREAS, the approximately five-acre site and the properties to the north and west are vacant. Single-family residences exist to the south and east; and

WHEREAS, the site is within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The properties to the north and west are within the Auto Sales Commercial (ASC) Zone and the properties to the south and east are within the Rural Residential with a minimum lot size of 2½ acres (RR-2½) Zone of the Specific Plan; and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15332, Infill Development Projects; and

WHEREAS, on October 13, 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 October 13, 2016 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use because the site can accommodate all proposed improvements in conformance with the Development Code.
- (b) The proposed sale of beer, wine, and liquor for off-site consumption is consistent with the objectives, policies, general land uses and programs of the General Plan, Specific Plan and Development Code. The sale of alcoholic beverages is consistent with the allowable uses within the Regional Commercial (RC) District with approval of a conditional use permit.
- (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 Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan, 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. Further, the sale of alcoholic beverages (beer, wine, and liquor) as part of the mini-mart will not have a detrimental impact on adjacent properties.
- (d) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations allowing nonresidential uses within the RC Zone of the Main Street and Freeway Corridor Specific Plan. The development complies with the standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments as well.
- (e) The site for the proposed use will have adequate access based upon its frontage on Fashion Way. There are also adequate provisions for sanitation, water and public utilities and general services to ensure the public convenience, health, safety and general welfare. Additionally, the buildings will have adequate infrastructure to operate without a major extension of infrastructure.

- (f) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the RC Zone of the Main Street and Freeway Corridor Specific Plan. A carwash and the sale of alcoholic beverages are allowable uses with approval of a Conditional Use Permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP16-00007, subject to the conditions of approval as shown in Attachment "A".

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

ADOPTED AND APPROVED on this 13th day of November 2016.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for CUP16-00007

Approval Date: October 13, 2016
Effective Date: October 25, 2016
Expiration Date: October 25, 2019

This list of conditions applies to: Consideration of Conditional Use Permit CUP16-00007, to construct a 3,645 square foot mini-mart with 8 fuel dispensers in conjunction with the sale of beer, wine, and liquor and a 968 square foot carwash as well as a 2,546 square foot drive-thru restaurant on approximately 5.0 gross acres within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan located on the southeast corner of Ranchero Road and Mariposa Road (Michael Gallagher; Portion of APNs: 0357-561-73 thru 76)

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

| | | |
|---------------------------------------|--------------------|---|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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. Three sets of plans for underground fuel storage tanks shall be submitted to the Building Division with required application fees. |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | PERCOLATION TEST. The applicant shall submit a percolation test, performed by a California licensed civil or soils engineer, and approved by the San Bernardino County Department of Environmental Health Services for the required private sewage disposal systems. Prior to development of the carwash, the project may be required to be connected to a live sewer line. Additionally, the drive-thru restaurant may also need to be connected to an operative sewer line if the fixture counts do not allow use of a septic system in accordance with Lahontan Guidelines. The site plan and parcel map were designed based upon rough calculations on the preliminary floor plans of the uses. Should the actual floor plan(s) exceed the Lahontan Guidelines for use of septic systems, then connection to a live sewer line will be required. Should the applicant agree in writing to use the most restrictive percolation test for a site in close proximity to the subject property in designing the sewage disposal systems, then a percolation test shall not be required to be performed on-site. The applicability of any percolation test for use in designing the sewage disposal systems shall be subject to review and approval by the Building and Safety Division. In the event a tract map or parcel map has previously been recorded on the project site, the City of Hesperia has a percolation test on file, and no unusual conditions apply, this requirement may be waived by the Building and Safety Division. (B) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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 Surveyors Office Final Map Standards. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | DRAINAGE STUDY. The Developer shall submit a Final Hydrology Hydraulic study for each parcel being developed 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)

| | | |
|--|---------------------------|---|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report for each parcel being developed to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | TITLE REPORT. The Developer shall provide a complete title report 90 days or newer for each parcel being developed from the date of submittal. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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 City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P) |

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

| | | |
|--|---------------------------|--|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | NPDES. The Developer shall provide a copy of the approved original NPDES (National Pollutant Discharge Elimination System) permit from the Regional Water Quality Control |

Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department. (E)

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

ON SITE RETENTION. The Developer shall design / construct on site retention facilities, which have minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. All dry wells / injection wells shall be 2 phase systems with debris shields and filter elements. All dry wells / injection wells shall have a minimum depth of 30 with a max depth to be determined by soils engineer at time of boring test. Per Resolution 89 16 the Developer shall provide on site retention at a rate of 13.5 Cu. Ft per every 100 Sq. Ft. of impervious materials. Any proposed facilities, other than a City approved facility that is designed for underground storage for on site retention will need to be reviewed by the City Engineer. The proposed design shall meet City Standards and design criteria established by the City Engineer. A soils percolation test will be required for alternate underground storage retention systems. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ON SITE RETENTION (FUELING STATIONS). The Developer shall design / construct on site retention facilities, which have minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. All dry wells / injection wells shall be 2 phase systems with debris shields and filter elements. All dry wells / injection wells shall have a minimum depth of 30 with a max depth to be determined by soils engineer at time of boring test. Per Resolution 89 16 the Developer shall provide on site retention at a rate of 13.5 Cu. Ft per every 100 Sq. Ft. of impervious materials. It is the Developers responsibility to remove existing on site storm drain facilities per the City Inspector. 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. The Developer shall provide an E.P.A. approved oil and gasoline stop valve for the proposed on site retention system. The documentation shall be provided to the City for their review. (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

Mariposa Road. Saw-cut (2-foot min.) and match-up asphalt pavement on Mariposa Road across the project frontages, based on City's Major Arterial Roadway Standard with Bike Lane. The curb face is to be located at 52' from the approved centerline for Parcel 3 south of Fashion Way and per the Recommended Intersection Lane Geometry for Mariposa Road north of Fashion Way. 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. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Pavement transitions per City Standards.
- G. Design roadway sections per existing, approved street sections and per "R" value

- testing with a traffic index of 12 and per the soils report.
- H. Cross sections every 50-feet per City standards.
- I. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- J. Provide a signage and striping plan per City standards.
- K. 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.
- L. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.
- M. Provide signage and striping for a Class 2 bike trail, per City's adopted non-motorized transportation plan.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

Fashion Way. Construct full half-width (26' min. paving) improvements across the project frontage, based on City's 66-foot Modified Commercial / Industrial Roadway Standard. The curb face is to be located at 23' from the approved centerline. 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. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial driveway approaches per City standards.
- G. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
- 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. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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 in Fashion Way per City Standards.
- C. The Developer shall design and construct an 8" PVC sewer main in Fashion Way and tie into the existing sewer main in Mariposa Road per City standards and construct dry sewer laterals to right-of-way of each parcel.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER IMPR. PLAN. The Developer shall design and construct an 8 minimum PVC water main in Fashion Way and tie into existing in Mariposa. Design shall consist of plan and profile per City standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SEWER IMPROVEMENT PLAN: The Developer shall design and construct an 8 minimum PVC SDR 35 sewer main in Fashion Way and tie into existing 8" PVC in Mariposa Road. Design shall consist of plan and profile per City standards. (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

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
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL RESOURCES. Prior to issuance of a grading permit, a historical archaeological/paleontological study shall be prepared by the South Central Coastal Information Center or a qualified paleontologist/archaeologist to determine if monitoring shall occur during grading. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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 and shall also comply with all applicable Main Street and Freeway Corridor Specific Plan, Title 16 and Engineering Division requirements with the following revision made to the improvement plans: (E)

A. 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.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. School Fees (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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.

| | | |
|---------------------------------------|--------------------|---|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE ACCESS-SINGLE STORY ROAD ACCESS. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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] |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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] |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | (RPD) LANDSCAPE AND IRRIGATION PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations required application fees and completed landscape packet to the Building Division 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | SOLID MASONRY WALLS AND FENCES. The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. 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 drivers within Rancho Road and Mariposa Road. 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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

| | | |
|---------------------------------------|--------------------|---|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. Development Impact Fees (B)
B. Utility Fees (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | AS BUILT PLANS. The Developer shall provide as built plans. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE ALARM-AUTO OR MANUAL. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The |

fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F 62a]

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

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

MASONRY WALLS AND FENCING. The required masonry walls and wrought iron fencing shall be completed in accordance with City standards. (P)

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 all applicable Main Street and Freeway Corridor Specific Plan and Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT 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 |



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, SEPTEMBER 7, 2016**

A. PROPOSALS:

1. WESTSIDE BUILDING MATERIAL; (SPRR16-00005)

Proposal: Consideration of a Revised Site Plan Review to construct a 4,989 square foot canopy and a 4,033 square foot office building replacing an 8,189 square foot building within the existing 3.2 gross acre construction material sales yard.

Location: 16620 Yucca Street (0410-161-44)

Planner: Stan Liudahl

Action Taken: Administrative Approval

2. MAIDA MAIDA; (CUP16-00005 & GPA16-00001)

Proposal: Consideration of a Conditional Use Permit to construct a gas station with 4,500 square foot convenience store and a 1,800 square foot drive-thru restaurant and a General Plan Amendment from A1 to C1 on 1.2 acres.

Location: Northwest corner of Rancho Road and Seventh Avenue (0412-182-15)

Planner: Ryan Leonard

Action Taken: Forwarded to Planning Commission Meeting of November 10, 2016

3. THE CHURCH; (SPRR16-00006)

Proposal: Consideration of a Revised Site Plan Review to establish a church.

Location: 12052 Hesperia Road, Suite 2&3 (0415-031-09)

Planner: Daniel Alcayaga

Action Taken: Administrative Approval

4. **STANTEC CONSULTING SERVICES; (TT16-00001)**

Proposal: Consideration of Tentative Tract TT-20046 to create 24 lots on 7.59 gross acres.

Location: Maple and Tamarisk Avenues, 300 feet south of Muscatel Street (3046-101-011 thru 13)

Planner: Daniel Alcayaga

Action Taken: Forwarded to Planning Commission Meeting of October 13, 2016

5. **MICHAEL GALLAGHER; (CUP16-00007)**

Proposal: Consideration of a Conditional Use Permit to construct a 3,645 square foot mini-mart in conjunction with the sale of beer, wine, and liquor and a 968 square foot carwash as well as a 2,546 square foot drive-thru restaurant on 3.7 gross acres.

Location: Southeast corner of Rancho Road and Mariposa Road (0357-561-73 thru 76)

Planner: Stan Liudahl

Action Taken: Forwarded to Planning Commission Meeting of October 13, 2016



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, October 5, 2016**

A. PROPOSALS:

1. ALMALU INVESTMENTS, INC.; (TTR16-00002)

Proposal: Consideration of a Revised Tentative Tract and a revision and extension of time for approved Tentative Tract TT-15868 to create 185 single-family residential lots on 35 gross acres.

Location: South side of Mojave Street between Topaz Avenue and Tamarisk Avenue (0405-261-77)

Planner: Stan Liudahl

Action Taken: Administrative Approval

2. QUICKFIX INVESTMENTS, LLC; (TTE15-00001)

Proposal: Consideration of a first extension of time for TT-17352 to create 64 single-family residential lots on 15.7 gross acres.

Location: South side of Willow Street, between 11th and 9th Avenues (0407-111-01 thru 03 and 0407-121-02 & 05)

Planner: Daniel Alcayaga

Action Taken: Administrative Approval

3. LA-DF INVESTMENT FND # 9; (TTE16-00015)

Proposal: Consideration of a 3rd extension of time for Tentative Tract Map TT-16386 to create 32 lots on 20.8 gross acres.

Location: South side of Rancho Road, 450 feet west of Danbury Avenue (0397-171-20 & 21)

Planner: Stan Liudahl

Action Taken: Administrative Approval

4. TAGHREED ALKHATEEB; (TPM16-00005)

Proposal: Consideration of Tentative Parcel Map PM-19788 to create four parcels on 1.9 gross acres.

Location: 167 feet east of Eighth Avenue, between Willow Street and Vine Street (a portion of 0407-104-01)

Planner: Ryan Leonard

Action Taken: Administrative Approval