

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: January 8, 2009

Time: 6:30 P.M.

COMMISSION MEMBERS

Stephen James, Chair

Chris Elvert, Vice Chair

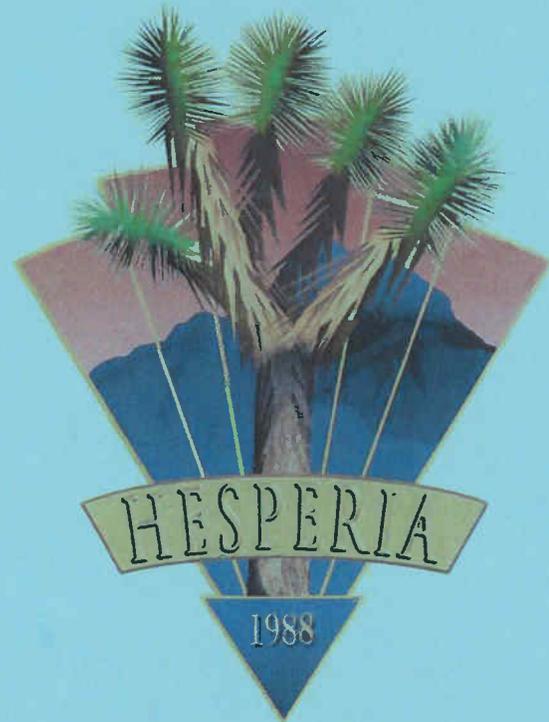
Joline Bell Hahn, Commissioner

Paul Russ, Commissioner

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Dave Reno, Principal Planner

Douglas P. Haubert, Assistant City Attorney



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

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

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

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

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

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

**AGENDA
HESPERIA PLANNING COMMISSION**

Prior to action of the Planning Commission, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar. PLEASE SUBMIT A COMMENT CARD TO THE COMMISSION SECRETARY WITH THE AGENDA ITEM NUMBER NOTED.

CALL TO ORDER

6:30 p.m.

- A. Pledge of Allegiance to the Flag
- B. Invocation
- C. Roll Call:

Chair Stephen James
Vice Chair Chris Elvert
Commissioner Joline Bell Hahn
Commissioner Paul Russ

JOINT PUBLIC COMMENTS

Please complete a "Comment Card" and give it to the Commission Secretary. Comments are limited to three (3) minutes per individual. State your name and address for the record before making your presentation. This request is optional, but very helpful for the follow-up process.

Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests. However, Members may respond briefly or refer the communication to staff. The Commission may also request the Commission Secretary to calendar an item related to your communication at a future meeting.

CONSENT CALENDAR

- D. Approval of Minutes: December 9, 2008 Special Meeting Minutes

-1-

PUBLIC HEARINGS

1. Consideration of Tentative Tract (TT-18214) to create 36 single-family residential lots on 21.0 gross acres zoned R1-18000 located on the southeast corner of Rancho Road and Glider Avenue (Applicant: Hagai Rappaport, LLC; APN: 0397-161-10, 12, 13, 17, and 0397-091-05) (Staff Person: Daniel S. Alcayaga, AICP). **1-1**
2. Consideration of Conditional Use Permit (CUP-2008-10) to establish a 20,040 square foot private junior college within an existing office park zoned Regional Commercial located at 9329 and 9331 Mariposa Road (Applicant: San Joaquin Valley College; APN: 3064-611-14 & 15) (Staff Person: Lisette Sanchez-Mendoza). **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. Capital Improvement Program
- F. DRC Comments
- G. Major Project Update

3-1

PLANNING COMMISSION BUSINESS OR REPORTS

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

ADJOURNMENT

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

I, Eva Heter, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Tuesday, December 30, 2008 at 5:30 p.m. pursuant to California Government Code §54954.2.



Eva Heter
Planning Commission Secretary

**Main Street Marketplace Draft EIR Information Meeting
Public Information Meeting**

**Public Meeting Minutes
December 4, 2008**

The Main Street Marketplace Draft EIR, Public Information Meeting was held on Thursday, December 4, 2008, in the Hesperia Council Chambers, 9700 Seventh Avenue, Hesperia, California. The meeting was called to order at 6:30 p.m. by Chair James.

Pledge of Allegiance: Commissioner Russ

Invocation: Vice Chair Elvert

Attending Commissioners: Commissioner Hahn; Commissioner Russ; Vice Chair Elvert; Chair James.

Staff In Attendance: Director Development Services, Scott Priester; Principal Planner, Dave Reno AICP; Senior Planner, Daniel S. Alcayaga AICP; Senior Planner, Stan Liudahl AICP; Assistant Planner, Lisette Sanchez-Mendoza; Senior Engineer, Tom Thornton; Deputy Director, Development Services-Community Development, Tom Harp; Senior Office Specialist – Recording Secretary, Eva Heter.

A. Welcome and Introduction

Principal Planner, Dave Reno AICP introduced the presentation and the process of the meeting. He introduced Senior Planner, Daniel S. Alcayaga AICP.

Senior Planner, Daniel S. Alcayaga AICP reviewed the project information, including the site plan, landscaping, conditional use permit, parcel map, architectural elevation plans (front side and north elevations); he presented a PowerPoint presentation (see attachment 1).

PRINCIPAL PLANNER, DAVE RENO AICP reviewed the Environmental Impact Report (EIR) by presenting a PowerPoint presentation (see attachment 1). He reviewed the following information:

1. PURPOSE OF AN EIR
2. EIR PROCESS
3. INITIAL STUDY AND NOP
4. CONTENTS OF DRAFT EIR (DEIR)
5. DRAFT EIR (DEIR)
 - TRAFFIC A
 - AIR QUALITY
 - NOISE

Principal Planner, Dave Reno AICP reviewed the public notification process including the mailing and newspaper ads. He explained that the meeting was not a meeting where a decision was to be made. He reviewed the Final EIR (FEIR) process and how public comments would be reviewed and the state requirements for the EIR. He reviewed the EIR Findings that would be in compliance with CEQA. He also reviewed the overriding considerations that impact the project as well as the benefits. He introduced, into the record, the Wal-Mart Representatives in attendance, who were available for questions and would be giving a presentation. The individuals introduced were as follows: Architect, Don Fukomoto & Hans Kaufmann; Engineer, Barry Lindner; Applied Planning, Charlie Ray; Community Outreach Consultant, Ryan Orr; and Wal-Mart Representative, Gresham Savage, Jennifer Smith & Donovan Collier.

Jennifer Smith, Gresham Savage, Wal-Mart Representative thanked the Commission for attending the meeting and thanked Staff for all of their hard work. She introduced the Main Street Marketplace project by use of a PowerPoint (See Attachment 1). She reviewed the retail destination information, lighting, and explained the project layout. She reviewed the noise reducing fencing that would be set in place to minimize the noise from construction and the lighting that would be emitted by the project and its affect on neighbors. She gave a brief discussion of the Home Depot and the Wal-Mart Supercenter. She reviewed the building elevations, Joshua Trees that would be preserved on the site and Roadway Improvements, stating the requirements that the City was requesting would add ease of access and traffic within the general area; she reviewed the fees that would be paid for the improvements. She also reviewed the Sustainability Design Features for the site and the innovative recycling strategies on site. She concluded her presentation by reviewing the building design, lighting, landscaping, pedestrian walkways, bicycle racks, employee carpool parking and recycling of construction waste.

Principal Planner, Dave Reno AICP stated that the Commission was welcome to question staff and/or applicant representatives and then the Public Comments section would be opened. He clarified that the meeting was not a meeting for debate; rather it was an opportunity to discuss the content of the EIR.

Commissioner Hahn questioned the impact that the project may have on the aqueduct.

Jennifer Smith, Gresham Savage, Wal-Mart Representative stated that there would be some restriping of the roadway, which would provide an extra lane that would provide smoother traffic flow over the aqueduct.

Commissioner Hahn questioned if there was room for the extra lane, even with the restriping.

Principal Planner, Dave Reno AICP reviewed the lanes that would be added and the final measurements that would allow for five lanes over the aqueduct.

Commissioner Hahn clarified that three of the five lanes would be eastbound for the afternoon traffic.

Principal Planner, Dave Reno AICP stated that there would be two lanes eastbound and westbound as well as a center median lane, which would transition into the turning lane for the first driveway pocket traveling westbound.

Commissioner Hahn questioned the location of the bus stop.

Jennifer Smith, Gresham Savage, Wal-Mart Representative stated that the bus stop would be located on Escondido.

Commissioner Russ questioned the size of the project being one of the larger sizes of the stores.

Jennifer Smith, Gresham Savage, Wal-Mart Representative stated that the design was the larger version of the store, which allowed for the garden center and the tire & lube express.

Commissioner Russ questioned if Wal-Mart would be developing the entire site.

Jennifer Smith, Gresham Savage, Wal-Mart Representative stated that there would be a variety of developers for the sight. She stated that there were some very complicated transactions involving broker and the original seller as well as Home Depot; however, she was not able to go into accurate detail at that time. She stated that the Home Depot would be developing their own parcel and other developers would develop their own as well.

Commissioner Russ questioned the construction on the out pads.

Jennifer Smith, Gresham Savage, Wal-Mart Representative stated that the out pads, Commissioner Russ was questioning, had not been leased out and she had no further information on the development of the out pads.

Commissioner Russ questioned the specifics on the tree adoptions.

Jennifer Smith, Gresham Savage, Wal-Mart Representative stated that there was a center where the transplantable trees would be taken and when a place becomes available for them they can be retrieved from the center.

Commissioner Russ stated that the trees would be placed at a central location and picked up by someone when a location was available for transplant.

Jennifer Smith, Gresham Savage, Wal-Mart Representative she stated that Commissioner Russ was correct in his assessment of the central location for the trees and that the scenario she was describing was fairly common throughout the High Desert.

Commissioner Russ questioned the EIR being absolutely required for the project.

Principal Planner, Dave Reno AICP stated that the EIR was not absolutely required; however, it was the City's discretion to request the EIR.

Commissioner Russ stated that several other Cities would not require the EIR and would essentially bypass the document.

Principal Planner, Dave Reno AICP stated that the project was consistent with the regional and zoning plan; however, it was an opinion and a practice that the same analysis and detail can be placed in an EIR, which has a better legal presumption of validity and dependability as opposed to just requiring a negative declaration. He stated that the EIR was better for any larger project.

Commissioner Russ stated that the EIR was part of the process to ensure that the project was being done right, as well as protecting the City and its residents.

Vice Chair Elvert questioned the width of the drainage.

Jennifer Smith, Gresham Savage, Wal-Mart Representative stated that the drainage varies in width, which was anywhere between six and seven acres.

Principal Planner, Dave Reno AICP stated that staff would pull a plan out and get a distance for the Commissioner.

Vice Chair Elvert questioned if the drainage area would be a flow, where it flows into the aqueduct or would the drainage stay in the drainage area.

Principal Planner, Dave Reno AICP the drainage cannot flow into the aqueduct; essentially the drainage would be the end of a seepage pit.

Senior Planner, Daniel S. Alcayaga AICP reviewed the drainage area for the Commission and he stated that the drainage would be owned and maintained by the developer.

Principal Planner, Dave Reno AICP stated that the drainage was designed to flow, stating that there was an over-shoot to ensure that the drainage would not contaminate the aqueduct.

Jennifer Smith, Gresham Savage, Wal-Mart Representative stated that the Engineers had been working with the California Water Board to ensure that the drainage was in compliance with all rules and regulation pertaining to the aqueduct.

Commissioner Hahn questioned the impact of drainage across the street.

Principal Planner, Dave Reno AICP stated that the drainage was designed to accept flow from across the street.

Senior Planner, Daniel S. Alcayaga AICP reviewed the arial photo to show the over-shoot for the drainage.

Vice Chair Elvert questioned the width of the drainage.

Senior Planner, Daniel S. Alcayaga AICP stated that the approximate width would be 70 feet, which was closer to the Home Depot site and increases upwards about 200 feet.

Vice Chair Elvert questioned the barrier walls (blue and green) that were described by Jennifer Smith and how those walls would eliminate the noise from the project.

Jennifer Smith, Gresham Savage, Wal-Mart Representative stated that the red and blue walls, primarily for noise, separated the project from the detention basin and were also designed to prevent light from affecting the residences. She stated that a photometric study had been completed in order to factor in all the variables of light and noise that would need to be deflected throughout the entire project site.

Commissioner Russ questioned the height of the block wall.

Jennifer Smith, Gresham Savage, Wal-Mart Representative stated that the height of the wall varies; in some areas the wall was as high as 14 feet.

Vice Chair Elvert questioned the decorative design of the wall and the block to be used.

Jennifer Smith, Gresham Savage, Wal-Mart Representative stated that the wall would be decorative.

Senior Planner, Daniel S. Alcayaga AICP stated that the block wall was going to be constructed with the regular split-face wall.

Vice Chair Elvert questioned the location of Keypoint Avenue.

Commissioner Russ explained the location of Keypoint Avenue as being on the opposing side of the freeway down around Baker's Restaurant.

Principal Planner, Dave Reno AICP stated that impacts were measured at various locations even though the potential traffic impacts were all the way out to Highway 395 and back to Maple; therefore, there was a impact fee included to help make improvements further away from the project.

Commissioner Russ stated that the fund would go into the Development Impact Fees to maintain roadways.

Vice Chair Elvert stated that Keypoint Avenue was going to run from Main Street to Bear Valley Road. He referenced page 4.2-61.

Commissioner Russ also explained the direction and flow of Keypoint Avenue with respect to Main Street and Bear Valley Road.

Chair James he asked for verification of the slide referencing the lighting. He questioned the blue line and the green line with respect to the foot candle. He clarified that the blue line was 1/10 of a foot candle and questioned the measurements generated for the green line.

Jennifer Smith, Gresham Savage, Wal-Mart Representative stated that the green line represented 2/10 of a foot candle.

Chair James questioned the indications of the black dots.

Jennifer Smith, Gresham Savage, Wal-Mart Representative stated that the black dots were an indication of the projects parcel line (having nothing to do with the lighting).

Principal Planner, Dave Reno AICP stated that he thought that Chair James was referring to the field of black dots indicated on the plan.

Jennifer Smith, Gresham Savage, Wal-Mart Representative the black dots are actually the numbers on the photometric plan. She stated that the numbers were a little difficult to see; however, if the Commission previewed the photometric plan they would see the photometric plan (full size) and the numbers were actually legible.

Chair James questioned the lighting being required throughout the completed project.

Principal Planner, Dave Reno AICP stated that the full cutoff lighting, as shown, was required throughout the project; all external lighting, whether it was mounted on a building or freestanding in the parking lot, must adhere to the full cutoff lighting standard.

Chair James clarified that the standard was for the Home Depot and the out pads as well.

Principal Planner, Dave Reno AICP stated that Chair James was correct.

B. Public Comments

Chair James opened the meeting for Public Comments: 7:18 p.m.

Principal Planner, Dave Reno AICP stated that the primary concern of the meeting was to take in comments for the EIR; however, any comments can be submitted by letter, e-mail or direct contact. All comments must be in by December 29, 2008 in order to be included in the Final EIR; any comments submitted after December 29, 2008 would not be included in the Final EIR.

Melissa Morrell, Hesperia Resident stated that she lived on Bentwood Street, she reminded the Commission that the project was conceived several years ago when the economic situation in Hesperia and across the nation was dramatically different. She continued her address, stating:

“At the time of its conception a lot of planners and developers expected the rapid pace of residential development to continue unabated; at that time many people had substantial spare income to spend on consumer goods, in fact, this was the case even just nine months ago when much of the economic analysts for the project was completed; however, this is far from the case today. The Draft EIR states that one of the objectives of the Main Street Marketplace is to provide a retail development that meets the current unmet demand for goods and services from consumers residing in the trade area for the High Desert area, generally and the City of Hesperia specifically as well as goods demands generated by future residential development. Right now, people in Hesperia are getting evicted from their homes at a much higher rate than people are purchasing new ones. The massive residential developments that have been defined the past few years are slowing to a trickle. In short, the unmet demands for goods and

the future residential development, anticipated in the project objectives are evaporating in today's economic environment, causing the basis justification for the project to disappear. This is a project that cannot meet its own objectives. The EIR also repeatedly notes, general plan policy LP5 which requires the City to ensure that new development is fiscally sound and able to pay for the infrastructure and services needed to support it, the reason for this is to protect the city and existing residents from incurring additional costs to support growth. With the rate of new residential development coming to a halt the present and near future demand for consumer goods for this project is also coming to an end. The stark reality makes it hard to believe that the project could possibly be fiscally sound as required by the general plan. Rather than be thriving and vibrant strip mall that is envisioned, it seems more likely that the project would either fail, before construction is even completed or shortly after the stores open. The city could possibly be left with an unfinished eye-sore, not to mention the extra infrastructure and service costs that would accompany it. For example, an eye-sore would be that vacant parking lot that is on the west corner of Escondido and Main (15 years ago that was supposed to be yet another retail store that construction was stopped). Additionally, the EIR concludes that the project will only meet excess demand and not divert local dollars from local retailers; with a declining demand for retail goods, this conclusion seems either outdated or just plain wrong. If the project was to be built as planned, it seems more accurate that it could have the potential to encourage urban decay and make the times to come even harder for many Hesperians who make their living from existing businesses. In some, the conclusion that this project fulfills its stated objectives and also complies with the sited general plan policy is erroneous and wrong. Now more than ever Hesperia needs real economic development that will withstand our current economic crises and help our citizens to live better lives. This is not the time for a project like this, that (a) is likely to fail and (b) if does not succeed, will bring us nothing more than low wage jobs and urban decay. The time for projects like this is in the past. An EIR that fairly and accurately assesses the current economic environment and forecast future economic trends would reveal a project which no longer makes sense, even in its own terms and which the City of Hesperia can no longer afford."

She urged the Commission to make the required corrections to produce an EIR that lives up to the standards.

Frankie Jaye, Hesperia Resident stated that she would be two blocks from the project. She was concerned about traffic and the already existing street blockage by current construction in her area of residence. She shared her concerns about neighborhoods being locked out due to construction and compromised by traffic accidents. She stated that she bought two homes in the area and was concerned about the current economic crisis and the value of the homes in the area. She was opposed to the project, stating concerns about lighting, traffic and crime. She stated that the project and all the variables (kid's on bikes and skateboards, dog walking), was a nightmare to the residence.

Closed Public Comments 7:28 p.m.

Principal Planner, Dave Reno AICP stated that if anyone did not get a notice and a white card is filled out, then your name will be added to any noticing in connection with any future meetings for the project. He also stated that anyone can be added to the mailing list by submitting comment or simple request. He reviewed the comment deadlines for the EIR and he reminded all in attendance, that the EIR was available for review (both at the City Hall and the Hesperia Branch Library). He also stated that copies of the EIR were available for sale. He concluded the meeting, stating that a Public Hearing would be scheduled and when the dates were settled, notification would be sent.

Chair James encouraged everyone to submitted comments.

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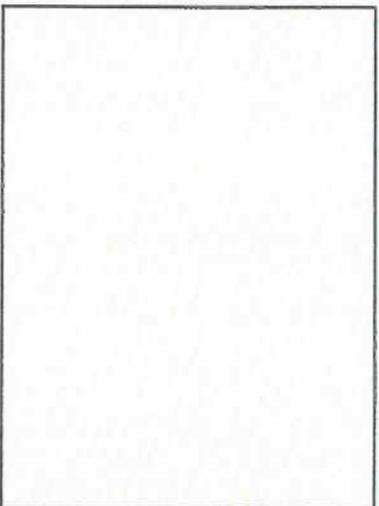
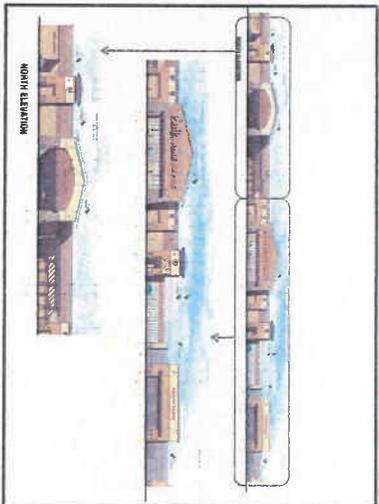
C. CONCLUSION-

Meeting Concluded: Thursday, December 4, 2008 at 7:31 p.m. to December 9, 2008

Attested By:



Eva Heter, Recording Secretary



Purpose of an EIR

- Analyze potential impacts of the project;
- Discuss alternatives to the project;
- Lists environmental issues and level of impacts;
- Includes mitigation measures to lessen impacts;
- Discusses issues where impacts cannot be mitigated;
- Overall goal of CEQA is to inform decision makers of the impacts of a project

EIR Process

- Initial Study and Notice of Preparation
- Draft EIR (DEIR)
- Public Circulation (45 days)
- Final EIR (FEIR)
- Review, Certification and Adoption

Initial Study and NOP

- Initial Study and Notice of Preparation (NOP) were circulated on June 14, 2008, for 30 days
- Four letters received from public agencies
- Letters and responses summarized on Page 1-9 & 10 of the Draft EIR

Contents of Draft EIR (DEIR)

- The DEIR contains:
 - Project Description
 - Discussion of Alternatives
 - Analysis of Impacts by topic
 - Determination of significance
 - Mitigation measures to reduce impacts

Draft EIR (DEIR)

- DEIR found three areas where impacts could not be mitigated to a non-significant level:
 - Traffic
 - Intersections and freeway segments below an acceptable level of service
 - Air Quality
 - Operational daily emissions (CO, PM-10)
 - Cumulative emissions (PM-10)
 - Noise
 - Temporary construction noise

Draft EIR (DEIR)

- EIR also examined areas where project impacts were not significant or could be mitigated to a level of non-significance
 - Aesthetics
 - Agriculture
 - Biological Resources
 - Cultural Resources
 - Geology & Soils
 - Hazards and Hazardous Materials
 - Hydrology & Water Quality
 - Land Use
 - Mineral Resources
 - Population & Housing
 - Public Services
 - Recreation

Draft EIR (DEIR)

- DEIR Circulated for a 45-day public review period between November 13 and December 29, 2008.
- Comment letters received before this date will be consider in the Final EIR.

Final EIR (FEIR)

- Includes the Draft EIR as well as:
 - Comment letters from the five public agencies;
 - Responses to each letter;
 - Revisions to the Draft EIR;
 - Mitigation Monitoring and Reporting Program

EIR Findings

- CEQA permits approval of a project even though there are significant, unavoidable impacts;
- These areas are listed in the Statement of Overriding Considerations:
 - Traffic
 - Air Quality
 - Noise

Main Street Marketplace - Hispania, CA
Energy Efficient Project Design Features

- LEED Silver
- Heat recovery of exhaust from dry cleaning facility
- Highly efficient lighting
- Highly efficient paint and ink
- Waterless urinals
- From auto stop lighting on 1, enter
- 60 second timer, sensor technology allow they time to check the speed
- Decrease water usage
- Biopipe Rain
- Equipment saving reducing vehicle emissions
- Example per 25000 sq ft
- Enhance performance further reducing vehicle emissions
- Construction waste (concrete and soil etc.) re-use



WAL-MART

Main Street Marketplace - Walmart Simulation



WAL-MART

**PLANNING COMMISSION
SPECIAL MEETING**

MINUTES

December 9, 2008

The regular meeting of the Hesperia Planning Commission was held on Tuesday, December 9, 2008, in the City Council Chambers, 9700 Seventh Avenue Hesperia, California. The meeting was called to order at 6:30 p.m. by Chair James.

A. CALL TO ORDER

1. Pledge of Allegiance – Commissioner Russ

2. Invocation - Commissioner Hahn

3. Roll Call

| | |
|-------------------------------|---------|
| Chair, Stephen James | Present |
| Vice Chair, Chris Elvert | Present |
| Commissioner | Vacant |
| Commissioner Joline Bell Hahn | Present |
| Commissioner Paul Russ | Present |

In Attendance for Staff: Principal Planner, Dave Reno AICP; Assistant City Attorney, Douglas Haubert; Senior Planner, Stan Liudahl AICP; Senior Planner, Daniel Alcayaga AICP; Assistant Planner, Lisette Sanchez-Mendoza; Planner, Paul Rull; Senior Engineer, Tom Thornton Recording Secretary, Eva Heter.

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B. PUBLIC COMMENTS-

Chair James opened Public Comment: 6:32 p.m.

No comments to consider.

Chair James closed Public Comments: 6:32 p.m.

C. CONSENT CALENDAR

Approval of Minutes: November 13, 2008 Planning Commission Minutes

Motion: Commissioner Hahn moved to approve the November 13, 2008, Planning Commission Minutes as presented. Commissioner Russ seconded the motion. The motion passed by a unanimous voice vote of all Commissioners present.

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D. PUBLIC HEARING ITEMS

1. Consideration of Conditional Use Permit CUP-2008-09 to expand the on-site sale and consumption of alcoholic beverages to include distilled spirits, located at 17289 Main Street (Applicant: La Casita Cafe; APN: 410-182-53) (Staff Person: Paul Rull).

Project Planner, Paul Rull gave a brief staff report.

Vice Chair Elvert questioned who would be in control of the Alcoholic Beverage Control (ABC) License if the Conditional Use Permit (CUP) was granted or denied.

Principal Planner, Dave Reno AICP stated that the CUP was an additional recourse; however, the requirements for ABC license were still in place. The CUP only added additional requirements that would work in conjunction with the other agencies for compliance.

Vice Chair Elvert stated that he wanted to clarify that the controlling body would be the ABC.

Chair James opened Public Hearing: 6:36 p.m.

Armando Compean, Applicant stated that he had owned La Casita for 25 years and during that time he had not had any trouble with the ABC license. He stated that the primary purpose was to be able to serve margaritas. He also stated that he understood all conditions and was prepared to move forward.

Chair James questioned if modifications would be made to the structure.

Armando Compean, Applicant stated that no additional square footage would be added to the building; however, some modifications would be made in order to service customers.

Chair James closed Public Hearing: 6:39 p.m.

Assistant City Attorney, Douglas Haubert addressed the Commission, referring to condition number two of the conditions of approval on page 1-10 of the agenda packet; he stated that there was one item to be added to the condition. The condition should be modified to also state that "at all times during the conduct of the use allowed by this permit, the applicant shall obey all laws and shall maintain and keep in affect valid licensing from appropriate local, state, and/or federal agencies as required by law." He stated that the existing condition only read that if the applicant was in violation of their licensing requirements that they could be in violation of their CUP and that he felt it was better to have a broad statement that allows the City a broader avenue to correct any condition. He stated that the applicant was aware of the changes and had already agreed to the additional language in the condition.

Motion: Commissioner Russ motioned to adopt Resolution No. PC-2008-77 as amended, approving Conditional Use Permit (CUP-2008-09). Vice Chair Elvert seconded the motion. The motion passed by the following roll call vote:

Ayes: Commissioner Hahn, Commissioner Russ, Vice Chair Elvert, Chair James

Noes:

Absent:

Abstains:

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2. Consideration of Conditional Use Permit CUP-2008-08 to expand the sale of alcoholic beverages to include distilled spirits for off-site consumption located at 16851 Main Street (Applicant: DHR Verma, Inc.; APN: 410-172-61) (Staff Person: Lisette Sanchez-Mendoza).

Assistant Planner, Lisette Sanchez-Mendoza gave a brief staff report.

Vice Chair Elvert questioned if there were any other Arco AmPm stores throughout the High Desert that sell distilled spirits.

Assistant Planner, Lisette Sanchez-Mendoza stated that there was only one other Arco AmPm in the area; however, the license was only for beer and wine.

Vice Chair Elvert questioned if the local Sheriff was concerned with the services being within one mile of a school.

Principal Planner, Dave Reno AICP stated that calls were made to inquire of any concerns from the Sheriff's Department and if there had been any unusual activity or if there was a high frequency activity attributable to the site and concerns for the CUP and the answer was "no."

Chair James questioned particular places not being allowed to sell alcoholic beverages until after 5 PM because of close proximity to schools. He questioned if that type of restriction was set up by a City or if it was a requirement set up by ABC.

Vice Chair Elvert stated that the ABC license does not restrict the time that liquor can be sold; a city ordinance regulates the time that the liquor can be sold within a particular city.

Chair James opened Public Hearing: 6:46 p.m.

Assistant City Attorney, Douglas Haubert recommended the same language be added to condition number two as the one recommended for the CUP previously presented to the Commission.

Harp Verma, Applicant questioned the change to the condition.

Assistant City Attorney, Douglas Haubert stated that condition number two, on page 2-10 of the agenda packet, as amended would read as follows: "at all times during the conduct of the use allowed by this permit, the applicant shall obey all laws and shall maintain and keep in affect valid licensing from appropriate local, state, and/or federal agencies as required by law."

Harp Verma, stated that he did not have any concerns about the additional language.

Chair James closed Public Hearing: 6:48 p.m.

Vice Chair Elvert stated that he was concerned about the school being so close to a facility selling hard liquor. He was also concerned about other facilities requesting the CUP as well and wasn't sure if the Commission was prepared for similar requests.

Commissioner Russ stated that if the store had not been directly on Main Street then he would have concern; however, other facilities with a gas station on Main Street were allowed to sell hard liquor and being regulated by ABC he felt that his concerns were minimal. He also stated that he would fully expect that if Arco was allowed, it wouldn't be long before Seven-11 would request the CUP as well.

Chair James stated that he shared the same concerns as Vice Chair Elvert; however, he observed the area and found that there was not a large amount of foot traffic in the area generated from the school.

Commissioner Hahn stated that beer and wine had been sold at the facility for quite some time and she didn't see that there was a big problem nor an extreme change, alcohol was alcohol. She stated that the ABC requirements only allow for so many permits within a specified area.

Principal Planner, Dave Reno AICP stated that ABC notifies the city if there was an over concentration; however, it doesn't prohibit the issuance of the license.

Commissioner Hahn stated that ABC can refuse the liquor license.

Principal Planner, Dave Reno AICP stated that the ABC can also restrict certain cities from obtaining specific licenses. Once the city is notified, the city can determine whether to issue the license or not. He explained the economic diversities within the city and stated that the CUP was a new level of regulation and the CUP can be revoked if the applicant does not comply.

Assistant City Attorney, Douglas Haubert stated that if the Commission was not inclined to approve, he would be inclined to spend some time to consider what level of findings the Commission would need to approve or deny. He also stated that the CUP would allow the city to revoke the ABC license if the applicant did not obey all laws and licensing requirements.

Commissioner Hahn stated that the concentration level was a concern.

Motion: Commissioner Russ motioned to adopt Resolution No. PC-2008-80 as amended, approving Conditional Use Permit (CUP-2008-08). **Commissioner Hahn** seconded the motion. The motion passed by the following roll call vote:

Ayes: Commissioner Hahn, Commissioner Russ, Vice Chair Elvert, Chair James

Noes:

Absent:

Abstains:

* * * * *
* * * * *

3. Consideration of Tentative Tract TT-16505, to create 17 single-family residential lots on 5.0 gross acres zoned R-1 located on the southeast corner of Muscatel Street and Afton Avenue (Applicant: Pacific Communities Builder, Inc.; APN: 3046-011-06) (Staff Person: Stan Liudahl, AICP).

Senior Planner, Stan Liudahl AICP gave a brief staff report. He stated that amendments were being recommended and Senior Engineering, Tom Thornton would review the recommended amendments.

Commissioner Hahn questioned Afton Street dead ending at Palm Street or if Afton was to extend to another road in the area. She also questioned the green area along the retention basin shown on the plan.

Senior Planner, Stan Liudahl AICP stated that on arterial roadways there needs to be additional area for landscaping, which was indicated by the green area along the retention basin that Commissioner Hahn had referenced.

Commissioner Hahn stated that she was extremely pleased with the lot size.

Chair James opened Public Hearing: 7:05 p.m.

Elsa Trujillo, Applicant Representative introduced herself and Steve Shover of Ludwig Engineering. She stated that they were available to answer any questions.

Commissioner Hahn questioned if the applicant was in agreement with the amendment.

Elsa Trujillo, Applicant Representative stated that they were aware of and in agreement with the revisions to the conditions.

Commissioner Russ stated that he was also pleased with the lot size.

Chair James closed Public Hearing: 7:07 p.m.

Chair James questioned the retention basin being fully enclosed.

Senior Planner, Stan Liudahl AICP stated that the retention would be fully fenced; however, there would be a combination of fencing used throughout the design.

Principal Planner, Dave Reno AICP asked that the change be read into the record by Senior Engineer, Tom Thornton.

Senior Engineer, Tom Thornton stated that on page 3-17 b (sub-paragraph to the off-site water) the off-site water would be deleted completely and the sewer modification would be to eliminate the requirement for sewer in Afton from Muscatel southerly to "A" Street.

Motion: Commissioner Russ motioned to adopt Resolution No. PC-2008-79 as amended, approving Tentative Tract (TT-16505). Commissioner Hahn seconded the motion. The motion passed by the following roll call vote:

Ayes: Commissioner Hahn, Commissioner Russ, Vice Chair Elvert, Chair James

Noes:

Absent:

Abstains:

* * * * *
* * * *

4. Consideration of Tentative Tract TT-15033, to create 36 single-family residential lots on 10.0 gross acres zoned R-1 located on the northwest corner of Palm Street and Fuente Avenue (Applicant: Pacific Communities Builder, Inc.; APN: 3046-011-12) (Staff Person: Stan Liudahl, AICP).

Senior Planner, Stan Liudahl AICP gave a brief staff report.

Commissioner Hahn questioned Fuentes having an approved track at the corner of Muscatel and Fuentes.

Senior Planner, Stan Liudahl AICP stated that Commissioner Hahn was correct; a tract had been approved at the corner of Muscatel and Fuentes.

Commissioner Hahn stated that she was unaware that the Novak Center owned the property to the north and she questioned if there would be a fence.

Senior Planner, Stan Liudahl AICP stated that there were no requirements for a fence, although it was typical for a tract to place a fence along the rear property lines.

Commissioner Hahn stated that at some point in the future there may be a large amount of youth in the vicinity and she was concerned about having a fence.

Senior Planner, Stan Liudahl AICP stated that the development standard requires a fence and that in all probability the park district would put up a fence.

Vice Chair Elvert questioned the fencing the developer would have in place.

Senior Planner, Stan Liudahl AICP stated that he was unaware of any plans for fencing.

Commissioner Russ questioned the lot size of the lots south on Palm.

Principal Planner, Dave Reno AICP stated that the lots in question were 7200 square feet and larger.

Commissioner Russ also questioned the lots on Muscatel and Fuentes.

Senior Planner, Stan Liudahl AICP stated that the lot sizes were roughly 6000 square feet.

Principal Planner, Dave Reno AICP stated that Muscatel was the dividing line; therefore, everything south of Muscatel was in the 7200 foot minimum.

Commissioner Russ stated that the Tentative Tract was ranging in the higher density area.

Chair James asked for staff to clarify whether or not that north on Palm would be completely paved or if it would be just half-width.

Senior Planner, Stan Liudahl AICP stated that only paving of the frontage would be required (26 feet).

Chair James opened Public Hearing: 7:17 p.m.

Elsa Trujillo, Applicant Representative introduced herself and Steve Shover of Ludwig Engineering. She stated that they were available to answer any questions.

Commissioner Russ questioned the time of development.

Elsa Trujillo, Applicant Representative stated that only entitlements were being obtained and the current inventory was being sold. She stated that building was possible in the year 2010.

Commissioner Russ clarified that all entitlements were being obtained in preparation to the market upswing.

Commissioner Hahn referenced page 4-43 #37, she questioned the private property adjacent to Palm having a masonry wall; she questioned the location of the private property referenced in the staff report.

Senior Planner, Stan Liudahl AICP referenced the maps to show the private property in question.

Vice Chair Elvert questioned the type of wall that would be placed on the West and North boundaries.

Elsa Trujillo, Applicant Representative stated that the type of wall or fencing had not been decided upon.

Chair James closed Public Hearing: 7:20 p.m.

Vice Chair Elvert questioned if it was the Commission's discretion to require the block wall.

Principal Planner, Dave Reno AICP stated that it was not the discretion of the Commission to require the block walls.

Commissioner Hahn stated that the park would be responsible for the fencing later on.

Vice Chair Elvert questioned the paved roads entering and exiting the project not being provided.

Senior Planner, Stan Liudahl AICP stated that the access points Vice Chair Elvert was questioning actually did exist; he pointed out the access points for further clarification.

Chair James stated that the two access points allowed for more circulation.

Principal Planner, Dave Reno AICP stated that the access points pushed traffic in different directions. He also stated that grading plans would be looked at during the time of obtaining building permits.

Motion: Commissioner Russ motioned to adopt **Resolution No. PC-2008-78** as presented, approving Tentative Tract (TT-15033). **Vice Chair Elvert** seconded the motion. The motion passed by the following roll call vote:

Ayes: Commissioner Hahn, Commissioner Russ, Vice Chair Elvert, Chair James

Noes:

Absent:

Abstains:

* * * * *

E. PRINCIPAL PLANNER'S REPORT

1. DRC COMMENTS:

Principal Planner, Dave Reno AICP gave a brief staff report.

2. MAJOR PROJECT UPDATE:

Principal Planner, Dave Reno AICP gave a brief report on major projects. He stated that council had recently looked at the house size ordinance and declined making any changes. He also discussed the sign issues that would be looked at. A CIP update would be presented to the Commission during the beginning of the year.

F. PLANNING COMMISSION BUSINESS OR REPORTS:

* * * * *

G. ADJOURNMENT-

Chair James adjourned the meeting to Thursday, January 8, 2009 at 7:34 p.m.

Approved By:

Stephen S. James, Chair

Attested By:

Eva Heter, Recording Secretary

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DATE: January 8, 2009
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner *DR*
BY: Daniel S. Alcayaga, AICP, Senior Planner *DA*
SUBJECT: Tentative Tract TT-18214; Hagai Rappaport, LLC; APNs: 0397-161-10, 12, 13, 17 and 0397-091-05

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2009-01, approving TT-18214.

BACKGROUND

Proposal: A tentative tract map to create 36 single-family residential lots on 21.0 gross acres (Attachment 1).

Location: Southeast corner of Ranchero Road and Glider Avenue.

Current General Plan, Zoning and Land Uses: The site is within the Low density residential (L) General Plan designation and is zoned Single-family Residence with a minimum lot size of 18,000 square feet (R1-18000). The surrounding land is designated and zoned as noted on Attachments 2 and 3. The subject site as well as properties to the west are vacant. Properties to the north and east are occupied with single family homes. Properties to the south are vacant and occupied with single-family homes (Attachment 4).

ISSUES/ANALYSIS:

Land Use: The site is within the Low density (L) General Plan designation which allows densities between 0.75 and 2.0 dwelling units per acre. The tentative tract would create 36 single-family residential lots on 21.0 gross acres, resulting in a density of 1.7 dwelling units per acre. The subdivision includes two lettered lots to be used as a retention basin. The tract will be developed in two phases, including lots one thru 15 within Phase I and lots 16 thru 36 within Phase II. All single-family residences within this subdivision will contain a minimum livable area of 1,400 square feet. The lots comply with the 18,000 square foot minimum lot size, 60 foot lot width, and 100 foot lot depth requirements.

Drainage: All drainage created on-site beyond that which has occurred historically, would be detained within two detention/retention basins (Lots A & B) within the tract. The Hesperia Recreation and Park District will maintain these lettered lots upon dedication to the City of Hesperia. The retention basins will be enclosed with four-foot wrought iron fencing atop a two-foot high decorative masonry wall on the street side and along the side within the minimum front yard and by a six-foot high decorative wall on the sides bounded by private property.

Water and Sewer: The tract will connect to an existing 18-inch water line at the intersection of Rancho Road and Glider Avenue. The tract will connect to an existing 12-inch water line at Jenkins Avenue to the east. The tract will also connect to an existing 8-inch water line at the southwest corner of Lot 33. Since the tract is not in an area where sewer is available, septic tanks will be utilized for private sewage disposal.

Traffic: Approval of the subdivision will cause a reduction in the daily vehicle trips allowed by the current Low density residential General Plan designation. According to standard vehicle generation numbers published by the Institute of Traffic Engineers, approval of the proposed 36-lot subdivision would create an estimated 345 daily vehicle trips (9.57 daily trips per dwelling unit). The current designation on the 21.0 gross acres would generate an estimated 402 daily vehicle trips. Consequently, the proposed subdivision would result in a reduction of approximately 57 daily vehicle trips. Based upon the street improvements to be constructed, the impact upon transportation facilities associated with the proposed development is considered to be less than what was considered as part of the City's General Plan Program Environmental Impact Report (PEIR).

Schools and Parks: The development is about a 1/3 mile from Rancho Middle School, 1 mile from Kingston Elementary, and 2 ¼ miles from Sultana High School. Krystal Elementary will be constructed adjacent to the proposed tract. The project is approximately 2 ¼ miles from Hesperia Lake Park.

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.

Street Improvements: Glider Avenue and Cochise Street will be constructed with full half-width street improvements along the project frontage. Rancho Road is an existing paved street, which will be improved with curb, gutter, and sidewalk. The developer is proposing to dedicate a street through an in-fill vacant lot, which is part of an established single-family neighborhood, in order to connect to Jenkins Avenue to the east (Attachment 5). Since this street will make corner lots of existing residential lots, a condition of approval requires the developer to install mature landscaping and a decorative block wall to reduce noise and visual impacts created by the street. Full street improvements, including curb, gutter, and sidewalk will be constructed along all interior streets.

Environmental: Approval of this project includes adoption of a negative declaration (Attachment 6) pursuant to the California Environmental Quality Act (CEQA). The initial study prepared for the project concludes that there are no significant adverse impacts resulting from development of the project. The cultural report completed for the project area indicates that there is a low probability for encountering cultural resources within the project area. Mitigation measures include requiring a protected plant plan and pre-construction survey for burrowing owls prior to grading permit issuance.

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 TT-18214
2. General Plan Land Use Map
3. Zoning Map
4. Aerial Photo
5. Exhibit of "D" Street to Jenkins Avenue
6. Initial Study with Negative Declaration ND-2008-22
7. Resolution No. PC-2009-01, with Conditions of Approval

ATTACHMENT 1



APPLICANT (S):
HAGAI RAPPAPORT

FILE NO (S):
TT-18214

LOCATION:
SOUTHEAST CORNER OF RANCHERO ROAD AND GLIDER AVENUE.

APN (S):
0397-161-10, 12,
13, 17 and 0397-
091-05

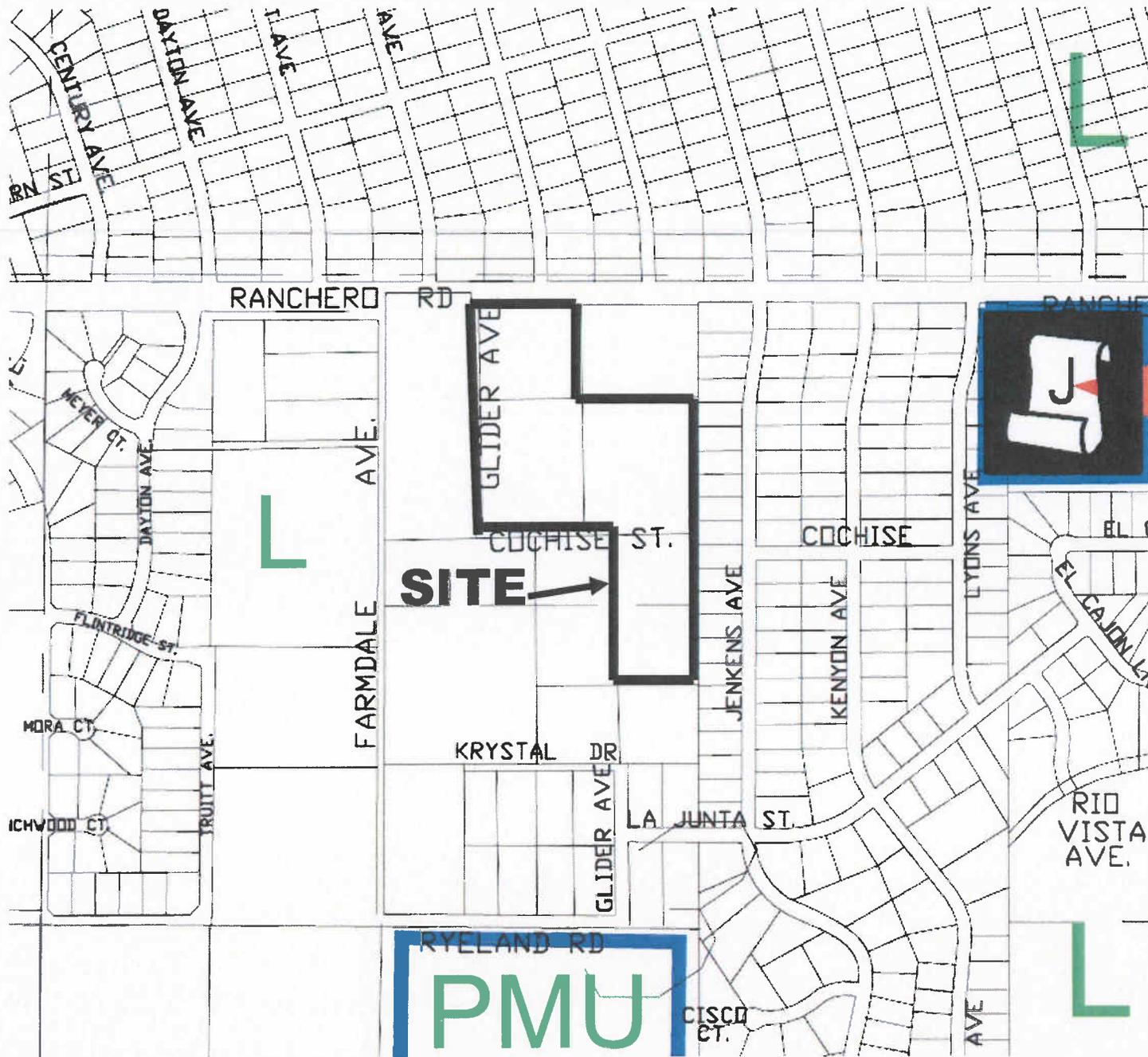
PROPOSAL:
CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE 36 SINGLE FAMILY LOTS ON 21.0 GROSS ACRES.



TENTATIVE TRACT MAP

1-4
PLANNING COMMISSION

ATTACHMENT 2



APPLICANT (S):
HAGAI RAPPAPORT

FILE NO (S):
TT-18214

LOCATION:
SOUTHEAST CORNER OF RANCHERO ROAD AND GLIDER AVENUE.

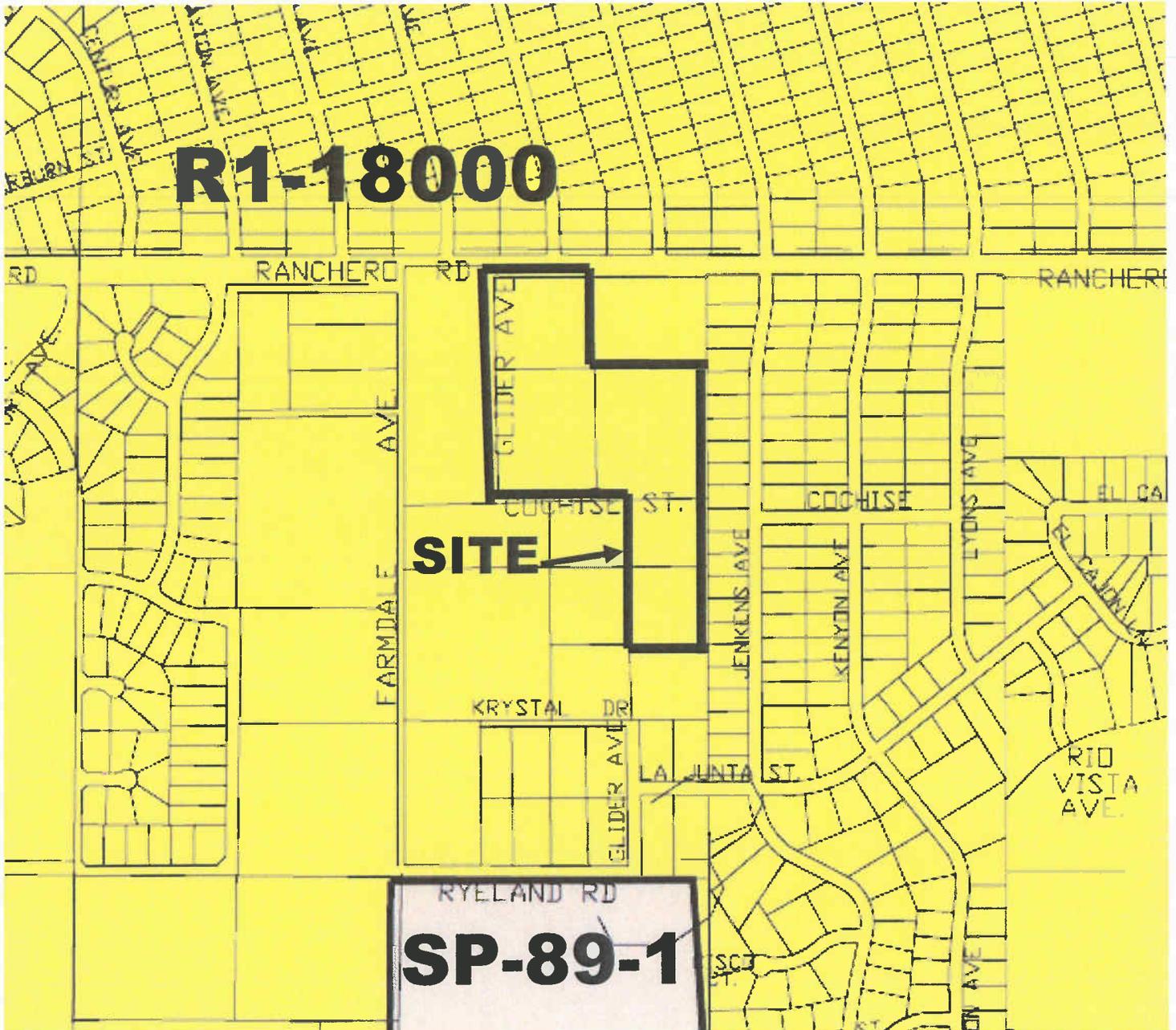
APN (S):
0397-161-10, 12,
13, 17 and 0397-
091-05

PROPOSAL:
CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE 36 SINGLE FAMILY LOTS ON 21.0 GROSS ACRES.



GENERAL PLAN LAND USE MAP

ATTACHMENT 3



APPLICANT (S):
HAGAI RAPPAPORT

FILE NO (S):
TT-18214

LOCATION:
SOUTHEAST CORNER OF RANCHERO ROAD AND GLIDER AVENUE.

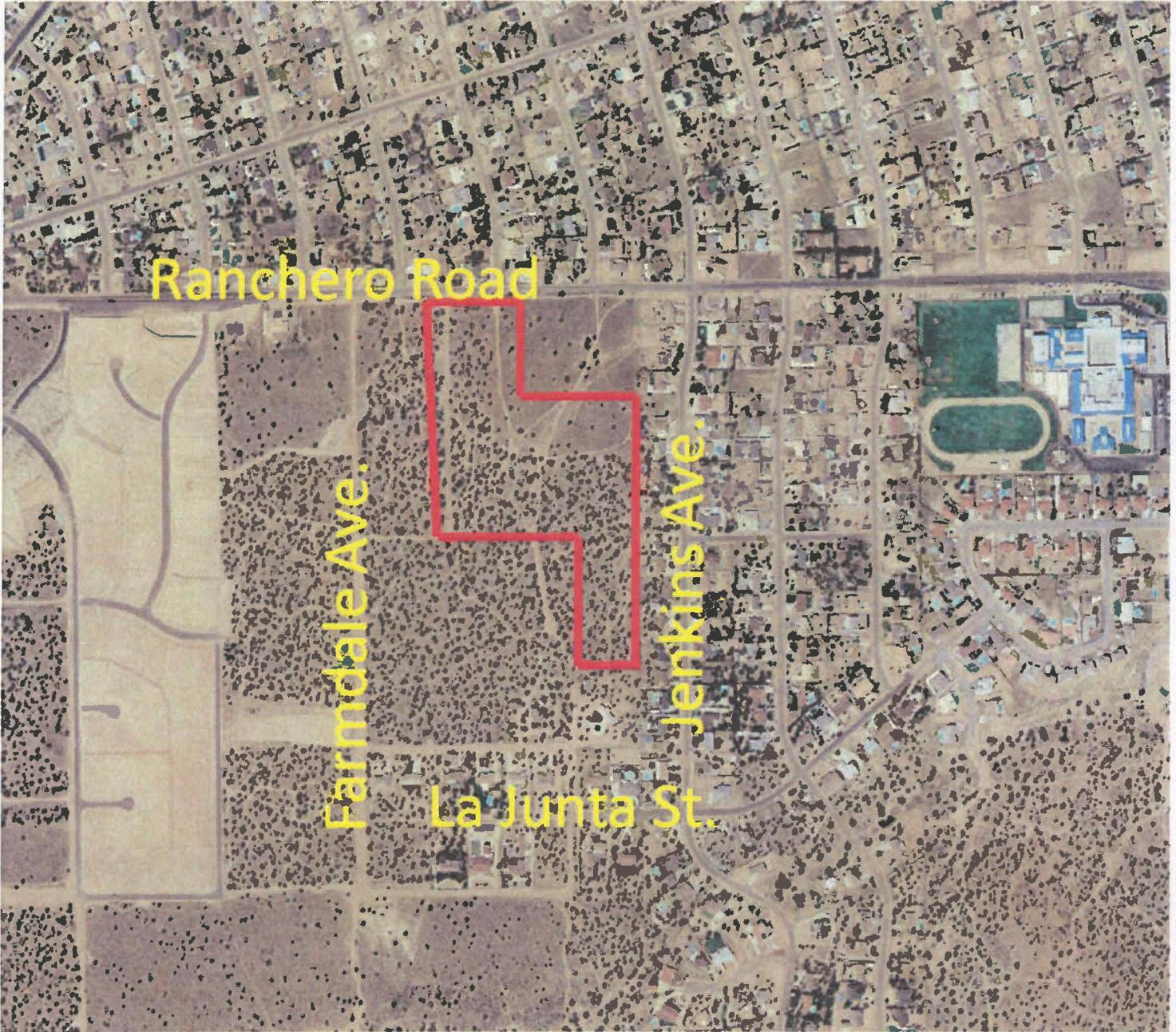
APN (S):
0397-161-10, 12,
13, 17 and 0397-
091-05

PROPOSAL:
CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE 36 SINGLE FAMILY LOTS ON 21.0 GROSS ACRES.



ZONING MAP

ATTACHMENT 4



APPLICANT (S):
HAGAI RAPPAPORT

FILE NO (S):
TT-18214

LOCATION:
SOUTHEAST CORNER OF RANCHERO ROAD AND GLIDER AVENUE.

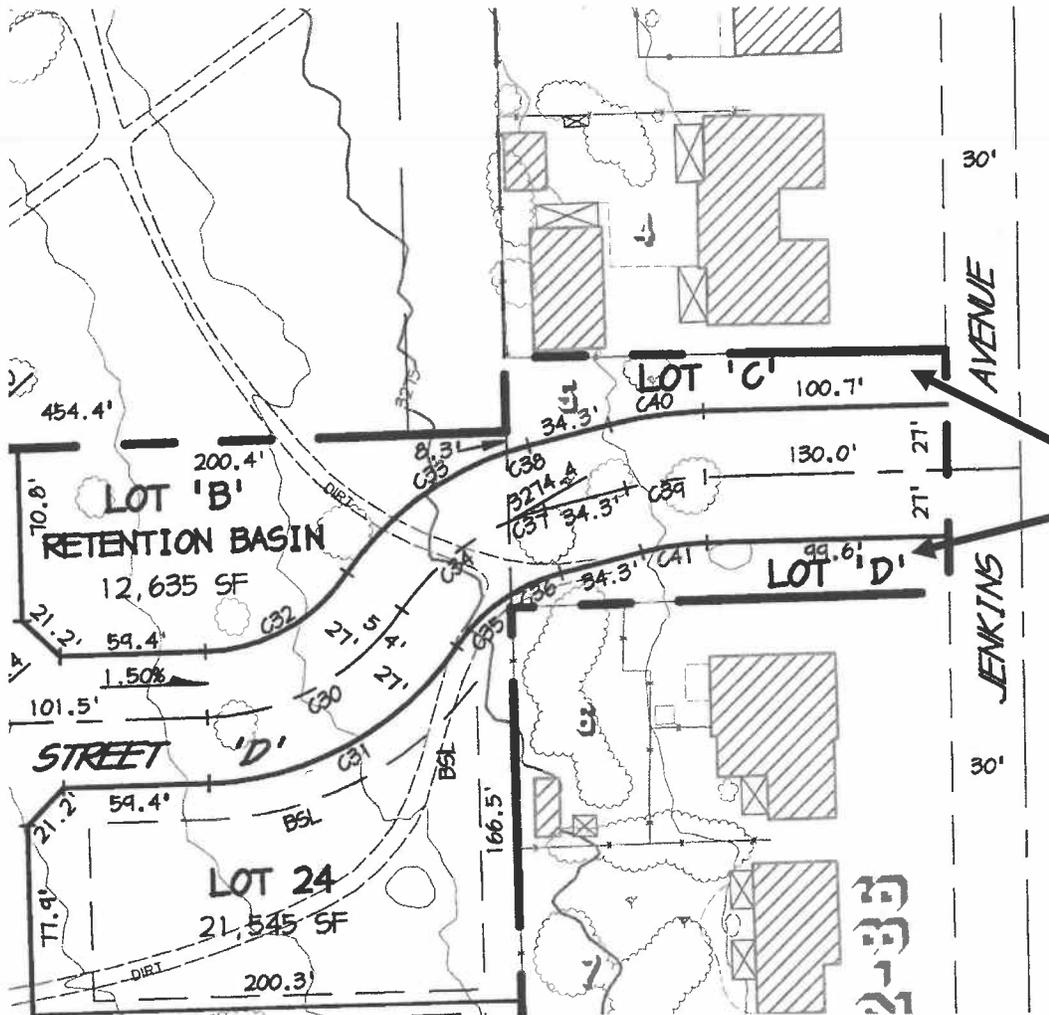
APN (S):
0397-161-10, 12,
13, 17 and 0397-
091-05

PROPOSAL:
CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE 36 SINGLE FAMILY LOTS ON 21.0 GROSS ACRES.



AERIAL PHOTO

ATTACHMENT 5



Areas to serve as a visual and noise buffer for existing residential homes to the north and south

APPLICANT (S):
HAGAI RAPPAPORT

FILE NO (S):
TT-18214

LOCATION:
SOUTHEAST CORNER OF RANCHERO ROAD AND GLIDER AVENUE.

APN (S):
0397-161-10, 12,
13, 17 and 0397-
091-05

PROPOSAL:
CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE 36 SINGLE FAMILY LOTS ON 21.0 GROSS ACRES.



"D" Street to Jenkins Avenue

ATTACHMENT 6

CITY OF HESPERIA



NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION CITY OF HESPERIA

NOTICE IS HEREBY GIVEN that the City of Hesperia has prepared an Environmental Initial Study recommending adoption of a Negative Declaration for the following project:

1. Consideration Tentative Tract TT-18214 to create 36 single-family residential lots on 21.0 gross acres zoned R1-18000 located on the southeast corner of Rancho Road and Glider Avenue (ND-2008-22; APN(s): 0397-161-10, 12, 13, 17 and 397-091-05; Applicant: Hagai Rappaport).

Copies of the application and environmental documents are on file with the Planning Department and are available for public inspection at 9700 Seventh Avenue, Hesperia.

Lead Agency Contact Person: Dave Reno, Principal Planner (760) 947-1253
Fax: (760) 947-1221

Published the week of November 25, 2008

/s/ Eva Heter
Secretary to
the Planning Commission

Posted on November 20, 2008

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

PROJECT DESCRIPTION

1. **Project Title:** Tentative Tract TT-18214
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) 947-1231.
4. **Project Location:** On the southeast corner of Rancho Road and Glider Avenue (APN: 0397-161-10-12, 13, 17, & 0397-091-05) as shown on Attachment "A."
5. **Project Sponsor:** Hagai Rappaport
Address: 8383 Wilshire Boulevard, Suite 339 - Beverly Hills, CA 90211
6. **General Plan Designation:** The site is within the Low density residential (L) General Plan Land Use designation, which is consistent with the current zoning of the property.
7. **Zoning:** The site is within the Single-family Residence with a minimum lot size of 18,000 square feet (R1-18000) Zone District.
8. **Description of project:**

A tentative tract application has been filed to create 36 single-family residential lots on 21.0 gross acres. The tentative tract is designed with a minimum lot size of 18,000 square feet. Glider Avenue and Cochise Street will be constructed with full half-width street improvements along the project frontage. Rancho Road is an existing paved street, which will be widened along the project frontage and matched-up with existing asphalt. The developer is proposing to dedicate a street through an in-fill vacant lot, which is part of an established single-family neighborhood, in order to connect to Jenkins Avenue to the east. A second access is required to be constructed to be determined by a circulation plan to be prepared by the developer before final map recordation. Full street improvement, including curb, gutter, and sidewalks will be constructed along all interior streets. The proposed tentative tract includes two retentions basins with the capacity to retain 50,117 cubic feet of storm water run-off. Since the tract does not have a feasible point of connection to City sewer, each lot will contain an individual septic tank to dispose of waste water meeting the requirements of the Lahontan – California Regional Water Quality Board. The tract will tie into an existing 12-inch PVC water line at Jenkins Avenue to the east of the tract. The tract will also tie into an existing 8-inch PVC water line at the southwest corner of Lot 33. All interior and perimeter streets will include water lines to be looped utilizing private easements.

9. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.)

The subject site as well as properties to the west are vacant. Properties to the north and east are occupied with single family homes. Properties to the south are vacant and occupied with single-family homes. The subject property and surrounding properties are designated Low density residential (L) on the City's Land Use map. The subject property and surrounding properties are zoned Single-family Residence with a minimum lot size of 18,000 square feet (R1-18000).

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

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

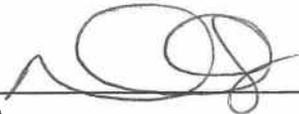
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (Completed by the Lead Agency)
 On the basis of this initial evaluation:

| | | |
|-------------------------------------|--|--------------|
| <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. Alcaayaga, AICP, Senior Planner, Hesperia Planning Division

12-15-08
 Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is provided for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off- 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.

ATTACHMENT 5

CITY OF HESPERIA



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Copies of the application and environmental documents are on file with the Planning Department and are available for public inspection at 9700 Seventh Avenue, Hesperia.

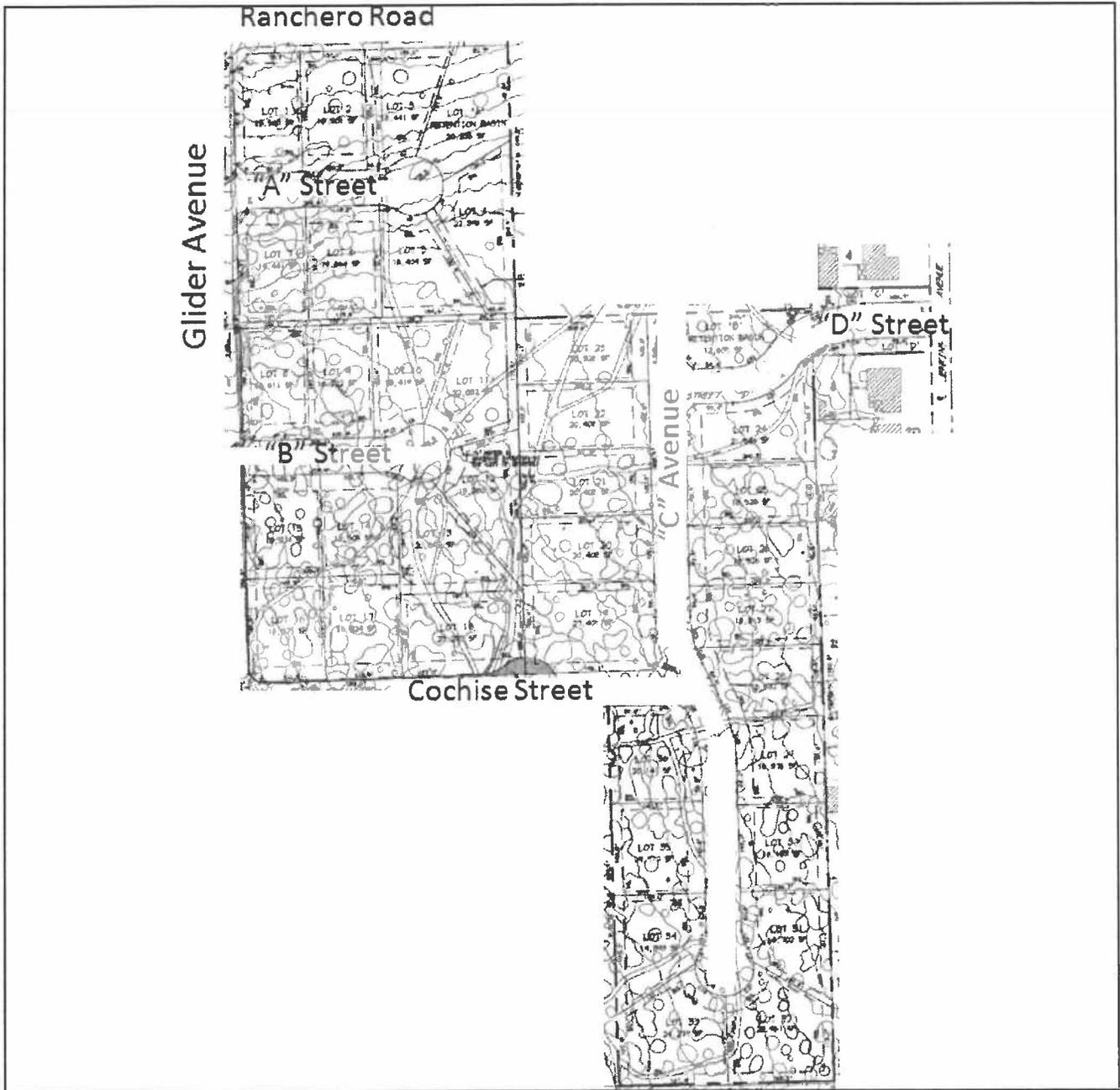
Lead Agency Contact Person: Dave Reno, Principal Planner (760) 947-1253
Fax: (760) 947-1221

Published the week of November 25, 2008

/s/ Eva Heter
Secretary to
the Planning Commission

Posted on November 20, 2008

ATTACHMENT "A"



| 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)? | | | X | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (1, 2, 3 & 26)? | | | X | |

Comments.

The subject site as well as properties to the west are vacant. Properties to the north and east are occupied with single family homes. Properties to the south are vacant and occupied with single-family homes. Consequently, the site is not considered a scenic resource. Ranchero Road, which is located along the northern project boundary, is not a scenic highway. The site is not in close proximity to any scenic resources, historic buildings, or a scenic highway.

The proposed 21.0 gross acre residential development will not have any adverse impact to the aesthetics of the area as the development is subject to Title 16 zone district regulations (1, 2, & 3), which limit the building height and provide for minimum yard and lot coverage standards as implemented through the building permit review process. Although the project will produce additional light and glare, any light or glare produced would be similar to that already being produced by the nearby residences (1). Consequently, development of the site will not degrade the existing visual character or quality of the site and its surroundings.

The Land Use plan within the General Plan identifies large areas where future residential, commercial, and industrial development will occur. The Hesperia General Plan’s Program Environmental Impact Report (PEIR) analyzed the impact to aesthetics upon build-out of the Land Use Element (42). Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with the cumulative impacts. This project is consistent with the current General Plan Land Use designation and zoning. Inasmuch as this project would not create a greater aesthetic impact from that currently allowed by the adopted Land Use plan, no additional impact beyond that identified within the General Plan PEIR would occur. Therefore, development of the project would have a less than significant impact upon aesthetics.

| II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and State Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use (4)? | | | | X |

| | | | | |
|---|--|--|--|---|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (5)? | | | | X |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use (5)? | | | | X |

Comments.

According to the U.S. Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County California Mojave River Area states that “Urban and built-up land and water areas cannot be considered prime farmland...” The project is located within an urbanized area which, according to the SCS, is not considered prime farmland.

The project site has been disturbed, and is not presently, nor does it have the appearance of previous agricultural uses. The project site does not contain any known agricultural activities or any known unique agricultural soils. Based on the lack of designated agricultural soils on the project site, it is concluded that the project will not result in significant adverse impacts to agriculture or significant agricultural soils. The soil at this location is classified by the U.S. Soil Conservation Service as *Lucerne Loamy Sand, zero to two percent slopes*. This soil is limited by high soil blowing hazard, high water intake rate, low available water capacity, and low fertility, slope considerations, and low fertility (4). The proximity of residential and institutional uses does not make this site viable for agriculture. Further, the site is not within the area designated by the State of California as “unique farmland (4).”

According to the City of Hesperia General Plan, no agriculture specific land use exists within the project site. The land is not within a Williamson Act contract and is zoned Single-family Residence (R-1) (5). Therefore, this project has no potential to conflict with existing zoning for agricultural uses or a Williamson Act contract and will not have an impact upon agricultural resources.

| 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 (6)? | | | X | |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (6)? | | | X | |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) (6)? | | | X | |
| d) Expose sensitive receptors to substandard pollutant concentrations (1, 2 & 5)? | | | X | |
| e) Create objectionable odors affecting a substantial number of people (2)? | | | X | |

Comments.

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.

Long-term emissions refer to those air quality impacts that occur after construction has been completed and these impacts will continue over the operational life of the development. The long-term air quality impacts associated with this project are mainly associated with mobile emissions created by motor vehicles. This project would not exceed the number of vehicle trips from that currently allowed by the adopted Land Use plan as described within Section XV. Transportation/Traffic. Therefore, this project would not increase the impact of the area upon air quality beyond the level addressed by the General Plan PEIR.

The City of Hesperia is within the MDAQMD, which is responsible for managing air quality. The MDAB Air quality management plan utilized the City's local planning documents to develop the measures which should be implemented to achieve the air quality attainment goals. Since the project is less than that allowed by local land use plans, it is considered compatible with air quality management plans **(6)**.

The MDAQMD has prepared and published a number of studies that have demonstrated the 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. 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 **(40 & 41)**.

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 site is adjacent to single-family residence, which are considered sensitive receptors. The impacts to sensitive receptors created by construction vehicles and equipment during construction will be temporary. These vehicles and equipment are required to comply with standards by MDAQMD. Impacts to sensitive receptors are less than significant. The completed residences will not create emissions beyond that which was identified for development of the site by the General Plan PEIR.

Assembly Bill 32, effective as of January 1, 2007, 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. CARB has yet to adopt mandatory monitoring and reporting rules for significant sources of greenhouse gases or adopt a plan indicating how emission reductions will be achieved from significant greenhouse gas sources via regulations, market mechanisms and other actions. CARB is required to establish rules and standards by January 1, 2009. 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..." OPR has until July 1, 2009 to send draft guidelines to the State Resources Agency, which in turn has until January 1, 2010 to certify and adopt the regulations prepared by OPR. Similarly, CEQA provides no new guidance on significance criteria. Therefore, it is not possible to make a definitive determination on the significance of projects greenhouse gas emissions.

The Land Use plan within the General Plan identifies large areas where future residential, commercial, and industrial development will occur. The Hesperia General Plan's Program Environmental Impact

Report (PEIR) analyzed the impact to air quality upon build-out of the Land Use Element (42). Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with the cumulative impacts. This project is consistent with the current General Plan Land Use designation and zoning and would not increase the number of vehicle trips from that currently allowed by the adopted Land Use plan, as described within Section XV. Transportation/Traffic. Consequently, the proposed development will not cause an impact upon air quality beyond that addressed by the General Plan PEIR.

| 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 (1 & 7)? | | 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, 7 & 39)? | | | | 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)? | | | | 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)? | | X | | |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (8 & 39)? | | X | | |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (8)? | | | | X |

Comments.

The City required the project applicant to submit a biological report to determine if the site contains any state or federally listed endangered species pursuant to legislation to protect the habitats of listed species as well as the species itself. If a listed endangered species is determined to be present, the proposed project may be constrained to avoid or minimize effects to the species. The site is not expected to support the Mohave ground squirrel given the very low population levels of the species in the region. The potential for the existence of a desert tortoise upon the 21.0 gross acres, which is in proximity to existing development, is extremely low (7). The project site is located in an area listed as Category "O" habitat for the desert tortoise by the United States Bureau of Land Management (9). Class "O" habitat is believed to be outside of the tortoise's historical range. RCA Associates, Inc. prepared a Biological Report which concluded that no sensitive species or specie habitats were observed on the site including desert tortoise, Mojave ground squirrel, burrowing owls, or any other special-status species (39). In addition, a protected plant plan was required by the City, which ensures that individual plants protected under the City's Native Plant Protection Ordinance (8) which are capable of being transplanted, will be protected in place or relocated. The protected plant plan prepared by RCA Associates, Inc. (39) concluded that the site contains 13 Joshua Trees, of which one is healthy

and capable of being transplanted. The grading plan for the development shall stipulate that all transplantable protected plants are properly protected/transplanted. The mitigation measure is listed on page 20.

The project is outside floodplains and washes that could contain riparian habitat and listed species that occupy that habitat and does not contain any wetlands and/or blue line streams. Due to the unpredictability of the burrowing owl, a pre-construction survey shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading. The mitigation measure is listed on page 21. If the circumstances surrounding a particular species or biological resource are different in the future and should cause biological resource impacts to be deemed significant in the future, subsequent environmental documentation will be prepared and reviewed by the appropriate state agencies and/or federal agencies with jurisdiction.

| 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 (9)? | | | | X |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (9)? | | | | X |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (9)? | | | | X |
| d) Disturb any human remains, including those interred outside of formal cemeteries (9)? | | | | X |

Comments.

According to Figure CN-5 of the City’s General Plan (shows areas known or suspected of containing sensitive cultural resources), the project is within areas considered sensitive for cultural resources. The cultural resource analysis completed for the project area prepared by CRM Tech dated July 12, 2007 indicates that there is a low probability for encountering prehistoric archaeological resources, historic archaeological resources and historic resources within the project area (40). As a result, the project would create no impact on cultural resources.

| VI. GEOLOGY AND SOILS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (10). | | | X | |
| ii) Strong seismic ground shaking (11)? | | | X | |
| iii) Seismic-related ground failure, including liquefaction (4 & 12)? | | | | X |

| | | | | |
|---|--|--|--|---|
| iv) Landslides (13)? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil (4 & 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 (4 & 12)? | | | | X |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (4 & 12)? | | | | X |

Comments.

The project site contains generally flat topography with slopes of approximately two percent. No large hills or mountains are located within the project site. According to Figure S-1 of the City of Hesperia General Plan, 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.

Because the project disturbs more than one acre of land area, the project is required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to the start of land disturbance activities. Issuance of these permits requires preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting stormwater. 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.

As a function of obtaining a building final, the proposed residences will be built in compliance with the Hesperia Municipal Code and the Building Code (14), which ensures that the structures 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 development is considered less than significant.

| VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (2)? | | | | 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 (2)? | | | | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (1 & 2)? | | | | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment (1)? | | | | X |

| | | | | |
|---|--|--|--|---|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area (15)? | | | | 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 (15)? | | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (16)? | | | | 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 & 16)? | | | | X |

Comments.

The proposed project does not involve the transport, use, or disposal of hazardous materials (2) and is consistent with the Hesperia Emergency Evacuation Plan (16). However, the transport, storage and use of hazardous materials and wastes are controlled by state and local regulations and laws that have been deemed adequate to reduce the potential for risk of hazardous conditions associated with these materials to a less than significant level.

The following is a list of the facilities identified on the County’s list of hazardous sites:

- 14651 Cedar, 92345 - Lake Silverwood SRA
- 18525 Bear Valley Road, 92345 - Mojave Rock and Sand
- 13105 W. Main Street, 92345 - Shell Service Station
- 15787 W. Main Street, 92345 - Goodyear Tire & Rubber
- 15853 Main Street, 92345 – Gas Station with Convenience Store
- 11612 Mariposa, 92345 - US Rentals
- 9531 E. Santa Fe Street, 92345 - Hesperia Towing

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 site is not expected to contain any hazardous wastes. Consequently, the proposed development would not pose a health hazard to future residents. The site is one and a quarter miles from the Hesperia Airport to the west and located within Safety Area "C" for Hesperia Airport, as identified in the City's adopted comprehensive Airport Land Use (CALUP). Consequently the developer shall record an avigation easement to the Hesperia Airport as approved by the City Staff.

The project is located within an urbanized area and is not in an area susceptible to wildland fires. All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. Therefore, the impact upon hazards and hazardous materials associated with the proposed development is considered less than significant.

| VIII. HYDROLOGY AND WATER QUALITY. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Violate any water quality standards or waste discharge requirements (2 & 18)? | | | | 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) (2)? | | | 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 (1 & 2)? | | | | 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 (1 & 2)? | | | | 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 (2)? | | | | X |
| f) Otherwise substantially degrade water quality (2)? | | | 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 (2 & 19)? | | | | X |

| | | | | |
|---|--|--|--|---|
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (2 & 20)? | | | | 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 (2 & 19)? | | | | X |
| j) Inundation by seiche, tsunami, or mudflow (1 & 13)? | | | | X |

Comments.

The proposed subdivision may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff (2). All drainage created on-site beyond that which has occurred historically would be retained within two retention basins located within the north and northeast portion of the site, in accordance with City of Hesperia Resolution 89-16. This will result in no additional storm flow beyond that which currently impacts downstream properties during a 100-year storm event. The approved on-site retention facilities will ensure that the proposed development will not have a negative impact upon groundwater resources. According to the Hesperia Master Plan of Drainage, no facilities or washes exist on the property and the preliminary drainage study submitted with the application does not identify significant off-site tributary flow impacting the site (35).

As a condition of approval, the developer is required to apply for the NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. Another condition of approval requires the developer to provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off collection during construction.

The project is located over 60 miles from the Pacific Ocean at elevations more than 2,500 feet above mean sea level. No large water bodies are located near the project and the project is not located within an area with potential for impact from mudflows. Additionally, the project does not have the potential for inundation by seiche and tsunami. Therefore, the impact upon hydrology and water quality associated with the proposed development is considered less than significant.

| IX. LAND USE AND PLANNING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Physically divide an established community (1)? | | | | X |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (3, 5, 18 & 22)? | | | | X |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan (21)? | | | | X |

Comments.

This project is consistent with the current General Plan Land Use designation and zoning. The impact of development within the Low density residential (L) General Plan Land Use designation was assessed as part of the General Plan Program Environmental Impact Report (PEIR). No additional impact beyond that identified within the PEIR would occur. No disruption or division of the physical arrangement of the established community will occur. The project site does not contain any known habitat or natural

community conservation plans. Consequently, the overall impact upon land use associated with the proposed development is considered less than significant.

The Land Use plan within the General Plan identifies large areas where future residential, commercial, and industrial development will occur. The Hesperia General Plan's Program Environmental Impact Report (PEIR) analyzed the cumulative impact of land use upon build-out of the Land Use Element (42). Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with the cumulative impacts. This project would not exceed the number of vehicle trips as described within Section XV. Transportation/Traffic from that currently allowed by the adopted Land Use plan. Further, the proposed use is consistent with the existing General Plan Land Use designation and zoning and will not increase the traffic and air quality impact from that addressed by the PEIR. Therefore, no additional impact beyond that identified within the General Plan EIR would occur.

| X. MINERAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (24)? | | | | 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 (24)? | | | | X |

Comments.

According to data in the Conservation Element of the City's General Plan, no naturally occurring mineral resources occur within the project site (24). These resources are primarily located within wash areas and active stream channels. The project is not proposed within an active wash or stream channel which would contain significant resources.

The project site is located within an urbanized area. Such development restricts the recovery of mineral resources should any occur and is not located within an area designated for mineral extraction or production. No impact to such resources can be identified from implementing the project. Consequently, no impact upon mineral resources is associated with the proposed development.

| XI. NOISE. Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (2, 15, & 25)? | | | X | |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (2 & 25)? | | | X | |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (2 & 25)? | | | X | |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (2)? | | | 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 (15) ? | | | | 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 (15) ? | | | | X. |

Comments.

Construction noise levels associated with any future construction activities would be slightly higher than the existing ambient noise levels in the vicinity of the project site. Noise generated by construction equipment, including trucks, graders, backhoes, well drilling equipment, bull-dozers, concrete mixers and portable generators can reach high levels and is typically one of the sources for the highest potential noise impact of a project. However, the construction noise would subside once construction is completed. The proposed project must adhere to the requirements of the City of Hesperia Noise Ordinance. Also, grading and construction activities are restricted to between 7:00 A.M. and 10:00 P.M., Monday through Friday. Therefore, the short-term impact by construction activities to adjacent properties is considered less than significant **(2)**. Development of the project will utilize standard construction techniques and equipment. The use does not involve explosives or other construction activities which could generate excessive groundborne noise or vibration. There will be additional noise associated with construction. However, this activity will not exceed the Noise Ordinance, which allows short increases in noise generation. Therefore, the area noise impact generated by construction activities is less than significant.

According to the City of Hesperia’s General Plan, the predominate noise sources are mobile sources which include motor vehicles and aircraft. Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Noises associated with the subdivision will be mostly from traffic caused by vehicles from residents arriving and departing and commercial vehicles providing services to the residents. The highest noise levels impacting the project site originate from Rancho Road, which will be a Major Arterial roadway. At build-out of the area, the development would be impacted by noise in excess of 68 CNEL. Noise levels impacting the project site will be reduced to acceptable levels through construction of the required six-foot high decorative masonry wall between Rancho Road and the proposed residential lots **(23)**.

Certain activities are particularly sensitive to noise including sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration will not be impacted. Hospitals and convalescent homes, churches, libraries, schools, and childcare facilities are also considered noise-sensitive uses. Residential and school uses are also considered to be noise-sensitive land uses. Noise levels of up to 65 CNEL (Community Noise Equivalent Level) are considered acceptable in residential areas when structures are constructed in accordance with building code insulation requirements **(2 & 15)**. Based upon expected traffic noise, the development will not be subjected to noise in excess of 65 CNEL.

The proposed subdivision will not create noise beyond that associated with vehicular traffic to and from the development. The Hesperia General Plan’s Program Environmental Impact Report (PEIR) analyzed the cumulative impact of land use upon build-out of the Land Use Element **(42)**. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with the cumulative impacts. This project would not exceed the number of vehicle trips as described within Section XV. Transportation/Traffic from that currently allowed by the adopted Land Use plan. Further, the proposed use is consistent with the existing General Plan Land Use designation and zoning and will not increase the traffic and air quality impact from that addressed by the PEIR. Therefore, the project’s noise impact is less than significant.

| XII. POPULATION AND HOUSING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (1 & 5)? | | | X | |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere (1 & 2)? | | | | X |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere (1 & 2)? | | | | X |

Comments.

This project is consistent with the current Low density residential (L) General Plan Land Use designation and Single-family Residence (R-1) zoning **(22)**. Inasmuch as the project site is identified for development of a residential land use, no alteration, or change in the distribution of human population in the area will occur. In regards to the project’s growth inducing impacts, the site is in close proximity to water, and other utility systems. Therefore, development of the project would not require significant extension of major improvements to existing public facilities. The project will not displace any existing housing, necessitating the construction of replacement housing elsewhere.

The Land Use plan within the General Plan identifies large areas where future residential, commercial, and industrial development will occur. The Hesperia General Plan’s Program Environmental Impact Report (PEIR) analyzed the impact of development to the maximum allowable density of the Land Use Element **(42)**. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with the cumulative impacts. This project is consistent with the current General Plan Land Use designation and zoning and will not increase the number of vehicle trips as described within Section XV. Transportation/Traffic from that currently allowed by the adopted Land Use plan. Inasmuch as this project would reduce the impact from that addressed within the adopted Land Use plan, no additional impact beyond that identified within the General Plan PEIR would occur.

| XIII. PUBLIC SERVICES. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for the new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services (1 & 2) : | | | X | |
| Fire protection? (32) | | | X | |
| Police protection? (32) | | | X | |
| Schools? (32) | | | X | |
| Parks? (32) | | | X | |
| Other public facilities? (32) | | | X | |

Comments.

The proposed project will result in an increase in public services (2). Development impact fees will be assessed at the time that building permits are issued for construction of the proposed development (32). These fees are designed to ensure the appropriate levels of capital resources necessary to serve any future development. Consequently, satisfactory levels of public services will be maintained. Therefore, the impact upon public services associated with the proposed development is considered less than significant.

| XIV. RECREATION. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (2)? | | | 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 (1 & 2)? | | | X | |

Comments.

The proposed subdivision will create 36 additional single-family residences, which will cause a direct increase in the need for recreational facilities (2). Development impact fees will be collected (32), which will provide funding for park facilities. These fees are designed to ensure the appropriate levels of capital resources necessary to serve future development. Consequently, the impact upon recreational facilities associated with the proposed development is considered to be less than significant.

| XV. TRANSPORTATION / TRAFFIC. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections) (2)? | | | X | |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (33)? | | | 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 (15)? | | | | X |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (2)? | | | | X |
| e) Result in inadequate emergency access (2)? | | | | X |
| f) Result in inadequate parking capacity (34)? | | | | X |

Comments.

The City of Hesperia General Plan Circulation Element is designed so the master-planned roadways operate at a Level of Service (LOS) of “D” for intersections and “C” for road segments (27). The LOS is a description related directly to a volume to capacity ratio of street segments and intersections. An LOS of C is equivalent to a volume to capacity ratio range of between 0.71 and 0.80. LOS F would have a 1.00 or greater volume to capacity ratio, which represents a street segment or intersection at or above its design capacity.

Approval of the subdivision will cause a reduction in the daily vehicle trips allowed by the current Low density residential General Plan designation. According to standard vehicle generation numbers published by the Institute of Traffic Engineer’s manual, approval of the proposed 36-lot subdivision would create an estimated 345 daily vehicle trips (9.57 daily trips per dwelling unit). The current designation on the 21.0 gross acres would generate an estimated 402 daily vehicle trips. Consequently, the proposed subdivision would result in a reduction of approximately 57 daily vehicle trips. Based upon the street improvements to be constructed, the impact upon transportation facilities associated with the proposed development is considered to be less than what was considered as part of the City’s General Plan Program Environmental Impact Report (PEIR). Payment of required development impact fees at the time that building permits are issued will also provide funding for the construction of roadways to reduce the impacts of additional vehicular traffic. Based upon the street improvements to be constructed and payment of development impact fees, the impact upon transportation facilities associated with the proposed development is considered to be less than significant.

| XVI. UTILITIES AND SERVICE SYSTEMS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (18)? | | | 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 (18)? | | | X | |
| c) Require or result in the construction of new storm water drainage facilities, the construction of which could cause significant environmental effects (2 & 18)? | | | X | |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (36 & 37)? | | | 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 (18)? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs (38)? | | | | X |
| g) Comply with federal, state, and local statutes and regulations related to solid waste (38)? | | | | X |

Comments.

As a condition of approval, the developer is required to apply for the NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. As a condition of approval, the developer is required to provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off collection during construction.

The proposed development will cause an increase in the use of water. However, the increase will not exceed current levels of water production **(36)**. The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, in a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin. Thus, the Judgment and physical solution adequately mitigates the additional water needs for the project. In addition, development considered under the City's General Plan Program EIR has been accounted for in the UWMP. In addition, the MWA recommends utilization of interior water conservation measures such as low flow plumbing fixtures. The MWA further states that "(t)his factor (water demand) should be given careful consideration before making significant (underlined for emphasis) commitments to increased water use" **(37)**.

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

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

- "(A) A proposed residential development of more than 500 dwelling units.
- "(B) A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space.
- "(C) A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space.
- "(D) A proposed hotel/motel development of more than 500 rooms.
- "(E) A proposed industrial, manufacturing, or processing plant, or commercial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area."

The proposed project does not constitute a project of regional significance pursuant to CEQA. In addition, payment of development impact fees and construction of public improvements will offset the impacts to a level of non-significance. The site will be served by water, sewer, and other utilities **(29)**.

The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 600 tons per day in order to accommodate future development. Currently, about 400 tons of solid waste is currently generated by the City per day **(30)**. The City is in compliance with the California Integrated Waste Management Act of 1989, which requires that 50 percent of the solid waste within the City be recycled. Currently, 57 percent of the solid waste within the City is being recycled **(31)**. Consequently, approval of this project would not cause a significant impact upon utilities and service systems.

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

Comments.

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

XVIII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case a discussion identifies the following:

The Certified General Plan Environmental Impact Report.

- a) **Earlier analyses used.** Earlier analyses are identified and stated where they are available for review.
- b) **Impacts adequately addressed.** Effects from the above checklist that were identified to be within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards are noted with a statement whether such effects were addressed by mitigation measures based on the earlier analysis.
- 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 dated May 2008 and on-site field investigations conducted in September, 2008.
- (2) Tentative Tract TT-18214 application and related materials.
- (3) Chapter 16.16 of the Hesperia Municipal Code, Article IV, Single-family Residence (R-1) District.
- (4) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area, Page 44 and Map Sheet No. 31.
- (5) Current Official City of Hesperia zoning and General Plan map.
- (6) Personal communication with Alan De Salvio, Air Quality Specialist, Mojave Desert Air Quality Management District.
- (7) 1988 United States Bureau of Land Management California Desert Conservation Area and 1991 City of Hesperia Conservation Element, Figure CN-4.
- (8) Chapter 16.24 of the Hesperia Municipal Code, Article II. Desert Native Plant Protection.
- (9) 1991 City of Hesperia General Plan Conservation Element, Figure CN-5.
- (10) Map of Known Active and Potentially Active Faults Near Hesperia, Figure S-1.
- (11) 1991 City of Hesperia General Plan Safety Element, Pages S-1 through S-7.
- (12) 1991 City of Hesperia General Plan Safety Element, Figure S-3.
- (13) 1991 City of Hesperia General Plan Safety Element, Page S-7 and Figure S-6.
- (14) 2007 California Building Code.
- (15) 1991 City of Hesperia Airport Comprehensive Land Use Plan, Figure 1-5 and pages 23-36.
- (16) 1989 City of Hesperia Disaster Preparedness Plan.
- (17) 1991 City of Hesperia General Plan Safety Element, Pages S-19 through S-21.
- (18) Environmental plans and policies of the San Bernardino County Department of Environmental Health Services, the Lahontan Regional Water Quality Control Board, the Mojave Desert Air Quality Management District, the Hesperia Water District, the Hesperia Unified School District, Southern California Edison, Southwest Gas and the Hesperia Fire Department.
- (19) 1991 City of Hesperia General Plan Safety Element, Figure S-11.
- (20) 1991 City of Hesperia General Plan Safety Element, Figure S-10.
- (21) 1991 City of Hesperia General Plan Conservation Element, Page CN-7.
- (22) 1991 City of Hesperia General Plan Land Use Element, Page L-11 thru L-12.
- (23) 1991 City of Hesperia General Plan Noise Element Technical Appendix, Exhibit A-13 and Pages A-11 and A-12
- (24) 1991 City of Hesperia General Plan Conservation Element, Page CN-18.
- (25) 1991 City of Hesperia General Plan Noise Element, Figures N-2 and N-3 and pages N-1 through N-19 and the 1991 Noise Element Technical Appendix.

- (26) Chapter 16.20 of the Hesperia Municipal Code, Article V. General Performance Standards.
- (27) Master Plan of Arterial Highways adopted May 2, 2001.
- (28) Figure 4-16 of the City of Hesperia General Plan Program Environmental Impact Report (PEIR)
- (29) City of Hesperia Water and Sewer Maps
- (30) 2004 Recycled Materials Report prepared by Advance Disposal dated March 17, 2005.
- (31) Quarterly data of the San Bernardino County Disposal Reporting System dated May 15, 2005.
- (32) 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.
- (33) 2001 City of Hesperia General Plan Circulation Element, Pages C-8 through C-9.
- (34) Chapter 16.20 of the Hesperia Municipal Code, Article IV. Parking and Loading Standards.
- (35) Preliminary hydrology study submitted by Cubut Engineering for Tentative Tract TT-18214.
- (36) 1993 Final Environmental Impact Report for the Hesperia Redevelopment Project, Pages 4-171 & 4-172.
- (37) Mojave Water Agency letter dated March 27, 1996.
- (38) California Integrated Waste Management Act (AB 939).
- (39) Biological Survey and Protected Plant Report prepared by RCA Associates, Inc.
- (40) Mojave Desert Air Quality Management District, Rule 403.2 Fugitive Dust Control for the Mojave Desert Planning Area, July 22, 2005.
- (41) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
- (42) City of Hesperia General Plan Program Environmental Impact Report (PEIR) dated June 1990.

ATTACHMENT 7

RESOLUTION NO. PC-2009-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A TENTATIVE TRACT MAP TO CREATE 36 SINGLE-FAMILY RESIDENTIAL LOTS ON 21.0 GROSS ACRES ZONED R1-18000 LOCATED ON THE SOUTHEAST CORNER OF RANCHERO ROAD AND GLIDER AVENUE (TT-18214).

WHEREAS, Hagai Rappaport, LLC has filed an application requesting approval of Tentative Tract Map TT-18214 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 21.0 gross acres within the Single-family Residence with a minimum lot size of 18,000 square feet (RR-18000) Zone District, located on the southeast corner of Rancho Road and Glider Avenue and consists of Assessor's Parcel Number 397-161-10, 12, 13, 17, and 397-091-05; and

WHEREAS, the Application, as contemplated, proposes to create 36 single-family residential lots from 21.0 gross acres; and

WHEREAS, the subject site as well as the site to the west are vacant. Properties to the north and east are occupied with single family homes. Properties to the south are vacant and occupied with single-family homes; and

WHEREAS, the subject property as well as surrounding properties are designated Low density residential (L) on the City's Land Use map; and

WHEREAS, the subject property as well as surrounding properties are zoned Single-family Residence with a minimum lot size of 18,000 square feet (R1-18000); and

WHEREAS, an environmental Initial Study for the proposed tentative tract was completed on December 15, 2008, and no significant adverse impacts were identified. Negative Declaration ND-2008-22 was subsequently prepared; and

WHEREAS, on January 8, 2009, 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 January 8, 2009, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2008-22, the initial study which supports the Negative Declaration, and the conditions which have been applied to the Application, the Planning Commission finds that there is no substantial evidence that the proposed Tentative Tract will have a significant effect on the environment.
- (a) 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.
- (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.
- (c) The site is physically suitable for the proposed density of development because the parcels are adequate in size and shape and all Development Code regulations for the permitted uses can be met.
- (d) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat because based on the findings of the Initial Study and Negative Declaration, there is no substantial evidence that the proposed Tentative Tract will have a significant effect on the environment.
- (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.
- (f) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Section 3. The Planning Commission hereby finds that there will be no significant environmental impacts resulting from the project.

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Tentative Tract Map TT-18214, subject to the Conditions of Approval as set forth in ATTACHMENT "A."

Section 5. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 8th day of January 2009.

Stephen S. James, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Tentative Tract TT-18214:

Approval Date: January 8, 2009
Effective Date: January 21, 2009
Expiration Date: January 21, 2012

This list of conditions apply to a Tentative Tract to create 36 single-family residential lots on 21.0 gross acres zoned R1-18000, located on the southeast corner of Rancho Road and Glider Avenue (APN(s): 0397-161-10, 12, 13, and 17). Phase I includes Lots 1 thru 15 and letter lot "A". Phase II includes Lots 16 thru 36 and letter lots "B", "C", and "D".

This approval shall become null and void if a Final Map is not recorded within three (3) years of the effective date. An extension of time may be granted upon submittal of the required application and fee prior to the expiration date.

SUBMITTAL OF PUBLIC IMPROVEMENT PLANS SHALL INCLUDE THE FOLLOWING:

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

- ____ _____ 1. **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 Surveyor's Office Final Map Standards. (E)

- ____ _____ 2. **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)

- ____ _____ 3. **Title Report.** The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)

- ____ _____ 4. **Soils 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)

- ____ _____ 5. **NPDES.** The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E)

- ____ _____ 6. **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 collection during construction. (E)

- _____ 7. **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, Engineering Department for plan review with the required checking fees. The Final Map, Improvement Plans, and requested studies must be submitted as a package. (E)

- _____ 8. **Plan Check Fees.** Plan checking fees must be paid in conjunction with the improvement plan submittal. The Final Map, improvement plans, and requested studies must be submitted as a package. The developer shall coordinate with the City's Engineering Department for any additional fees. The fees must be paid before final inspection and the release of bonds. (E)

- _____ 9. **Utility Non-interference Documents.** The Developer shall provide non-interference from all applicable utility companies for all utility easements. All documents shall be subject to review and approval by the Engineering Department. (E)

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

- _____ 11. **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)

- _____ 12. **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)

- _____ 13. **Fish & Game Fee.** The applicant shall submit a check to the City in the amount of \$2,043.00 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

- _____ 14. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and

court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the Development Advisory Board, the Planning Commission, City Council, or otherwise), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

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

- _____ 15. **Avigation Easement.** The project site is located within Safety Area "C" for Hesperia Airport, as identified in the City's adopted Comprehensive Airport Land Use Plan. The easement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)

- _____ 16. **Lighting and Landscaping District Annexation.** Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District (HRPD) for public lighting, landscaping and detention/retention basin maintenance. Provide the District with the number of streetlights and their locations as shown upon the approved improvement plans. (RPD)

- _____ 17. **Composite Development Plan.** Four (4) copies of a Composite Development Plan (CDP) shall be submitted to the Building Division for review and approval in accordance with Sections 17.20.010 thru 17.20.020 of the Hesperia Municipal Code. Information to be delineated on the CDP shall include: (E, P)
 - A. Building Setback Lines shall be provided in accordance with the R1-18000 zone district regulations (25-foot front, 5-foot and 10-foot interior sides and 15-foot rear yard setbacks).
 - B. Incorporation of Special Map Requirements.
 - i. Each single-family residence within this subdivision shall contain a minimum livable area (excluding the area of the required garage) of not less than 1,400 square feet.
 - 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.
 - iii. The rear and sides of buildings adjacent to streets shall have enhancements, which shall include a combination of color accents and tonal variations, window trim, shutters, architectural banding, pot shelves, rear balconies, varied setbacks, varied roof planes and elements, and breaks in the vertical facades to avoid boxy, plain appearances. Façade treatments on the fronts of all units shall wrap around the sides a minimum of two (2) feet.

E. Other notes required as follows:

- a) The plan shall contain a section titled "Composite Development Plan Notes" which lists any conditions or mitigating measures stipulated for the development of the subject property.
- b) The following statement shall be prominently displayed on each map sheet:

NOTES ON THIS PLAN ARE FOR INFORMATIONAL PURPOSES, TO INDICATE CONDITIONS AND CRITERIA THAT EXIST ON THIS PROPERTY THAT WERE KNOWN AND IDENTIFIED AS OF THE DATE THIS PLAN WAS FILED. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS AND IS NOT INTENDED TO AFFECT RECORD TITLE INTERESTS.

- c) Any explanatory notes related to criteria delineated on the map shall include the following:
 - 1) Title and date of report;
 - 2) Name and credentials of person or firm preparing report;
 - 3) The location where the reports are on file.

_____ 18. **Lettered Lot(s)**. Lettered lots shall be dedicated to the City of Hesperia for drainage, storm drain, retention basin, slope maintenance, and open space purposes. (E, P)

_____ 19. **Recordation of 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 Surveyor's Office Final Map Standards. (E)

_____ 20. **Improvement Agreement / Surety**. The Developer shall execute Improvement and Grading Agreements and post surety for all public improvements. The amount will be approved by the City Engineer. (E)

_____ 21. **Non-Vehicular Access**. Vehicular access rights across the project frontage on Ranchero Road shall be dedicated to the City of Hesperia, and labeled on the Final map. (E)

22. **Off-Site/On-Site Improvements**. The Developer shall design the following off-site/on-site improvements:

A. **Improvement Plans (Streets, Water, Sewer, Grading, Storm Drain, etc.)**. (E)

_____ i. **Dedications**. The Developer shall grant to the City of Hesperia an Irrevocable Offer of Dedication for the roadways, and Grant of Easement for storm drain and utility purposes as shown on the approved tentative map and as described below:

_____ ii. **Interior Streets ("A", "B", "C", and "D")**. The Developer shall grant to the City an Irrevocable Offer of Dedication for the interior streets. Streets shall be a minimum of fifty-four (54) feet wide per City standards for a Suburban Local Roadway Standard. It is 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. **Corner cut-off right**

of way dedication per City standards is required at all intersections, including interior roadways, except at knuckles. (E)

- _____ iii. **Perimeter Streets.** The Developer shall grant to the City an Irrevocable Offer of Dedication for Glider Street and Cochise Street. The dedications shall be at a (30 foot half-width) per the City standards for a Suburban Major Collector Roadway Standard. It is 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. **Corner cut-off right of way dedication per City standards is required at all intersections, including interior roadways, except at knuckles. (E)**

- _____ iv. **Perimeter Streets.** The Developer shall grant to the City an Irrevocable Offer of Dedication for Ranchero Road. The dedication shall be at a (60 foot half-width) per the City standards for a Major Arterial Roadway Standard. It is 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. **Corner cut-off right of way dedication per City standards is required at all intersections, including interior roadways, except at knuckles. (E)**

- _____ v. **Utility Plan.** The Developer shall design a Utility Plan for service connections and/or private hydrant 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)

- _____ vi. **Utility Easements.** The Developer shall grant to the City, Utility Easements as required to install the 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)

- _____ vii. **Utility Grant of Easement.** The Developer shall provide Grant of Easement / Vacation documents and/or off-site grading permissions from all applicable utility companies for all utility easements that adversely affect the site per the City's discretion. All documents shall be subject to review and approval by the Engineering Department. Grading permits will not be issued until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developer's responsibility. (E)

- _____ viii. **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", proposed development of the retention basins, as a minimum. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. Any Pad Elevations shown on the Tentative Tract Map will not be accepted by the City of Hesperia during the Tentative Tract Map review process and are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)

- _____ ix. **Grading Requirements.** The site grading and building pad preparation shall include the recommendations provided by the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations and the finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. (E)
- _____ x. **Off-Site Grading Letter(s).** It is the Developer's responsibility to obtain signed Off-Site Grading Letters from *any* adjacent property owner(s) who are affected by any Off-Site Grading that is needed to make the site work. The Off-Site Grading letter, along with the latest grant deed, must be submitted to the City's Engineering Department for plan check approval. (E)
- _____ xi. **Drainage Acceptance Letter(s).** It is the Developer's responsibility to obtain signed Drainage Acceptance Letters from *any* adjacent property owner(s) 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 City's Engineering Department for plan check approval. (E)
- B. **Street Improvements** The Developer shall design street improvements in accordance with City standards, and these conditions. (E)

Phase I Street Improvements

- _____ i. **Interior Streets ("A" and "B").** 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)
1. 6" Curb and Gutter per City standards.
 2. Separated sidewalk (width = 4 feet) per City standards.
 3. Handicapped ramps at all intersections per City standards.
 4. Concrete residential driveway per City standards.
 5. Full paved roadway section (minimum section 3" ac over 4" ab)
 6. Roadway drainage device(s).
 7. Streetlights per City standards.
 8. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
 9. Cul-De-Sacs for "A" and "B" streets shall be designed to City standards.
- _____ ii. **Glider Avenue.** shall be designed from Ranchero Road to southern boundary of Lot 15 based on the City standard for a 60-foot wide Suburban Major Collector Roadway per City standards, as indicated below. Curb face is to be at 20' from centerline. (E)
1. 8" Curb and Gutter per City standards.
 2. Separated sidewalk (width = 4 feet) per City standards.
 3. Handicapped ramps at all intersections per City standards.
 4. Concrete residential driveway per City standards.
 5. Half width paved (minimum 26') roadway section (minimum section 3"

- ac over 4" ab)
- 6. Roadway drainage device(s).
- 7. Streetlights per City standards.
- 8. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- 9. It is the developer's responsibility to obtain any off-site dedications to satisfy the 26' minimum paving requirement.

_____ iii. **Ranchero Road.** Saw-cut (2-foot min.) and match-up asphalt pavement on Ranchero Road across the project frontage, based on City's 120-foot Major Arterial Standard. The curb face is to be at 52' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

- 1. 8" Curb and Gutter per City standards.
- 2. Sidewalk (width = 6 feet) per City standards.
- 3. Roadway drainage device(s).
- 4. Streetlights per City standards.
- 5. Intersection improvements including handicapped ramps per City standards.
- 6. Concrete residential driveway per City standards.
- 7. Pavement transitions per City Standards.
- 8. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 12 and per the soils report.
- 9. Cross sections every 50-feet per City standards.
- 10. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- 11. Provide a signage and striping plan per City standards.
- 12. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers and to satisfy the 26' minimum paving requirement per City standards.
- 13. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

Phase II Street Improvements

_____ iii. **Interior Streets ("C" and "D").** 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)

- 1. 6" Curb and Gutter per City standards.
- 2. Separated sidewalk (width = 4 feet) per City standards.
- 3. Handicapped ramps at all intersections per City standards.
- 4. Concrete residential driveway per City standards.
- 5. Full paved roadway section (minimum section 3" ac over 4" ab)
- 6. Roadway drainage device(s).
- 7. Streetlights per City standards.
- 8. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- 9. The Cul-De-Sac for "C" street shall be designed to City standards.

_____ iv. **Glider Avenue.** shall be designed from the northern boundary of Lot 15 to Cochise Street based on the City standard for a 60-foot wide Suburban Major Collector Roadway per City standards, as indicated below. Curb face is to be at 20' from centerline. (E)

1. 8" Curb and Gutter per City standards.
2. Separated sidewalk (width = 4 feet) per City standards.
3. Handicapped ramps at all intersections per City standards.
4. Concrete residential driveway per City standards.
5. Half width paved (minimum 26') roadway section (minimum section 3" ac over 4" ab)
6. Roadway drainage device(s).
7. Streetlights per City standards.
8. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
9. It is the developer's responsibility to obtain any off-site dedications to satisfy the 26' minimum paving requirement.

_____ v. **Cochise Street.** shall be designed to the City standard for a 60-foot wide Suburban Major Collector Roadway per City standards, as indicated below. Curb face is to be at 20' from centerline. (E)

1. 8" Curb and Gutter per City standards.
2. Separated sidewalk (width = 4 feet) per City standards.
3. Handicapped ramps at all intersections per City standards.
4. Concrete residential driveway per City standards.
5. Half width paved (minimum 26') roadway section (minimum section 3" ac over 4" ab)
6. Roadway drainage device(s).
7. Streetlights per City standards.
8. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
9. It is the developer's responsibility to obtain any off-site dedications to satisfy the 26' minimum paving requirement.

_____ vi. **Secondary Access.** The Developer is responsible to construct Secondary Access. The street improvement (26-foot Min paved section) is required for secondary access per City standards. The Developer shall provide the City with a circulation plan that identifies the best connection points to existing street frontages. **It is the Developer's responsibility to obtain letters of authorization for off site roadway dedications prior to City Council approval of the Final Map.** 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: (E)

1. Pavement sections shall be designed per "R" value testing using a T.I. of 8. The minimum pavement section shall be 3" AC over 4" Class II AB.
2. Pavement transitions per City standards.
3. Roadway drainage device(s).

4. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
5. Provide a signage and striping plan per City standards.

_____ E. **Water Improvements.**

Phase I Water Improvements

- _____ i. **Interior Streets (“A” Street, “B” Street).** Interior water service shall be a looped system of 8” PVC water lines with hydrants at 660-foot intervals, including loops through the cul-de-sacs utilizing utility easements. The water lines in easements shall be ductile iron pipe. Any utility easements shall be at a 15-foot minimum in width on one lot and 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)**
- _____ ii. **Perimeter Streets (Glider Avenue)** Install an 8” (min.) PVC water main along Glider Avenue from the southern boundary of Lot 15 to Ranchero Road and tie into the existing 18” AC line at the intersection of Ranchero Road and Glider Avenue per City standards. This water service shall be a looped system to be approved by the City Engineer. Install hydrants at 660-foot intervals and stub-outs for future connections 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 for connections to existing water mains per City standards. (E)**

Phase II Water Improvements

- _____ i. **Interior Streets “C” Street and “D” Street).** Interior water service shall be a looped system of 8” PVC water lines with hydrants at 660-foot intervals, including loops through the cul-de-sacs utilizing utility easements. “D” Avenue shall tie-into Jenkins Avenue. The south end of “C” Avenue shall tie-into the existing 8” PVC line located at the southwest corner of Lot 33. The water lines in easements shall be ductile iron pipe. Any utility easements shall be at a 15-foot minimum in width on one lot and 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)**
- _____ ii. **Perimeter Streets (Glider Avenue, Cochise Avenue)** Install an 8” (min.) PVC water main from the intersection of Cochise Street and “C” Street around the perimeter of tract (along Cochise Street and Glider Avenue) and tie into Phase II. Install hydrants at 660-foot intervals and stub-outs for future connections 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 for connections to existing water mains per City standards. (E)**

_____ C. **Utilities.** Utility plans shall be in accordance with City standards as described below:

1. 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.
2. "Fire Fly" automatic meter reader to be added on all meter connections.

_____ F. **Sewer.** This project will provide individual septic systems for each lot per City of Hesperia and Lahontan guidelines.

_____ D. **On-site Retention.**

On-site Retention (Lots A & B). 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 single-phase systems 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.), 12% (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)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBANCE:

_____ 23. **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. Further, prior to completion of the project, the applicant shall submit a report describing the handling of all cultural resources. (P)

_____ 24. **Pre-construction Survey.** A pre-construction survey for burrowing owls shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading. (P)

_____ 25. **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. (B, P)

_____ 26. **Pre-construction Meetings.** Pre-construction meetings shall be held between the City, the Developer, grading contractors, and special inspectors to discuss permit requirements, monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B, P)

CONDITIONS REQUIRED PRIOR TO GRADING OR BUILDING PERMIT ISSUANCE:

_____ 27. **Recordation of 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 Surveyor's Office Final Map Standards. Final Map shall be approved by Council and Recorded with the County of San Bernardino. (E)

_____ 28. **Approval of Improvement Plans.** All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)

_____ 29. **Development Fees.** The Developer shall pay required development fees as follows:

_____ A. The Developer shall submit a cost estimate and materials list to the City's Engineering Department for all on-site and off-site public improvements per City standards. (E)

_____ B. School fees. (B)

_____ 30. **Dust Control.** Dust control shall be maintained before, during, and after all grading operations. (B)

_____ 31. **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)

_____ 32. **Landscaping/irrigation Plans.** The Developer shall submit three sets of landscape and irrigation plans to the Building and Safety division with the required application fees for the required area along the street side yard and front yards of numbered lots, and within Lots A and B as required by the Planning Division. Mature landscaping shall be provided within Lots C and D to soften the visual impact of "D" Street from residential lots to the north and south. 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)

- _____ 33. **Masonry Wall Plans.** A six-foot high split-face masonry wall with decorative cap shall be constructed on private property adjacent to Rancho Road 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 Lot A, along the northern boundary of Lot B, and the north boundary of Lot C, and the southern boundary of Lot D from the rear property line to the minimum front yard setback. The walls along Lots C and D are intended to reduce the noise and visual impacts of "D" Street from residential lots to the north and south. Two complete sets of engineered construction plans for the required walls shall be submitted to the Building and Safety counter for review. (P)
- _____ 34. **Fencing Plans.** A combination four-foot high wrought iron fence and two-foot high split-face masonry wall shall be constructed on private property 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)

CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT:

- _____ 35. **Utility Relocation/Under grounding.** If developer is required to install water, sewer, or construct street improvements or when required utilities shall be placed underground, it shall be the developer's responsibility to relocate/underground any existing utilities at his/her's own expense. Relocation/under grounding of utilities shall be identified upon submittal of construction plans. (P, E, W/S)
- _____ 36. **As-Built Plans.** The Developer shall provide as-built plans, Notice of Completion, One-Year Maintenance Bonds to the Engineering / Water-Sewer Departments. (E)
- _____ 37. **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.
- _____ 38. **Electronic Copies.** The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2004 or later to the City's Engineering Department. (E)
- _____ 39. **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. (P, B)

40. **Development Fees.** The Developer shall pay required development fees as follows:
- _____ A. Development Impact fees. (B)
 - _____ B. Park fees. (B)
41. **Masonry Walls/Fencing.** The required masonry walls and wrought-iron fencing shall be completed in accordance with City standards prior to occupancy of the first single-family residence within the tract. (P)
42. **Landscaping/irrigation.** The Developer shall install the landscaping and irrigation as required by the Planning Division prior to occupancy of the first single-family residence within the tract. (P)
43. **Retention/Drainage Facilities.** The required retention basin(s) and other drainage facilities shall be completed in accordance with City standards prior to occupancy of the first single-family residence within the tract. (E, P)

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

| | | |
|-------|---------------------------------------|----------|
| (P) | Planning Division | 947-1200 |
| (B) | Building Division | 947-1300 |
| (E) | Engineering Division | 947-1474 |
| (F) | Fire Prevention Division | 947-1603 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |



DATE: January 8, 2009
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner *DR*
BY: Lisette Sánchez-Mendoza, Assistant Planner *LSM*
SUBJECT: Conditional Use Permit CUP-2008-10; Applicant: San Joaquin Valley College. APN: 3064-611-14 & 15).

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2009-02 approving Conditional Use Permit CUP-2008-10.

BACKGROUND

Proposal: Consideration of Conditional Use Permit CUP-2008-10 to establish a 20,040 square foot private junior college within existing office park. (Attachment 1).

Location: 9329 and 9331 Mariposa Road.

Current General, Plan, Zoning and Land Uses: The site is within the Planned Mixed Use (PMU) General Plan Land Use and zoned Regional Commercial by the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated and zoned as noted on Attachments 2 and 3.

ISSUES/ANALYSIS:

Land Use: San Joaquin Valley College is a private college founded in 1977. The college offers Associate of Science degrees in Business Administration, Health Care Management, Medical Assisting, Criminal Justice and Industrial Technology. The college has existing campuses in Rancho Cucamonga, Bakersfield, Fresno, Modesto, Visalia, Hanford, Rancho Cordova, and the Aviation Campus at the Fresno International Airport. The college is accredited by the Accrediting Commission for Community and Junior Colleges of Western Association of Schools and Colleges.

The site has been zoned Regional Commercial by the Main Street and Freeway Corridor Specific Plan. The private junior college will be established in two phases. Phase one, located at 9329 Mariposa Road (Building A), is proposed to provide a 4,890 square foot temporary administrative offices and classrooms while the permanent facilities are constructed in Building B. This phase is intended to accommodate a temporary administrative office in suite 110 for the hiring of staff/faculty and begin student recruitment. The college will also occupy suite 115 to begin teaching general education courses. Phase two will occur within 15,150 square feet of Building B located at 9331 Mariposa Road. This is proposed to be the permanent facility, once all proposed tenant improvements have been completed.

The total available parking for this project will be 110 parking stalls which includes 4 handicap stalls. According to the college, student enrollment is projected to range between 50 and 60 students in the first academic year and will peak at 80 to 100 students the following year. Since the college will provide a morning (7:30am), afternoon (1:00pm-4:00pm), and evening (5:30pm-10:00pm) sessions, only a third of the total student body will occupy the campus at one time. As a result, the project was conditioned to a maximum number of students per session of 250, based on parking capacity of the site.

There are no private higher education facilities in the City. The proposal to establish a private junior college within an existing office building can alleviate the surplus of vacant commercial office sites within the City and provide needed services to our community. This creates an opportunity for the San Joaquin Valley College to enrich our educational opportunities thus promoting educational growth within our community and surrounding cities.

Environmental: The proposed student enrollment is far below the parking capacity of the site. Therefore, limiting the maximum enrollment capacity to 250 students per session will not increase the traffic activity during a.m. and p.m. peak hours. This project is exempt from the California Environmental Quality Act (CEQA), per Section 15301, Existing Facilities.

Conclusion: The project is consistent with the City's General Plan as well as the Main Street and Freeway Corridor Specific Plan, and staff recommends approval.

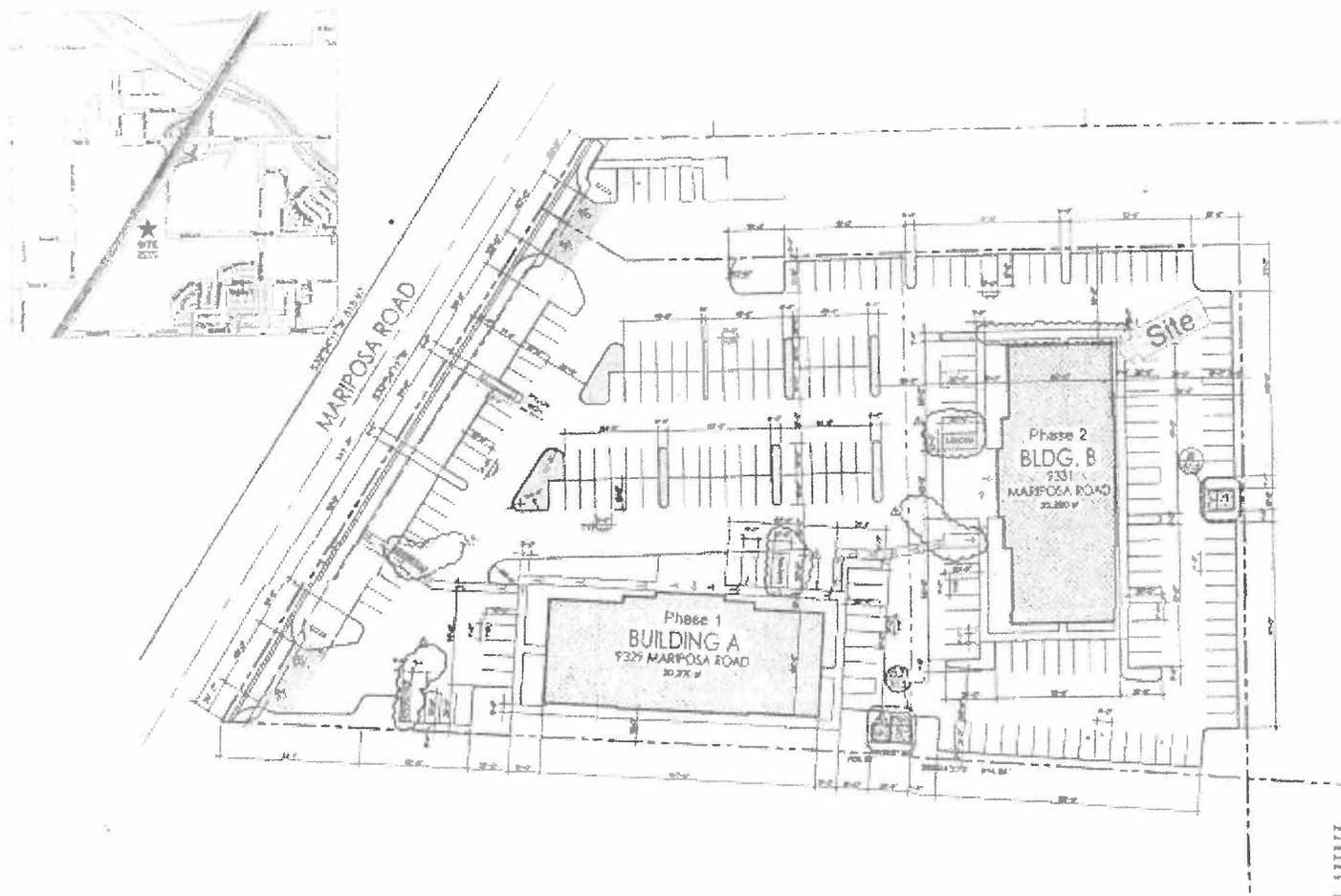
ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site Plan
2. Aerial
3. General Plan Land Use map
4. Zoning map
5. Resolution No. PC-2009-02, with conditions of approval (Conditional Use Permit)

ATTACHMENT 1



APPLICANT(S):
SAN JOAQUIN VALLEY COLLEGE

FILE NO(S):
CUP-2008-10

LOCATION:
9329 AND 9331 MARIPOSA ROAD

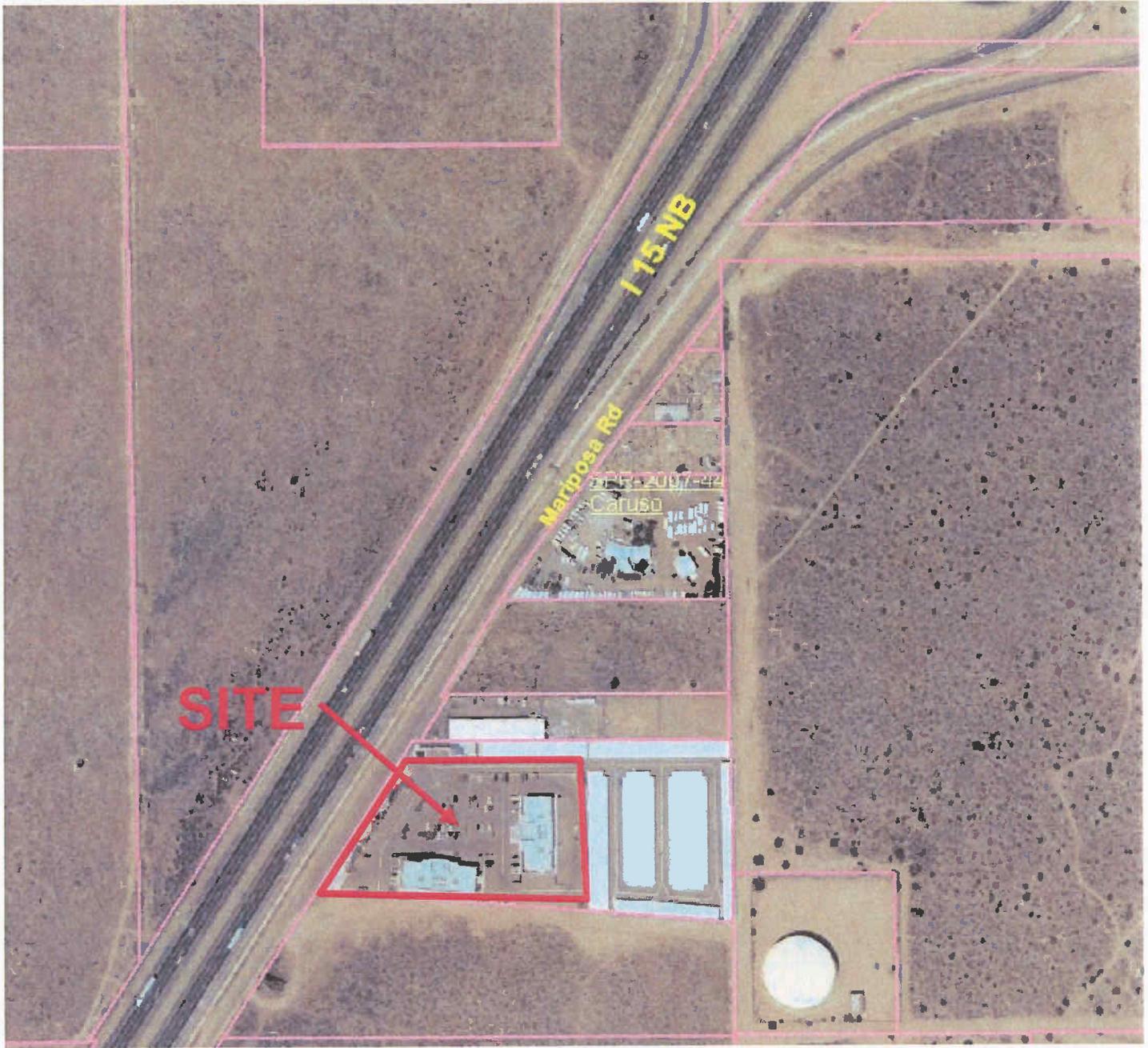
APN(S):
3064-611-14 &
15

PROPOSAL:
CONSIDERATION OF CONDITIONAL USE PERMIT CUP-2008-10 TO ESTABLISH A 20,040 SQUARE FOOT PRIVATE JUNIOR COLLEGE WITHIN AN EXISTING OFFICE PARK ZONED REGIONAL COMMERCIAL



SITE PLAN

ATTACHMENT 2



APPLICANT(S):
SAN JOAQUIN VALLEY COLLEGE

FILE NO(S):
CUP-2008-10

LOCATION:
9329 AND 9331 MARIPOSA ROAD

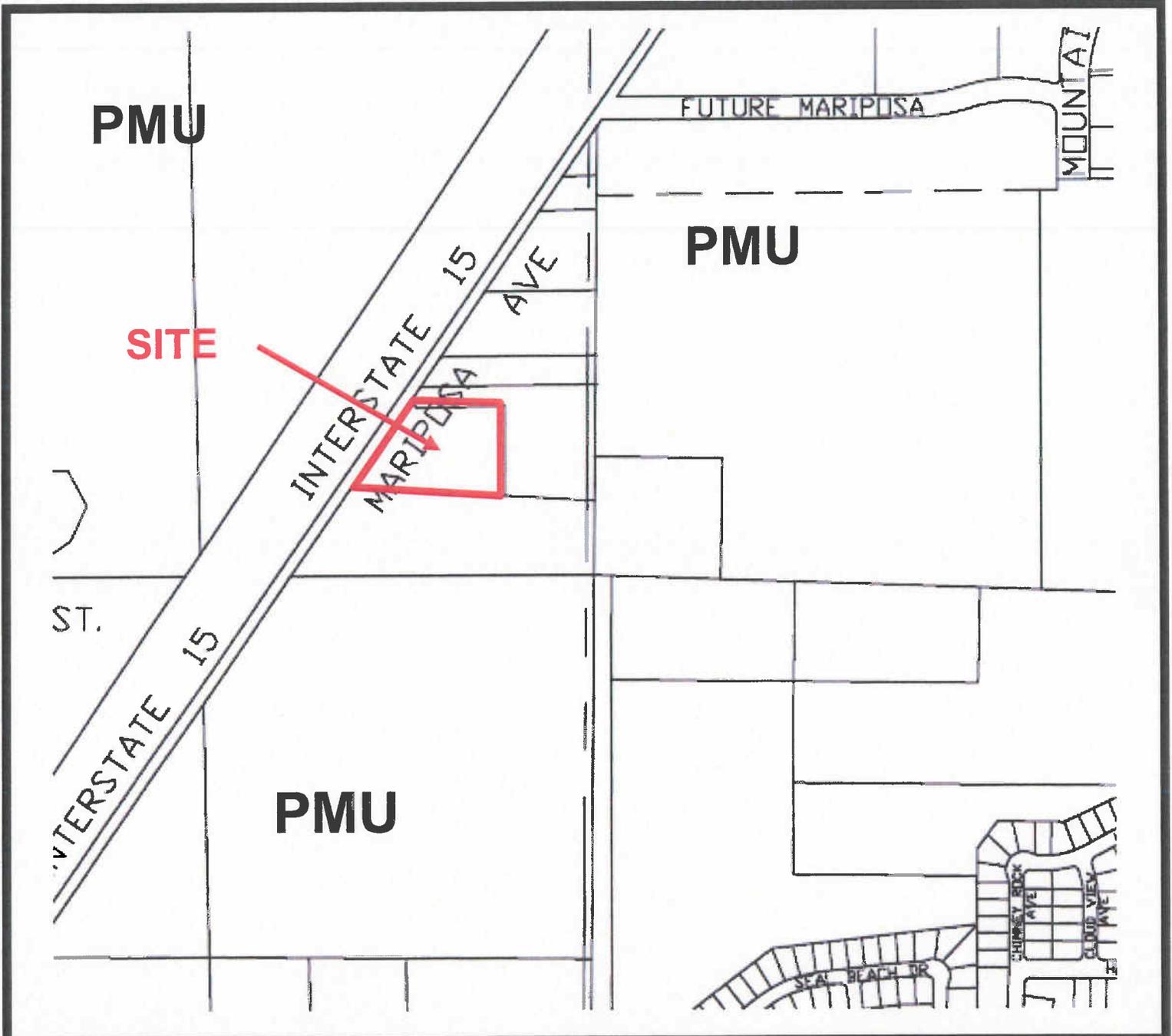
APN(S):
3064-611-14 &
15

PROPOSAL:
CONSIDERATION OF CONDITIONAL USE PERMIT CUP-2008-10 TO ESTABLISH A 20,040 SQUARE FOOT PRIVATE JUNIOR COLLEGE WITHIN AN EXISTING OFFICE PARK ZONED REGIONAL COMMERCIAL



AERIAL PHOTO

ATTACHMENT 3



APPLICANT(S):
SAN JOAQUIN VALLEY COLLEGE

FILE NO(S):
CUP-2008-10

LOCATION:
9329 AND 9331 MARIPOSA ROAD

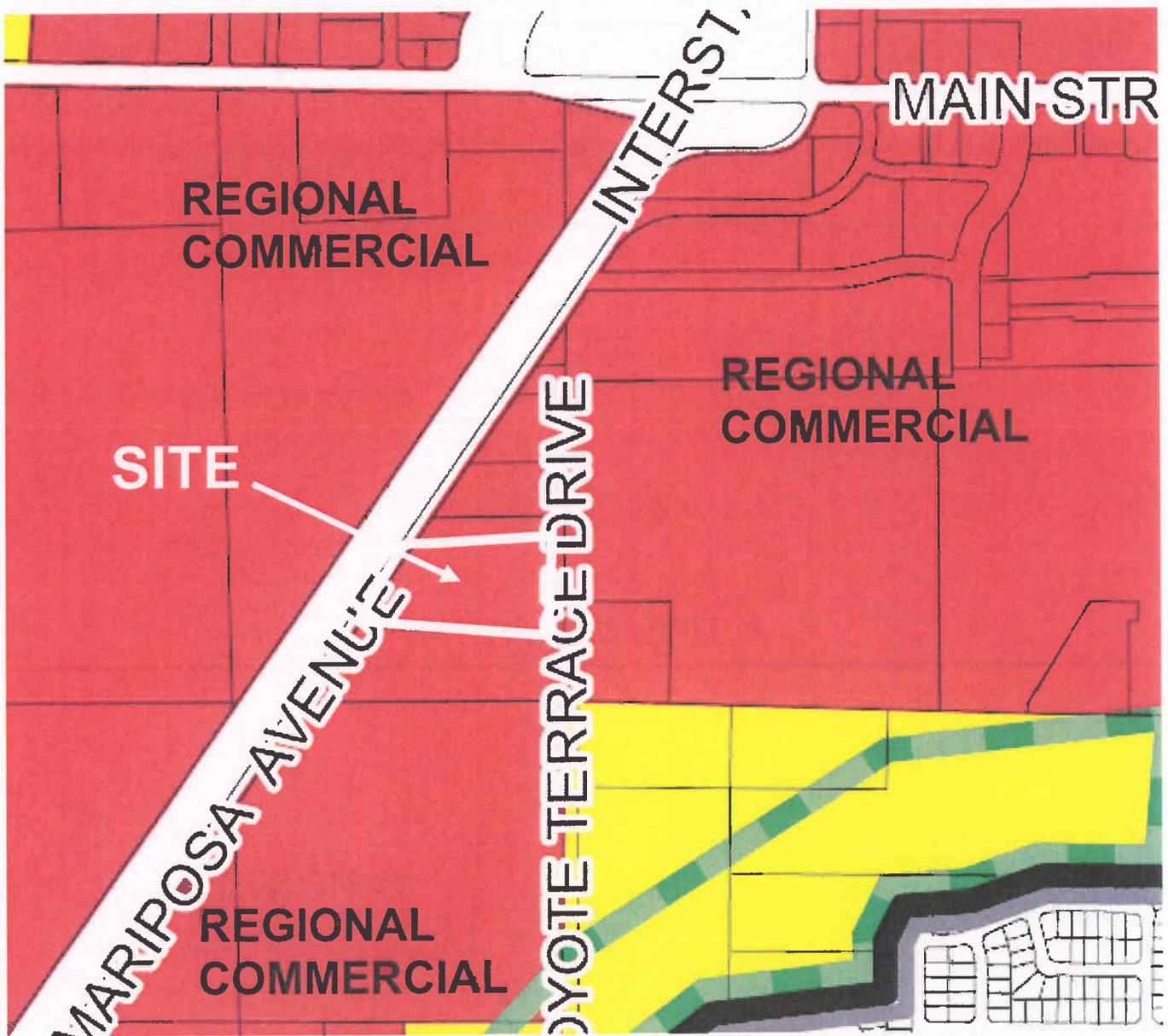
APN(S):
3064-611-14 &
15

PROPOSAL:
CONSIDERATION OF CONDITIONAL USE PERMIT CUP-2008-10 TO ESTABLISH A 20,040 SQUARE FOOT PRIVATE JUNIOR COLLEGE WITHIN AN EXISTING OFFICE PARK ZONED REGIONAL COMMERCIAL



GENERAL PLAN

ATTACHMENT 4



| | |
|---|------------------------------------|
| APPLICANT(S):
SAN JOAQUIN VALLEY COLLEGE | FILE NO(S):
CUP-2008-10 |
| LOCATION:
9329 AND 9331 MARIPOSA ROAD | APN(S):
3064-611-14 & 15 |
| PROPOSAL:
CONSIDERATION OF CONDITIONAL USE PERMIT CUP-2008-10 TO ESTABLISH A 20,040 SQUARE FOOT PRIVATE JUNIOR COLLEGE WITHIN AN EXISTING OFFICE PARK ZONED REGIONAL COMMERCIAL | N
↑ |

ATTACHMENT 5

RESOLUTION NO. PC-2009-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH A 20,040 SQUARE FOOT PRIVATE JUNIOR COLLEGE WITHIN AN EXISTING OFFICE PARK ZONED REGIONAL COMMERCIAL LOCATED AT 9329 AND 9331 MARIPOSA ROAD (CUP-2008-10).

WHEREAS, San Joaquin Valley College has filed an application requesting approval of Conditional Use Permit CUP-2008-10 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to two existing commercial office buildings within the Regional Commercial zone district located at 9329 and 9331 Mariposa Road and consists of Assessor's Parcel Number 3064-611-14 & 15; and

WHEREAS, the Application, as contemplated, proposes to establish a private junior college; and

WHEREAS, the subject site is presently developed as an existing office park. A mini-storage facility exists to the north and east. The property to the south is vacant. The land on the opposite side of Interstate-15 is also vacant; and

WHEREAS, the subject property and surrounding properties are currently designated Planned Mixed Use (PMU) on the City's General Plan Map; and

WHEREAS, the subject property and surrounding properties are zoned Regional Commercial by the Main Street and Freeway Corridor Specific Plan; and

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

WHEREAS, on January 8, 2009 the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced January 8, 2009, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed use is conditionally allowed within, and would not impair the integrity and character of, the Regional Commercial zoning district. The proposed use and complies with all applicable provisions of Section 16.12.120 in the City's Development Code. The site is suitable for the type and intensity of use that is proposed. The proposed use is located in an existing commercial office building. There will be no expansion of the buildings or parking facilities.
- (b) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or adverse to the public convenience, health, safety or general welfare. The proposal to establish a private junior college is entirely within the office buildings.
- (c) The proposed use is consistent with the objectives, policies, general land uses and programs of the general plan, specific plan and development code. The proposed use will take place in a permitted existing commercial building. The establishment of the school is consistent with the office and criteria of the Regional Commercial zone.
- (d) There are adequate provisions for sanitation, water and public utilities and services to ensure public convenience, health, safety and general welfare. The proposed use will occur in two existing commercial office buildings with adequate infrastructure. The existing transportation infrastructure is adequate to support the type and quantity of traffic that will be generated by the proposed use. The establishment of a private junior college will not have any impacts on traffic or parking based on the limitation of 250 students per session.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP-2008-10, subject to the conditions of approval as shown in Attachment 'A'.

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

ADOPTED AND APPROVED this 8th day of January 2009.

Stephen S. James, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for CUP-2008-10

Approval Date: January 8, 2009
Effective Date: January 21, 2009
Expiration Date: December 21, 2012

This list of conditions apply to a Conditional Use CUP-2008-10 to establish a 20,040 square foot private junior college within an existing office park zoned Regional Commercial located at 9329 and 9331 Mariposa Road. (Applicant: San Joaquin Valley College; APN: 3064-611-14 & 15).

The use shall not be established until all conditions of this Conditional Use Permit application have been met. This approved Conditional Use Permit shall become null and void if all conditions have not been completed within two (2) years of the effective date. Extensions of time of up to twelve (12) months may be granted upon submittal of the required application and fee at least thirty (30) days prior to the expiration date.

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

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

Init Date

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

2. Enrollment. Student enrollment shall not exceed 250 students per session. Sessions shall be defined as any of the following: morning (7:30am), afternoon (1:00pm-4:00pm), and evening (5:30pm-10:00pm). (P)

3. Permit Revocation. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare,

or a public nuisance; this permit may be revised by Planning Commission at a public hearing where the terms and conditions of the Conditional Use Permit may be modified, revised, or revoked. (P)

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

| | | |
|--------------|--|-----------------|
| (P) | Planning Division | 947-1200 |
| (B) | Building Division | 947-1300 |
| (E) | Engineering Division | 947-1474 |
| (F) | Fire Prevention Division | 947-1603 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |

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CITY OF HESPERIA



CITY OF HESPERIA DEVELOPMENT REVIEW COMMITTEE

City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
TUESDAY, DECEMBER 23, 2008

A. PROPOSALS:

1. San Bernardino County Superintendent of Schools (PFR-2008-06)

Proposal: To construct a 15,591 square foot pre-K12 school with medical therapy and education center on 5.0 net acres.

Location: Northwest corner of Maple Avenue and Sycamore Street

Planner: Paul Rull

Action: Administratively Approved

2. Armondo Puentes (SPR-2008-48)

Proposal: To construct a one story 6,680 square foot warehouse with office on 1.36 acres zoned I-2

Location: 17520 Mesa Street

Planner: Lisette Sanchez-Mendoza

Action: Administratively Approved

3. Wal-mart Stores, Inc. (CUP-2006-05 & PM-18187)

Proposal: A Conditional Use Permit to construct a 417,731 square foot retail shopping center including a Wal-mart Store and a Home Depot on 44.0 gross acres and a Parcel Map to create eight parcels and a lettered lot on 44.0 gross acres.

Location: On the southeast corner of Main Street and Escondido Avenue.

Planner: Daniel S. Alcayaga

Action: Forwarded to Planning Commission

4. Milana V, LLC. (SPR-2006-10-E & V-2006-01-E)

Proposal: An extension of time request for Site Plan Review (SPR-2006-10), to allow a 29-space expansion of an existing 31-space mobile home park and Variance (V-2006-01), to allow single-wide mobile homes in-lieu of the minimum 20-foot width and 1,000 square foot area requirement on 5.4 gross acres zoned (3000)-R3.

Location: On the west side of Hesperia Road, 374 feet north of Sultana Street

Planner: Stan Liudahl

Action: Administratively Approved

5. Ware Malcomb (SPR-2007-36 & PM-18880)

Proposal: To subdivide 20.17 acres into six lots and construct six industrial buildings totaling 169,000 square feet.

Location: Northeast corner of Cedar Street and Caliente Road.

Planner: Lisette Sanchez-Mendoza

Action: Administratively Approved

6. Mariposa 32, LLC (SPR08-10001 / SPR-2006-18-E)

Proposal: An extension of time request for approved Site Plan Review (SPR-2006-18) to construct a 23-acre retail/office center and a two-story, 170-unit condominium project on 11.4 gross acres.

Location: On the east side of Mariposa Road, between Avenal Street and Live Oak Street.

Planner: Lisette Sanchez-Mendoza

Action: Administratively Approved

7. Royal Street Communications California, LLC (CUP08-10001 / CUP-2008-12)

Proposal: A Conditional Use Permit to co-locate a telecommunication wireless antenna on an existing Southern California Edison Tower.

Location: 225 feet south of Farmington Street and east of Topaz Avenue within the Southern California Edison Co. Transmission line corridor.

Planner: Daniel S. Alcayaga

Action: Forwarded to Planning Commission

8. Royal Street Communications California, LLC (CUP08-10002 / CUP-2008-13)

Proposal: A Conditional Use Permit to co-locate a telecommunication wireless antenna on an existing Southern California Edison Tower.

Location: 460 feet southeast of Mariposa Road, within the Southern California Edison Co. transmission line corridor north of Mojave Street and west of Blanchard Road.

Planner: Daniel S. Alcayaga

Action: Forwarded to Planning Commission

9. Royal Street Communications California, LLC (CUP08-10003 / CUP-2008-14)

Proposal: A Conditional Use Permit to co-locate a telecommunication wireless antenna on an existing Southern California Edison Tower.

Location: 50 feet south of Mesquite Street and east of Opal Street within the Southern California Edison Co. transmission line corridor.

Planner: Daniel S. Alcayaga

Action: Forwarded to Planning Commission

10. Royal Street Communications California, LLC (CUP08-10004 / CUP-2008-15)

Proposal: A Conditional Use Permit to co-locate a telecommunication wireless antenna on an existing Southern California Edison Tower.

Location: 1,000 feet east of "I" Avenue within the Southern California Edison Co. transmission line corridor in the Mesa.

Planner: Daniel S. Alcayaga

Action: Forwarded to Planning Commission

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