

PLANNING COMMISSION AGENDA

REGULAR ADJOURNED MEETING

Date: February 26, 2009

Time: 6:30 P.M.

COMMISSION MEMBERS

Stephen James, Chair

Chris Elvert, Vice Chair

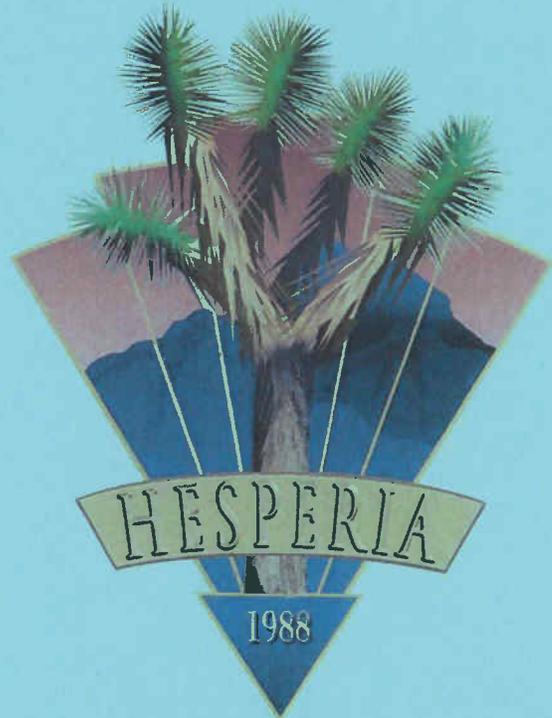
Joline Bell Hahn, Commissioner

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.

FEBRUARY 26, 2009

**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: February 12, 2009 Planning Commission Meeting Draft Minutes

-1-

PUBLIC HEARINGS

- 1. Consideration of Conditional Use Permit (CUP-2008-07) to construct a 16,519 square foot truck terminal building on 5.6 gross acres zoned I-2, located on the south side of Lilac Street, 200 feet east of Darwin Avenue (Applicant: Wyatt Properties, LLC; APNs: 0415-211-31 & 0415-221-01). (Staff Person: Paul Rull). **1-1**
- 2. Consideration of Public Facility Review (PFR-2008-07), to construct a two-story, 66,778 square foot government office building on 6.0 gross acres zoned High Density Residential within the Main Street and Freeway Corridor Specific Plan, located on the northwest corner of Smoke Tree Street and Seventh Avenue (Applicant: County of San Bernardino; APN: 0407-224-01). (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. DRC Comments

3-1

F. Major Project Update

PLANNING COMMISSION BUSINESS OR REPORTS

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

ADJOURNMENT

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

I, Eva Heter, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, February 19, 2009 at 5:30 p.m. pursuant to California Government Code §54954.2.



Eva Heter
Planning Commission Secretary

**PLANNING COMMISSION
REGULAR MEETING**

DRAFT MINUTES

February 12, 2009

The special meeting of the Hesperia Planning Commission was held on Thursday, February 12, 2009 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 – Vice Chair Elvert

2. Invocation - Commissioner Hahn

3. Roll Call

| | |
|--------------------------------|---------|
| Chair, Stephen James | Present |
| Vice Chair, Chris Elvert | Present |
| Commissioner Joline Bell Hahn | Present |
| Commissioner Paul Russ | Absent |
| (1) Commissioner's Seat Vacant | |

Motion: Vice Chair Elvert motioned to excuse the absence of Commissioner Russ. Commissioner Hahn seconded the motion. The motion passed by a unanimous voice vote of all Commissioners 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; Planner, Paul Rull; Assistant Planner, Lisette Sanchez-Mendoza; Senior Engineer, Tom Thornton; Administrative Analyst, Rod Yahnke; Recording Secretary, Eva Heter.

B. PUBLIC COMMENTS-

Chair James opened Public Comment: 6:33 p.m.

No comments to consider.

Chair James closed Public Comments: 6:33 p.m.

C. CONSENT CALENDAR

Approval of Minutes: January 29, 2009 Planning Commission Minutes

Commissioner Hahn questioned the discussion recorded between herself and the City Engineer, John Leveillee in regards to the turn-out for the bus route at Bear Valley and Main Street. She stated that she thought that he had said that he was recommending a similar turn-out on Escondido.

Recording Secretary, Eva Heter responded stating that the City Engineer had stated that it would be preferable to place the bus stop on Escondido. She also stated that she could review the audio again prior to the acceptance of the minutes.

Commissioner Hahn stated that she would accept the minutes at that time; however, if an amendment needed to be made it could be done at a later date.

Motion: Commissioner Hahn moved to approve the January 29, 2009, Planning Commission Minutes as presented. Vice Chair Elvert seconded the motion. The motion passed by a unanimous voice vote of all Commissioners present.

Assistant City Attorney, Douglas Haubert clarified that if amendments were made to the approved minutes, then the amended version would have to be presented to the Commission for approval of the amended items.

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D. PUBLIC HEARING ITEMS

1. Consideration of Public Facility Review (PFR-2008-02), to construct a two-story 42,887 square foot police station on 5.0 net acres located on the northeast corner of Smoke Tree Street and Ninth Avenue (Applicant: City of Hesperia; APN: 0407-233-01) (Staff Person: Paul Rull).

Project Planner, Paul Rull introduced a green sheeted item to the Commission, showing the changes to the Conditions of Approval (See Attachment 1). He gave a brief staff report.

Commissioner Hahn questioned the improvements beyond the project boundaries.

Senior Engineer, Tom Thornton stated that the 300 feet was by design only; to ensure that the design of the project is tied into the surrounding area properly.

Commissioner Hahn clarified that the design was just a matter of planning.

Senior Engineer, Tom Thornton stated that there would be a design of 300 feet to make sure that everything works with adjacent properties.

Commissioner Hahn questioned the property on west side, questioning the sidewalks proposed for the area.

Senior Engineer, Tom Thornton stated that Commissioner Hahn was correct; the area in question was intended to be a paseo.

Commissioner Hahn clarified that she was referring to the property to the north.

Senior Engineer, Tom Thornton the way the condition reads, the design and improvements will be 300 feet beyond the project boundaries.

Principal Planner, Dave Reno AICP stated that extending north from the proposed project was a transition that was usually seen; however, the profile was planned out 300 feet; however, actual build-out does not go 300 feet out.

Commissioner Hahn questioned the removal of #16 from the conditions of approval.

Senior Engineer, Tom Thornton stated that the condition was originally written with the vacation of 9th Avenue, 9th Avenue was a street needed for the project; however the condition was originally intended to say 8th Street; however, a portion of the vacation was being handled through a separate parcel map covering the entire Civic Center area (including the park, the governmental center, the City Hall), which would take care of all the necessary dedications and vacation needed for the project.

Vice Chair Elvert questioned the design of the fire route and the employee parking.

Project Planner, Paul Rull reviewed the parking area and the location with reference to the fire route and the employee parking.

Commissioner Hahn questioned the utilities being underground and the clearance being required on building #29, shown on page 1-19.

Principal Planner, Dave Reno AICP stated that the clearance had nothing to do with overhead utilities. He stated that the building itself would have a building and safety sign-off for the functioning utilities.

Commissioner Hahn questioned the size of the grass implants with the requirement being 5 gallon grass implants.

Project Planner, Paul Rull stated that the landscaping requirements for the current project were according to City Standards.

Commissioner Hahn questioned that the heights of the masonry sign and fencing.

Project Planner, Paul Rull stated that the minimum height was a six foot minimum.

Principal Planner, Dave Reno AICP stated that there would be a six foot fences.

Commissioner Hahn questioned the fencing type; she inquired about possible razor wire.

Project Planner, Paul Rull stated that there were no plans, as part of the project, for razor wire.

Commissioner Hahn questioned the type of fencing located at the Victorville Police Station.

Vice Chair Elvert stated that the Victorville Station did have razor wire.

Principal Planner, Dave Reno AICP stated that the wall was a pre-cast wall system that would be contoured and textured to match the building; the security issues would be handled inside the wall.

Vice Chair Elvert questioned if razor wire would have to made part of the plan or would razor wire be added at a later date.

Principal Planner, Dave Reno AICP stated that during the Public Hearing, Vice Chair Elvert's question regarding razor wire could be addressed by the applicant and/or representative.

Chair James questioned the design of the planned route for employees, police cars, and visitors entering the site off of Main Street. He questioned if the planned route was Seventh Avenue or Ninth Avenue for emergency departures from the site.

Project Planner, Paul Rull stated that there was no designated route as part of the project design; additional information may be obtained by the applicant regarding procedures at the site.

Principal Planner, Dave Reno AICP stated that one of the reasons the site was so favorable was due to the existence of the two controlled intersections.

Discussion ensued regarding controlled intersections in the area.

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

Lance Clark, Chief of Police he addressed the razor wire concerns, stating that the primary concern was to have a wall that couldn't be seen through by the public and the other consideration was the fact that the station will not be handling inmate, arrestees would be handled at the site; however, inmates would not be at the facility. The concern of someone jumping the fence to escape was not a concern. He also stated that the wall to the north was planned to be an 8 foot wall.

Chair James questioned vehicles leaving the site and the testing sirens and equipment. He shared his concern regarding the residential developments being effected by the activities during off hours; therefore, he questioned possible time restraints on the testing of equipment.

Lance Clark, Chief of Police stated that a time restraint would be very difficult, due to number and types of shifts that report at various hours of the day and evening. He stated that it was highly important to make sure that the safety equipment was operational prior to the vehicles leaving the site, which requires a light, siren, and other various tests.

Commissioner Hahn stated that vehicles could be taken off the site in order to be tested.

Lance Clark, Chief of Police stated that off-site testing was possible; however, it would be very cumbersome to the operation to do so.

Vice Chair Elvert stated that the 8 foot wall would assist in cushioning the sound toward the residential area. He questioned the parking of the vehicle on the site.

Lance Clark, Chief of Police reviewed the parking locations for all vehicles.

Chair James closed Public Hearing: 6:53 p.m.

Commissioner Hahn questioned the wall used with a sound proof material; she referred to the material mentioned at the Wal-Mart meeting. She liked the idea of informing the applicant of the newly introduced material.

Principal Planner, Dave Reno AICP stated that staff could certainly inform the representative about the material.

Chair James questioned an area being covered for the use of testing equipment. He stated that he was concerned about residences in the area.

Principal Planner, Dave Reno AICP stated that it was really a questioned of police operations policy and procedures.

Vice Chair Elvert stated that the 8 foot wall was sufficient for protecting the surrounding residences from the sound; he didn't see any major concern with the residences being affected by the equipment tests.

Commissioner Hahn questioned if the lighting would be directed downward.

Principal Planner, Dave Reno AICP stated that the light standards would require the lighting to be directed down.

Motion: Vice Chair Elvert motioned to adopt Resolution No. PC-2009-03, as amended approving Public Facility Review (PFR-2008-02). Commissioner Hahn seconded the motion. The motion passed by the following roll call vote:

Ayes: Commissioner Hahn, Vice Chair Elvert, Chair James

Noes:

Absent: Commissioner Russ

Abstains:

2. Consideration of Administrative Appeal (APP-2008-01), to replace an existing two-sided, 40-foot high, 1,344 square foot billboard with a two-sided, 47-foot high, 672 square foot digital billboard located on the east side of Interstate 15, north of Short Street (Appellant: OOS Investments, LLC; APNs: 3072-251-04) (Staff Person: Stan Liudahl, AICP).

Chair James questioned if the item was being requested for continuance.

Principal Planner, Dave Reno AICP stated that a continuance was being requested for the project; however, it would be best to open up public comments in case someone was at the meeting who wanted to speak on the project.

Senior Planner, Stan Liudahl AICP introduced 3 letters submitted regarding the project (See Attachments 2, 3, & 4). He gave a brief staff report.

Vice Chair Elvert asked what the Commissioner's options were.

Principal Planner, Dave Reno AICP reviewed the Commissioner's options associated with the proposed project. He stated that it might be to the Commission's advantage to hear what the applicant has to say.

Chair James opened Public Hearing: 7:03 p.m.

James Lunnen, Applicant's Son stated that his father had a full knee replacement and could not be at the meeting; he requested that the Commission consider his fathers request for continuance.

Christopher Dufrenne, General Manager of Desert View Memorial Park & Funeral Home stated that he was concerned about having the proposed billboard; he was opposed to the billboard.

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

CONTINUANCE: *Vice Chair Elvert motioned to continue the Administrative Appeal (APP-2008-01) to the April 9, 2009 Planning Commission Meeting. Commissioner Hahn seconded the motion. The motioned passed by the following roll call vote:*

Ayes: Commissioner Hahn, Vice Chair Elvert, Chair James

Noes:

Absent: Commissioner Russ

Abstains:

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E. PRINCIPAL PLANNER'S REPORT

Principal Planner, Dave Reno AICP reviewed the DRC Agenda comments.

Principal Planner, Dave Reno AICP stated that the Planning Commissions approval for the Wal-Mart was appealed and would be going to the City Council. He stated that February 12, 2009 was the 200th Anniversary of the birth of Abraham Lincoln; he read a quote from something Abraham Lincoln had said back in 1861. He requested that the meeting be adjourned in honor of Abraham Lincoln.

DRC COMMENTS:

No comments to consider.

F. PLANNING COMMISSION BUSINESS OR REPORTS:

Chair James questioned if a motion was needed to hold off on the reorganization of the Commission.

Assistant City Attorney, Douglas Haubert stated that the Chair could hold the item over for the next meeting; the Commission could motion to continue it as well. Otherwise, the Chair can just not take up an item.

Chair James stated that the reorganization of the Planning Commission was to be held-off to a meeting that had yet to be determined.

Vice Chair Elvert requested that the motor cycle park, off of 395 be looked at, stating that there had been some complaints regarding possible storage at the site.

Principal Planner, Dave Reno AICP stated that the Council had agendized the changing of the procedure of appointing Commissioners and that the reorganization of the Commissioners should be placed on hold until the Council had appointed all Commissioners for the board.

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G. ADJOURNMENT-

Chair James adjourned the meeting to Thursday, February 26, 2009 at 7:12 p.m.

Approved By:

Stephen S. James, Chair

Attested By:

Eva Heter, Recording Secretary

ATTACHMENT 1

ATTACHMENT 'A'

List of Conditions for Site Plan Review PFR-2008-02:

Approval Date: February 12, 2009

Effective Date: February 24, 2009

Expiration Date: February 24, 2011

This list of conditions apply to a Public Facility Review to construct a two-story 42,887 square foot Police Station on 5.0 net acres located on the northeast corner of Smoke Tree Street and Ninth Avenue. Any change of use or expansion of area may require approval of a revised site plan review application (Applicant: City of Hesperia; APN: 407-233-01).

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

PRIOR TO THE PREPARATION OR SUBMITTAL OF PUBLIC IMPROVEMENT PLANS:

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

Init Date

- _____ 1. **Drainage Study.** The Developer shall submit a Final Hydrology/Hydraulic study identifying the method of collection and conveyance of tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E)
- _____ 2. **Title Report.** The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
- _____ 3. **Percolation Test.** Where onsite retention/detention is proposed, 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. The applicability of any percolation test for use in designing the retention/detention method 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)
- _____ 4. **Geotechnical Report.** The Developer shall provide two copies of the soils report with the grading plan. The soils report shall substantiate with all grading, building, and public improvement plans. In addition, a percolation report shall be performed to substantiate the percolation of the on-site drainage retention areas. 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. **Vacation.** The Developer shall submit a "Request for Vacation" to the City's Engineering Department for acceptance. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)
- _____ 8. **Offer Of Dedication, (I.O.D.)** The Developer shall submit an "Offer of Dedication" to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)
- _____ 9. **Grant Of Easement.** The Developer shall submit a "Grant of Easement" to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)
- _____ 10. **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 GRADING PERMIT ISSUANCE:

- _____ 11. **Design for Required Improvements.** Improvement plans for off-site and on-site improvements shall be consistent with the graphics approved as part of this site plan review application and shall also comply with all applicable Title 16 and Engineering Division requirements. (E, P)

- _____ 12. **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 all cultural resources encountered during grading. (P)
- _____ 13. **NPDES.** The Developer shall provide a copy of the approved original NPDES (National Pollutant Discharge Elimination System) permit from the Regional Water Quality Control Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department. (E)
- _____ 14. **Storm Water Pollution Prevention Plan.** All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. No clearing or grading shall commence until the SWPPP has been accepted and the perimeter protection required in the plan is installed and approved by the City. (E)
- _____ 15. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)
- _____ 16. **Grant of Easement(s).** The Developer shall grant to the City an easement for *any* part of a required double-detector check valve that encroaches onto private property. (E)
- _____ 17. **Utility Non-interference / Quitclaim Document(s).** The Developer shall provide non-interference and or quitclaim letter(s) from all applicable utility agencies for all utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies.
- _____ 18. **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)
- _____ 19. **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)
- _____ 20. **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. **Dedication(s)**. The Developer shall grant to the City an Irrevocable Offer of Dedication for Smoke Tree Street across the project frontage. The right-of-way full-width for Smoke Tree Street shall be seventy (70) feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for a cul-de-sac on 8th Avenue. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. **Corner cut-off right of way dedication per City standards is required at all intersections, including interior roadways.** (E)

- _____ ii. **Plan Check Fees**. Prior to improvement plan submittal, the Developer shall pay applicable plan-checking fees. Fees must be paid along with plan submittal. The Improvement Plans and requested studies must be submitted as a package. (E)

- _____ iii. **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. (E)

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

- _____ v. **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 & P)

- _____ vi. **Drainage Acceptance Letters**. It is the Developer's responsibility to obtain signed Drainage Acceptance Letters from the 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)

- _____ vii. **On-site Retention**. The Developer shall design / construct on-site retention facilities, which have minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. All dry wells / injection wells shall be 2-phase systems with debris shields and filter

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

- _____ viii. **Erosion Control**. The Developer shall provide an erosion control plan with the improvement plans submittal per City Standards. (E)
- _____ ix. **Utility Plan**. The Developer shall design a Utility Plan for service connections and/or private hydrant and sewer connections. **Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developer's expense. (E)**
- _____ B. **Street Improvements**. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

Smoke Tree Street:

- _____ i. These improvements shall consist of:
1. Sidewalk (width = 6 feet) per City standards.
 2. Commercial driveway approaches per City standards.

Ninth Avenue:

- _____ ii. These improvement shall consist of:
1. Sidewalk (width = 6 feet) per City standards.
 2. Commercial driveway approaches per City standards.

Eighth Avenue:

- _____ iii. Saw-cut (2-foot min.) and match-up asphalt pavement on 8th based on City's 60-foot Cul-De-Sac Roadway Standard. The der be based upon an acceptable centerline profile extending a r three hundred (300) feet beyond the project boundaries where These improvements shall consist of:
1. 8" Curb and Gutter per City standards.
 2. Sidewalk (width = 6 feet) per City standards.
 3. Streetlights per City standards.
 4. Commercial driveway approach per City standar

5. Pavement transitions per City Standards.
6. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index per City Engineer and per the soils report.
7. Traffic control signs and devices as required by the traffic study and/or the City Engineer.

_____ **C. Utilities. (E)**

1. The Developer shall design a Utility Plan for service connections. Domestic water and sewer connections to be shown on the utility plan.
2. Complete V.V.W.R.A.'s "Wastewater Questionnaire for Commercial / Industrial Establishments" and submit to the Engineering Department. Complete the "Certification Statement for Photographic and X-ray Processing Facilities" as required.

_____ **D. Water Improvements. (E)**

1. Domestic and fire connections shall be per City standards and be made off of the existing 8" PVC water main located in Smoke Tree Street per City standards.
2. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer. (E)
3. Connection for fire service shall require a City approved back flow device. (E)

_____ **E. Sewer Improvements It is the Developer's responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing 8" PVC sewer main in Smoke Tree Street per City standards.**

Should off-site offers of dedication or easements be required for off-site improvements, it shall be the responsibility of the Developer to obtain such dedications or easements at no cost to the City, pursuant to Section 66462.5 of the Subdivision Map Act. (F, E)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 21. **Landscape Plans.** The Developer shall submit four sets of landscape and irrigation plans to the Building Division. Plans shall utilize xeriscape landscaping designs wherever practical and conform to current Hesperia Recreation and Park District standards. Landscaping shall include 24-inch box and 15-gallon trees as approved by the Planning Division. Landscaped areas shall also contain shrubs of at least 5-gallon size. All areas within a planter not containing a tree, shrub, or groundcover shall be covered by rock and/or decomposed granite (not pulverized decomposed granite). The number, size, type and configuration of plants shall be subject to review and approval by the City. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. Enhanced landscaping shall

be provided along the perimeter wall to soften the appearance. Vines and tall shrubs are recommended. (P)

- _____ 22. **Solid Masonry Wall/Fencing.** The Developer shall submit four sets of masonry wall and/or fencing plans to the Building Division for all proposed walls and fences. All walls and fencing shall be in accordance with the Development Code. The perimeter wall surrounding the site which is called out as "precast structure-cast wall smooth face" shall have decorative features to be reviewed and approved by the Planning Division. (P)
- _____ 23. **Building Construction Plans.** Four complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division for review. (B)
- _____ 24. **Fire Protection.** Plans for fire protection requirements shall be submitted to the Building Division as follows: (F)
- _____ A. Three sets of fire sprinkler plans prepared by a Fire Protection Engineer, or a C-16 Fire Protection Engineering contractor currently licensed in California.
- _____ B. Two sets of monitored fire alarm plans prepared by a C-7 low voltage systems contractor currently licensed in California.
- _____ C. Operable fire extinguishers shall be maintained throughout the building in accordance with fire codes.
- _____ 25. **Fire Hydrants.** Install fire hydrants within 150/300 feet of all buildings in accordance with the approved design. The hydrants shall be in operable condition prior to delivery of combustible materials to the site. (F)
- _____ 26. **Light and Landscape District Annexation.** Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. (RPD)
- _____ 27. **Utility Relocation/Undergrounding.** If the 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 own expense. Relocation/undergrounding of utilities shall be identified upon submittal of construction plans. (E)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 28. **Utility Clearances.** The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. (B)

- _____ 29. **On-Site Improvements**. All on-site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the graphic identified as Exhibit "A." Any exceptions shall be approved by the Deputy Director of Development Services / Community Development. (P)
- _____ 30. **As-Built Plans**. The Developer shall provide as-built plans, Notice of Completion, One-Year Maintenance Bonds, and Bill of Sale to the Engineering Division. (E)
- _____ 31. **Public Improvements**. All public improvements shall be completed by the Developer and approved by the Engineering Division. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)
- _____ 32. **Easements for On-Site Utilities**. The Developer shall submit a grant of easement for on-site utilities on forms provided at the Engineering Division. (E)
- _____ 33. **Fire Division Access**. The Developer shall provide a key box security system to provide building and site access as well as access to all fire protection systems. (F)

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

ATTACHMENT 2

Stan Liudahl - Senior Planner

From: jim lunnan [jameslunnan@gmail.com]
Sent: Wednesday, February 11, 2009 10:57 AM
To: Stan Liudahl - Senior Planner
Subject: Continuance

Stan,

We would like to request a continuance for the hearing tomorrow night. We would like to be continued until the April 9th Hearing due to my fathers illness. Thanks.

--

Jim Lunnan
Lunnan Development Company
30220 Rancho Viejo Rd. Suite A
San Juan Capistrano CA 92675
Office 949 661 8150
Cell 949 295 0926
Fax 949 496 0836
"Developing and Marketing Real Estate for over 30 years."

JEANETTE B. AND WILLIAM P. JEANES
TRUSTEES OF THE JEANES FAMILY TRUST, dated May 28, 2008
385 Union Street
Brooklyn, NY 11231-4911

February 10, 2009

City of Hesperia
Planning Department
Hesperia, CA 92345

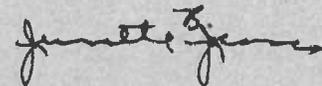
ATTENTION: STAN LIUDAHL, AICP, SENIOR PLANNER

RE: Consideration of Administrative Appeal APP-2008-01 at public hearing,
February 12, 2009, City Council Chambers

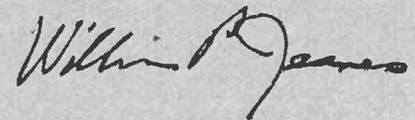
To Whom It May Concern:

Our lots, APN: 3072-281-24, 3072-271-21 and 3072-281-16 are zoned for administrative/professional use; however, there are several residences on the block. The existing billboard is legally non-conforming. We oppose replacing it with a Times Square-type sign since approval may set a precedent for similar digital signs in the future.

Sincerely,



Jeanette Jeanes



William P. Jeanes

ATTACHMENT 4

February 9, 2009

Hesperia Planning Commission
9700 Seventh Ave.
Hesperia, CA 92345

ATTN: Stan Liudahl, AICP
Senior Planner

RE: STOP DIGITAL BILLBOARDS

Dear Mr. Liudahl:

I do not write letters to planning commissions or other public forums, but we must stop the transformation of billboards to these digital ones. They are offensive and intrusive. They make me look at them, do I have to be totally bombarded with images a choose to filter out, am I losing the choice to do so? They are too bright, and are an awful distraction. We must have environmental impact studies done, in efforts to reduce the brightness of cities a night, shouldn't this be looked into.

Please stop the proliferation of these monsters, a blight to any landscape, including, and particularly the beautiful desert. Please.

Sincerely,



Arna H. Zlotnik
Hesperia Landowner



DATE: February 26, 2009
TO: Planning Commission
FROM: D Dave Reno, AICP, Principal Planner *DR*
BY: PR Paul Rull, Planner *PR*
SUBJECT: Conditional Use Permit CUP-2008-07; Applicant: Wyatt Properties, LLC;
APNs: 415-211-31 & 415-221-01

RECOMMENDED ACTION

It is recommended that the Planning Commission approve Resolution No. PC-2009-10, approving CUP-2008-07.

BACKGROUND

Proposal: A Conditional Use Permit to construct a 16,519 square foot truck terminal building on 5.6 gross acres (Attachment 1).

Location: South side of Lilac Street, 200 feet east of Darwin Avenue.

Current General Plan, Zoning and Land Uses: Industrial/Commercial (IND/COM) General Plan Land Use designation and zoned General Manufacturing District (I-2). The proposed use is consistent with the General Plan and zoning. The surrounding land is designated and zoned as noted on Attachments 2 and 3. The site as well as the property to the east is vacant. The properties to the west are vacant and developed with industrial uses.

ISSUES/ANALYSIS

The project site includes a proposed 16,519 square foot truck terminal building, an above ground fuel tank for vehicle fueling, and 47 parking spaces for employees and the public. The site has access through one gated driveway on Lilac Street. The building will contain storage areas, offices, repair bays, and a dispatch center. The building is consistent with the code by exhibiting varying vertical and horizontal building planes, and varying materials such as glass, concrete, and decorative stone along the base of the building.

Drainage: There are no Master Plan of Drainage facilities impacting the project. All on-site drainage will be retained in a retention/detention basin located at the rear of the site.

Water and Sewer: The project is required to connect to the existing 12-inch water line in Lilac Street and provide a septic tank for sewage.

Street Improvements: The project will be required to construct street improvements including curb, gutter and sidewalks along the project's frontage on Lilac Street with one commercial driveway approach.

Traffic: Approval of the project will not create a significant impact to the daily vehicle trips as the trips generated by the project are significantly less than compared to what was reviewed in the General Plan Program Environmental Impact Report. The land uses within the Industrial Commercial designation are typically developed with a Floor Area Ratio (FAR) of 60% or less. The FAR of the proposed development is 0.07, is well below the FAR expected in this zone. Based on a FAR of 60% for an industrial development on the project site, approximately 112 vehicle trips would be created based upon the Institute of Transportation Engineer's Trip General Manual. The proposed truck terminal would create 108 daily vehicle trips. Therefore, a reduction of about four daily vehicle trips is projected.

Environmental: Approval of this development requires adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study (Attachment 8) prepared for the development conclude that there are no significant adverse impacts resulting from development. A biological assessment and a protected plant plan were required. The biological assessment shows that the site does not contain habitat for the desert tortoise nor any other threatened or endangered species. However, a pre-construction survey for the burrowing owl will be conducted prior to issuance of a grading permit. A protected plant plan was also submitted, which ensures that all transplantable plants protected by the City's Ordinance will be handled in accordance with the City's Protected Plant Ordinance.

Conclusion: The project conforms to the policies of the City's General Plan and meets the standards of the Development Code.

FISCAL IMPACT

None

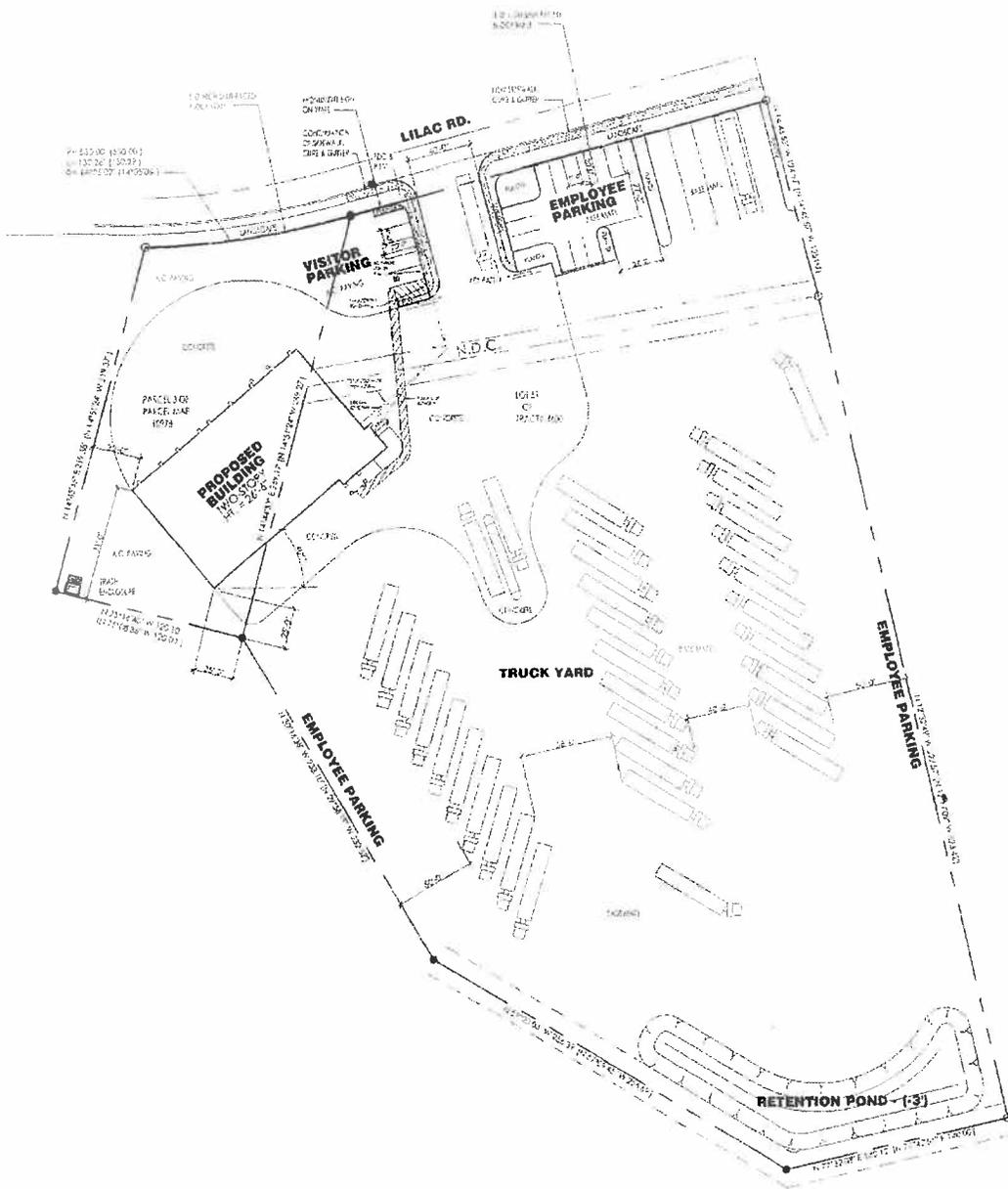
ALTERNATIVE(S)

1. Provide alternative direction to staff.

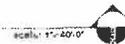
ATTACHMENTS

1. Site plan
2. General Plan Land Use map
3. Zoning map
4. Aerial photo
5. Floor plans
6. Building elevations
7. Negative Declaration ND-2008-23 with Initial Study
8. Resolution No. PC-2009-10, with list of conditions

ATTACHMENT 1



SITE PLAN



APPLICANT:
WYATT PROPERTIES

FILE NO:
CUP-2008-07

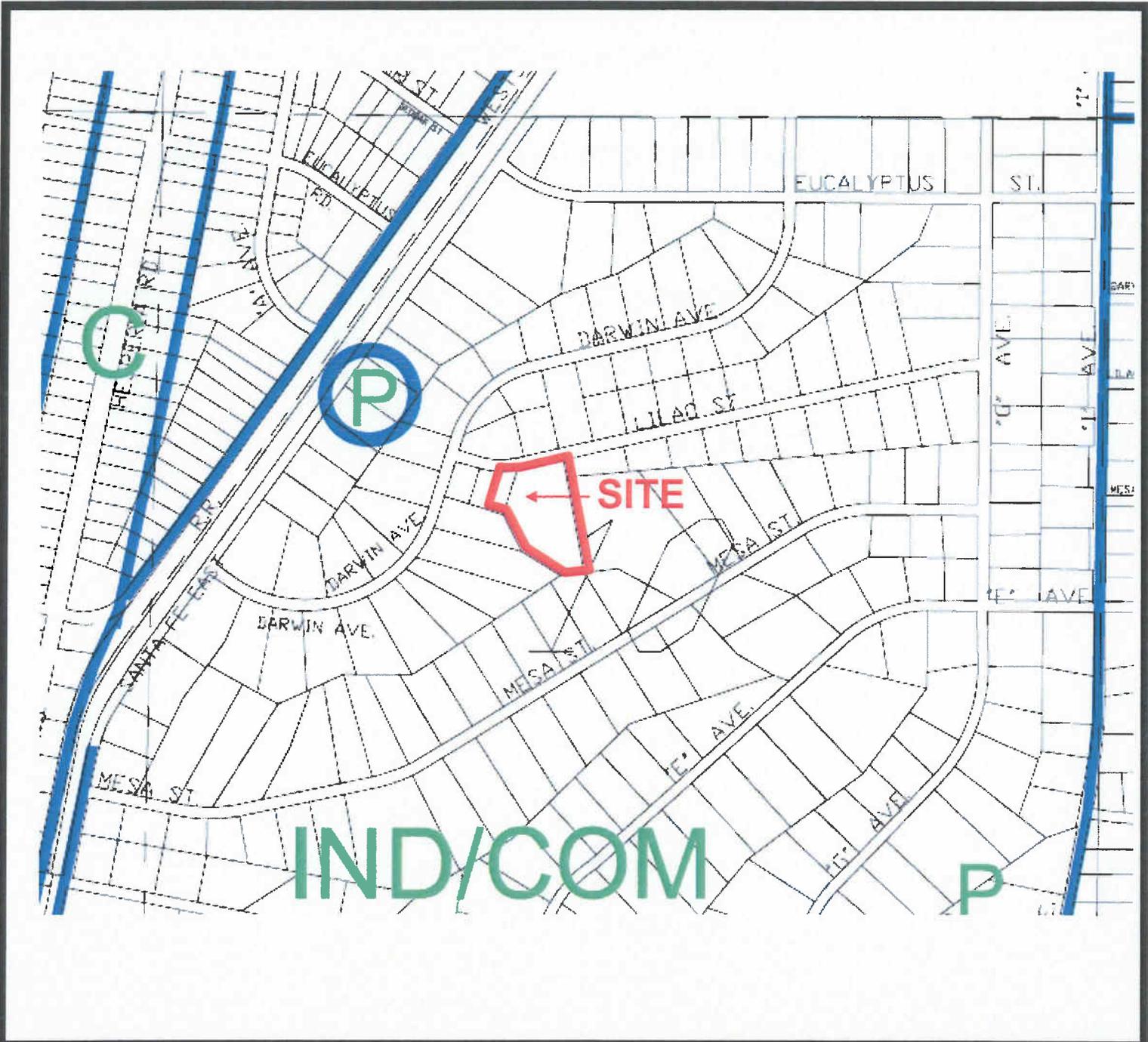
LOCATION:
SOUTH SIDE OF LILAC STREET, 200 FEET EAST OF DARWIN AVENUE

APNS:
415-211-31 &
415-221-01

PROPOSAL:
TO CONSTRUCT A 16,519 SQUARE FOOT TRUCK TERMINAL BUILDING ON 5.6 GROSS ACRES



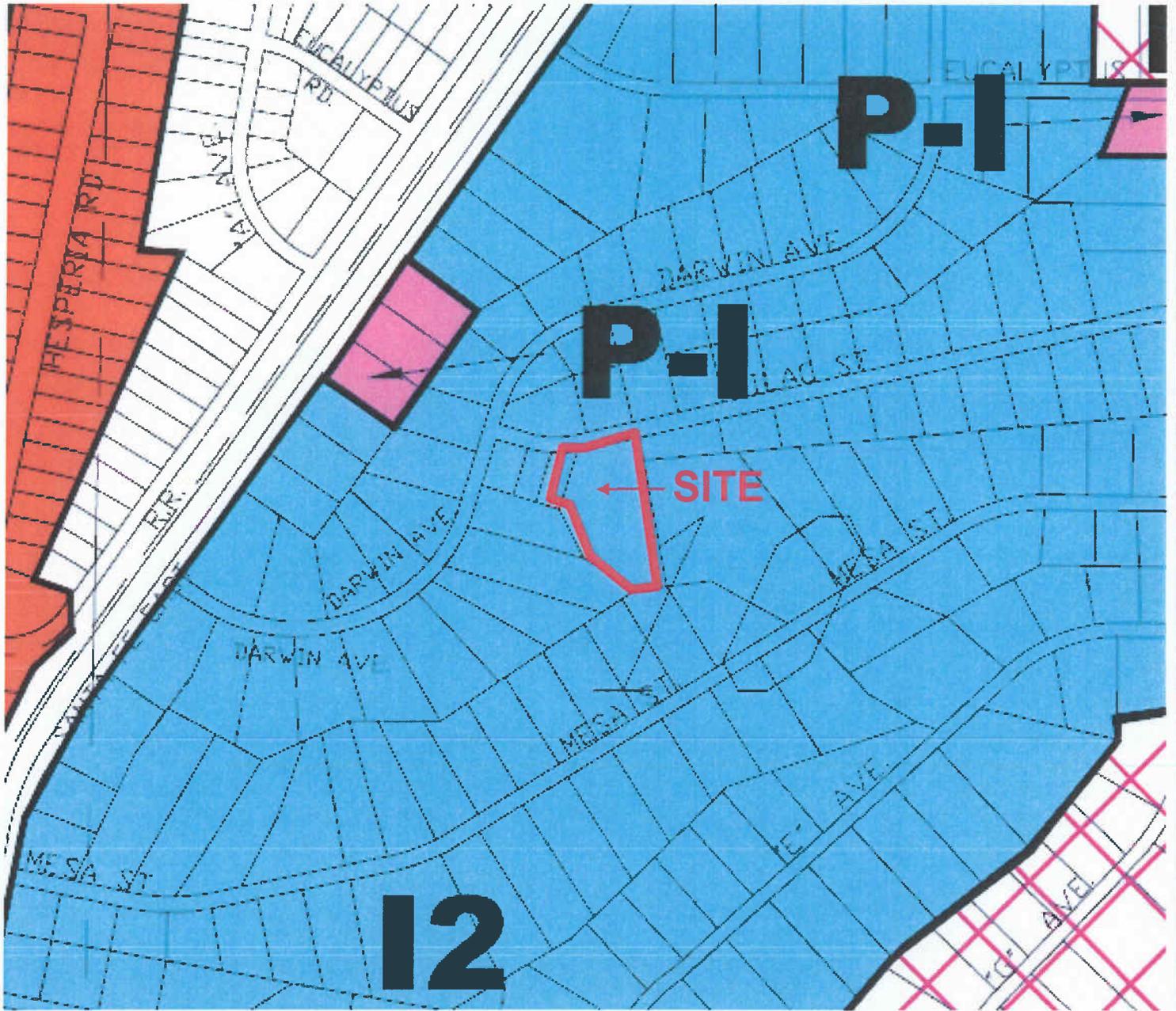
ATTACHMENT 2



| | | |
|--|--|--|
| APPLICANT:
WYATT PROPERTIES | | FILE NO:
CUP-2008-07 |
| LOCATION:
SOUTH SIDE OF LILAC STREET, 200 FEET EAST OF DARWIN AVENUE | | APNS:
415-211-31 &
415-221-01 |
| PROPOSAL:
TO CONSTRUCT A 16,519 SQUARE FOOT TRUCK TERMINAL BUILDING ON 5.6 GROSS ACRES | | N
↑ |

GENERAL PLAN LAND USE MAP

ATTACHMENT 3



APPLICANT:
WYATT PROPERTIES

FILE NO:
CUP-2008-07

LOCATION:
SOUTH SIDE OF LILAC STREET, 200 FEET EAST OF DARWIN AVENUE

APNS:
415-211-31 &
415-221-01

PROPOSAL:
TO CONSTRUCT A 16,519 SQUARE FOOT TRUCK TERMINAL BUILDING ON 5.6 GROSS ACRES

N

1/5

PLANNING COMMISSION

ZONING MAP

ATTACHMENT 4



APPLICANT:
WYATT PROPERTIES

FILE NO:
CUP-2008-07

LOCATION:
SOUTH SIDE OF LILAC STREET, 200 FEET EAST OF DARWIN AVENUE

APNS:
405-211-31 &
415-221-01

PROPOSAL:
TO CONSTRUCT A 16,519 SQUARE FOOT TRUCK TERMINAL BUILDING ON 5.6 GROSS ACRES

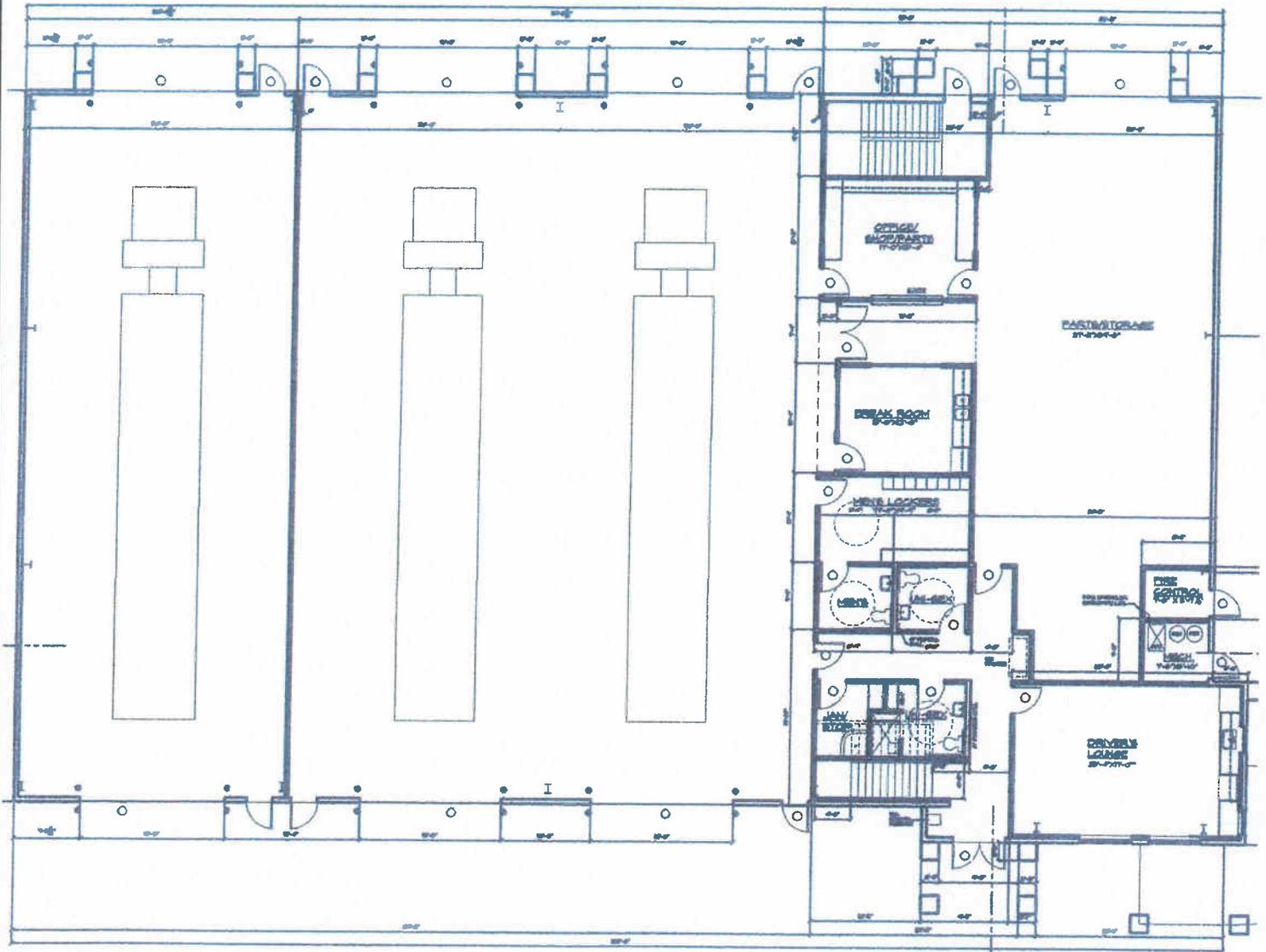


1-6

AERIAL PHOTO

PLANNING COMMISSION

ATTACHMENT 5



1st FLOOR PLAN

SCALE: 1/4" = 1'-0" L&P

APPLICANT:
WYATT PROPERTIES

FILE NO:
CUP-2008-07

LOCATION:
SOUTH SIDE OF LILAC STREET, 200 FEET EAST OF DARWIN AVENUE

APNS:
415-211-31 &
415-221-01

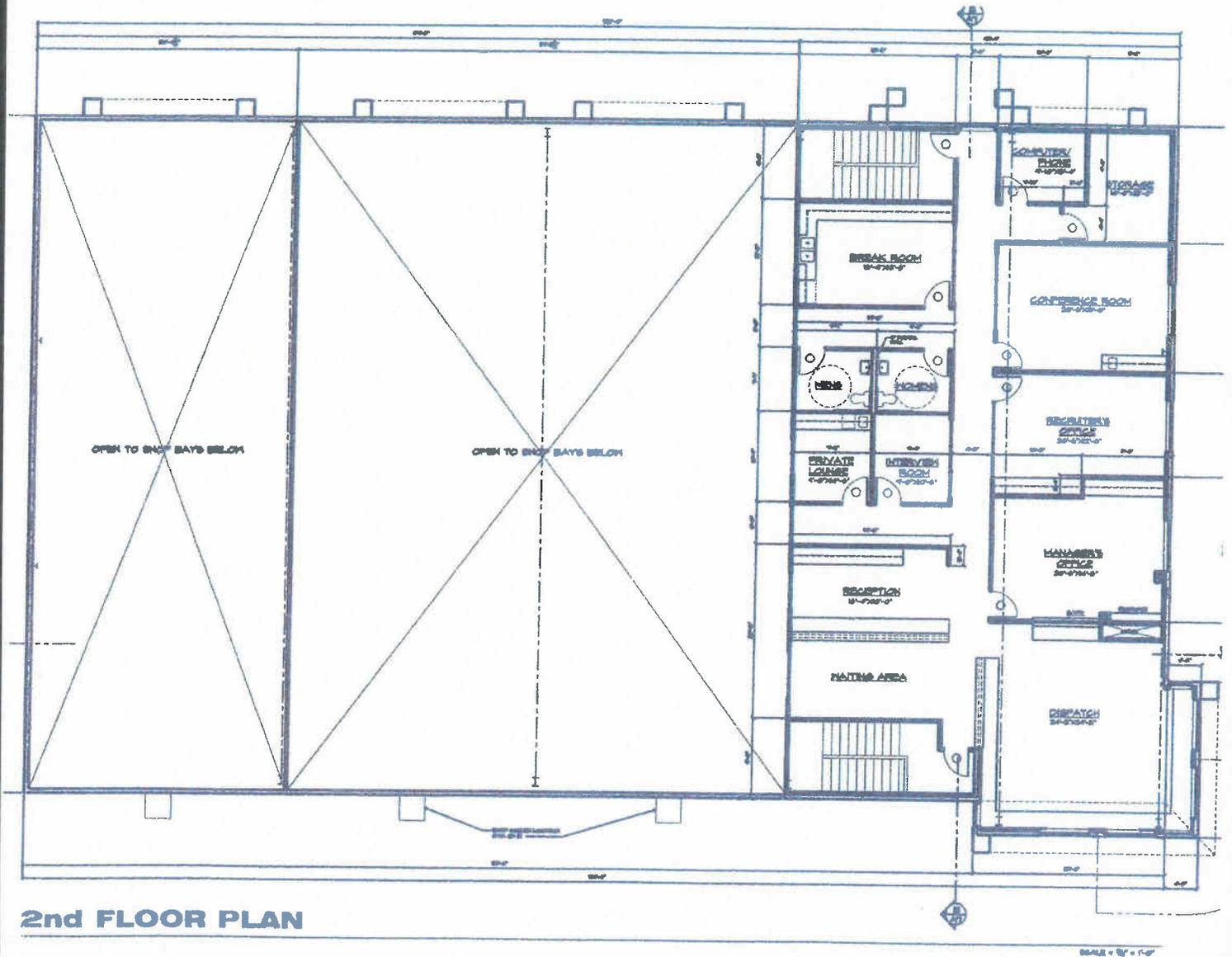
PROPOSAL:
TO CONSTRUCT A 16,519 SQUARE FOOT TRUCK TERMINAL BUILDING ON 5.6 GROSS ACRES



FLOOR PLAN

PLANNING COMMISSION

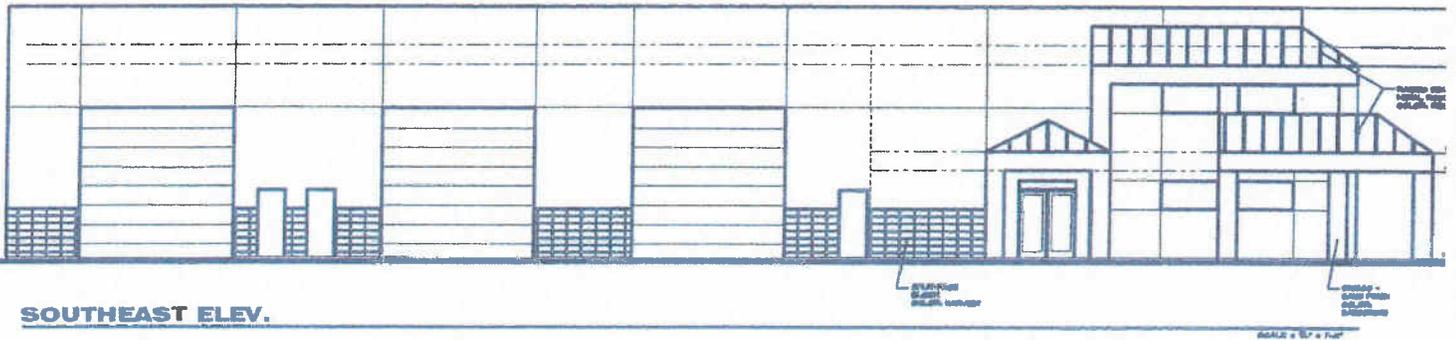
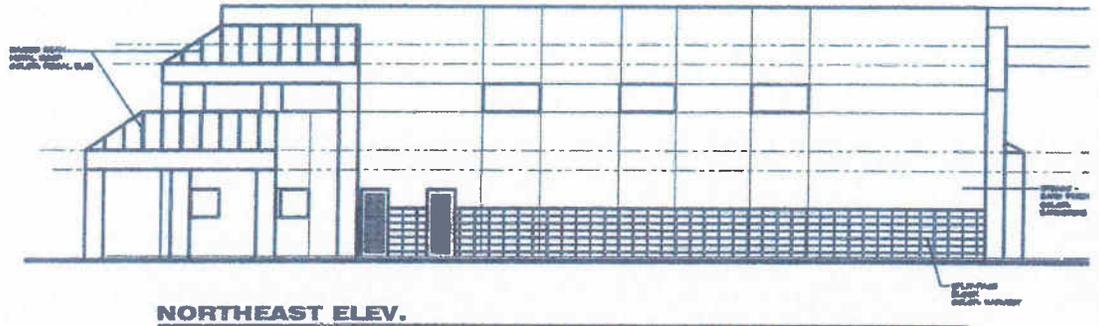
ATTACHMENT 5.1



| | | |
|--|--|--|
| APPLICANT:
WYATT PROPERTIES | | FILE NO:
CUP-2008-07 |
| LOCATION:
SOUTH SIDE OF LILAC STREET, 200 FEET EAST OF DARWIN AVENUE | | APNS:
415-211-31 &
415-221-01 |
| PROPOSAL:
TO CONSTRUCT A 16,519 SQUARE FOOT TRUCK TERMINAL BUILDING ON 5.6 GROSS ACRES | | N
↑
1-8 |

FLOOR PLAN

ATTACHMENT 6



APPLICANT:
WYATT PROPERTIES

FILE NO:
CUP-2008-07

LOCATION:
SOUTH SIDE OF LILAC STREET, 200 FEET EAST OF DARWIN AVENUE

APNS:
415-211-31 &
415-221-01

PROPOSAL:
TO CONSTRUCT A 16,519 SQUARE FOOT TRUCK TERMINAL BUILDING ON 5.6 GROSS ACRES

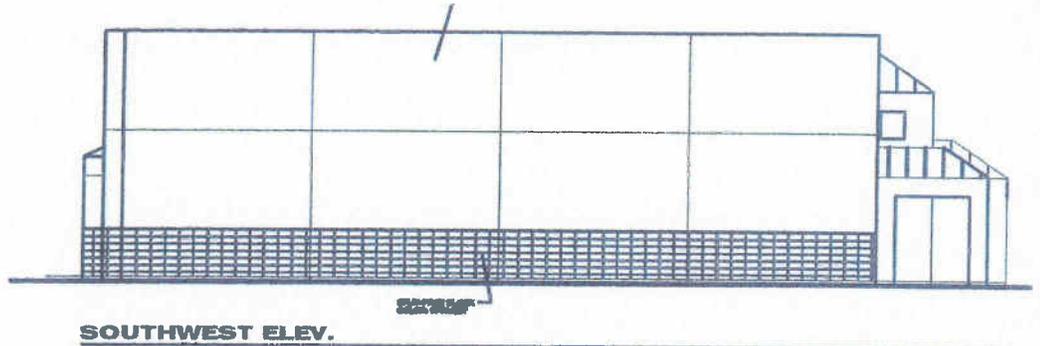
N

1-9

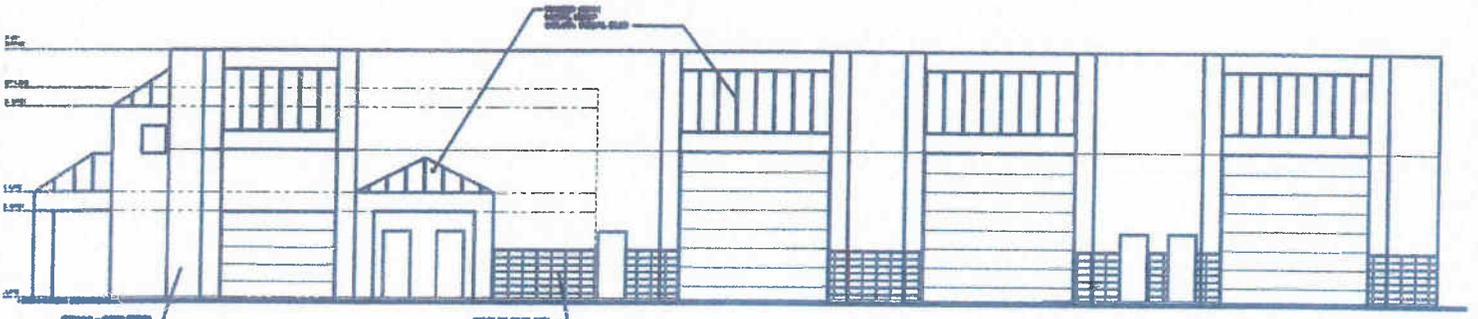
PLANNING COMMISSION

BUILDING ELEVATIONS

ATTACHMENT 6.1



SOUTHWEST ELEV.



NORTHWEST ELEV.

SCALE = 1/4" = 1'-0"

APPLICANT:
WYATT PROPERTIES

FILE NO:
CUP-2008-07

LOCATION:
SOUTH SIDE OF LILAC STREET, 200 FEET EAST OF DARWIN AVENUE

APNS:
415-211-31 &
415-221-01

PROPOSAL:
TO CONSTRUCT A 16,519 SQUARE FOOT TRUCK TERMINAL BUILDING ON 5.6 GROSS ACRES

N
1-40
PLANNING COMMISSION

BUILDING ELEVATIONS

ATTACHMENT 7

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

NEGATIVE DECLARATION ND-2008-23
Preparation Date: January 12, 2009

Name or Title of Project: Conditional Use Permit CUP-2008-07.

Location: South side of Lilac Street, 200 feet east of Darwin Avenue (APNs: 405-211-31 & 415-221-01)

Entity or Person(s) Undertaking Project: Wyatt Properties, LLC.

Description of Project: A Conditional Use Permit to construct a 16,519 square foot truck terminal building on 5.6 gross acres zoned I-2. The proposed use also includes an above ground fueling station.

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

Mitigation Measures:

1. 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.

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

Public Review Period: January 22, 2009 through February 10, 2009.

Public Hearing Date: February 26, 2009.

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

PROJECT DESCRIPTION

1. **Project Title:** Conditional Use Permit CUP-2008-07
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Paul Rull, Planner
Phone number: (760) 947-1611.
4. **Project Location:** South side of Lilac Street, 200 feet east of Darwin Avenue (APNs: 415-211-31 & 415-221-01).
5. **Project Sponsor:** Wyatt Properties, LLC
Address: 12531 Violet Road, Adelanto, CA 92301
6. **General Plan Designation:** The site is within the Industrial/Commercial (IND/COM) General Plan Land Use designation which is consistent with the current zoning of the property.
7. **Zoning:** General Manufacturing District (I-2)
8. **Description of project:**

A Conditional Use Permit to construct a 16,519 square foot truck terminal building on 5.6 gross acres zoned I-2 as shown on Attachment "A". The proposed use will also have an above ground fueling station and parking spaces for the truck drivers. The site is currently within the Industrial/Commercial General Plan Land Use designation and the General Manufacturing District. The site is currently vacant and has been partially disturbed by off-road vehicle use. The project will provide curb, gutter and sidewalk, and will match-up to existing street paving on Lilac Street across the project frontage. The project will connect to the existing 12" PVC water line in Lilac Street and will provide a septic tank for sewage. The proposed use is consistent with both the existing General Plan and zoning. The project meets all other Development Code regulations, including the minimum setback, landscaping, and building design requirements.

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

The property is currently vacant. The properties to the east and west are also vacant. Existing industrial businesses exist to the north and south. The surrounding properties are designated Industrial/Commercial (IND/COM) on the City's General Plan. The surrounding properties are zoned General Manufacturing District (I-2).

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, and Southwest Gas.

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" |
| X | I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. | |
| <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
Paul Rull, Planner, Hesperia Planning Department

1/12/09

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.

| 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 property is currently vacant and has been partially disturbed. Although vegetation and Joshua trees exist within the site, off-road vehicle tracks bisect the site. The project is bounded by existing industrial businesses to the north and south. Consequently, the site is not considered a scenic resource and Lilac Street is not considered a scenic highway. The site is not in close proximity to any scenic resources or historic buildings. The site’s proximity to existing development and the current site condition is evidence that the project would have a limited impact upon the visual character of the area.

The proposed truck terminal 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 standards as implemented through the conditional use permit. The proposed contemporary industrial look and earthtone colors of the building will compliment the surrounding development. Consequently, development of the site will not degrade the existing visual character or quality of the site and its surroundings. Consequently, development of the site will not degrade the existing visual character or quality of the site and its surroundings.

The project will produce additional light. However, any light or glare produced would be similar to that already being produced by the nearby developments, which are not light sensitive uses. The proposed use will be subject to the Development Code, which limits the amount of light produced at the boundary of the site, which will not have an adverse impact upon the surrounding properties (26). The lighting standard will ensure that the development will not have an adverse impact upon the surrounding properties.

The proposed use is consistent with the Industrial/Commercial General Plan Land Use designation. The General Plan Program Environmental Impact Report (PEIR) addressed development to the maximum build-out of the General Plan. The proposed 16,519 square foot building does not exceed the maximum floor area ratio limitation of the zone. Consequently, the proposed development will not exceed the impact addressed by the PEIR.

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 Final Environmental Impact Report (EIR) analyzed the impacts on aesthetics. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative impacts (43). Inasmuch as this project is consistent with 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.

The project site is currently vacant land, has been partially disturbed, and is not presently, nor does it have the appearance of previous agricultural uses. The 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 *Bryman loamy fine sand, five to nine percent slopes*. This soil is limited by high soil blowing hazard, high water intake rate, and slope considerations (4). The limited size of the property, as well as low fertility of the soil and the proximity of industrial uses, does not make this site viable for agriculture.

The U.S. Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County, California, Mojave River Area states that “Urban and built up land and water areas cannot be considered prime farmland ...” The project is located within an urbanized area which, according to the SCS, are not considered prime farmland. 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 for General Manufacturing (I-2) (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 such permits.

Long-term emissions refer to those air quality impacts that occur after construction has been completed and these impacts will continue over the operational life of the development. The long-term air quality impacts associated with this project are mainly associated with mobile emissions created by motor vehicles. All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD **(6)**. Programs have been established in the 1991 Air Quality Attainment Plan which addresses emissions caused by area sources. The proposed truck terminal is consistent with the existing General Plan Land Use designation of Industrial/Commercial. As part of the General Plan Environmental Impact Report, the impact of the project permitted by the Land Use Plan was analyzed. MDAQMD has the following thresholds of significance for pollutants pounds per day: ROG 137, NO_x 137, CO 548, and PM₁₀ 82. The project includes the service, maintenance and storage of a maximum of 36 truck trailers and drivers, and seven administration employees. Operation emissions from these uses have been calculated using the URBEMIS2007 emission modules software. This model calculates the area source and mobile source emissions for the project and the results are as follows:

Operational Emissions

| Emission Source | Pollutant (lbs/day) | | | |
|---------------------------------------|---------------------|-----------------|--------------|------------------|
| | ROG | NO _x | CO | PM ₁₀ |
| Area Source Emissions | 0.48 | 1.64 | 2.91 | 0.01 |
| Mobile Source Emissions | 3.92 | 5.10 | 40.73 | 6.00 |
| Total Operational Emissions | 4.40 | 6.74 | 43.64 | 6.01 |
| <i>MDAQMD Significance Thresholds</i> | 137 | 137 | 548 | 82 |

As shown in the above table, the proposed project operational emissions would be well below the MDAQMD significance thresholds for all criteria pollutants. Therefore, air quality impacts associated with operation of the proposed project would be less than significant.

Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality. The closest sensitive receptors are single family homes on the west

side of the Burlington Northern Santa Fe (BNSF) railroad, 1500 feet west of the project. The project is not considered of sufficient size to generate construction emissions that could adversely affect nearby receptors. The impacts to these receptors created by construction vehicles and equipment during construction is less than significant.

The City of Hesperia is within the MDAQMD, which is responsible for managing air quality. The Mojave Desert Air Basin (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 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).

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 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 General Plan identifies large areas where future residential, commercial, and industrial development will occur. The General Plan (PEIR) analyzed the impact to air quality upon build-out of the General Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with air quality impacts (43). This project is consistent with the General Plan and would not increase the number of vehicle trips from that currently allowed by the General Plan EIR, as described within Section XV. Transportation/Traffic. Inasmuch as this project would not create a greater air quality impact form that currently allowed by the adopted General Plan, no additional impact beyond that identified within the PEIR would occur.

| 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.

A biological report was filed with the project 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 5.6 acres, which is in proximity to existing development, is extremely low (7). The project site is located in an area listed as Category 3 habitat for the desert tortoise by the United States Bureau of Land Management (9). Class 3 habitat indicates that the probability of tortoise occurring is low, but that the area is still within the historic range. Class 0 habitat indicates that the area is considered outside of the historical range of the species and thus is not expected to occur.

RCA Associates, Inc. prepared a Biological Report dated June 17, 2008 and the report concluded that no sensitive species or specie habitats were observed on the site including desert tortoise, Mojave ground squirrel, burrowing owls, sharp-shinned hawks, or loggerhead shrikes (39). 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 these 5.6 acres, which is generally surrounded by development, is extremely isolated (7).

The protected plant plan ensures that individual plants protected under the City’s Native Plant Protection Ordinance (8) which are capable of being transplanted, will be protected in place or relocated. The protected plant plan will require that these trees will be transplanted within the project site, to be used as part of its on-site landscaping. A protected Plant Plan was prepared by Archie M. Rieser Sr. and identified six Joshua trees that are recommended to be transplanted (45). The grading plan for the project shall stipulate that all protected plants identified within the report are properly 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. The site 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.

The project site is not within an area that has the potential to contain cultural resources (9). If any unanticipated discoveries are made during the course of project implementation, work will be temporarily suspended and a qualified archaeologist/paleontologist will be contacted to evaluate the resource. Likewise, if human remains are encountered during construction, all work in the affected area shall be halted, and the County Coroner will be notified.

| 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 between two and five 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 development will be built in compliance with the Hesperia Municipal Code and the Building Code (14), which ensures that the buildings will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soil study is required, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be performed in accordance with all development codes to assure that all structures will not be negatively affected by the soil. Consequently, the impact upon geology and soils associated with the proposed 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 & 17)? | | | | X |
|---|--|--|--|---|

Comments.

The proposed project involves the use and disposal of small amounts of hazardous materials associated with truck repair and maintenance activities and vehicle fueling services. The fuel facility will be constructed in accordance with the latest requirements for containment and will not pose a hazard beyond that of a retail fuel dispensing facility. Motor oil, transmission and brake fluids, and other hazardous materials will be collected for recycling in accordance with an approved Hazardous Materials Management Plan (HMMP). Trucks arriving and departing from the site will be carrying limestone in its containers. There will be no loading or unloading of limestone at the project site and the cargo will remain secure in its containers. 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 Hesperia Airport is located approximately six miles to the south. The nearest school, Victor Valley College, is located two miles to the northeast. The project is not proposed at or adjacent to the airport nor within restricted use zones associated with air operations. No safety hazards to people or air operations associated with implementation of the project can be identified. Consequently, the proposed development would not pose a health hazard.

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 or 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 development proposed 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 an underground drainage system in accordance with City of Hesperia Resolution 89-16. According to the Hesperia Master Plan of Drainage, no facilities or washes exist on the property.

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.

According to the FEMA Flood Insurance Rate Maps (FIRMs), the site is not in an area prone to flooding as the property is in flood zone X. The project is located over 60 miles from the Pacific Ocean at elevations more than 2,500 feet above mean sea level and no large water bodies are located near the project. The project is not located within areas with any potential for impact from mudflow. No potential for inundation by seiche and tsunami will be associated with projects proposed by the project. 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)? | | | | 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 and has been previously disturbed. Industrial businesses exist to the north and south, and in the greater vicinity of the project.

The General Plan addresses the uses allowed within the Industrial/Commercial designation. The proposed use is a permitted use, subject to the approval of a conditional use permit application. The City’s review of this project includes review and approval of a site plan, architectural plans, and an environmental evaluation to comply with CEQA. Approval of the conditional use permit application will include conditions of approval, which will implement the standards of the General Plan and the Municipal Code, and the mitigation measures outlined within this environmental document. It is concluded that compliance with the terms and requirements of the General Plan and this environmental document is adequate mitigation to reduce the potential for land use conflicts associated with implementation of the project to a less than significant level.

The impact of development within the Industrial/Commercial (IND/COM) 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. Further, approval of the project is consistent with Land Use Policy No. L. G. 10, which promotes zoning and land use policies which ensure maximum utilization of existing facilities and infrastructure. The project site does not contain any known habitat or natural community conservation plan area. 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 impacts of Land Use and Planning. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative impacts (43). Inasmuch as this project is within the imitations of the adopted land use plan, no additional impact beyond that identified within the General Plan PEIR 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. The project is not located within areas 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 proposed project will utilize standard construction techniques and equipment. No explosives or other construction activities which could generate excessive groundborne noise or vibration will result. None of the proposed uses will include activities that could generate significant or excessive groundborne vibration or groundborne noise. Therefore, the area impacts by noise generated by the project is less than significant. The proposed facilities also do not include human occupancy structures or other facilities that will be sensitive to the railroad. No potential adverse noise impacts to humans from airport operations is forecast to occur from implementing the project. Therefore, the employees working at the project site will not be significantly impacted by noise.

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 this type of project will be from traffic caused by arriving vehicles (employees and truck drivers). The nearest major roadways in the vicinity to the development are “G” Avenue and Santa Fe Avenue. Santa Fe Avenue is approximately 550 feet west of the project and “G” Avenue is approximately 250 feet east of the project. The boundary of the site is approximately five miles from the Hesperia Airport and six miles from Interstate 15. In addition, the site is approximately 1,000 feet from the Burlington Northern and Santa Fe Railroad. The highest noise levels impacting the project site originate from the Burling Northern and Santa Fe Railroad.

Certain activities are particularly sensitive to noise including sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration. 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. The closest sensitive receptors are single-family homes on the opposite side of Burlington Northern and Santa Fe Railroad. The project is not close enough to generate construction noise that could adversely affect nearby receptors.

| 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.

The project is consistent with the current Industrial/Commercial (IND/COM) General Plan Land Use designation and General Manufacturing (I-2) zoning. Inasmuch as the project site is identified for development of an industrial 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 as the property is designated and zoned for industrial development.

The population in Hesperia has increased partially because of the cost of affordable housing in the high desert. There is currently more demand for commercial and industrial services and jobs than there are services and jobs available in Hesperia. As a result, the proposed development will not induce substantial population growth as the development will provide much needed services and jobs for the current population in the High Desert.

The Land Use plan within the General Plan identifies large areas where future residential, commercial and industrial development will occur. The Hesperia General Plan’s Program Environmental Impact Report (PEIR) analyzed the impacts to population and housing upon build-out of the General Plan Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative impacts (43). The project is consistent with the General Plan and would not increase the number vehicle trips from that currently allowed by the General Plan PEIR, as described in Section XV. Transportation/Traffic. Inasmuch as this project would not create a greater cumulative impact from that currently allowed by the adopted General Plan, no additional impact beyond that identified within the EIR would occur. Consequently, the proposed development will not cause an impact upon population and housing beyond that addressed by the General Plan PEIR.

| 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.

As evaluated previously, the project will not induce significant population growth. Therefore, it will not increase the demand for recreational facilities beyond that needed in accordance with the current General Plan PEIR.

| 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.

Approval of the project will not create a significant impact to the daily vehicle trips as the trips generated by the project are significantly less than compared to what was reviewed in the General Plan Program Environmental Impact Report. The land uses within the Industrial Commercial designation are typically developed with a Floor Area Ratio (FAR) of 60% or less. The FAR of the proposed development is 0.07, is well below the FAR expected in this zone. Based on a FAR of 60% for an industrial development on the project site, approximately 112 vehicle trips would be created based upon the Institute of Transportation Engineer's Trip General Manual. The proposed truck terminal would create 108 daily vehicle trips. Therefore, a reduction of about four daily vehicle trips is projected.

Development of the project would require construction of half-width street improvements to City standards across the project frontage. These improvements will ensure that the development will not have a negative impact upon vehicular traffic in the area. The Municipal Code requires a minimum 18 spaces for the use (28). The site provides 47 parking spaces, allowing for 29 surplus parking spaces. Based upon the street improvements required as a function of the conditional use permit 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.

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 development 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 and other utilities (23). As a condition of approval, the developer is required to apply for a NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. The Developer is also required to provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off collection during construction.

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 (38). 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 (39). 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 affects on human beings, either directly or indirectly? | | | X | |

Comments.

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

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 Agavaceae 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 October, 2008.
- (2) Conditional Use Permit CUP-2008-07 application and related materials.
- (3) Chapter 16.16 of the Hesperia Municipal Code, Article XII, Industrial District
- (4) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area, Page 27 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-30 thru L-31.
- (23) City of Hesperia Water and Sewer maps
- (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) 1991 City of Hesperia General Plan Noise Element Technical Appendix, Exhibit A-13 and Pages A-11 and A-12
- (28) Hesperia Municipal Code Section 16.20.080(B)
- (29) Preliminary Hydrology Study prepared by Shelly Jones dated August 1, 2008
- (30) Master Plan of Arterial Highways adopted May 2, 2001
- (31) City of Hesperia Water and Sewer Maps
- (32) 2001 City of Hesperia Resolution 2006-115 entitled "Economic Justification for Increased Development Impact Fees."
- (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) Trip Generation Manual, Volume II, 6th Edition, Institute of Transportation Engineers.
- (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) RCA Associates, Inc. prepared a Biological Survey Report dated June 17, 2008
- (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) Intentionally left blank
- (43) City of Hesperia General Plan Program Environmental Impact Report (PEIR) dated June 1990
- (44) Intentionally left blank
- (45) Protected Plant Plan, prepared by Archie M. Rieser Sr. dated March 2008.
- (46) South Coast Air Quality Management District, 2007, URBEMIS2007 for Windows Construction Module

ATTACHMENT 8

RESOLUTION NO. PC-2009-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 16,519 SQUARE FOOT TRUCK TERMINAL BUILDING ON 5.6 GROSS ACRES ZONE I-2, LOCATED ON THE SOUTH SIDE OF LILAC STREET, 200 FEET EAST OF DARWIN AVENUE (CUP-2008-07).

WHEREAS, the Wyatt Properties, LLC, has filed an application requesting consideration of Conditional Use Permit CUP-2008-07, described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a 5.6 gross acres lot within the General Manufacturing zone, located on the south side of Lilac Street, 200 feet east of Darwin Avenue and consists of Assessor's Parcel Numbers 415-211-31 & 415-221-01; and

WHEREAS, the Application, as contemplated, proposes to approve a conditional use permit to construct a 16,519 square foot truck terminal building; and

WHEREAS, the site as well as the property to the east is vacant. Existing industrial uses exist to the north and south. The properties to the west are vacant and also developed with industrial uses; and

WHEREAS, the subject property is currently designated Industrial/Commercial (IND/COM) on the City's Land Use Map. The surrounding properties are also designated IND/COM; and

WHEREAS, the subject property is currently zoned General Manufacturing District (I-2). The surrounding properties are also zoned I-2; and

WHEREAS, an environmental Initial Study for the proposed conditional use permit was completed on January 12, 2009, and no significant adverse impacts were identified. Negative Declaration ND-2008-23 was subsequently prepared; and

WHEREAS, on February 26, 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 February 26, 2009, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use, because the site can accommodate all proposed improvements, without infringing on requirements. On-site improvements required by the Hesperia Development Code can be constructed on the property including 47 parking spaces, minimum 26-foot wide drive aisles, landscaping, and trash enclosures. The project also meets all of the San Bernardino County Fire Department standards for fire lanes, two-points of access, fire truck turn-around, fire department connections/post indicator valves (FDC/PIV) and fire hydrants. The proposed development also complies with all state and federal regulations, including the Americans with Disability Act (ADA). The development is designed with an on-site above retention/detention basin to accommodate the required capacity of a 100-year storm. The development will preserve existing Joshua trees that will be transplanted within the development's landscaping.
- (b) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof because it is permitted in the General Manufacturing zone district. The project is also permitted in the City's Industrial/Commercial (IND/COM) General Plan Land Use designation. The proposed development is substantially similar to adjacent uses. To the north and south are existing industrial uses. The properties to the east and west are vacant. The proposed use will not have a significant impact on the adjacent uses as design features on the site plan will assist in minimizing noise, visual and traffic impacts. The development is designed with an on-site retention/detention basin to accommodate the required capacity of a 100-year storm
- (c) The proposed development is consistent with the goals, policies, standards and maps of the adopted General Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia. The proposed use is permitted in the General Manufacturing zone district where it is located in. The development complies with standards for landscaping, driveway aisles, parking stall dimensions, building heights, fire lanes and turn-arounds, and trash enclosures. The development complies with Americans with Disability Act (ADA) by providing two handicap parking spaces with loading areas and a 4-foot-wide path of travel to the streets, parking spaces, and all buildings. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development must comply with the development's condition of approval for off-site and on-site improvements required prior to grading and building construction and prior to issuance of a Certificate of Occupancy.
- (d) The granting approval of the will not be detrimental to the public health, safety, or welfare as the development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development complies with Americans with Disability Act (ADA) by providing

two handicap parking spaces with loading areas and a 4-foot-wide path of travel to the streets, parking spaces, and all buildings.

- (e) The site for the proposed use will have adequate access based upon the site's current accessibility to Lilac Street which is already paved. The development will have one drive approach on Lilac Street.
- (f) The proposed development is consistent with and promotes the goals and policies of the General Plan, Specific Plan, and all applicable codes and ordinances adopted by the City of Hesperia.

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

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves CUP-2008-07, 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 this 26th day of February 2009.

Stephen S. James, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP-2008-07:

Approval Date: February 26, 2009

Effective Date: March 10, 2009

Expiration Date: March 10, 2011

This list of conditions apply to a Conditional Use Permit to construct a 16,519 square foot truck terminal building on 5.6 gross acres zoned I-2, located on the south side of Lilac Street, 200 feet east of Darwin Avenue. Any change of use or expansion of area may require approval of a revised site plan review application (Applicant: Wyatt Properties; APN: 415-211-31 & 415-221-01).

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.

PRIOR TO THE PREPARATION OR SUBMITTAL OF PUBLIC IMPROVEMENT PLANS:

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

Init Date

- _____ 1. **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)
- _____ 2. **Drainage Study.** The Developer shall submit a Final Hydrology / Hydraulic study identifying the method of collection and conveyance of 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. **Utility Non-interference / Quitclaim Document(s):** The Developer shall provide non-interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. **Plans will not be accepted or approved without the required documents and approval from the affected agencies. Any fees associated with the required documents are the Developer's responsibility** (E)
- _____ 5. **Percolation Test.** Where onsite retention/detention is proposed, 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. The applicability of any percolation test for use in designing the retention/detention method

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)

- _____ 6. **Geotechnical Report.** The Developer shall provide two copies of the soils report with the grading plan. The soils report shall substantiate with all grading, building, and public improvement plans. In addition, a percolation report shall be performed to substantiate the percolation of the on-site drainage retention areas. Include "R" value testing and pavement recommendations for public streets (E, B)

- _____ 7. **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)

- _____ 8. **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)

- _____ 9. **Irrevocable Offer Of Dedication:** The Developer shall submit an "Offer of Dedication" to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)

- _____ 10. **Easement, (Water, Sewer or Storm Drain):** The Developer shall submit the "Grant of Easement" to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)

- _____ 11. **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 GRADING PERMIT ISSUANCE:

- _____ 12. **Design for Required Improvements.** Improvement plans for off-site and on-site improvements shall be consistent with the graphics approved as part of this site plan review application and shall also comply with all applicable Title 16 and Engineering Division requirements.
- _____ 13. **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 all cultural resources encountered during grading. (P)
- _____ 14. **NPDES.** The Developer shall provide a copy of the approved original NPDES (National Pollutant Discharge Elimination System) permit from the Regional Water Quality Control Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department.
- _____ 15. **Storm Water Pollution Prevention Plan.** All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. No clearing or grading shall commence until the SWPPP has been accepted and the perimeter protection required in the plan is installed and approved by the City. (E)
- _____ 16. **Lot Merger.** A lot merger shall be submitted, approved, and recorded. (P)
- _____ 17. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)
- _____ 18. **Grant of Easement for Double Detector Check Valve:** The Developer shall grant to the City an easement for *any* part of a required double-detector check valve that encroaches onto private property. (E)
- _____ 19. **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)
- _____ 20. **Protected Plants.** Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

- _____ 21. **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)
- _____ 22. **Storm Drain Improvement Plan:** The Developer shall design storm drain improvements in accordance with City standards and recommendations of the final hydrology/hydraulic study. (E)
- _____ 23. **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. **Dedication(s).** The Developer shall grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. (E)
- _____ ii. **Plan Check Fees.** Prior to improvement plan submittal, the Developer shall pay applicable plan-checking fees. Fees must be paid along with plan submittal. The Improvement Plans and requested studies must be submitted as a package. (E)
- _____ iii. **Grading Plan.** The Developer shall design a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building “footprints” and proposed development of the retention basin as a minimum. 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), top of footing (tf), and the finish grade (fg) elevations. (E)
- _____ iv. **Plans.** All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City’s improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)
- _____ v. **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 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)

- _____ vi. **Drainage Acceptance Letters.** It is the Developer's responsibility to obtain signed Drainage Acceptance Letters from the 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)

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

- _____ viii. **Erosion Control.** The Developer shall provide an erosion control plan with the improvement plans submittal per City Standards. (E)

- _____ B. **Street Improvements.** The Developer shall design street improvements in accordance with City standards and these conditions. (E)
 - _____ i. **Lilac Street:** Saw-cut (2-foot min.) and match-up asphalt pavement on Lilac Street across the project frontage, based on City's 60-foot Roadway Standard. The curb face is to be located at 20' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:
 - 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. Commercial driveway approaches per City standards.
 - 6. Pavement transitions per City Standards.
 - 7. Design roadway sections per existing, approved street sections and per "R" value testing and per the soils report.
 - 8. Cross sections every 50-feet per City standards.
 - 9. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
 - 10. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards.

11. Relocate any existing overhead utilities to underground. The Developer shall coordinate with affected utility companies.
12. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

_____ **C. Utilities.** (E)

1. The Developer shall design a Utility Plan for service connections. Domestic water and sewer connections to be shown on the utility plan.
2. Any existing water or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developer's expense. (E)

_____ **D. Water Improvements.** (E)

1. Domestic and fire connections shall be made from the existing 12" PVC water line in Lilac Street per City Standards.
2. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer. (E)
3. Connection for fire service shall require a City approved back flow device. (E)

_____ **E. Sewer Improvements.** (E)

1. The Developer is not required to install sewer lines unless the proposed septic system cannot meet the Lahontan Regional Water Quality Board's requirements or the City of Hesperia's EDU requirements.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

_____ 24. **Landscape Plans.** The Developer shall submit four sets of landscape and irrigation plans to the Building Division. Plans shall utilize xeriscape landscaping designs wherever practical and conform to current Hesperia Recreation and Park District standards. The landscape planter area along the west, south and east property line is optional and is not counted towards the required landscape. Add additional landscape area adjacent to the building and in the east parking area along Lilac Street. Provide on the landscape plans the total area of landscaping on the site. (P)

_____ 25. **Solid Masonry Wall/Fencing.** The Developer shall submit four sets of masonry wall and/or fencing plans to the Building Division for all proposed walls and fences. All walls and fencing shall be in accordance with the Development Code. The perimeter walls shall be decorative block minimum 6-feet in height, and the retention basin shall have a combination decorative block and wrought-iron totaling 6-feet in height minimum. (P)

- _____ 26. **Building Construction Plans.** Four complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division for review. (B)
- _____ 27. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)
- _____ 28. **Haz-Mat Approval.** The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials. (F)
- _____ 29. **Fire Protection.** Plans for fire protection requirements shall be submitted to the Building Division as follows: (F)
- _____ A. Three sets of fire sprinkler plans prepared by a Fire Protection Engineer, or a C-16 Fire Protection Engineering contractor currently licensed in California.
- _____ B. Two sets of monitored fire alarm plans prepared by a C-7 low voltage systems contractor currently licensed in California.
- _____ C. Prior to delivery of lumber, the applicant shall provide all-weather driving surface of an approved concrete or asphalt covering of sufficient thickness to support the imposed loads of fire apparatus, and fire hydrants with an acceptable fire flow shall be installed. The Fire Chief may approve roads compacted of approved native materials or gravel when compacted to 85% or better. (F)
- _____ D. The fire sprinkler system certification shall be maintained.
- _____ E. Operable fire extinguishers shall be maintained throughout the building in accordance with fire codes.
- _____ 30. **Fire Hydrants.** Install fire hydrants within 300 feet of all buildings in accordance with the approved design. The hydrants shall be in operable condition prior to delivery of combustible materials to the site. (F)
- _____ 31. **Utility Relocation/Undergrounding.** If the 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 own expense. Relocation/undergrounding of utilities shall be identified upon submittal of construction plans. (E)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 32. **Development Fees.** The Developer shall pay required development fees as follows:
 - _____ A. Park fees. (B)
 - _____ B. Development Impact fees. (B)
- _____ 33. **Utility Clearances.** The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. (B)
- _____ 34. **On-Site Improvements.** All on-site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the graphic identified as Exhibit "A." Any exceptions shall be approved by the Deputy Director of Development Services / Community Development. (P)
- _____ 35. **As-Built Plans.** The Developer shall provide as-built plans, Notice of Completion, One-Year Maintenance Bonds, and Bill of Sale to the Engineering Division. (E)
- _____ 36. **Public Improvements.** All public improvements shall be completed by the Developer and approved by the Engineering Division. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)
- _____ 37. **Fire Division Access.** The Developer shall provide a key box security system to provide building and site access as well as access to all fire protection systems. (F)
- _____ 38. **Override Switch.** Where an automatic electric security gate is used, an approved Fire Department override switch Knox® is required. (F)

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 | 947-1414 |
| (F) | Fire Prevention Division | 947-1623 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |



DATE: February 26, 2009
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY:  Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Public Facility Review PFR-2008-07; Applicant: County of San Bernardino;
APN: 0407-224-01

RECOMMENDED ACTION

It is recommended that the Planning Commission approve Resolution No. PC-2009-11, approving PFR-2008-07.

BACKGROUND

Proposal: A Public Facility Review to construct a two-story, 66,778 square foot government building on 4.45 net acres (Attachment 1).

Location: Northwest corner of Smoke Tree Street and Seventh Avenue.

Current General Plan, Zoning and Land Uses: Planned Mixed Use (PMU) General Plan Land Use designation and within the High Density Residential District of the Main Street and Freeway Corridor Specific Plan, which allows 15-20 dwelling units per acre. The surrounding land is designated and zoned as noted on Attachments 2 and 3. The site is currently vacant and completely disturbed. The property to the north contains a senior apartment complex, the property to the south contains City Hall, the property to the west is currently vacant and is proposed to house the future Hesperia Police Department, and properties to the east contain single-family homes. (Attachment 4)

ISSUES/ANALYSIS

The proposed institutional use is permitted in any zone district, through approval of a public facility review application. The project site includes a proposed two-story, 66,778 square foot building to serve 211 employees from a variety of Divisions within San Bernardino County. The site is proposed to be accessed by two public driveways on Smoke Tree Street. The driveway to the west along Smoke Tree Street will be designed to incorporate a drive aisle into the parking lot, similar to the City Hall driveway on Spruce Street, to aid with vehicular circulation and stacking. The project is parked at five parking spaces per 1,000 square feet of building area, this does not include the required parking spaces for the 40 county vehicles proposed, however, a current agreement between the City and the County would allow the overflow of vehicles to be parked within the City Hall parking lot.

The building will contain offices for general administration, storage areas, conference, and break rooms. The proposed building architecture also meets the City's architectural guidelines, including varying vertical and horizontal building planes, varying materials such as glass, aluminum, concrete, decorative windows, louvers, and decorative stacked stone consistent with the City

Hall building. Similar architectural features are also being incorporated into the proposed Police Station to the west. Incorporating similar architectural elements will provide a common theme, unifying the buildings within the Civic Center.

Drainage: On-site drainage to the level of a 100 year storm will be retained in an underground retention system.

Water and Sewer: The project is required to connect to the existing eight-inch water and sewer lines in Smoke Tree Street.

Street Improvements: The project will be required to provide sidewalks and commercial drive approaches on Smoke Tree Street. Any proposed changes and alternatives shall be reviewed by City staff and approved by the City Engineer.

Traffic: Approval of the project will not create a traffic impact significantly greater than what was accounted for by a potential multi-family residential development. The site is zoned High Density Residential, which allows 15-20 units per acre. Approval of a multi-family residential development at maximum density would allow for 89 dwelling units. According to the Institute of Traffic Engineer's Traffic manual, this would create an estimated 596 daily vehicle trips (6.7 daily trips per dwelling unit). The proposed government office building would create an estimated 844 daily vehicle trips based on 211 employees. Therefore, an increase of 248 daily vehicle trips would result. The additional 248 vehicle trips would be principally offset by the police station to the west, which will generate 226 fewer vehicle trips than what was considered as part of the City's Main Street and Freeway Corridor Specific Plan Program Environmental Impact Report. In addition, the Civic Plaza Park could generate as much as 839 daily vehicle trips if it were developed as an office use and the park generates significantly less trips on a regular basis.

Environmental: This project is exempt from the California Environmental Quality Act (CEQA), per Section 15332, In-Fill Development Projects, since the net area of the project is less than five acres and the site is substantially surrounded by development.

Conclusion: The project conforms to the policies of the City's General Plan and meets the standards of the Development Code.

FISCAL IMPACT

None

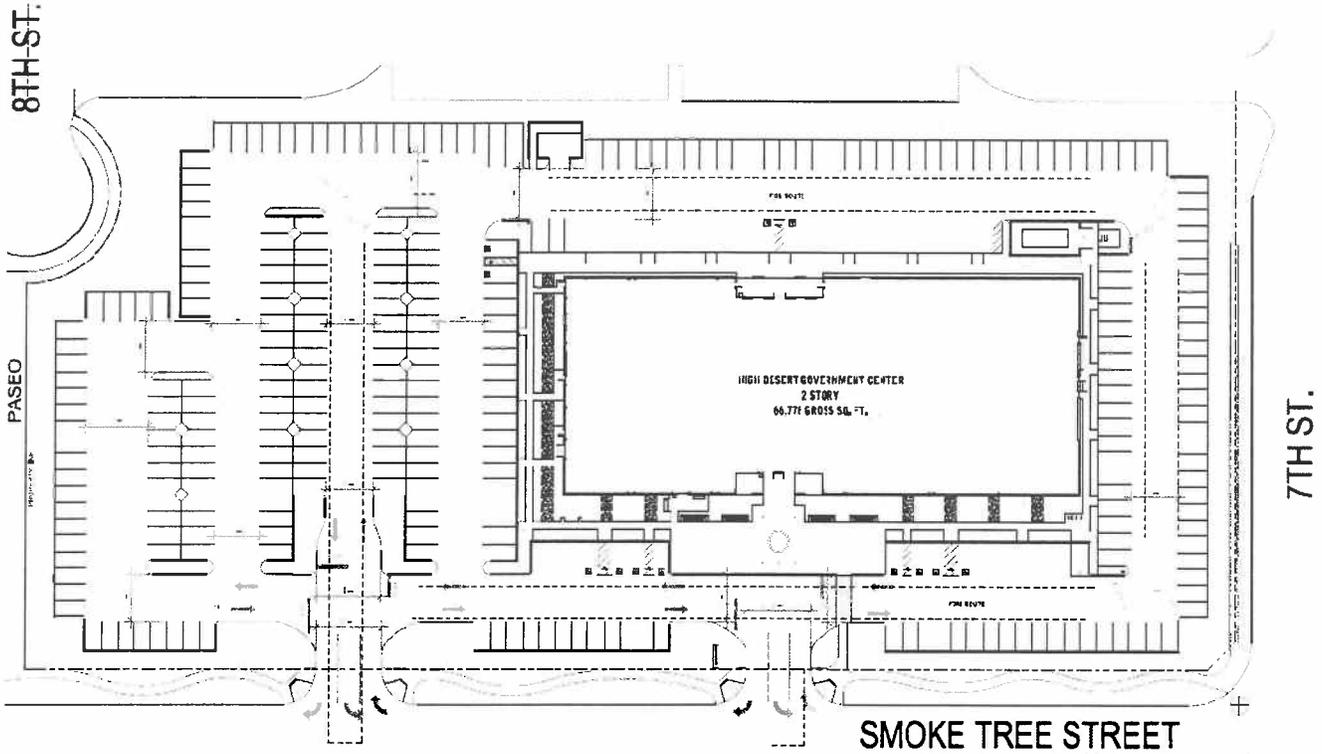
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site plan
2. General Plan Land Use map
3. Zoning map
4. Aerial photo
5. Color perspective
6. Resolution No. PC-2009-11, with list of conditions

ATTACHMENT 1



APPLICANT(S):
COUNTY OF SAN BERNARDINO

FILE NO(S):
PFR-2008-07

LOCATION:
NORTHWEST CORNER OF SEVENTH AVENUE AND SMOKETREE STREET

APN(S):
0407-224-01

PROPOSAL:
TO CONSTRUCT A TWO-STORY, 66, 778 SQUARE FOOT GOVERNMENT OFFICE BUILDING ON 4.45 NET ACRES



SITE PLAN

ATTACHMENT 2



APPLICANT(S):
COUNTY OF SAN BERNARDINO

FILE NO(S):
PFR-2008-07

LOCATION:
NORTHWEST CORNER OF SEVENTH AVENUE AND SMOKETREE STREET

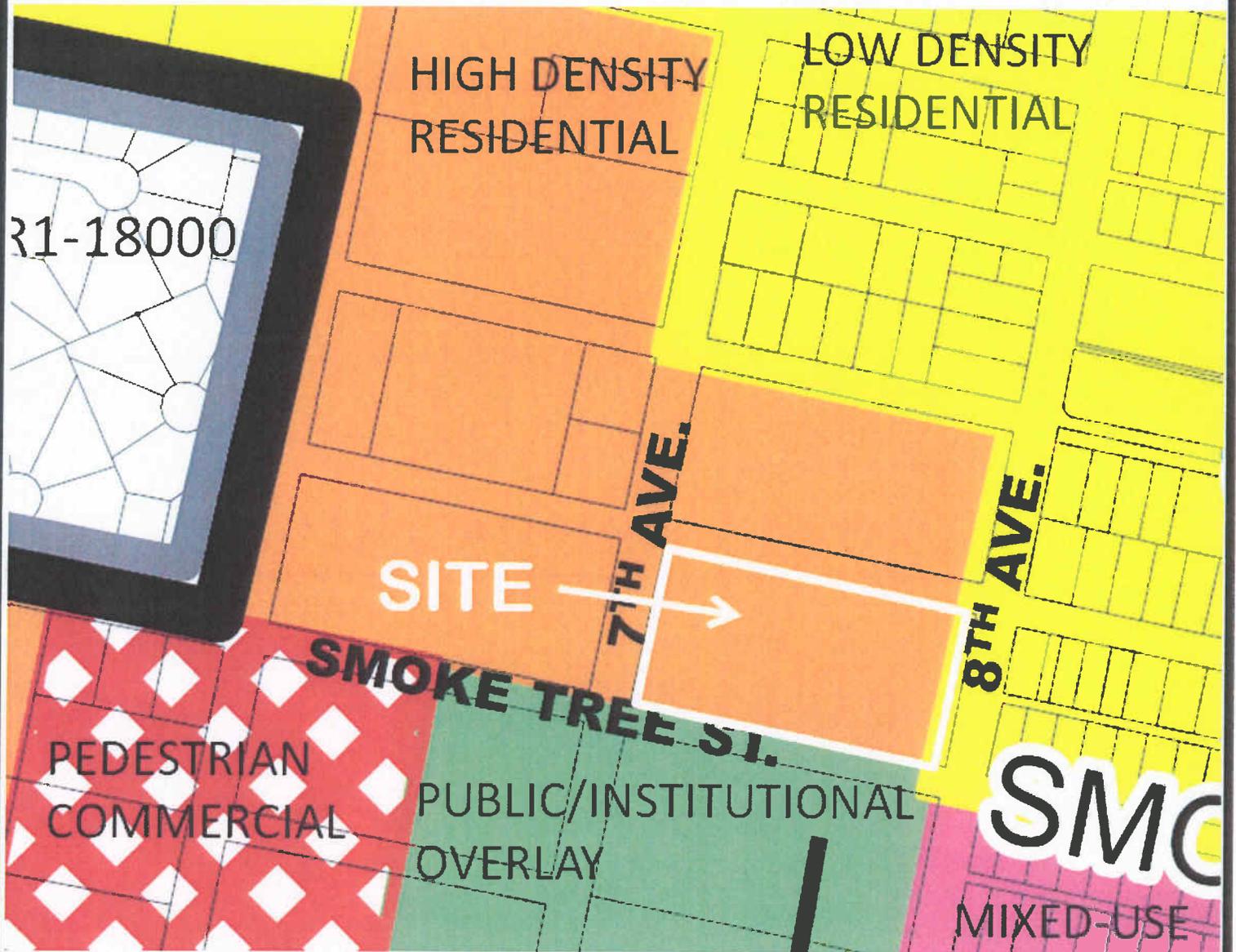
APN(S):
0407-224-01

PROPOSAL:
TO CONSTRUCT A TWO-STORY, 66,778 SQUARE FOOT GOVERNMENT OFFICE BUILDING ON 4.45 NET ACRES



GENERAL PLAN

ATTACHMENT 3



APPLICANT(S):
COUNTY OF SAN BERNARDINO

FILE NO(S):
PFR-2008-07

LOCATION:
NORTHWEST CORNER OF SEVENTH AVENUE AND SMOKETREE STREET

APN(S):
0407-224-01

PROPOSAL:
TO CONSTRUCT A TWO-STORY, 66,778 SQUARE FOOT GOVERNMENT OFFICE BUILDING ON 4.45 NET ACRES



ZONING MAP

ATTACHMENT 4



APPLICANT(S):
COUNTY OF SAN BERNARDINO

FILE NO(S):
PFR-2008-07

LOCATION:
NORTHWEST CORNER OF SEVENTH AVENUE AND SMOKETREE STREET

APN(S):
0407-224-01

PROPOSAL:
TO CONSTRUCT A TWO-STORY, 66,778 SQUARE FOOT GOVERNMENT OFFICE BUILDING ON 4.45 NET ACRES



AERIAL PHOTO

ATTACHMENT 5



APPLICANT(S):
COUNTY OF SAN BERNARDINO

FILE NO(S):
PFR-2008-07

LOCATION:
NORTHWEST CORNER OF SEVENTH AVENUE AND SMOKETREE STREET

APN(S):
0407-224-01

PROPOSAL:
TO CONSTRUCT A TWO-STORY, 66,778 SQUARE FOOT GOVERNMENT OFFICE BUILDING ON 4.45 NET ACRES



COLOR PERSPECTIVE

ATTACHMENT 6

RESOLUTION NO. PC-2009-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A PUBLIC FACILITY REVIEW TO CONSTRUCT A TWO-STORY, 66,778 SQUARE FOOT GOVERNMENT OFFICE BUILDING ON 4.45 NET ACRES ZONED HIGH DENSITY RESIDENTIAL WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN, LOCATED ON THE NORTHWEST CORNER OF SMOKE TREE STREET AND SEVENTH AVENUE (PFR-2008-07)

WHEREAS, the City of Hesperia has filed an application requesting consideration of Public Facility Review PFR-2008-07, described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a 4.45 net acres lot within the High Density Residential zone district of the Main Street and Freeway Corridor Specific Plan, located on the northwest corner of Smoke Tree Street and Seventh Avenue and consists of Assessor's Parcel Number 0407-224-01; and

WHEREAS, the Application, as contemplated, proposes to construct a two-story, 66,778 square foot government office building; and

WHEREAS, the site is currently vacant and has been previously disturbed. The property to the north contains a senior's apartment complex, the property to the south contains City Hall, the properties to the east contain single family residences, and the property to the west is vacant ; and

WHEREAS, the subject property is currently designated Planned Mixed Use (PMU) on the City's Land Use Map. All surrounding properties are also designated PMU.

WHEREAS, the subject property is currently zoned High Density Residential within the Main Street and Freeway Corridor Specific Plan, allowing 15-20 dwelling units per acre. The use is allowed pursuant to Section 16.16.060 of the Municipal Code. The property to the north is zoned High Density Residential. The properties to the south are zoned Public/Institution. Properties to the east are zoned Low Density Residential. The property to the west is High Density Residential.; and

WHEREAS, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15332, In-Fill Development Projects; and

WHEREAS, on February 26, 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 February 26, 2009, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use, because the site can accommodate all proposed improvements.
- (b) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof.
- (c) The proposed development is consistent with the goals, policies, standards and maps of the adopted zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia.
- (d) The granting approval of the will not be detrimental to the public health, safety, or welfare as the development will be constructed pursuant to the California Building Code and Fire Codes and adopted amendments.
- (e) The site for the proposed use will have adequate access based upon the site's current accessibility to Seventh Avenue and Smoke Tree Street which are already paved.

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

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves PFR-2008-07, 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 this 26th day of February 2009.

Stephen S. James, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Public Facility Review PFR-2008-07

Approval Date: February 26, 2009

Effective Date: March 10, 2009

Expiration Date: March 10, 2011

This list of conditions apply to a Public Facility Review to construct a two-story, 66,778 square foot government office building on 4.45 net acres zoned High Density Residential within the Main Street and Freeway Corridor Specific Plan, located on the northwest corner of Seventh Avenue and Smoke Tree Street. Any change of use or expansion of area may require approval of another Public Facility Review application (Applicant: County of San Bernardino; APN: 0407-224-01).

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

PRIOR TO THE PREPARATION OR SUBMITTAL OF PUBLIC IMPROVEMENT PLANS:

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

Init Date

- | | | |
|-------|-------|--|
| _____ | _____ | 1. <u>Drainage Study</u> . The Developer shall submit a Final Hydrology/Hydraulic study identifying the method of collection and conveyance of tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E) |
| _____ | _____ | 2. <u>Title Report</u> . The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E) |
| _____ | _____ | 3. <u>Erosion Control</u> . The Developer shall provide an erosion control plan with the improvement plans submittal per City Standards. (E) |
| _____ | _____ | 4. <u>Geotechnical Report</u> . The Developer shall provide two copies of the soils report with the grading plan. The soils report shall substantiate with all grading, building, and public improvement plans. In addition, a percolation report shall be performed to substantiate the percolation of the on-site drainage retention areas. Include "R" value testing and pavement recommendations for public streets. (E, B) |
| _____ | _____ | 5. <u>NPDES</u> . 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. <u>Storm Water Pollution Prevention Plan</u> . The Developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off control during construction. (E) |

- _____ 7. **Vacation**. The Developer shall submit a "Request for Vacation" to the City's Engineering Department for acceptance. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. *This condition will become void, if the vacation of Chestnut St and 8th Ave. is satisfied as part of Tentative PM-19153.* (E)
- _____ 8. **Offer Of Dedication, (I.O.D.)**. The Developer shall submit an "Offer of Dedication" to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. *This condition will become void, when PM-19153 is recorded. All the required easement dedications are offered in Tentative PM 19153. Any new dedications needed as a result of plans review, shall be handled by separate document.* (E)
- _____ 9. **Grant Of Easement**. The Developer shall submit a "Grant of Easement" to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. *This will include easements for the utilities located within Chestnut St. The grant of easement(s) shall be all inclusive to grant rights to all affected utilities located within Chestnut St and 8th Ave.* (E)

CONDITIONS REQUIRED PRIOR TO GRADING PERMIT ISSUANCE:

- _____ 10. **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)
- _____ 11. **Dedication(s)**. The required Dedications and vacations for this project shall be satisfied by the approval and recordation of PM 19153. (E)
- _____ 12. **Grant of Easement(s)**. The Developer shall grant to the City an easement for *any* part of a required double-detector check valve that encroaches onto private property, *in addition to the existing waterlines in Chestnut St.* (E)
- _____ 13. **Utility Non-interference / Quitclaim Document(s)**. The Developer shall provide non-interference and or quitclaim letter(s) from all applicable utility agencies for all utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies.
- _____ 14. **Utility Plan**. The Developer shall design a Utility Plan for service connections and/or private hydrant and sewer connections. **Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developer's expense.** (E)

- _____ 15. **Design for Required Improvements.** Improvement plans for off-site and on-site improvements shall be consistent with the graphics approved as part of this site plan review application and shall also comply with all applicable Title 16 and Engineering Division requirements. Specifically, the following revisions shall be made to the improvement plans: (E, P)
- A. The trash enclosure shall be relocated to the intersection of the two drive aisles to facilitate access for the waste disposal hauler. The location of the trash enclosure shall be subject to approval by Planning staff.
- _____ 16. **NPDES.** The Developer shall provide a copy of the approved original NPDES (National Pollutant Discharge Elimination System) permit from the Regional Water Quality Control Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department. (E)
- _____ 17. **Storm Water Pollution Prevention Plan.** All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. (E)
- _____ 18. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)
- _____ 19. **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)
- _____ 20. **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)
- _____ 21. **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. **Grading Plan.** The Developer shall design a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building "footprints" and proposed development of the retention basins, as a minimum. (E)
- _____ ii. **Plans.** All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department, Engineering Department for plan review with the required checking fees. All Public Works plans shall be submitted as a complete set. (E)

- _____ iii. **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. (E)
- _____ iv. **On-site Retention.** The Developer shall design / construct on-site retention facilities, which have minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. All dry wells / injection wells shall be 2-phase systems with debris shields and filter elements. All dry wells / injection wells shall have a minimum depth of 30' with a max depth to be determined by soils engineer at time of boring test. Per Resolution 89-16 the Developer shall provide on-site retention at a rate of 13.5 Cu. Ft per every 100 Sq. Ft. of impervious materials. **Any proposed facilities, other than a City approved facility that is designed for underground storage for on-site retention will need to be reviewed by the City Engineer. The proposed design shall meet City Standards and design criteria established by the City Engineer. A soils percolation test will be required for alternate underground storage retention systems.** (E)
- _____ 22. **Street Improvements.** The Developer shall design street improvements in accordance with City standards and as indicated below. *Preliminary street improvements have been completed with the construction of the new city hall, however the final location of all driveway approaches and city sidewalks need to be reviewed and approved by the City Engineer.* (E)
- _____ A. **Smoke Tree Street.**
1. Sidewalk (width = 6 feet) per City standards.
 2. (2) Commercial driveway approaches per City standards.
- _____ B. **Seventh Avenue**
1. All required street improvements are existing and shall be protected during construction.
- _____ 23. **Utilities (Every Parcel Shall Satisfy the Requirements as Outlined below).** (E)
1. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
 2. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the existing 8" PVC water line in Smoke Tree Street per City Standards.
 3. It is the Developer's responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing 10" PVC sewer main in Smoke Tree Street per City standards.

4. Complete V.V.W.R.A.'s "Wastewater Questionnaire for Commercial / Industrial Establishments" and submit to the Engineering Department. Complete the "Certification Statement for Photographic and X-ray Processing Facilities" as required.

Should off-site offers of dedication or easements be required for off-site improvements, it shall be the responsibility of the Developer to obtain such dedications or easements at no cost to the City, pursuant to Section 66462.5 of the Subdivision Map Act. (F, E)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 24. **Landscape Plans.** The Developer shall submit four sets of landscape and irrigation plans to the Building Division with the required application fees. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)
- _____ 25. **Easements.** Should off-site offers of dedication or easements be required for off-site improvements, it shall be the responsibility of the Developer to obtain such dedications or easements at no cost to the City. (E)
- _____ 26. **Solid Masonry Wall/Fencing.** The Developer shall submit four sets of masonry wall and/or fencing plans to the Building Division for all proposed walls and fences. All walls and fencing shall be in accordance with the Development Code. (P)
- _____ 27. **Development Fees.** The Developer shall pay all applicable school fees.()
- _____ 28. **Building Construction Plans.** Four complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division for review. (B)
- _____ 29. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)
- _____ 30. **Access.** The development shall have a minimum of Two (2) points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. (F)
 - A. **Single Story Road Access Width.** All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.
 - B. **Multi-Story Road Access Width.** Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

- _____ 31. **Water System Commercial.** A water system approved and inspected by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site. The applicant is required to provide a minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure. (F)
- _____ 32. **Fire Sprinkler-NFPA #13.** An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufacturer's specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. (F)
- _____ 33. **Fire Alarm.** An automatic **monitoring** fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for 20 heads or more. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. (F)
- _____ 34. **Commercial Addressing.** Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is one hundred (100) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. (F)
- _____ 35. **Knox Box®.** An approved Fire Department Knox Box® is required. The Knox Box® shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and multi-family complexes, all swing gates shall have an approved Fire Department Knox Lock®. (F)
- _____ 36. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. (F)
- _____ 37. **Light and Landscape District Annexation.** Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. (RPD)
- _____ 38. **Utility Relocation/Undergrounding.** If the 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 own expense. Relocation/undergrounding of utilities shall be identified upon submittal of construction plans. (E)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 39. **Development Fees.** The Developer shall pay required development fees as follows:
- _____ A. V.V.W.R.A Fees. (E)
- _____ 40. **Electrical Panel.** The existing service panel shall be upgraded from residential to commercial as approved by the Building Division. (B)
- _____ 41. **Utility Clearances.** The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. (B)
- _____ 42. **On-Site Improvements.** All on-site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the graphic identified as Exhibit "A." Any exceptions shall be approved by the Deputy Director of Development Services / Community Development. (P)
- _____ 43. **As-Built Plans.** The Developer shall provide as-built plans, Notice of Completion, One-Year Maintenance Bonds to the Engineering Department. (E)
- _____ 44. **Public Improvements.** All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)
- _____ 45. **Easements for On-Site Utilities.** The Developer shall submit a grant of easement for on-site utilities on forms provided at the Engineering Division. (E)

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 | 947-1623 |
| (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.
WEDNESDAY, FEBRUARY 18, 2009

A. PROPOSALS:

1. Renewed Life Christian Center (SPR09-10103)

Proposal: A revised site plan review to establish a church on 0.48-acre lot zoned C-1.

Location: 17166 Sequoia Avenue.

Planner: Daniel S. Alcayaga

Action: Administratively Approved

2. Dr. Eric Hansen (CUP-1009-01)

Proposal: Conditional Use Permit to convert an existing single family residence into a 2,306 square foot medical office on .49 net acres, zoned neighborhood commercial.

Location: 14575 Main Street.

Planner: Lisette Sanchez-Mendoza

Action: Forwarded to Planning Commission

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