

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: July 9, 2009

Time: 6:30 P.M.

COMMISSION MEMBERS

Chris Elvert, Chair

Joline Bell Hahn, Vice Chair

Stephen James, Commissioner

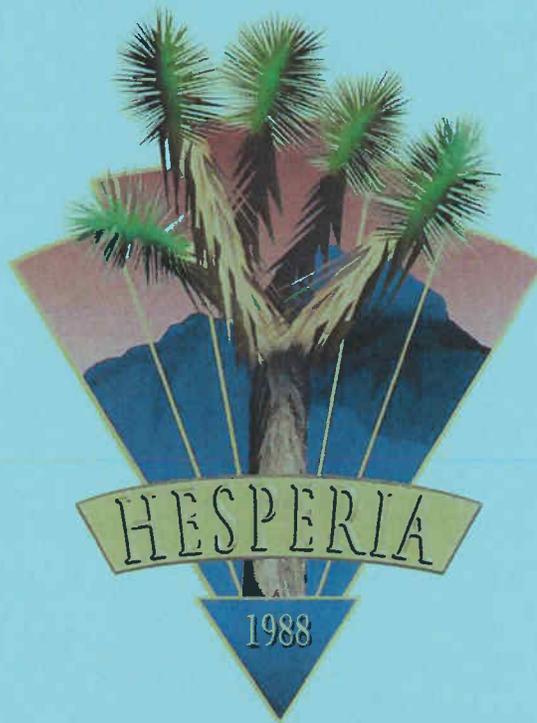
Julie Jensen, Commissioner

William A. Muller, 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.

July 9, 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 Chris Elvert
 - Vice Chair Joline Bell Hahn
 - Commissioner Stephen James
 - Commissioner Julie Jensen
 - Commissioner William Muller

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

- E. Approval of Minutes: June 11, 2009 Planning Commission Meeting Draft Minutes

-1-

PUBLIC HEARINGS

- 1. Consideration of Tentative Tract (TNT09-10154/TT-17916) to create 177 single-family residential lots on 40.0 gross acres within the Low Density Residential District of the Main street and Freeway Corridor Specific Plan and Variance (VAR09-10153), to eliminate the 500 square foot common open space per lot requirement for this subdivision, located on the southwest corner of Mojave Street and Topaz Avenue (Applicant: NV Hesperia Investors, LLC; APNs: 0405-261-15 thru 18, & 27 thru 30) (Staff Person: Lisette Sanchez-Mendoza) 1-1

- 2. Consideration of Conditional Use Permit (CUP-2007-07) to convert an existing lumber yard into a large recycling facility and Parcel Map (PM-19120) to create one parcel from 4.0 acres within the Commercial Industrial Business Park Zone District, located at 16666 Spruce Street (Applicant: Jose Cuevas; APNs: 0410-151-19, 20, 24, 25, 34, and 0410-161-15, 16, 26 thru 28, and 36) (Staff Person: Lisette Sanchez-Mendoza). 2-1

- 3. Consideration of Development Code Amendment (DCA09-10205), to amend the Development Code regarding clear areas and allowable projections into yards (Applicant: City of Hesperia; Area affected: Citywide) (Staff Person: Stan Liudahl). 3-1

PRINCIPAL PLANNER'S REPORT

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

F. DRC Comments

4-1

G. Major Project Update

PLANNING COMMISSION BUSINESS OR REPORTS

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

ADJOURNMENT

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

I, Eva Heter, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, July 2, 2009 at 5:30 p.m. pursuant to California Government Code §54954.2.



Eva Heter
Planning Commission Secretary

**PLANNING COMMISSION
REGULAR MEETING**

DRAFT MINUTES

June 11, 2009

The regularly scheduled meeting of the Hesperia Planning Commission was held on Thursday, June 11, 2009 in the City Council Chambers, 9700 Seventh Avenue Hesperia, California. The meeting was called to order at 6:30 p.m. by Chair Elvert.

A. CALL TO ORDER

1. Pledge of Allegiance – Vice Chair Hahn
2. Invocation - Commissioner James
3. Roll Call

| | |
|------------------------------|---------|
| Chair, Chris Elvert | Present |
| Vice Chair, Joline Bell Hahn | Present |
| Commissioner Stephen James | Present |
| Commissioner Julie Jensen | Present |
| Commissioner William Muller | Present |

In Attendance for Staff: Principal Planner, Dave Reno AICP; Assistant City Attorney, Douglas Haubert; Senior Planner, Daniel S. Alcayaga AICP; Planner, Lisette Sanchez-Mendoza; Recording Secretary, Eva Heter.

B. PUBLIC COMMENTS-

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

No Comments to consider.

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

C. CONSENT CALENDAR

Approval of Minutes: May 14, 2009 Planning Commission Minutes

Draft Minutes were Amended: Roll Call Vote for Resolution No. PC-2009-17 was corrected; correction showed a “no” vote by Commissioner James.

Motion: Vice Chair Hahn moved to approve the May 14, 2009 Planning Commission Minutes as amended. Commissioner James seconded the motion. The motion passed by a unanimous voice vote of all Commissioners present.

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D. PUBLIC HEARING ITEMS

1. Consideration of Development Code Amendment (DCA09-10198) amending the sign regulations regarding promotional and special event signs (Applicant: City of Hesperia; APN: Citywide) (Staff Person: Daniel S. Alcayaga, AICP).

Senior Planner, Daniel Alcayaga AICP gave a brief staff report.

General discussion occurred regarding limitations to various types of signs and definitions.

Chair Elvert opened Public Hearing: 6:41 p.m.

Russel Stringham, Business Owner spoke in favor of approving the Development Code Amendment (DCA09-10198).

Betty Vargas, Business Owner spoke in favor of the Development Code Amendment (DCA09-10198).

Yvonne Waytovich, President, CEO Chamber of Commerce spoke in favor of the Development Code Amendment (DCA09-10198) and special event signs.

Yenett Sandoval, Property Owner Representative had concerns, unrelated to proposed project.

Assistant City Attorney, Douglas Haubert stated that Yenett's concerns would have to be addressed after the public hearing. He stated that the Chair could reopen the Public Comments section in order to hear her concerns; otherwise, she may need to come back at another time.

Chair Elvert stated that he would allow Yenett's concerns to be heard by the Commission after the public hearing.

Joe Blackmore, Business Owner stated his concerns about a code enforcement violation he had received.

Chair Elvert stated that Joe would need to address staff about a code violation after the Public Hearing.

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

Commissioner James stated that one objective was to reduce visual clutter; he spoke in opposition of Development Code Amendment (DCA09-10198).

Commissioner Muller stated that the flag pole signs were more attractive than human arrows.

Commissioner Jensen stated that the sign ordinance gave the City more control over the type of signs that were in the City. She stated that pro-business was important, especially when serving the community; she spoke in favor of Development Code Amendment (DCA09-10198).

Commissioner Hahn spoke in favor of flag pole signs; however, she spoke in opposition of a-frame signs.

Discussion ensued regarding hand-held advertisement signs.

Commissioner Hahn stated that she would like to find out more about hand-held signs.

Commissioner James stated that he would more information on hand-held signs as well.

Motion: Commissioner James motioned to adopt Resolution No. PC-2009-33, as presented denying Development Code Amendment (DCA09-10198). Chair Elvert seconded the motion. The motion failed by the following roll call vote:

Ayes: Commissioner James, Chair Elvert

Noes: Commissioner Jensen, Commissioner Muller, Vice Chair Hahn

Absent:

Abstains:

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Vice Chair Hahn voted "no," stating that at least option 2 would give business owners another option of advertisement.

Commissioner Muller voted "no," stating that he was in favor of option 2.

Commissioner James stated that he was in favor of option 1.

Principal Planner, Dave Reno AICP discussed consensus for the motion, the options for the motion and comments to be forwarded to Council.

Motion: Commissioner Jensen motioned to adopt Resolution No. PC-2009-32, as amended in favor of option 2, recommending that the City Council temporarily amend the sign regulations regarding promotional and special event signs. Vice Chair Hahn seconded the motion. The motion passed by the following roll call vote:

Ayes: Commissioner Jensen, Commissioner Muller, Vice Chair Hahn, Chair Elvert

Noes: Commissioner James

Absent:

Abstains:

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Commissioner James voted "no," for reasons of eliminating and reducing visual clutter.

Assistant City Attorney, Douglas Haubert questioned if the Commissioners wanted to clarify their position on the signs and forward comments to the council.

Vice Chair Hahn recommended that the Council separate the different types of signs; she objected to the a-frame and small advertising signs. She stated that she was in favor of the flag pole, and banner pole signs.

Chair Elvert agreed with Vice Chair Hahn.

Commissioner Muller agreed with Vice Chair Hahn.

Commissioner Jensen agreed with Vice Chair Hahn.

Principal Planner, Dave Reno AICP clarified that the Commission felt that separating the signs was best.

Assistant City Attorney, Douglas Haubert stated that consensus doesn't change the resolution; it just allows comments regarding the Commission's concerns to be forwarded to Council.

Principal Planner, Dave Reno AICP discussed the regulations for temporary special event (TSE) permits.

Commissioner Hahn stated that option 2 doesn't state anything about time regulations.

Principal Planner, Dave Reno AICP stated that option 2, of the current proposal, would allow the signs to be up for the entire year.

Commissioner James stated his concern about the city not being able to regulate the signs.

Senior Planner, Daniel Alcayaga AICP stated that a TSE would allow planners to review the sign and location; Code Enforcement would still be able to regulate the signs.

Chair Elvert reopened Joint public comments 7:17 pm

Yenett Sandoval, Property Owner Representative stated that she had been working with staff on an access issue for the property located on the southeast corner of Bear Valley Road and "I" Avenue.

Assistant City Attorney, Douglas Haubert stated that Yenette was under the Public Comments section of the meeting and no action could be taken by the Commission; however, she could meet with staff regarding the issue.

Principal Planner, Dave Reno AICP stated that he was aware of the property and the abandonment of the property. He also stated that a project would need to be submitted...access issues would be handled by City Engineering Staff and City Management. He stated that he would provide his contact information, in order to better assist her.

Chair Elvert closed Joint Public Comments 7:26 p.m.

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E. PRINCIPAL PLANNER'S REPORT

DRC COMMENTS:

Discussion:

Assistant City Attorney, Douglas Haubert reviewed the Brown Act and Rules of Procedures.

Principal Planner, Dave Reno AICP gave a brief staff report and update of DRC actions. He also mentioned a Planning Commission Training for July 16, 2009 for all Commissioners interested.

F. PLANNING COMMISSION BUSINESS OR REPORTS:

Chair Elvert requested that City Staff look the intersection of Bear Valley Road and Jacaranda; he stated that traffic at the 2nd driveway was a clear zone; however, the 1st driveway was not a clear zone. He requested that the City Engineer to look at the issue.

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G. ADJOURNMENT-

Chair James adjourned the meeting to Thursday, July 9, 2009 at 7:53 p.m.

Approved By:

Chair Elvert, Planning Commission

Attested By:

Eva Heter, Recording Secretary

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DATE: July 9, 2009
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner *DR*
BY: *LSM* Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Tentative Tract TNT09-10154(TT-17916) and Variance VAR09-10153; Applicant: NV Hesperia Investors, LLC; APNs: 0405-261-15 thru 18 and 27 thru 30

RECOMMENDED ACTION

It is recommended that the Planning Commission approve Resolution Nos. PC-2009-34 and PC-2009-35, approving TNT09-10154 (TT-17916) and VAR09-10153.

BACKGROUND

Proposal: A tentative tract map to subdivide 40.0 gross acres into 177 single-family residential lots and a Variance to eliminate the 500 square foot open common space per lot requirement for the subdivision (Attachment 1). The smallest lot within the subdivision is 4,998 square feet, the average lot size is 6,114 square feet, and the largest lot is 12,388 square feet in area. Approximately 12% of the total lots are over 7,200 square feet.

Location: On the southwest corner of Mojave Street and Topaz Avenue.

Current General Plan, Zoning and Land Uses: Planned Mixed Use (PMU) General Plan Land Use designation and within the Low Density Residential District of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated and zoned as noted on Attachments 2 and 3. The site contains two single-family residences and the majority of the 40.0 acre site is vacant (Attachment 4). The properties to the east are vacant. The properties to the north and south contain scattered single family residences. The properties to the west contain single-family residences and Hesperia Community Park.

ISSUES/ANALYSIS

Land Use: This project is considered a Small Lot Subdivision as lots within the tract fall below 7,200 square feet. Although the Specific Plan also defines a Small Lot Subdivision as between 5-8 dwelling units per acre (du/ac), staff considers this project to be compatible with both the design and density of neighboring subdivisions. After recalculating the gross acreage to remove the paseo and retention basin, the site will yield a density of 4.9 du/ac. Tentative Tract 17291 to the east provides a density of 5.1 du/ac and TT-17243 is 6.3 du/ac. TT-17723, located on the northwest corner of Maple Avenue and Verano Street is 5.7 du/ac. TT-17915, located north of this project, is 5.0 du/ac.

Three additional lots would have to be added to this tract to provide a density of 5.0 du/ac. The original project comprised 180 lots, but in order to meet the required access, the site was redesigned to accommodate a fourth access, which reduced the number of lots to 177. The subdivision meets the minimum 50-foot lot width and the minimum 4,500 square foot lot area requirements of the Specific Plan.

Drainage: All drainage created on-site beyond that which has occurred historically, would be retained in the 29,392 square foot detention/retention basin (Lot A) within the northeast corner of the subdivision. A Master Plan of Drainage facility exists on the site along the southeast corner of the property. Consequently, this portion of the property will be dedicated to the City and may serve as a regional basin in the future. Phase 1 includes construction of the retention basin, which is designed runoff for all phases. The retention basin will be enclosed with four-foot wrought iron fencing atop a two-foot high decorative masonry wall on the street sides and along the side within the minimum front yard and by a six-foot high decorative wall on the sides bounded by private property. The retention basin is designed to outlet north on Mojave Street.

Water and Sewer: The developer is required to provide a looped eight-inch water system throughout the subdivision meeting the City's requirements for circulation per the water master plan. The developer is also required to abandon the existing 8" steel line in Mojave Street and replace it with a 12" PVC water line as part of Phase 1. A sewer analysis identifying points of connection shall be prepared, from the existing sewer in Datura Road. Sewer and water shall be connected along Mojave Street, and Datura Road as part of Phase 1.

Traffic: Approval of the subdivision will cause a reduction in the daily vehicle trips identified in the current General Plan Program Environmental Impact Report (PEIR). According to the Institute of Traffic Engineers Manual, approval of the proposed 177-lot subdivision would create an estimated 1,694 daily vehicle trips (9.57 daily trips per dwelling unit). The City's General Plan PEIR estimated 3,828 daily vehicle trips for the 40 acres based on a maximum of 10 du/ac. Consequently, the proposed subdivision would result in a reduction of approximately 2,134 daily vehicle trips. Based upon the street improvements to be constructed, the impact upon transportation facilities associated with the proposed development is considered to be less than what was considered as part of the City's General Plan PEIR.

Street Improvements: The developer will be required to construct full street improvements and underground utilities along Datura Road. The developer will be required to construct full half-width street improvements, as well as the under-grounding of utilities, along the project frontage of Mojave Street and Topaz Avenue. Improvements to Mojave Street, Topaz Avenue, Datura Road and the secondary access Streets "J" and "A" are required to be constructed as part of the Phase 1. The second point of access for the tract would be from Datura Road in Phase 2, and from Topaz Avenue in Phase 3.

Schools, Parks, and Paseos: The development is less than ½ mile from Maple Elementary, ¼ mile from Topaz Elementary, and less than ½ mile from Hesperia High School. The project is approximately 500 feet northeast of Hesperia Community Park and 675 feet southwest of the proposed park within TT-17291. The project includes a variance to eliminate the 500 square foot required common open space per lot. The paseos, landscape and perimeter walls will be constructed within the first 3 phases of the project. These include a 20-foot paseo along the east side of Datura Avenue (Phase 1) and a 30-foot paseo (Phase 3) along the west side of Topaz Avenue and along the southern edge of the development (Phase 3). These paseos will provide a pedestrian linkage to the Hesperia Community Park and proposed Mojave Park within Tract 17291 (Attachment 5). Staff supports the variance based on the proposed paseos, as the connection to the planned and existing parks meet the intent of the Specific Plan to provide common amenities to the residents. Staff does not recommend inclusion of a park in this subdivision as it encompasses only 40 acres and the Specific Plan would afford a park site of only two acres, based on the 500 square foot/lot development standard. This park would not provide sufficient area for many recreation activities and would not be cost effective with respect to maintenance.

Other issues: The City Council determined during its January 17, 2007 workshop, that a minimum 1,400 square foot house size was appropriate for tract homes. The City Council convened again at its May 13, 2008 workshop to discuss the issue of minimum house sizes. Although staff was directed to develop a comprehensive policy, the current minimum requirement was not changed as a result of the meeting. The applicant has agreed that the livable area of each residence within this subdivision be at least 1,400 square feet.

Environmental: Approval of this tentative tract includes adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study prepared for the subdivision concludes that there are no significant adverse impacts resulting from development of the project (Attachment 6). The project site is not in an area that has the potential to contain cultural resources. A protected plant plan and a biological assessment were required. The protected plant plan indicates that the 118 Joshua Trees are being transplanted. 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.

Conclusion: The project conforms to the policies of the City's General Plan, The Main Street and Freeway Corridor Specific Plan, and meets the standards of the Development Code with approval of the variance and interpreting the density to eliminate the acreage affected by drainage, and therefore warrants approval.

FISCAL IMPACT

Development will be subject to payment of development impact fees.

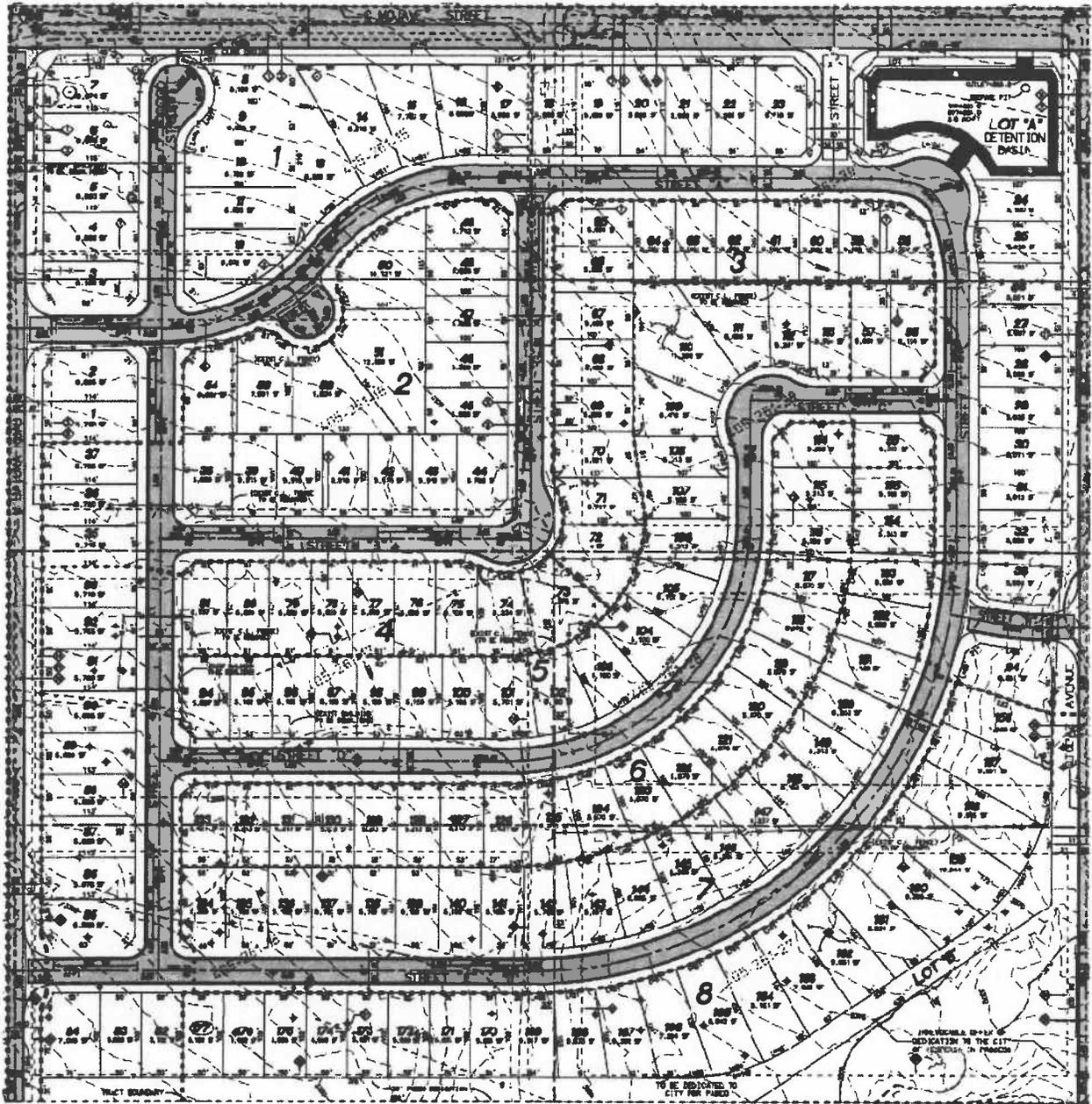
ALTERNATIVES

1. The Planning Commission may continue this project to allow the subdivision to be redesigned consistent with the development standards of the Main street and Freeway Corridor Specific Plan Low Density Residential District for lots of 7,200 square feet or larger. This would result in the elimination of the need for common open space and the variance application. It would also reduce the density, resulting in a reduction in the number of lots. Staff does not support this alternative, as it would cause this subdivision to be inconsistent with the density and lot size of the surrounding projects.
2. Provide alternative direction to staff.

ATTACHMENTS

1. Tentative Tract TT-17916
2. General Plan Land Use Map
3. Zoning Map
4. Aerial Photo
5. Map of Parks and Paseos
6. Negative Declaration and Initial Study
7. Resolution No. 2009-34, with list of conditions (Tentative Tract)
8. Resolution No. 2009-35 (Variance)

ATTACHMENT 1



APPLICANT (S):
NV HESPERIA INVESTORS, LLC

FILE NO (S):
TNT09-10154/TT-17916 &
VAR09-10153

LOCATION:
SOUTHWEST CORNER OF MOJAVE STREET AND TOPAZ AVENUE

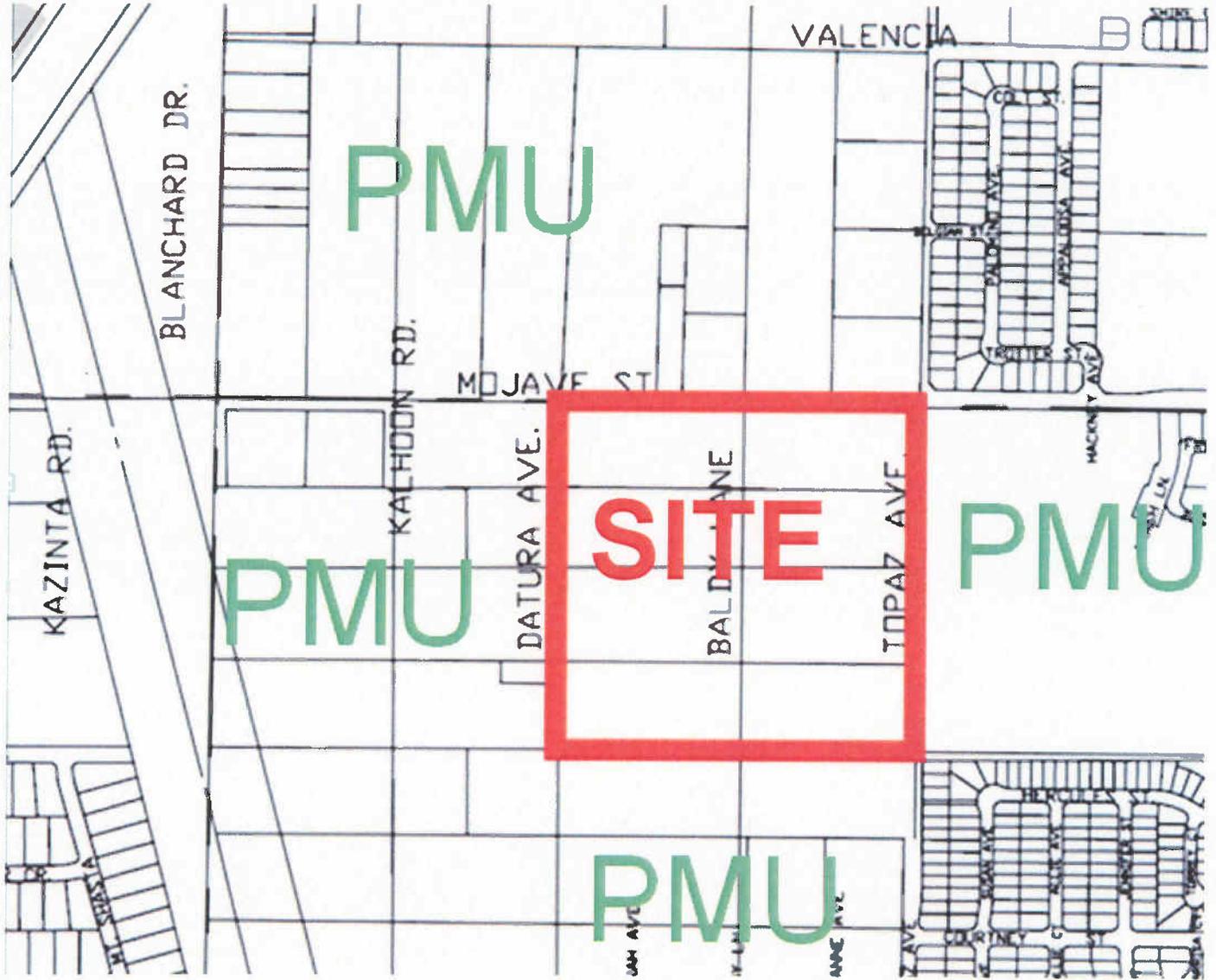
APN (S):
0405-261-15 THRU18
AND 27 THRU 30

PROPOSAL:
CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE 177 SINGLE FAMILY RESIDENTIAL LOTS ON 40.0 GROSS ACRES AND A VARIANCE TO ELIMINATE THE 500 SQUARE FEET OF COMMON OPEN SPACE PER LOT REQUIREMENT



TENTATIVE TRACT MAP

ATTACHMENT 2



APPLICANT (S):
NV HESPERIA INVESTORS, LLC

FILE NO (S):
TNT09-10154/TT-17916 &
VAR09-10153

LOCATION:
SOUTHWEST CORNER OF MOJAVE STREET AND TOPAZ AVENUE

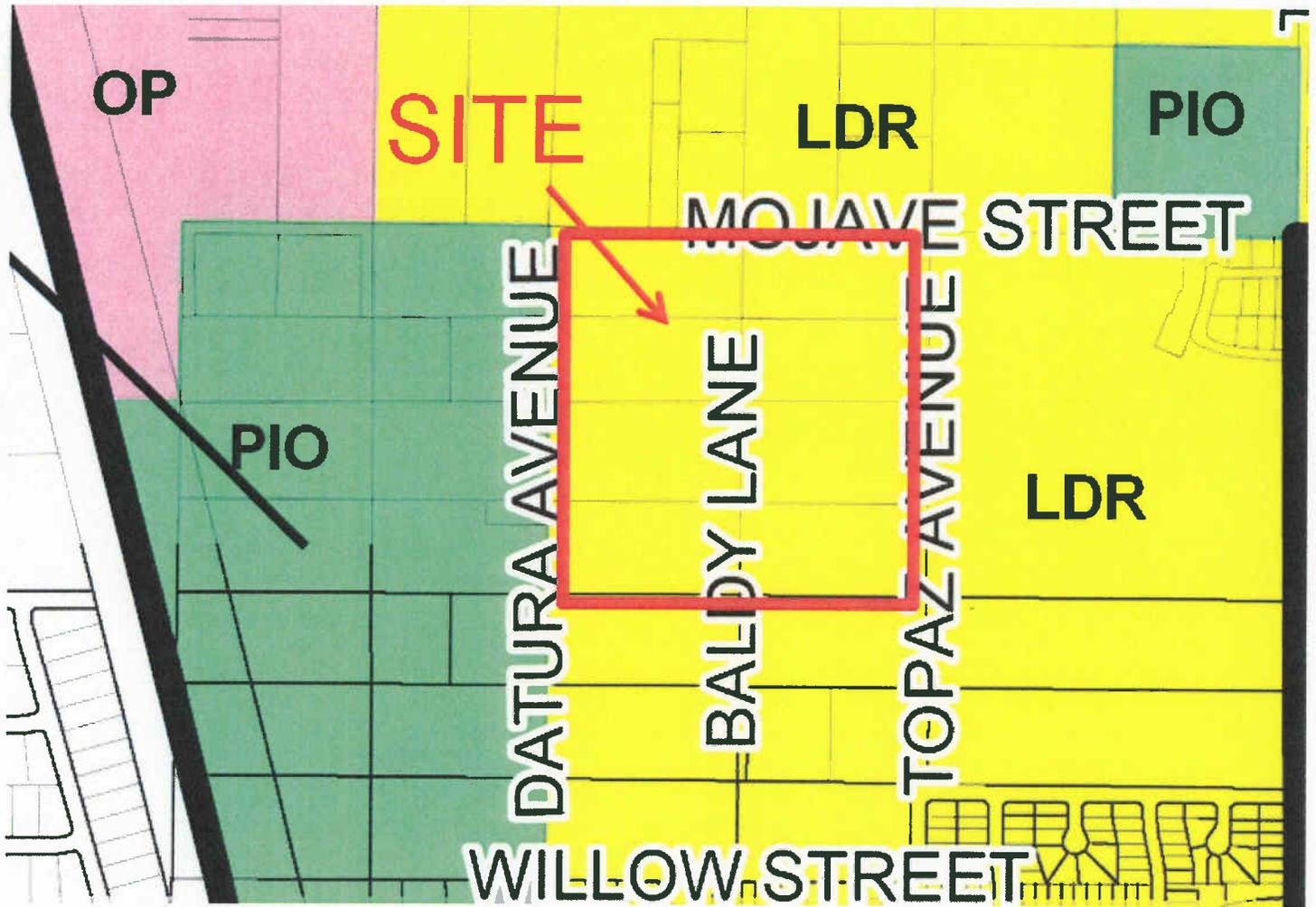
APN (S):
0405-261-15 THRU18
AND 27 THRU 30

PROPOSAL:
CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE 177 SINGLE FAMILY RESIDENTIAL LOTS ON 40.0 GROSS ACRES AND A VARIANCE TO ELIMINATE THE 500 SQUARE FEET OF COMMON OPEN SPACE PER LOT REQUIREMENT



GENERAL PLAN

ATTACHMENT 3



APPLICANT (S):
NV HESPERIA INVESTORS, LLC

FILE NO (S):
TNT09-10154/TT-17916 &
VAR09-10153

LOCATION:
SOUTHWEST CORNER OF MOJAVE STREET AND TOPAZ AVENUE

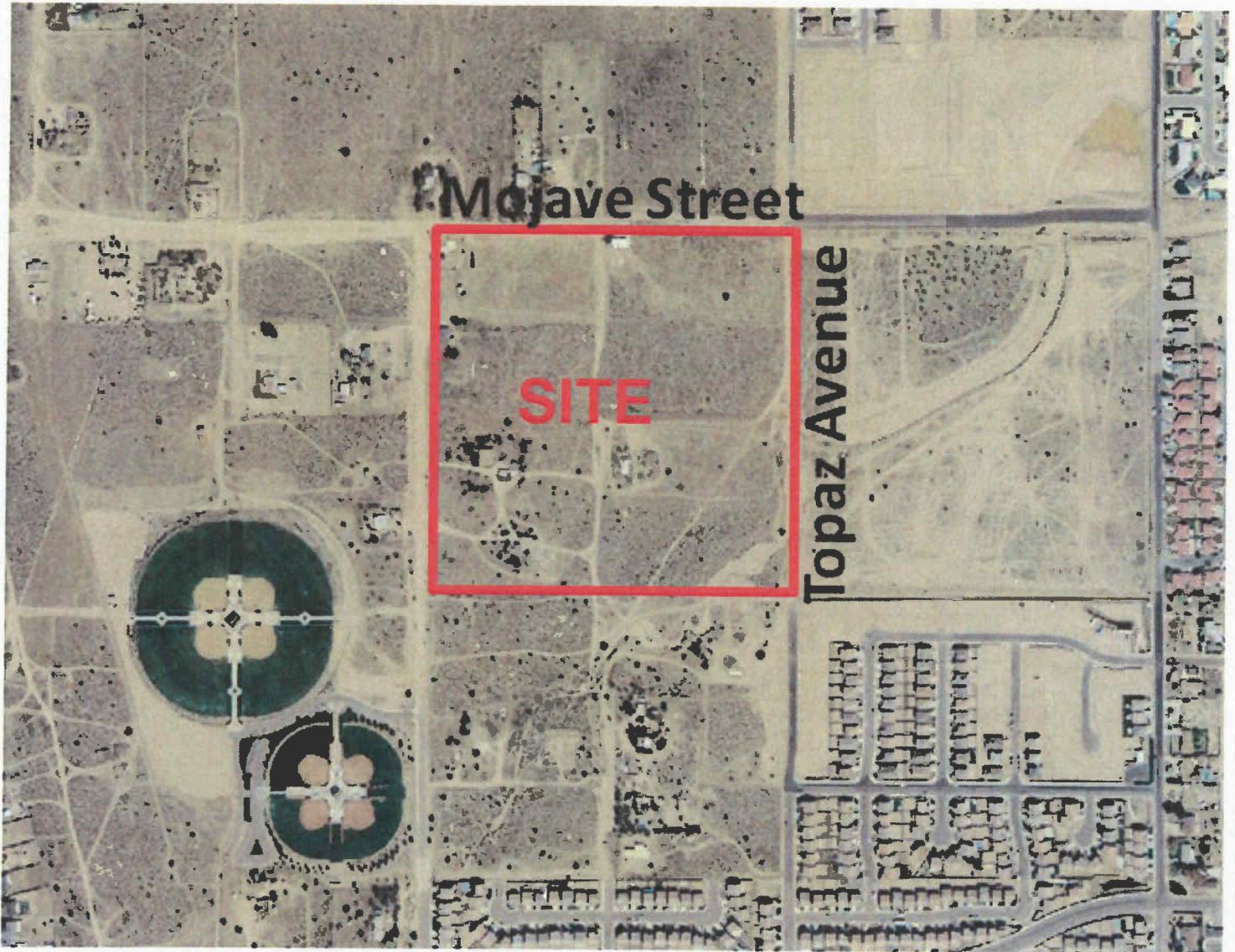
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PROPOSAL:
CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE 177 SINGLE FAMILY RESIDENTIAL LOTS ON 40.0 GROSS ACRES AND A VARIANCE TO ELIMINATE THE 500 SQUARE FEET OF COMMON OPEN SPACE PER LOT REQUIREMENT



ZONING MAP

ATTACHMENT 4



APPLICANT (S):
NV HESPERIA INVESTORS, LLC

FILE NO (S):
TNT09-10154/TT-17916 &
VAR09-10153

LOCATION:
SOUTHWEST CORNER OF MOJAVE STREET AND MOJAVE AVENUE

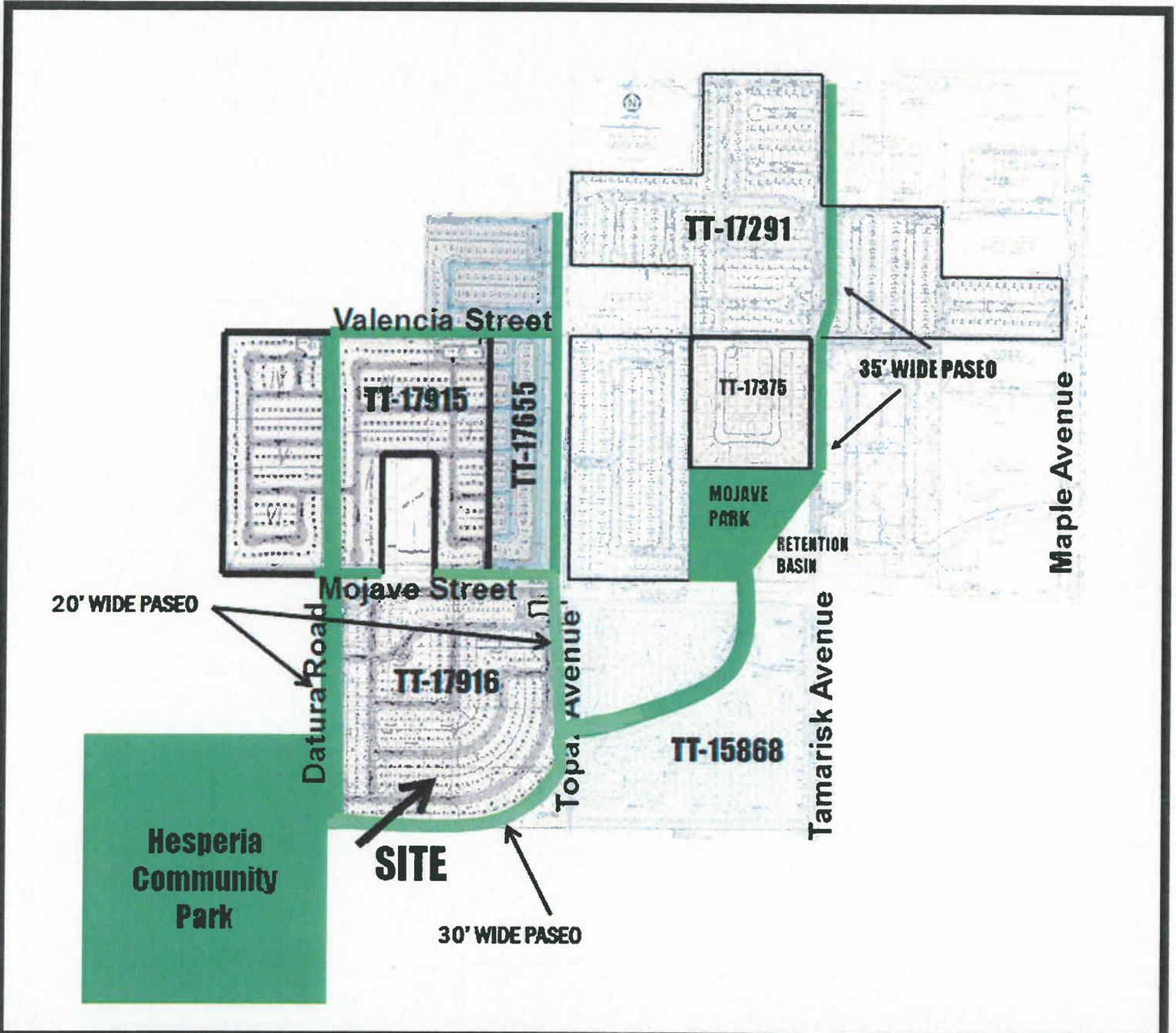
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AERIAL PHOTO

ATTACHMENT 5



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|--|--|
| APPLICANT (S):
NV HESPERIA INVESTORS, LLC | FILE NO (S):
TNT09-10154/TT-17916 &
VAR09-10153 |
| LOCATION:
SOUTHWEST CORNER OF MOJAVE STREET AND TOPAZ AVENUE | APN (S):
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PARKS AND PASEOS

ATTACHMENT 6

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

NEGATIVE DECLARATION ND-2009-05
Preparation Date: May 22, 2009

Name or Title of Project: Tentative Tract TNT09-10154 (TT-17916).

Location: On the southwestt corner of Mojave Street and Topaz Avenue.

Entity or Person Undertaking Project: NV Hesperia Investors, LLC.

Description of Project: Consideration of a tentative tract to create 177 single-family residential lots on 40.0 gross acres within the Low Density Residential District of the Main Street and Freeway Corridor Specific Plan.

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: June 8, 2009 through June 27, 2009.

Public Hearing Dates: July 9, 2009.

Adopted by the Planning Commission: July 9, 2009.

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

PROJECT DESCRIPTION

1. **Project Title:** Tentative Tract TNT09-10154 (TT-17916)
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Lisette Sánchez-Mendoza, Assistant Planner
Phone number: (760) 947-1651.
4. **Project Location:** On the southwest corner of Mojave Street and Topaz Avenue (APN's: 0405-261-15 thru 18, and 27 thru 30)
5. **Project Sponsor:** NV Hesperia Investors, LLC
Address: P.O. Box 5986, Incline Village, NV. 89450
6. **General Plan Designation:** Planned Mixed Use (PMU).
7. **Zoning:** Low Density Residential (LDR) District of the Main Street and Freeway Corridor Specific Plan

8. Description of project:

A tentative tract to create 177 single-family residential lots on 40.0 gross acres. All drainage created on-site beyond that which has occurred historically, would be retained in a 29,392 square foot retention basin (Lot A) within the tract. The site includes a Master Plan of Drainage Facility in the southeast corner of the site and has a potential of becoming a large basin. Lot A and this portion of the site will be dedicated to the City. The project will be required to construct streets and improvements including curb, gutter, and sidewalks along perimeter and internal streets.

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

The site contains two single-family residences that will be demolished and the majority of the 40.2 acre site is vacant as shown on Attachment "A". The properties to the north and east are vacant. The properties to the south contain single family homes as well as vacant lots. The properties to the west contain single family homes and Hesperia Community Park.

10. Other public agency whose approval is required (e.g., permits, financing approval, or participation agreement.) This project is subject to review and approval by the Mojave Desert Air Quality Management District, the Hesperia Water District, Southern California Edison, Southwest Gas, and Hesperia Unified School District.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (Completed by the Lead Agency)

On the basis of this initial evaluation:

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


 Signature
 Lisette Sánchez-Mendoza, Assistant Planner, Hesperia Planning Division

6/08/09
 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 & 25)? | | | X | |

Comments.

The site contains two single-family residences and the majority of the 40.2 acre site is vacant. The properties to the north and east are vacant. The properties to the south contain single family homes as well as vacant lots. The property to the west contains a single-family residence and Hesperia Community Park. The site and its surroundings are not considered a scenic vista. Interstate-15 is located 850 feet to the west and is not considered a scenic highway. The site is not in close proximity to historic buildings or a scenic highway. Therefore, the project will not have a significant impact on scenic resources, historic buildings, and scenic highway.

The area is zoned for residential uses and is generally developed. All surrounding properties are General Plan designated Planned Mixed Use (PMU). All surrounding properties are within the Main Street and Freeway Corridor Specific Plan’s Low Density Residential (LDR) District with the exception of the property to the west which is zoned within the Public/Institutional Overlay District.

The project will produce additional light and glare. However, any light or glare produced would be similar to that already created by the nearby residences (1). The adjacent park produces a significant amount of light, as the fields are lighted. Development of 177 homes will blend with the visual character of the site and its surroundings, given the proximity of single-family residences. The development will comply with the Main Street and Freeway Corridor Specific Plan (1, 2 & 3), which limits the building height and provides for minimum yard and lot coverage standards as implemented through the building permit review process. Further, these impacts were analyzed by the Main Street and Freeway Corridor Specific Plan Program Environmental Impact Report (PEIR). Therefore, development of the project would have a less than significant impact upon aesthetics.

The Land Use plan within the General Plan identifies large areas where future residential, commercial, and industrial development will occur. The Hesperia General Plan’s Program Environmental Impact Report (PEIR) analyzed the impact to aesthetics upon build-out of the Land Use Element to the maximum allowable density. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with the cumulative impacts (34). Inasmuch as this project is within the density limitations of the adopted Land Use plan, no additional impact beyond that identified within the General Plan PEIR would occur.

| 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 site is not within the area designated by the State of California as Prime Farmland, "Unique farmland," Farmland of Statewide Importance, or land subject to a Williamson Act contract as shown on the maps prepared by the California Resources Agency (4 & 5). The site is not well suited for agriculture, particularly since the site is in a residentially designated area (5). The soil at this location is classified by the U.S. Soil Conservation Service as *Cajon sand, two to nine percent slopes*. This soil is limited by high soil blowing hazard, high water intake rate, slope considerations, and low fertility (4).

The limited size of the property (40.2 gross acres), as well as low fertility of the soil and the proximity of residential uses, does not make this site viable for agriculture. In addition, the site is presently zoned Low Density Residential and within the Planned Mixed Use (PMU) General Plan Land Use designation, which allows for residential development. Therefore, the proposed project 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 & 6)? | | | X | |
| e) Create objectionable odors affecting a substantial number of people (2)? | | | | X |

Comments.

The City of Hesperia is within the Mojave Desert Air Basin (MDAB), which is responsible for managing air quality. The air quality management plan for the Mojave Desert 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). All uses identified within the Hesperia General Plan are classified as area sources by the Mojave Desert Air Quality Management District (6). Programs have been established in the 1991 Air Quality Attainment Plan which addresses emissions caused by area sources.

Both short-term (construction) emissions and the long-term (operational) emissions associated with the development were considered. Short-term airborne emissions will occur during the construction phase related to 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. These impacts will be addressed through a condition of approval that requires the developer to implement dust control measures consistent with the Mojave Desert Planning Area Rule Book Section 403.2 (6), which would also address requirements of the Air Quality Management Plan's PM₁₀ Program. 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 is mainly associated with mobile emissions created by motor vehicles. According to standard vehicle generation numbers published by the Institute of Traffic Engineer's manual, approval of the proposed 177-lot subdivision would create an estimated 1,694 daily vehicle trips (9.57 daily trips per dwelling unit). The City's General Plan Program Environmental Impact Report (PEIR) estimated 4,402 daily vehicle trips. Consequently, the proposed subdivision would result in a reduction of approximately 2,708 daily vehicle trips. During the development review process, there were extensive revisions to the tract map's internal circulation plan in order to connect new roads with existing ones and limit the number of connections along roads. These revisions will reduce unnecessary vehicular congestion, which will decrease mobile emissions.

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 located 200 feet to the west. The project is not considered of sufficient size to generate construction emissions that could adversely affect nearby receptors. The impact to these receptors, created by construction vehicles and equipment during construction, is less than significant.

Assembly Bill 32, effective as of January 1, 2007, requires the California Air Resources Board (CARB) to develop regulations and market mechanisms that will ultimately reduce California's greenhouse gas emissions to 1990 levels by 2020. CARB has yet to adopt mandatory monitoring and reporting rules for significant sources of greenhouse gases or adopt a plan indicating how emission reductions will be achieved from significant greenhouse gas sources via regulations, market mechanisms and other actions. CARB is required to establish rules and standards by January 1, 2009. In addition, Senate Bill 97 requires that all local agencies analyze the impact of greenhouse gases under CEQA and task the Office of Planning and Research (OPR) to develop CEQA guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions..." OPR has until July 1, 2009 to send draft guidelines to the State Resources Agency, which in turn has until January 1, 2010 to certify and adopt the regulations prepared by OPR. CEQA provides no new guidance on significance criteria. Therefore, it is not possible to make a definitive determination on the significance of project's greenhouse gas emissions.

This subdivision is currently vacant, with the exception of the two single-family residences that will be demolished, and is considered infill. Further, the project is consistent with the current General plan and zoning. Development of the site to the maximum density allowed by the General Plan was considered as part of the General Plan PEIR. Inasmuch as the subdivision is within the density limitation which was analyzed under the PEIR, no additional impact upon air quality beyond that analyzed in the PEIR would occur. Consequently, development of the subdivision is not expected to create a significant increase in greenhouse gas emissions.

As part of the General Plan Program Environmental Impact Report (PEIR), the impact of development to the maximum allowable density permitted by the Land Use Plan was analyzed. Based upon the allowable density of the 40.2 gross acres, a maximum of 320 dwelling units are currently allowed **(25)**. Although approval would result in an increase in the number of vehicle trips as described within Section XV. Transportation / Traffic, approval of this project would allow for 143 fewer dwelling units than allowed by the General Plan, which would cause a decrease in the number of vehicle trips from that anticipated as part of the General Plan EIR. This reduction of traffic would decrease the impact of the area upon air quality. The Land Use plan within the General Plan identifies large areas where future residential, commercial, and industrial development will occur. The Hesperia General Plan’s Program Environmental Impact Report (PEIR) analyzed the impact to aesthetics upon build-out of the Land Use Element **(36)**. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with the cumulative impacts **(31)**. This project is consistent with the current General Plan Land Use designation and zoning and would not increase the number of vehicle trips from that currently allowed by the adopted Land Use plan, as described within Section XV. Transportation/Traffic. Consequently, the proposed development will not cause an impact upon air quality beyond that addressed by the General Plan PEIR.

| IV. BIOLOGICAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1 & 7) ? | | X | | |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1, 7 & 33) ? | | | | 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 & 33) ? | | X | | |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (8) ? | | | | X |

Comments.

The 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). This classification indicates that the site is within the historical range of the Desert Tortoise, however, the probability of finding a Desert Tortoise is low. A biological survey was conducted by L&L Environmental, Inc. to determine the presence of the Desert Tortoise and other species of concern (33). The biological report dated December 12, 2005 and it's update states that neither the Desert Tortoise, nor any other threatened or endangered species were observed. 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 18.

A protected plant plan was also prepared by L&L Environmental, Inc. (33). 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 indicates that the site contains 119 healthy Joshua Trees capable of being transplanted (33). The grading plan for the subdivision shall stipulate that all protected plants identified within the report are properly transplanted. The mitigation measure is listed on page 19.

| 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 does not contain sacred or religious uses and is not in an area which has the potential to contain cultural resources (10). Consequently, the impact upon cultural resources associated with the proposed development is considered insignificant.

| 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.

No known or suspected fault traces are located within the Hesperia Planning Area. Additionally, the City Planning Area is not subject to the provisions of Alquist-Priolo Special Studies Zones **(11)**. The City is located in an area with a high potential for severe ground shaking **(12)**. As a function of obtaining a building final, the proposed residential structures will be built in compliance with the Hesperia Municipal Code and the Building Code **(15)**, 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 to be provided, 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 provided 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 does not involve the transport, use, or disposal of hazardous materials (2) and is consistent with the Hesperia Emergency Evacuation Plan (17). The project site is not located within a safety area for the Hesperia Airport. In addition, noise attenuation would not be required, due to the distance of the proposed residences from the airport.

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/superfund/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>.

Consequently, the proposed development would not pose a health hazard to future residents.

| VIII. HYDROLOGY AND WATER QUALITY. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Violate any water quality standards or waste discharge requirements (2 & 18)? | | | | X |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted) (2)? | | | X | |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site (1 & 2)? | | | X | |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site (1 & 2)? | | | X | |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (2)? | | | | X |
| f) Otherwise substantially degrade water quality (2)? | | | | X |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map (2 & 19)? | | | | X |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (2 & 20)? | | | | X |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (2 & 19)? | | | | X |
| j) Inundation by seiche, tsunami, or mudflow (1 & 13)? | | | | X |

Comments.

The 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 open basin with pits in accordance with City of Hesperia Resolution 89-16. According to the Hesperia Master Plan of Drainage, there is a major drainage facility located on the southeast portion of the site. The development will be required to dedicate this portion of the site to the City and has the potential to become a large basin. Also, construct curb and gutter in Topaz Avenue and Mojave Streets along the project frontage may be required to control drainage flows along the street pursuant to the Master Plan of Drainage.

| 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 & 22)? | | | X | |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan (21)? | | | | X |

Comments.

The site is within the Planned Mixed Use (PMU) General Plan Land Use designation and the Low Density Residential (LDR) District of the Main Street & Freeway Corridor Specific Plan (25), which allows 2.0 to 8.0 dwelling units per gross acre. The project is consistent with both the General Plan Land Use designation and the Main Street and Freeway Corridor Specific Plan. The impact upon land use associated with the proposed project is not significant as no unusual glare, traffic or noise will occur. The project will displace the existing single family residences. The applicant has secured their authorization to go forward.

The impact of residential development was assessed as part of the General Plan Environmental Impact Report (EIR). Since the proposed tentative tract would be developed at a density of 4.4 dwelling units per gross acre, no additional impact beyond that identified within the EIR would occur. Therefore, no disruption or division of the physical arrangement of the established residential 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. 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 impact to land use and planning upon build-out of the Land Use Element to the maximum allowable density. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with the cumulative impacts (34). Inasmuch as this project is within the density limitations, 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 (23)? | | | | 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 (23)? | | | | 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 (23). These resources are primarily located within wash areas and active stream channels. The Oro Grande Wash is located approximately one mile west of the site.

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

| XI. NOISE. Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (2, 15, & 24)? | | | X | |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (2 & 24)? | | | X | |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (2 & 24)? | | | 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 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-dozer, concrete mixers and portable generators can reach high levels and is typically one of the sources for the highest potential noise impact of a project. However, the construction noise would 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).

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. Finally, residential and school uses are considered to be noise-sensitive land uses. The development is less than ½ mile Maple Elementary, ¼ mile from Topaz Elementary, and ½ mile from Hesperia High School. There is sufficient distance between the tract and these schools to buffer construction noise. The project will not impact the sensitive receptors by adhering to the noise requirements of the City of Hesperia Noise Ordinance.

The subdivision is adjacent to Topaz Avenue and Mojave Street, which would subject the residences to noise in excess of 65 CNEL. However, construction of the required six-foot high masonry wall along the perimeter of the site which would reduce the noise level to less than 60 CNEL. Noise levels of up to 60 CNEL (Community Noise Equivalent Level) are considered acceptable in residential areas when structures are constructed in accordance with building code insulation requirements. Therefore, its impact upon the adjacent properties is considered less than significant (2 & 16). Consequently, the impact upon the development by external noise sources and noise associated with the proposed development is considered less than significant.

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

Comments.

The project is within the Planned Mixed Use (PMU) General Plan Land Use designation. The zoning in the Main Street & Freeway Corridor Specific Plan is Low Density Residential (25), which allows 2.0 to 8.0 dwelling units per gross acre. The subdivision would allow for single-family residential development at a density of 4.4 dwelling units per gross acre. The project is consistent with the General Plan Land Use designation and the Main Street and Freeway Corridor Specific Plan. Development of the site at this density was addressed by the Environmental Impact Report (EIR) of the General Plan. Since the proposed project is consistent with the General Plan, its potential effect as a growth-inducing factor has been accounted for as a part of the future residential development identified within the General Plan. Therefore, the additional impact on the future population of the area by this subdivision would not be significant.

Inasmuch as the project site is identified as a residential land use, no alteration, or change in the distribution of human population in the area will occur. The project will displace the two existing single family residences. The applicant has secured their authorization to go forward. Consequently, its impact in regards to displacement of existing housing is less than significant. In regards to the project's growth inducing impacts, the site is currently served by water, sewer, and other utility systems. Therefore, development of the project would not require the extension of major improvements to existing public facilities.

The Land Use plan within the General Plan identifies large areas where future residential, commercial, and industrial development will occur. The Hesperia General Plan's Program Environmental Impact Report (PEIR) analyzed the impact to population and housing upon build-out of the Land Use Element to the maximum allowable density. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with the cumulative impacts (34). Inasmuch as this project is within the density limitations, no additional impact beyond that identified within the General Plan PEIR would occur.

| XIII. PUBLIC SERVICES. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for the new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services (1 & 2): | | | X | |
| Fire protection? (28) | | | X | |
| Police protection? (28) | | | X | |
| Schools? (28) | | | X | |
| Parks? (28) | | | X | |
| Other public facilities? (28) | | | 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 (28). In addition, the subdivision will be annexed into Assessment District 94-01, which will assure that adequate fire protection services will be provided. These fees are designed to ensure the appropriate levels of capital resources necessary to serve any future development.

| XIV. RECREATION. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (2)? | | | X | |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (1 & 2)? | | | X | |

Comments.

The proposed residential development may cause a direct increase in the need for recreational facilities (2). Park impact fees will be assessed at the time that building permits are issued for construction of the proposed development. The City collects impact fees for the Recreation and Park District. Portions of these impact fees are to be used for construction of additional park facilities and/or to provide for increased recreational services.

| 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 (29)? | | | 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 (30)? | | | | X |

Comments.

Approval of the proposed project would allow for construction of 177 single-family homes. The City of Hesperia General Plan Circulation Element is designed so the master-planned roadways operate at a Level of Service (LOS) of “D” for intersections and “C” for road segments (29). In evaluating Level of Service, existing Land Use designations were applied (2). The LOS is a description related directly to a volume to capacity ratio of street segments and intersections. An LOS of C is equivalent to a volume to capacity ratio range of between 0.71 to 0.80. LOS F would have a 1.00 or greater volume to capacity ratio, which represents a street segment or intersection at or above its design capacity.

According to the Institute of Traffic Engineers, Trip Generation, 7th Edition, approval of the proposed 177-lot subdivision would create an estimated 1,694 daily vehicle trips (9.57 daily trips per dwelling unit). The City’s General Plan Program Environmental Impact Report (PEIR) estimated 4,402 daily vehicle trips. Consequently, the proposed subdivision would result in a reduction of approximately 2,708 daily vehicle trips. Based upon the street improvements to be constructed, the impact upon transportation facilities associated with the proposed development is considered to be less than what was considered as part of the City’s General Plan PEIR. During the development review process, there were extensive revisions to the tract map’s internal circulation plan in order to connect new roads with existing ones and limit the number of connections along roads. In addition, payment of the required development impact fees at the time of building permit issuance will provide funding for the construction of arterial roadways and traffic signals to reduce the impacts of additional vehicular traffic (28).

| 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 (32 & 34) ? | | | | 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 (37) ? | | | | X |
| g) Comply with federal, state, and local statutes and regulations related to solid waste (37) ? | | | | X |

Comments.

The site is currently served by water and other utility systems. The developer is required to prepare a sewer analysis to identify points of connections. The Hesperia General Plan's Program Environmental Impact Report (PEIR) accounted for extensions of the utilities to accommodate development to the limits of the density range.

The proposed development will cause an increase in the use of water. However, the increase will not exceed current levels of water production **(20)**. 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" **(31)**.

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.

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 **(35)**. 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 (36).

The proposed 177-lot single-family residential subdivision does not constitute a project of regional significance pursuant to CEQA. Further, the project shall utilize an approved on-site retention/detention system in accordance with City of Hesperia Resolution 89-16. The approved on-site retention/detention facility will ensure that the facility will not have a negative impact upon groundwater resources.

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

Comments.

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

XVIII. EARLIER ANALYSES.

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

The Certified General Plan Environmental Impact Report.

- a) **Earlier analyses used.** Earlier analyses are identified and stated where they are available for review.
- b) **Impacts adequately addressed.** Effects from the above checklist that were identified to be within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards are noted with a statement whether such effects were addressed by mitigation measures based on the earlier analysis.
- a) **Mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project are described.

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

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

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

- (1) Aerial photos of the City of Hesperia dated May 2008 and on-site field investigations conducted May 22, 2009.
- (2) Tentative Tract Map TT-17916 application and related materials.
- (3) Main Street and Freeway Corridor Specific Plan
- (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) 1991 City of Hesperia General Plan Conservation Element, Page CN-18.
- (24) 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.
- (25) Chapter 16.20 of the Hesperia Municipal Code, Article V. General Performance Standards.
- (26) Preliminary Hydrology Study prepared by RENCivil dated April 27, 2006
- (27) Master Plan of Arterial Highways adopted May 2, 2001.
- (28) 1991 City of Hesperia Ordinance 180 entitled "An Ordinance of the City Council of the City of Hesperia, California, Establishing a Development Impact Fee for all New Residential, Commercial, and Industrial Structures" and Resolution No. 2007-110 on November 20, 2007.
- (29) 2001 City of Hesperia General Plan Circulation Element, Pages C-8 through C-9.
- (30) Chapter 16.20 of the Hesperia Municipal Code, Article IV. Parking and Loading Standards.
- (31) 1993 Final Environmental Impact Report for the Hesperia Redevelopment Project, Pages 4-171 & 4-172.
- (32) Mojave Water Agency letter dated March 27, 1996.
- (33) Biological Survey Report prepared by L&L Environmental, INC. dated December 12, 2005. Updated September 30, 2008.
- (34) Mojave Desert Air Quality Management District, Rule 403.2 Fugitive Dust Control for the Mojave Desert Planning Area, July 22, 2005.
- (35) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
- (36) City of Hesperia General Plan Program Environmental Impact Report (PEIR) dated June 1990.
- (37) California Integrated Waste Management Act (AB 939).

ATTACHMENT 7

RESOLUTION NO. 2009-34

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A TENTATIVE TRACT TO CREATE 177 SINGLE-FAMILY RESIDENTIAL LOTS ON 40.0 GROSS ACRES LOCATED ON THE SOUTHWEST CORNER OF MOJAVE STREET AND TOPAZ AVENUE (TT-17916)

WHEREAS, NV Hesperia Investors, LLC has filed an application requesting approval of Tentative Tract TT-17916 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 40.0 gross acres located on the southwest corner of Mojave Street and Topaz Avenue and consists of Assessor's Parcel Numbers 0405-261-15 thru 18 and 27 thru 30; and

WHEREAS, the Application as contemplated, proposes to create 177 single-family residential lots from the 40.0 gross acre site; and

WHEREAS, the Applicant has also filed Variance VAR09-10153, to eliminate the 500 square feet common open space per lot requirement; and

WHEREAS, The site contains two single-family residences and the majority of the 40.0 acre site is vacant. The properties to the east are vacant. The properties to the north and south contain scattered single family residences. Properties to the west contain single-family residences and Hesperia Community Park; and

WHEREAS, the subject property as well as surrounding properties are designated Planned Mixed Use (PMU); and

WHEREAS, the subject site is currently within the Low Density Residential District of the Main Street and Freeway Corridor Specific Plan. The properties to the north, south, and east are also within the Low Density Residential District. The properties to the west are within the Public Institutional Overlay; and

WHEREAS, an environmental Initial Study for the proposed tentative tract was completed on June 8, 2009, and no significant adverse impacts were identified. Negative Declaration ND-2009-05 was subsequently prepared; and

WHEREAS, on July 9, 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 July 9, 2009 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed map is consistent with the City's General Plan of the City of Hesperia, because the subdivision is deemed consistent with the intent of the Planned Mixed Use designation of the adopted land use element (PMU). The Low Density Residential District of the Main Street and Freeway Corridor Specific Plan allows residential densities between 5.0 and 8.0 dwelling units per gross acre.
- (b) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia as the project supports the existing land use and circulation pattern in the area.
- (c) The site is physically suitable for the type of development because there are no known physical constraints to residential development and the site has adequate area to accommodate the proposed lots.
- (d) The site is physically suitable for the proposed density of development because the lots are adequate in size and shape and all Development code regulations for the permitted uses can be met with adoption of Variance VAR09-10153.
- (e) Based upon the Negative Declaration ND-2009-05, the initial study which supports the Negative Declaration, and the conditions which have been applied to the Application, the Planning Commission finds that there is no substantial evidence that the proposed Tentative Tract will have a significant effect on the environment.
- (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes.
- (g) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Tentative Tract TT-17916, subject to the Conditions of Approval as set forth in ATTACHMENT "A."

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

ADOPTED AND APPROVED this 9th day of July 2009.

Chris Elvert, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Tentative Tract TNT09-10154 (TT-17916):

Approval Date: July 9, 2009
Effective Date: July 21, 2009
Expiration Date: July 21, 2012

This list of conditions apply to a Tentative Tract to create 177 single-family residential lots on 40.0 gross acres within the Low Density Residential District of the Main Street and Freeway Corridor Specific Plan located on the southwest corner of Mojave Street and Topaz Avenue (APN(s): 0405-261-15 thru 18 & 27 thru 30).

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

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

SUBMITTAL OF PUBLIC IMPROVEMENT PLANS SHALL INCLUDE THE FOLLOWING:

- 1. Final Map. A Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor...
2. Arterial Highway DIF Credit. This project qualifies for a credit against the street component of the development impact fees...
3. Plans. All required plans shall be prepared by a registered Civil Engineer per City standards...
4. Grading Plan. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark...

- _____ 5. **On-site Retention.** The Developer shall design on-site retention facilities, which have minimum impact to ground water quality. All retention basins shall be designed to effectively handle both nuisance and storm water flows without accumulating standing water for a period longer than 72 hours. All dry wells in retention basins shall be two stage seepage pit systems per City Standard SP-1. The depth and number of pit systems shall be determined / estimated by soils engineer and reviewed during plan check. The number and depth of seepage pits and the depth will be verified in the field by the soils engineer. Retention basins over 18" in depth shall be fenced on all sides and shall have a paved 14-foot wide (min.), 12% (max.) access with a 20' x 20' concrete parking apron at bottom of ramp. The maximum depth of any on-site retention basin shall be 6 feet. Side slopes in excess of 3:1 shall provide erosion control per City requirements. The developer shall submit percolation tests performed by a California licensed civil or soils engineer for all open basins with seepage pits. (E)
- _____ 6. **Paseo.** The Developer shall design the "Paseo" for green belt access and fully landscaped minimum 30-foot and 20-foot wide bicycle/walkway paseo along the and east side of Datura Road per the approved tentative tract map. Paseos are also to be constructed along the west side of Topaz Avenue, and along southern boundary of the site going northeast to connect on Topaz Avenue. The design shall be reviewed by the City and governed by the City requirements. (E)
- _____ 7. **Phasing Plan (5 phases).** The Developer is required to develop the project according to the approved phasing plan. The approved Tentative Tract Map indicates 5 phases. The development shall proceed in accordance with these conditions in addition to the approved Tentative Tract Map and all City Standards. Install temporary barricades that will provide division between the completed and undeveloped phases. Provide the barricades as needed at the affected intersections and/or by the direction of City Inspectors.
- _____ 8. **Street Improvements.** The Developer shall design street improvements in accordance with City standards, and these conditions. (E)

Phase 1 Street Improvement Design:

- _____ A. **Interior Streets (A,F,G,I,J).** Shall be designed to the City standard for a 54-foot ultimate right of way suburban local roadway as indicated below. Curb face is to be at 16' from centerline. A minimum of two paved access points shall be provided for each individual phase. *Only the portions of "G" and "F" Street within the phase limits will be required to be completed.* Install temporary barricades that will provide division between the completed and undeveloped phases. Provide the barricades as needed at the affected intersections and/or by the direction of City Inspectors. (E)
- a) 6" Curb and Gutter per City standards.
 - b) Separated sidewalk (width = 5 feet) per City standards.
 - c) Handicapped ramps at all intersections per City standards.
 - d) Concrete residential driveway per City standards.

- e) Full paved roadway section with a T.I of 6, (minimum section 3" A.C. over 4" aggregate base) or per recommendations per soils report, whichever is greater.
- f) Roadway drainage device(s).
- g) Streetlights per City standards and the approved street light plans.
- h) Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- i) Provide a signage and striping plan per city standards.
- j) The developer shall provide a decorative paseo crossing at the entrance and exiting points of the paseo.

_____ **B. Datura Road.** The developer is responsible to design a 26-foot min paved section street improvement from Mojave Street to the to the southerly tract pavement. The design will be based upon a modified 80' wide Secondary Arterial Roadway. The curb face is to be at 20' from the approved centerline. The new pavement shall connect to the existing pavement to create a true paved access point. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of: (E)

- a) 8" Curb and Gutter per City standards.
- b) Sidewalk (width = 5 feet) per City standards.
- c) Roadway drainage device(s).
- d) Streetlights per City standards and the approved street light plans.
- e) Intersection improvements including handicapped ramps per City standards.
- f) Pavement transitions per City Standards.
- g) Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report. Typical perimeter streets call for a min of 4" ac over 6" aggregate base.
- h) Cross sections every 50 -feet per City standards.
- i) Traffic control signs and devices as required by the traffic study and / or the City Engineer.
- j) Provide a signage and striping plan per City standards.
- k) It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers and to satisfy the 26' minimum paving requirement per City standards.
- l) Relocate existing overhead utilities to underground. The Developer shall coordinate with affected utility companies.

_____ **C. Mojave Street.** The developer is responsible to design half width improvements from Datura Road to the existing pavement on Mojave just east of Topaz Avenue. The design shall be based on the City's 120-foot Arterial Roadway Standard. The curb face is to be at 52' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of: (E)

- a) 8" Curb and Gutter per City standards.
- b) Sidewalk (width = 6 feet) per City standards.
- c) Roadway drainage device(s).

- d) Streetlights per City standards and the approved street light plans.
- e) Intersection improvements including handicapped ramps per City standards.
- f) Pavement transitions per City Standards.
- g) Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
- h) Cross sections every 50-feet per City standards.
- i) Traffic control signs and devices as required by the traffic study and / or the City Engineer.
- j) Provide a signage and striping plan per City standards.
- k) It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers and to satisfy the 26' minimum paving requirement per City standards.
- l) Relocate existing overhead utilities to underground. The Developer shall coordinate with affected utility companies.

D. Topaz Avenue (Northerly 300-foot). The developer is responsible to design half-width 26 foot min paved section street improvements from Mojave Street to the southerly tract based on the City's "Modified" 80-foot wide Secondary Arterial Roadway Standard. The curb face is to be at 20' from the approved centerline. South of "H" St and lot 33 the right of way half width will increase to a min 51-feet to accommodate the "paseo" The design shall be based upon an acceptable centerline profile extending a minimum of three hundred 300-feet beyond the project boundaries where applicable. These improvements shall consist of: (E)

- a) 8" Curb and Gutter per City standards.
- b) Sidewalk (width = 5 feet) per City standards.
- c) Roadway drainage device(s).
- d) Streetlights per City standards and the approved street light plans.
- e) Intersection improvements including handicapped ramps per City standards.
- f) Pavement transitions per City Standards.
- g) Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report. Typical perimeter streets call for a min of 4" ac over 6" aggregate base.
- h) Cross sections every 50 -feet per City standards.
- i) Traffic control signs and devices as required by the traffic study and / or the City Engineer.
- j) It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers and to satisfy the 26' minimum paving requirement per City standards.
- k) Relocate existing overhead utilities to underground. The Developer shall coordinate with affected utility companies.
- l) Provide a signage and striping plan per City standards.

- _____ E. **Secondary Access.** The Developer is responsible to construct Secondary Access. The street improvement 26-foot Min paved section is required for secondary access per City standards. The Developer shall provide the City with a circulation plan that identifies the best connection points to existing paved street frontages. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred 300-feet beyond the project boundaries where applicable. These improvements shall consist of: (E)
- a) Pavement sections shall be designed per "R" value testing using a T.I. of 8. The minimum pavement section shall be 3" A.C. over 4" Class II aggregate base.
 - b) Pavement transitions per City standards.
 - c) Roadway drainage device(s).
 - d) Traffic control signs and devices as required by the traffic study and / or the City Engineer

PHASE 2 Street Improvement Design:

- _____ F. **Interior Streets (B,E,F,G).** Shall be designed to the City standard for a 54-foot ultimate right of way suburban local roadway as indicated below. Curb face is to be at 16' from centerline. A minimum of two paved access points shall be provided for each phase. *Only the portions of "E" Street within the phase limits will be required to be completed.* Install temporary barricades that will provide division between the completed and undeveloped phases. Provide the barricades as needed at the affected intersections and/or by the direction of City Inspectors. (E)
- a) 6" Curb and Gutter per City standards.
 - b) Separated sidewalk (width = 5 feet) per City standards.
 - c) Handicapped ramps at all intersections per City standards.
 - d) Concrete residential driveway per City standards.
 - e) Full paved roadway section with a T.I of 6, (minimum section 3" A.C. over 4" aggregate base) or per recommendations per soils report, whichever is greater.
 - f) Roadway drainage device(s).
 - g) Streetlights per City standards and the approved street light plans.
 - h) Traffic control signs and devices as required by the traffic study and/or the City Engineer.
 - i) Provide a signage and striping plan per city standards.
 - j) The developer shall provide a decorative paseo crossing at the entrance and exiting points of the paseo.

- _____ G. **Secondary Access.** The Developer is responsible to design Secondary Access. The street improvement (26-foot Min paved section) is required for secondary access per City standards. The Developer shall provide the City with a circulation plan that identifies the best connection points to existing paved street frontages. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of: (E)

- a) Pavement sections shall be designed per "R" value testing using a T.I. of 8. The minimum pavement section shall be 3" A.C. over 4" Class II aggregate base.
- b) Pavement transitions per City standards.
- c) Roadway drainage device(s).
- d) Traffic control signs and devices as required by the traffic study and / or the City Engineer

PHASE 3 Street, Storm drain and Paseo Improvement Design:

_____ H. **Interior Streets (C,E,H).** Shall be designed to the City standard for a 54-foot ultimate right of way suburban local roadway as indicated below. Curb face is to be at 16' from centerline. A minimum of two paved access points shall be provided for each phase. *Only the portions of "E" and "C" Street within the phase limits will be required to be completed.* Show temporary barricades that will provide division between the completed and undeveloped phases. Provide the barricades as needed at the affected intersections and/or by the direction of City Inspectors. (E)

- a) 6" Curb and Gutter per City standards.
- b) Separated sidewalk (width = 5 feet) per City standards.
- c) Handicapped ramps at all intersections per City standards.
- d) Concrete residential driveway per City standards.
- e) Full paved roadway section with a T.I of 6, (minimum section 3" A.C. over 4" aggregate base) or per recommendations per soils report, whichever is greater.
- f) Roadway drainage device(s).
- g) Streetlights per City standards and the approved street light plans.
- h) Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- i) Provide a signage and striping plan per city standards.
- j) The developer shall provide a decorative paseo crossing at the entrance and exiting points of the paseo.

_____ I. **Secondary Access.** The Developer is responsible to design Secondary Access. The street improvement (26-foot Min paved section) is required for secondary access per City standards. The Developer shall provide the City with a circulation plan that identifies the best connection points to existing paved street frontages. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of: (E)

_____ J. **Topaz Avenue.** The developer is responsible to design half-width (26 foot min paved section) street improvements from Mojave Street to the southerly tract based on the City's "Modified" 80-foot wide Secondary Arterial Roadway Standard. The curb face is to be at 20' from the approved centerline. South of "H" St and lot 33 the right of way half width will increase to a min 51-feet to accommodate the paseo The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of: (E)

- a) 8" Curb and Gutter per City standards.
- b) Sidewalk (width = 5 feet) per City standards.
- c) Roadway drainage device(s).
- d) Streetlights per City standards and the approved street light plans.

- e) Intersection improvements including handicapped ramps per City standards.
- f) Pavement transitions per City Standards.
- g) Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report. Typical perimeter streets call for a min of 4" ac over 6" aggregate base.
- h) Cross sections every 50 -feet per City standards.
- i) Traffic control signs and devices as required by the traffic study and / or the City Engineer.
- j) Provide a signage and striping plan per City standards.

- k) It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers and to satisfy the 26' minimum paving requirement per City standards.
- l) Provide signage and striping for a Class 2 bike trail, per City's adopted non-motorized transportation plan.

_____ K. **Paseo Construction.** The Developer Design the "Paseo" for green belt access as shown on the approved tentative map and as described in these conditions. The design shall be reviewed by the City and governed by the City requirements. (E)

_____ L. **Storm Drain Improvements.** The Developer shall design the storm drain improvements in accordance with City standards as indicated below. The southeast corner of the project will be improved per the Master Plan of Drainage and the City Engineer's requirements. The storm drain improvements shall be part of the third phase construction. (E)

PHASE 4 Street Improvement Design:

_____ M. **Interior Streets (C,D).** Shall be designed to the City standard for a 54-foot ultimate right of way suburban local roadway as indicated below. Curb face is to be at 16' from centerline. A minimum of two paved access points shall be provided for each phase. Install temporary barricades that will provide division between the completed and undeveloped phases. Provide the barricades as needed at the affected intersections and/or by the direction of City Inspectors. (E)

- a) 6" Curb and Gutter per City standards.
- b) Separated sidewalk (width = 5 feet) per City standards.
- c) Handicapped ramps at all intersections per City standards.
- d) Concrete residential driveway per City standards.
- e) Full paved roadway section with a T.I of 6, (minimum section 3" A.C. over 4" aggregate base) or per recommendations per soils report, whichever is greater.
- f) Roadway drainage device(s).
- g) Streetlights per City standards and the approved street light plans.

- h) Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- i) Provide a signage and striping plan per city standards.
- j) The developer shall provide a decorative paseo crossing at the entrance and exiting points of the paseo.

_____ N. **Secondary Access.** The Developer is responsible to construct Secondary Access. The street improvement (26-foot Min paved section) is required for secondary access per City standards. The Developer shall provide the City with a circulation plan that identifies the best connection points to existing paved street frontages. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of: (E)

PHASE 5 Street Improvement Design:

_____ O. **Interior Streets (E).** Shall be designed to the City standard for a 54-foot ultimate right of way suburban local roadway as indicated below. Curb face is to be at 16' from centerline. A minimum of two paved access points shall be provided for each phase. Install temporary barricades that will provide division between the completed and undeveloped phases. Provide the barricades as needed at the affected intersections and/or by the direction of City Inspectors. (E)

- A. 6" Curb and Gutter per City standards.
- B. Separated sidewalk (width = 5 feet) per City standards.
- C. Handicapped ramps at all intersections per City standards.
- D. Concrete residential driveway per City standards.
- E. Full paved roadway section with a T.I of 6, (minimum section 3" A.C. over 4" aggregate base) or per recommendations per soils report, whichever is greater.
- F. Roadway drainage device(s).
- G. Streetlights per City standards and the approved street light plans.
- H. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- I. Provide a signage and striping plan per city standards.
- J. The developer shall provide a decorative paseo crossing at the entrance and exiting points of the paseo.

_____ 9. **Utility Plan.** The Developer shall design a Utility Plan for service connections, private hydrant locations and sewer connections. The Developer shall adjust any existing fire hydrants to grade that are affected by the construction of the proposed project improvements. (E)

_____ 10. **Utilities.** Utility plans shall be in accordance with City standards as described below: (E)

- a) During construction, the entire tract shall have a "Master Water Meter" per City standards. The "Master Meter" shall remain in place until all lots are occupied, at which time the individual meters shall be set and activated per City standards.
- b) "Fire Fly" automatic meter reader to be added on all meter connections.

- _____ 11. **Water Improvements.** The Developer shall design water improvements in accordance with City standards, and as indicated below. (E)

PHASE 1 Water Improvements:

- _____ A. **Interior Streets (A,F,G,I,J).** Interior water service shall be a looped system of 8" P.V.C. water lines with hydrants at 660-foot intervals, including loops through the cul-de-sacs utilizing utility easements. The water mains in incomplete streets must extend just past the phase boundary and get capped. Water mains in easements shall be ductile iron pipe. All utility easements shall be 15-foot minimum in width on one lot unless it is shared with another utility, in which case 20 feet is required on one lot per City standards. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct water line. **The Developer shall provide plan and profile per City standards.** (E)
- _____ B. **Perimeter Streets (Datura Road).** Abandon the existing 4" steel line and Install an 8" (min.) C-900 P.V.C. water main. Show the connection from exist 8" line south of the project to Mojave Street per City standards and City approval. Install hydrants at 660-foot intervals and stub-outs for future connections per City standards. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct water line. The developer will be responsible for reconnection of the existing services to the new 8" line. **The Developer shall provide plan and profile for connections to existing water mains per City standards.** (E)
- _____ C. **Perimeter Streets (Mojave Street).** Abandon the existing 8" steel line and Install a 12" (min.) C-900 P.V.C. water main. Show the Connection from exist 8" line in Mojave at the northwest corner of the project per City standards and City approval. Install hydrants at 660-foot intervals and stub-outs for future connections per City standards. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct water line. The developer will be responsible for reconnection of the existing services to the new 12" line. **The Developer shall provide plan and profile for connections to existing water mains per City standards.** (E)
- _____ D. **Perimeter Streets (Topaz Ave).** Design a 12" (min.) C-900 P.V.C. water main. Show the connection from the existing 12" line in Topaz just north of Mojave Street, run it south in Topaz just past the first phase line. Installation shall be per City standards and City approval. Install hydrants at 660-foot intervals and stub-outs for future connections per City standards. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct water line. **The Developer shall provide plan and profile for connections to existing water mains per City standards.** (E)

PHASE 2 Water Improvements:

- _____ E. **Interior Streets (B,E,F,and G).** Interior water service shall be a looped system of 8" P.V.C. water lines with hydrants at 660-foot intervals, including loops through the cul-de-sacs utilizing utility easements. The water mains in incomplete streets must extend just past the phase

boundary and get capped. Water mains in easements shall be ductile iron pipe. All utility easements shall be 15-foot minimum in width on one lot unless it is shared with another utility, in which case 20 feet is required on one lot per City standards. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct water line. **The Developer shall provide plan and profile per City standards. (E)**

PHASE 3 Water Improvements:

_____ F. **Interior Streets (C,E,and H).** Interior water service shall be a looped system of 8" P.V.C. water lines with hydrants at 660-foot intervals, including loops through the cul-de-sacs utilizing utility easements. The water mains in incomplete streets must extend just past the phase boundary and get capped. Water mains in easements shall be ductile iron pipe. All utility easements shall be 15-foot minimum in width on one lot unless it is shared with another utility, in which case 20 feet is required on one lot per City standards. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct water line. **The Developer shall provide plan and profile per City standards. (E)**

_____ G. **Perimeter Streets (Topaz Ave).** Install an 12" (min.) C-900 P.V.C. water main. Show the connection from the existing 12" line in Topaz just south of Mojave Street, run it south in Topaz Ave and tie into the existing water main at the north west corner of Tract 16965. Installation shall be per City standards and City approval. Install hydrants at 660-foot intervals and stub-outs for future connections per City standards. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct water line. **The Developer shall provide plan and profile for connections to existing water mains per City standards. (E)**

PHASE 4 Water Improvements:

_____ H. **Interior Streets (C,D).** Interior water service shall be a looped system of 8" P.V.C. water lines with hydrants at 660-foot intervals, including loops through the cul-de-sacs utilizing utility easements. The water mains in incomplete streets must extend just past the phase boundary and get capped. Water mains in easements shall be ductile iron pipe. All utility easements shall be 15-foot minimum in width on one lot unless it is shared with another utility, in which case 20 feet is required on one lot per City standards. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct water line. **The Developer shall provide plan and profile per City standards. (E)**

PHASE 5 Water Improvements:

- _____ I. **Interior Streets (E).** Interior water service shall be a looped system of 8" P.V.C. water lines with hydrants at 660-foot intervals, including loops through the cul-de-sacs utilizing utility easements. The water mains in incomplete streets must extend just past the phase boundary and get capped. Water mains in easements shall be ductile iron pipe. All utility easements shall be 15-foot minimum in width on one lot unless it is shared with another utility, in which case 20 feet is required on one lot per City standards. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct water line. **The Developer shall provide plan and profile per City standards. (E)**
- _____ 12. **Sewer Improvements.** The Developer shall design sewer improvements in accordance with City standards, and as indicated below. (E)
- _____ A. **Interior Streets (A,B,C,D,E,F,G,H,I,J):** The Developer shall provide the appropriate on-site and off-site sewer lines necessary to serve the project per the City Engineer. The Developer is required to provide a minimum diameter of 8" S.D.R. 35 P.V.C. sewer lines within the tract. Any sewer easements that are required will be a minimum of 15 feet in width on one lot unless it is shared with another utility, in which case 20 feet on one lot is required. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct sewer line. **The Developer shall provide plan and profile per City standards. (E)**
- _____ B. **Perimeter Streets (Datura Ave & Mojave Street).** The Developer is required to tie into the existing sewer lines in Datura Ave and Mojave Street per City standards. It is also the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct sewer lines and / or laterals. **The Developer shall provide plan and profile per City standards. (E)**
- _____ C. **(Datura Ave, Mojave Street & Topaz Ave).** The Developer shall provide a sewer analysis to the City's Engineering Department that identifies a point of connection with depths of existing manholes and elevations. The proposed sewer shall be installed within the Right-of-way. It is the Developer's responsibility to obtain any Irrevocable Offers of Dedications at no cost to the City. **The Developer shall provide plan and profile per City standards (E)**
- _____ D. **Perimeter Streets Phase 3 (Topaz Ave).** The Developer is required to design an 8" minimum S.D.R. 35 P.V.C. sewer main line in Topaz Ave. This water main shall be installed during the third phase. The Developer shall install manholes every 300-feet and install sub-outs for future connections. The new sewer line will connect from the existing man hole at the northwest corner on Tract 16965 to the existing line in Mojave Street. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct sewer line. **The Developer shall provide plan and profile per City standards. (E)**

- _____ 13. **Storm Drain Improvements.** The Developer shall design storm drain improvements in accordance with City standards as indicated below. The southeast corner of the project will be improved per the Master Plan of Drainage and the City Engineer. (E)
- _____ A. **Interior Streets (A,B,C,D,E,F,G,H,I,J).** *Per City Standards, and the City Engineer.*
- _____ B. **Perimeter Streets (Datura Ave, Mojave Street & Topaz Ave).** *Per City Standards, and the City Engineer.*
- _____ 14. **Drainage Study.** The Developer shall submit a Final Hydrology / Hydraulic study identifying the method of collection and conveyance of any tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E)
- _____ 15. **Title Report.** The Developer shall provide a complete title report 90-days or newer from the date of submittal for all existing lots. (E)
- _____ 16. **Geotechnical Report.** The Developer shall provide two copies of the soils report to substantiate all grading, building and public improvement plans. Include "R" value testing and pavement recommendations for public streets. (E, B)
- _____ 17. **N.P.D.E.S.** The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E)
- _____ 18. **Storm Water Pollution Prevention Plan.** The Developer shall provide a Storm Water Pollution Prevention Plan (S.W.P.P.P.), which addresses the method of storm water run-off control during construction. (E)
- _____ 19. **Plan Check Fees.** Plan checking fees must be paid in conjunction with the improvement plan submittal. The Final Map, CDP, improvement plans, requested studies, and CFD annexation must be submitted as a package. The developer shall coordinate with the City's Engineering Department for any additional fees. Any outstanding fees must be paid before final inspection and the release of bonds. (E)
- _____ 20. **Street Name Approval.** The developer shall submit a request for street names for all of the interior streets for review and approval by the Building Division. (B)
- _____ 21. **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)
- _____ 22. **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)

PRIOR TO RECORDATION OF ANY PHASE OF THE FINAL MAP:

- _____ 23. **Variance.** The final map cannot be recorded prior to Variance VAR09-10153 becoming effective. (P)
- _____ 24. **Lettered Lots.** Lettered lots shall be dedicated to the City of Hesperia for drainage, storm drain, retention basin, slope maintenance, and open space purposes. (E)
- _____ 25. **Improvement Agreement / Surety.** The Developer shall execute Improvement and Grading Agreements and post surety for all public improvements. In addition the developer shall submit a cost estimate and materials list to the City's Engineering Department for all on-site and off-site improvements. The amounts will be approved by the City Engineer. (E)
- _____ 26. **Non-Vehicular Access.** Vehicular access rights across the project frontage on Datura Road, Mojave Street and Topaz Avenue shall be dedicated to the City of Hesperia, and labeled as N.V.A. on the Final map. (E)
- _____ 27. **Dedications.** The Developer shall grant to the City of Hesperia an Irrevocable Offer of Dedication for roadways and Grant of Easement(s) for storm drain and utility purposes as shown on the approved tentative map and as described below: (E)
- _____ 28. **Paseo Dedication.** The Developer shall grant to the City of Hesperia an Irrevocable Offer of Dedication for the "Paseo" for green belt access as shown on the approved tentative map.(E)
- _____ 29. **Interior Streets (A,B,C,D,E,F,G,H,I,J).** The Developer shall grant to the City an Irrevocable Offer of Dedication for the interior streets. Streets shall have an ultimate right of way of 54', 32' from curb face to curb face. Design per the City's suburban local standard. **Corner cut-off right of way dedication per City standards is required at all intersections, including interior roadways, except at knuckles.** (E)

- _____ 30. **Perimeter Streets (Datura Rd, Mojave St and Topaz Ave).** The Developer shall grant to the City an Irrevocable Offer of Dedication for Datura Rd, Mojave St, and Topaz Ave. The dedication for Datura shall be at a 40 foot half-width. Mojave Street will require a 60 foot half-width. The dedication for Topaz Ave will be at a minimum of 40' and a maximum of 51' half width based on additional right of way for the "Paseo" and a modified secondary arterial standard. It is the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City. **Corner cut-off right of way dedication per City standards is required at all intersections, including interior roadways, except at knuckles.** (E)
- _____ 31. **Utility Easements.** The Developer shall grant to the City, Utility Easements as required to install required water, sewer and storm drain facilities as conditioned below. Said easements shall be indicated on the appropriate final map per the Subdivision Map Act. Off-site easements may be required to complete the infrastructure. (E)
- _____ 32. **Infrastructure Design.** The infrastructure design for this tract shall be reviewed and approved per the requirements set forth under the heading: "SUBMITTAL OF PUBLIC IMPROVEMENT PLANS SHALL INCLUDE THE FOLLOWING" section of these Conditions of Approval. (E)
- _____ 33. **Phasing.** The lots shall be renumbered in accordance with the approved phasing. (E, P)
- _____ 34. **CFD Annexation.** The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of each phase of the final map. (F)
- _____ 35. **Lighting and Landscaping District Annexation.** Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District (HRPD) for public lighting, landscaping and detention/retention basin maintenance. Provide the District with the number of streetlights and their locations as shown upon the approved improvement plans. (RPD)
- _____ 36. **Non-Vehicular Access.** Vehicular access rights on Datura Road, Mojave Street and Topaz Avenue, and along the street side yard of corner lots of lots less than 7,200 square feet in area shall be dedicated to the City of Hesperia, and labeled on the Final map. (E, P)
- _____ 37. **Composite Development Plan.** Four (4) copies of a Composite Development Plan (CDP) shall be submitted to the Building Division for review and approval in accordance with Sections 17.20.010 thru 17.20.020 of the Hesperia Municipal Code. Information to be delineated on the CDP shall include: (E, P)
- A. Building Setback Lines shall be provided in accordance with the Low Density Residential zone district regulations (20-foot front, 10-foot interior sides and 15-foot rear yard setbacks).

- B. Prior to Development, a Final Hydrology Study shall be submitted for review which addresses any off-site tributary flows that impact the site. (If required)
- C. All Easements of Record.
- D. Incorporation of Special Map Requirements.
 - i. Each single-family residence within this subdivision shall contain a minimum livable area (excluding the area of the required garage) of not less than 1,400 square feet.
 - ii. A minimum of three different floor plans shall be provided, each with a minimum of three different elevations. At least one single story plan shall be provided.
 - iii. The rear and sides of buildings adjacent to streets shall have enhancements, which shall include a combination of color accents and tonal variations, window trim, shutters, architectural banding, pot shelves, rear balconies, varied setbacks, varied roof planes and elements, and breaks in the vertical facades to avoid boxy, plain appearances. Façade treatments on the fronts of all units shall wrap around the sides a minimum of two (2) feet.

E. Other notes required as follows:

- i. The plan shall contain a section titled "Composite Development Plan Notes" which lists any conditions or mitigating measures stipulated for the development of the subject property.
- ii. The following statement shall be prominently displayed on each map sheet: NOTES ON THIS PLAN ARE FOR INFORMATIONAL PURPOSES, TO INDICATE CONDITIONS AND CRITERIA THAT EXIST ON THIS PROPERTY THAT WERE KNOWN AND IDENTIFIED AS OF THE DATE THIS PLAN WAS FILED. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS AND IS NOT INTENDED TO AFFECT RECORD TITLE INTERESTS.
- iii. Any explanatory notes related to criteria delineated on the map shall include the following:
 - 1) Title and date of report
 - 2) Name and credentials of person or firm preparing report;
 - 3) The location where the reports are on file.

- _____ 38. **Lettered Lot(s).** Lettered lots shall be dedicated to the City of Hesperia for drainage, storm drain, retention basin, slope maintenance, and open space purposes. (E, P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

- _____ 39. **Storm Water Pollution Prevention Plan.** The Developer shall implement the approved Storm Water Pollution Prevention Plan (S.W.P.P.P.), which addresses the method of storm water run-off control during construction prior to the Grading permit being issued. (E) PLANNING COMMISSION

- _____ 40. **Recordation of Final Map.** Final Map shall be approved by City Council and Recorded with the County of San Bernardino. (E)
- _____ 41. **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)
- _____ 42. **Cultural Resources.** If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. Further, prior to completion of the project, the applicant shall submit a report describing the handling of all cultural resources. (P)
- _____ 43. **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)
- _____ 44. **Protected Plants.** Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (B, P)
- _____ 45. **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)
- _____ 46. **Landscaping/irrigation Plans.** The Developer shall submit three sets of landscape and irrigation plans to the Building and Safety division with the required application fees for the required area along Datura Road, Mojave Street, and Topaz Avenue, along the street side yard and front yards of numbered lots, and within Lot A as required by the Planning Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P, RPD)

Phase 1: Landscape and irrigation for the Paseo along Datura Road and along the street side yard and front yards of numbered lots of this phase, and within Lot A , C, D, and E along Mojave Street shall be completed as required by the Planning Division

Phase 2: Landscape and irrigation for the required area along the street side yard and front yards of numbered lots within this phase shall be completed as required by the Planning Division.

Phase 3: Landscape and irrigation for the Paseos along Topaz Avenue and along the southern portion of the site, adjacent to letter lot B, as well as the required area along the street side yard and front yards of numbered lots within this phase shall be completed as required by the Planning Division.

Phase 4: Landscape and irrigation for the required area along the street side yard and front yards of numbered lots within this phase shall be completed as required by the Planning Division.

Phase 5: Landscape and irrigation for the required area along the street side yard and front yards of numbered lots within this phase shall be completed as required by the Planning Division.

Paseos. The developer shall design and construct a fully landscaped minimum 30-foot and 20-foot wide bicycle/walkway paseo along the east side of Datura Road per the approved tentative tract map. Paseos are also to be constructed along Topaz Avenue, and along the southern boundary of the site and northeast to Topaz Avenue.

- _____ 47. **Access.** The development shall have a minimum of **Four (4)** points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.

Phase 1: The development shall have **Two (2)** points of vehicular access.

Phase 2: The development shall have **One (1)** additional point of vehicular access.

Phase 3: The development shall have **One (1)** additional point of vehicular access.

- 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. (F)

- _____ 48. **Water System Residential.** A water system approved by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site. Detached single family residential developments may increase the spacing between hydrants to be no more than six hundred (600) feet and no more than three hundred (300) feet (as measured along vehicular travel-ways) from the driveway on the address side of the proposed single family structure. (F)

PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 49. **Dust Control.** Dust control shall be maintained before, during, and after all grading operations. (B)

- _____ 50. **Construction Waste.** The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)
- _____ 51. **Masonry Wall Plans.** A six-foot high split-face masonry wall with decorative cap shall be constructed on private property adjacent to Datura Road, Lots C and D on Mojave Street, and Topaz Avenue, and along the street side yard of corner lots less than 7,200 square feet in area in accordance with City standards. Perimeter walls shall be constructed according to phase as follows:
- Phase 1: A six-foot high split-face masonry wall with decorative cap shall be constructed along Datura Road on lot 1 and north to Mojave Street and continuing along Mojave Street on private property adjacent to lettered lots C and D, and along Topaz Avenue on Lots 24 and 25.
- Phase 2: A six-foot high split-face masonry wall with decorative cap shall be constructed along Datura Road beginning on lot 84 and north to lot 37 and continuing along Mojave Street on private property adjacent to lettered lots C and D, and along Topaz Avenue on Lots 24 and 25.
- Phase 3: A six-foot high split-face masonry wall with decorative cap shall be constructed along Topaz Avenue on lot 26 and south to lot 34, and continuing south along private property adjacent to lettered lot B.
- _____ 52. **Fencing Plans.** A combination four-foot high wrought iron fence and two-foot high split-face masonry wall shall be constructed on private property along the boundary of the retention basin in accordance with City standards (except along the boundary of the basin abutting private lots, where a six-foot high split-face masonry wall with decorative cap is required). Two complete sets of engineered construction plans for the required fencing shall be submitted to the Building and Safety counter. (P)
- _____ 53. **Paseo.** The developer shall design and construct a fully landscaped minimum 30-foot wide bicycle/walkway paseo along the southern portion of Topaz Avenue and the southern perimeter of the site, and a 20-foot wide bicycle/walkway paseo fully landscaped along Datura Road and northern portion of Topaz Avenue per the approved tract map. The developer shall dedicate, design and construct the park and paseo per the approved tract map. (P, RPD)
- _____ 54. **Development Fees.** The Developer shall pay required development fees prior to building permit issuance as follows:

A. School Fees (B)

- _____ 55. **Street Sign.** This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. (F)
- _____ 56. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. (F)

CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT:

- _____ 57. **Utility Relocation / Under grounding.** If developer is required to install water, sewer, or construct street improvements or when required utilities shall be placed underground, it shall be the developer's responsibility to relocate/underground any existing utilities at his/her's own expense. Relocation/under grounding of utilities shall be identified upon submittal of construction plans. (P, E, W/S)
- _____ 58. **As-Built Plans.** The Developer shall provide as-built plans, Notice of Completion, and One-Year Maintenance Bonds to the Engineering / Water-Sewer Departments. (E)
- _____ 59. **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.
- _____ 60. **Electronic Copies.** The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)
- _____ 61. **Model Home Complexes.** Model homes and sales trailers require approval of a Temporary Occupancy Permit. Building permits for the garage conversion to an office, signage, etc... shall be submitted and approved prior to their establishment. (P, B)
- _____ 62. **Development Fees.** The Developer shall pay required development fees as follows:
- A. Development Impact Fees (B)
 - B. Park Fees (B)
 - C. Utility Fees (E)
- _____ 63. **Masonry Walls/Fencing.** The required masonry walls and wrought-iron fencing shall be completed in accordance with City standards. (P)
- _____ 64. **Landscaping/Irrigation.** The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)

- _____ 65. **Paseo.** The Developer shall complete the paseo to the satisfaction of the Hesperia Recreation and Park District (P).
- _____ 66. **Retention/Drainage Facilities.** The required retention basin(s) and other drainage facilities shall be completed in accordance with City standards. (E, P)
- _____ 67. **Residential Addressing.** The street address shall be installed on the building with numbers that are a minimum of four (4) inches in height and with a one half (1/2) inch stroke. The address shall be visible from the street. During the hours of darkness, the numbers shall be **internally and electrically illuminated** with a low voltage power source. Numbers shall contrast with their background and be legible from the street. Where the building is fifty (50) feet or more from the roadway, additional contrasting four (4) inch numbers shall be displayed at the property access entrances. (F)

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

| | | |
|-------|---------------------------------------|----------|
| (P) | Planning Division | 947-1200 |
| (B) | Building Division | 947-1300 |
| (E) | Engineering Division | 947-1414 |
| (F) | Fire Prevention Division | 947-1012 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |

ATTACHMENT 8

RESOLUTION NO. PC-2009-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, TO ELIMINATE THE 500 SQUARE FEET COMMON OPEN SPACE PER LOT REQUIREMENT FOR TENTATIVE TRACT TT-17916, LOCATED ON THE SOUTHWEST CORNER OF MOJAVE STREET AND TOPAZ AVENUE (VAR09-10153)

WHEREAS, NV Hesperia Investors, LLC., has filed an application requesting approval of Variance VAR09-10153 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 40.0 gross acres within the Low Density Residential District of the Main Street and Freeway Corridor Specific Plan located on the southwest corner of Mojave Street and Topaz Avenue and consists of Assessor's Parcel Numbers 0415-261-15 thru 18 and 27 thru 30; and

WHEREAS, the Application, as contemplated, proposes to eliminate the 500 square feet common open space per lot requirement for Tentative Tract TT-17916; and

WHEREAS, NV Hesperia Investors, LLC. also has filed an application requesting approval of Tentative Tract TNT09-10154/TT-17916, to create 177 single-family lots on 40.0 gross acres; and

WHEREAS, the site contains two single-family residences and the majority of the 40.0 acre site is vacant. The properties to the east are vacant. The properties to the north and south contain scattered single family residences. Properties to the west contain single-family residences and Hesperia Community Park; and

WHEREAS, the subject property as well as surrounding properties are designated Planned Mixed Use (PMU); and

WHEREAS, the subject site is currently within the Low Density Residential District of the Main Street and Freeway Corridor Specific Plan. The properties to the north, south, and east are also within the Low Density Residential District. The properties to the west are within the Public Institutional Overlay District; and

WHEREAS, the variance is categorically exempt from the requirements of the California Environmental Quality Act by Section 15305, Minor Alteration in Land Use Limitations; and

WHEREAS, on July 9, 2009 the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced July 9, 2009 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The strict or literal interpretation and enforcement of the specified regulations would result in practical difficulties or unnecessary physical hardships because the open space restriction would result in the establishment of only a two-acre recreational facility, which would not afford sufficient area to be viable. Providing a paseo linking the residents to the nearby recreational facilities such as the existing Hesperia Community Park and the future Mojave Park is preferred.
- (b) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone because the proposal is located adjacent to existing and future parks and has included paseos which enable connectivity to the parks. Further, imposition of a park on a 40-acre subdivision is not advised, due to its limited area.
- (c) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone because other similar tracts have been approved within the surrounding sites at a density exceeding 5.0 dwelling units per gross acre without including a park site.
- (d) The granting of the variance would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because the site is surrounded by properties that were approved with similar design and requirements.
- (e) The granting of the variance will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity, as the development has access to an existing park to the west and a future park to the northeast.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR09-10153.

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

ADOPTED AND APPROVED this 9th day of July 2009.

Chris Elvert, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission



DATE: July 9, 2009
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner *DR*
BY: *LSM* Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Conditional Use Permit CUP09-10128 and Parcel Map PM-19120; Applicant: Jose Cuevas, APN's: 0410-151-19, 20, 24, 25, 34, and 0410-161-15, 16, 26 thru 28, and 36.

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2009-37 and PC-2009-38, approving Conditional Use Permit CUP-2007-07 and Parcel Map PM-19120.

BACKGROUND

Proposal: A Conditional Use Permit to convert an existing lumber yard into a large recycling facility and a Parcel Map to create one parcel from 11 lots on 4.0 gross acres (Attachment 1 & 2).

Location: The property is located at 16666 Spruce Street.

Current General Plan, Zoning and Land Uses: The site is within the Planned Mixed Use (PMU) General Plan Land Use designation and within the Commercial Industrial Business Park Zone District (CIBP). The surrounding land is designated and zoned as noted on Attachments 3 and 4. The site is presently unoccupied and was formerly a lumber yard. The surrounding properties are developed with industrial uses.

ISSUES/ANALYSIS

Land Use: The project includes the establishment of a large recycling facility with a drive-thru scale, a regular scale, a can crusher, and a baler. In addition, two forklifts will be used to transport recyclables throughout the site. The facility will collect recyclables such as cans, scrap metal, plastic and cardboard. Storage of valuable recyclables, such as copper, will be done indoors. Larger pieces of recyclable metals will be stored outdoors within the northwest portion of the site. Common recyclables such as cans, plastic and cardboard will be contained in roll-off containers. An average of five pick-ups of the storage containers will occur in a week. As a condition of approval, outdoor storage will be limited in height to that of the perimeter fencing and only within locations shown on the site plan.

Drainage: The proposed project will not interfere with the current drainage flow of the site.

Street Improvements: The project will be required to construct curb, gutter and sidewalk as well as commercial drive approaches on Spruce Street and Smoke Tree Street.

Environmental: This project is exempt from the California Environmental Quality Act (CEQA), per Section 15332, In-Fill Development Projects.

Conclusion: The project meets the standards of the Development Code and staff recommends approval.

FISCAL IMPACT

Development will be subject to payment of all plan review and inspection fees as adopted by the City.

ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENTS

1. Site plan
2. Parcel Map
3. General Plan land use map
4. Zoning map
5. Aerial photo
6. Resolution No. PC-2009-37, with list of conditions (CUP-2007-07)
7. Resolution No. PC-2009-38, with list of conditions (PM-19120)

ATTACHMENT 1



SITE PLAN

APPLICANT(S):
JOSE CUEVAS

FILE NO(S):
PM-19120 & CUP-2007-07

LOCATION:
16666 SPRUCE STREET

APN(S):
0410-151-19, 20, 24, 25, 34
AND 0410-161-15, 16, 26
THRU 28, AND 36

PROPOSAL:
PARCEL MAP TO CREATE ONE PARCEL ON 4.0 GROSS ACRES AND A CONDITIONAL
USE PERMIT TO CONVER AN EXISITNG LUMBER YARD INTO A LARGE RECYCLING
FACILITY.



ATTACHMENT 2



APPLICANT(S):
JOSE CUEVAS

FILE NO(S):
PM-19120 & CUP-2007-07

LOCATION:
16666 SPRUCE STREET

APN(S):
0410-151-19, 20, 24, 25, 34
AND 0410-161-15, 16, 26
THRU 28, AND 36

PROPOSAL:
PARCEL MAP TO CREATE ONE PARCEL ON 4.0 GROSS ACRES AND A CONDITIONAL USE PERMIT TO CONVERT AN EXISTING LUMBER YARD INTO A LARGE RECYCLING FACILITY.



PARCEL MAP

ATTACHMENT 3



APPLICANT(S):
JOSE CUEVAS

FILE NO(S):
PM-19120 & CUP-2007-07

LOCATION:
16666 SPRUCE STREET

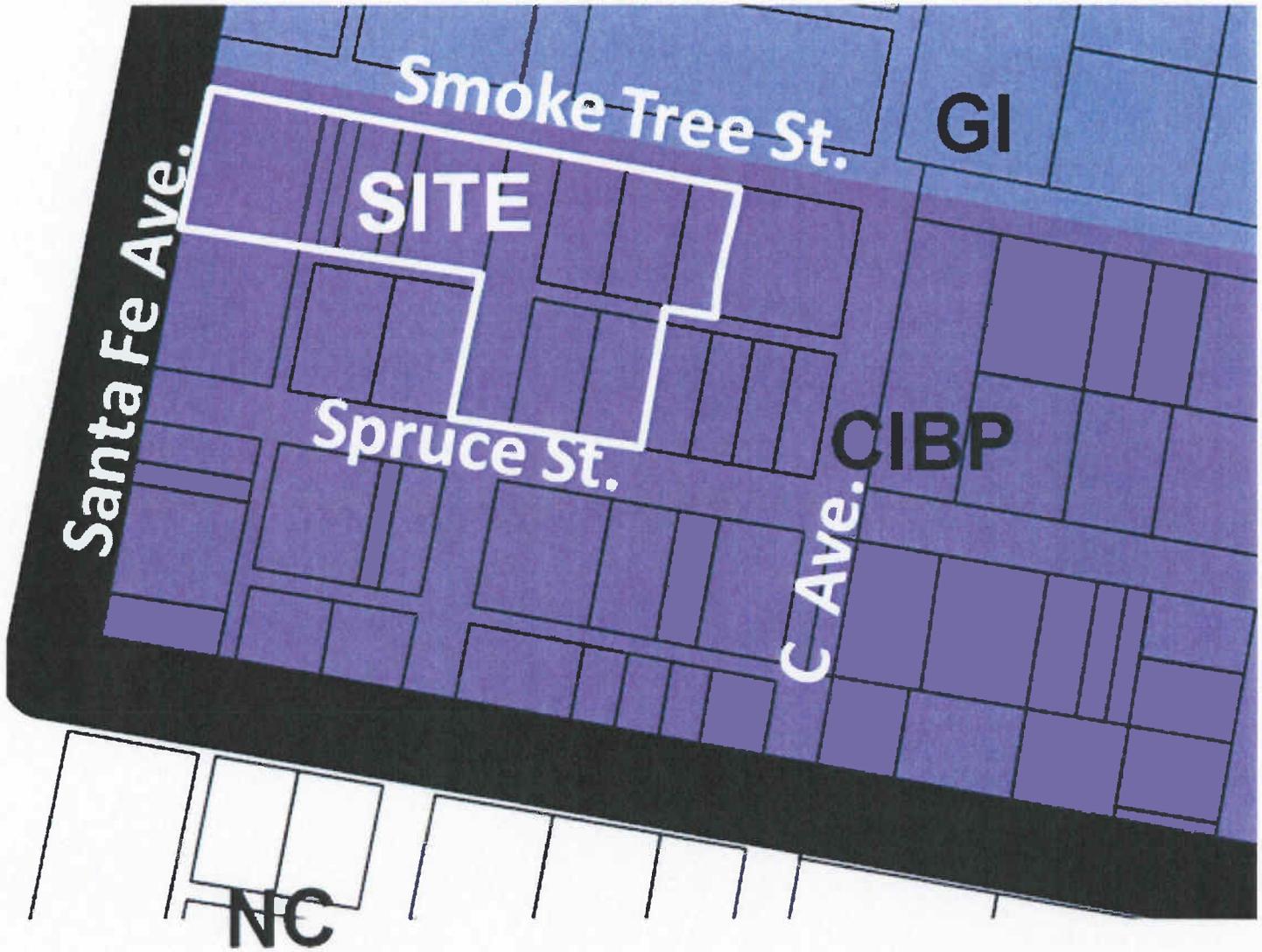
APN(S):
0410-151-19, 20, 24, 25, 34
AND 0410-161-15, 16, 26
THRU 28, AND 36

PROPOSAL:
PARCEL MAP TO CREATE ONE PARCEL ON 4.0 GROSS ACRES AND A CONDITIONAL USE PERMIT TO CONVER AN EXISITNG LUMBER YARD INTO A LARGE RECYCLING FACILITY.



GENERAL PLAN

ATTACHMENT 4



APPLICANT(S):
JOSE CUEVAS

FILE NO(S):
PM-19120 & CUP-2007-07

LOCATION:
16666 SPRUCE STREET

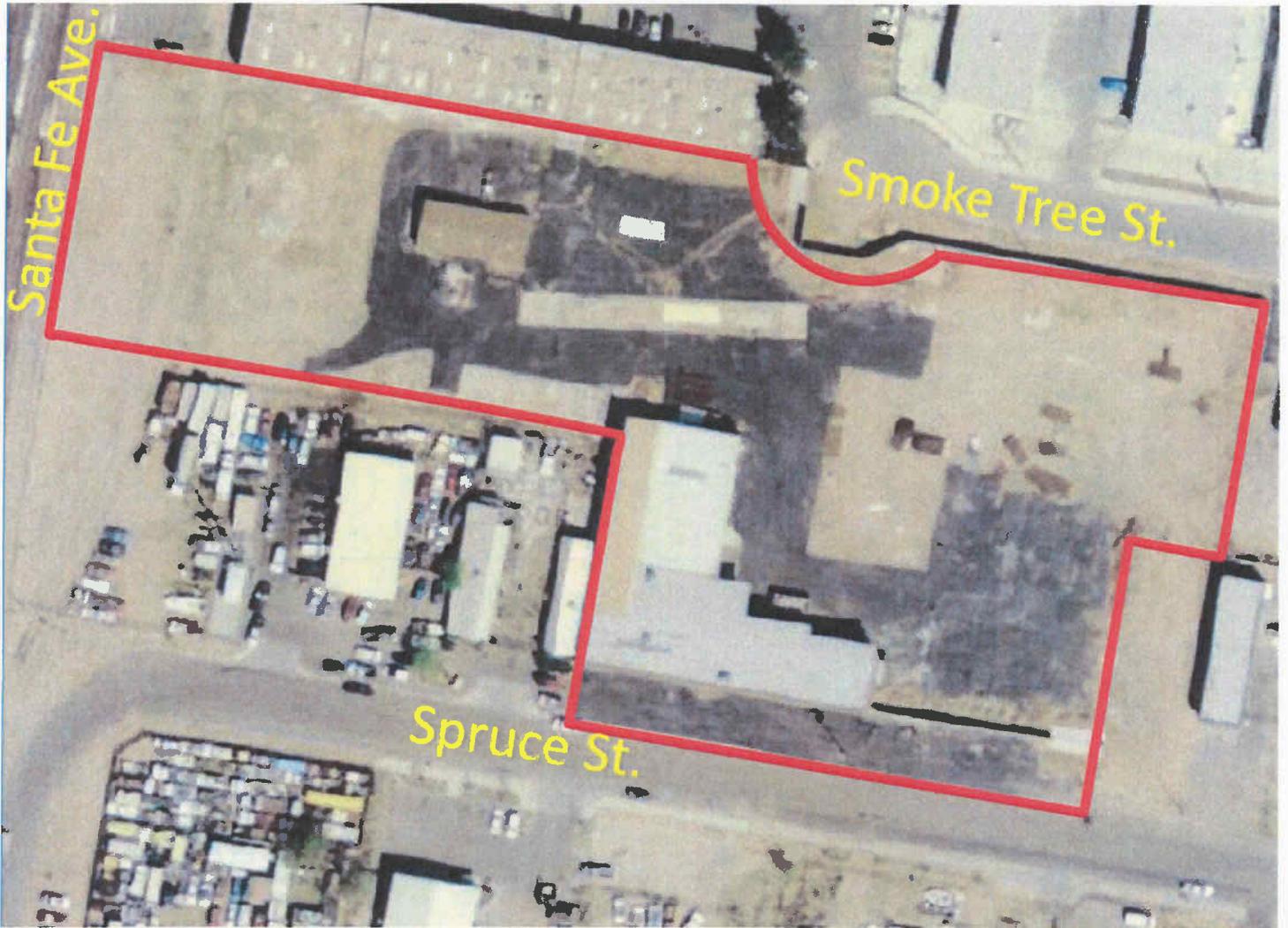
APN(S):
0410-151-19, 20, 24, 25, 34
AND 0410-161-15, 16, 26
THRU 28, AND 36

PROPOSAL:
PARCEL MAP TO CREATE ONE PARCEL ON 4.0 GROSS ACRES AND A CONDITIONAL
USE PERMIT TO CONVER AN EXISITNG LUMBER YARD INTO A LARGE RECYCLING
FACILITY.



ZONING MAP

ATTACHMENT 5



APPLICANT(S):
JOSE CUEVAS

LOCATION:
16666 SPRUCE STREET

FILE NO(S):
PM-19120 & CUP-2007-07

APN(S):
0410-151-19, 20, 24, 25, 34
AND 0410-161-15, 16, 26
THRU 28, AND 36

PROPOSAL:
PARCEL MAP TO CREATE ONE PARCEL ON 4.0 GROSS ACRES AND A CONDITIONAL
USE PERMIT TO CONVER AN EXISITNG LUMBER YARD INTO A LARGE RECYCLING
FACILITY.



AERIAL PHOTO

ATTACHMENT 6

RESOLUTION NO. PC-2009-37

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONVERT AN EXISTING LUMBER YARD INTO A LARGE RECYCLING FACILITY ON 4.0 ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK ZONE DISTRICT, LOCATED AT 16666 SPRUCE STREET (CUP-2007-07)

WHEREAS, Jose Cuevas has filed an application requesting approval of Conditional Use Permit CUP-2007-07 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a developed parcel within the Commercial Industrial Business Park Zone District (CIBP), located at 16666 Catalpa Street and consists of Assessor's Parcel Number 0410-151-19, 20, 24, 25, 34 and 0410-161-15, 16, 26 thru 28, and 36; and

WHEREAS, the Application, as contemplated, proposes to convert an existing lumber yard into a large recycling facility; and

WHEREAS, the site is presently developed as a lumber yard and all surrounding properties are presently developed with industrial uses; and

WHEREAS, the subject property is designated Planned Mixed Use (PMU). Surrounding properties to the north, south, and east and west are also designated Planned Mixed Use (PMU); and

WHEREAS, the subject property is zoned Commercial Industrial Business Park by the Main Street and Freeway Corridor Specific Plan. The properties to the east and west are also zoned Commercial Industrial Business Park (CIBP). The properties to the north are zoned General Industrial (GI). The properties to the south are zoned Neighborhood Commercial (NC); 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 July 9, 2009, the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced July 9, 2009, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site is physically suitable for development, because there are no known physical or topographical constraints to development and the site has adequate area to accommodate the proposed recycling facility.
- (b) The site is physically suitable for development, because the proposed use will not require the construction of additional structures and the site is compatible with the existing structures on-site, and all Development Code regulations required for the permitted uses can be met.
- (c) The design of the recycling facility and any related improvements are not likely to cause serious public health problems, because all construction will require necessary permits and will conform to the City's adopted building and fire codes.
- (d) The proposed auto recycling facility conforms to the regulations of the Development Code and all applicable City Ordinances.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP-2007-07, subject to the conditions of approval as shown in Attachment 'A'.

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

ADOPTED AND APPROVED this 9th day of July 2009.

Chris Elvert, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP-2007-07:

Approval Date: July 9, 2009
Effective Date: July 21, 2009
Expiration Date: July 21, 2011

This list of conditions apply to a Conditional Use Permit to convert an existing lumber yard into a large recycling facility on 4.0 gross acres zoned Commercial Industrial Business Park located at 16666 Spruce Street . Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: Jose Cuevas ; APN's: 0410-151-19, 20, 24, 25, 34 and 0410-161-15, 16, 26 thru 28, and 36).

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.

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

SUBMITTAL OF PUBLIC IMPROVEMENT PLANS SHALL INCLUDE THE FOLLOWING:

- _____ 1. **Final Map:** A Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66434 of the Subdivision Map Act as well as the San Bernardino County Surveyor's Office Final Map Standards. (E)
- _____ 2. **Drainage Study:** The Developer shall submit a Final Hydrology / Hydraulic study identifying the method of collection and conveyance of tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E)
- _____ 3. **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. Include "R" value testing and pavement recommendations for public streets (E, B)
- _____ 4. **Title Report:** The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
- _____ 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 control during construction. (E)
- _____ 7. **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. **The improvement plans will not be accepted without the required documents and approval from the affected agencies.** (E)
- _____ 8. **Plan Check Fees:** Along with improvement plan submittal, the Developer shall pay applicable plan-checking fees. **Improvement Plans and requested studies shall be submitted as a package.** (E)
- _____ 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 and Storm Drain):** The Developer shall submit a "Grant of Easement" to the City's Engineering Department for review and approval if needed. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)
- _____ 11. **Specialty Plans.** The following additional plans/reports shall be required for businesses with special environmental concerns: (B)
- A. Demolition permits shall be obtained from the Building Division prior to demolition of structure located on the northwest portion of the site. Prior to issuance a certificate that the structure is asbestos free shall be obtained from a licensed environmental engineer
- _____ 12. **Building Construction Plans.** Five complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division with the required application fees for review to bring the building up to Building and Code Standards. (B)
- _____ 13. **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 GROUND DISTURBING ACTIVITY:

- _____ 14. **Approval of Improvement Plans:** All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)
- _____ 15. **Dedication(s):** The Developer shall grant to the City an Irrevocable Offer of Dedication for Smoke Tree Street, Spruce Street and the vacated Santa Fe Ave. The right-of-way full-width for Said Streets shall be specified (60) feet for Spruce Street and Smoke Tree Street. The half-width right of way will be (50) feet for Santa Fe Ave. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. It is the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City. **Corner cut-off right of way dedication per City standards is required at all intersections, including interior roadways.** (E)
- _____ 16. **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)
- _____ 17. **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. **Grading permits will not be issued until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developer's responsibility.** (E)
- _____ 18. **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)

- _____ 19. **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)
- _____ 20. **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. 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)
- _____ 21. **Drainage Acceptance Letter(s):** It is the Developer’s responsibility to obtain signed Drainage Acceptance Letters from *any* adjacent property owner’s who are affected by concentrated off-site storm water discharge from any on-site retention basins and storm water runoff. The Acceptance letter, along with the latest grant deed, must be submitted to the City’s Engineering Department for plan check approval. (E)
- _____ 22. **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)
- Street Improvement Plans:** The Developer shall design street improvements in accordance with City standards and as indicated below. (E)
- _____ 23. **Spruce Street :** Saw-cut (2-foot min.) and match-up asphalt pavement on Smoke Tree St across the project frontage, based on City’s 60-foot Local Roadway Standard. The curb face is to be located at 20’ from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:
- A. 8” Curb and Gutter per City standards.
 - B. Sidewalk (width = 6 feet) per City standards.
 - C. Roadway drainage device(s).
 - D. Streetlights per City standards.

- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial driveway approaches per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index per the City Engineer and the soils report.
- I. Cross sections every 50-foot per City standards.
- J. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
- M. Relocate existing overhead utilities to underground. The Developer shall coordinate with affected utility companies.
- N. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

24. **Smoke Tree Street and Cul-de-sac:** Saw-cut (2-foot min.) and match-up asphalt pavement on Smoke Tree St across the project frontage, based on City's 60-foot Local Roadway Standard. The curb face is to be located at 20' from the approved centerline. The cul-de-sac will have a right of way radius of 50-feet; the curb face shall be at 40'. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

- A. 8" Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial driveway approaches per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index per the City Engineer and the soils report.
- I. Cross sections every 50-foot per City standards.
- J. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
- M. Relocate existing overhead utilities to underground. The Developer shall coordinate with affected utility companies.

N. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

_____ 25. **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)

A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.

B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the existing size" PVC water line in Said Street per City Standards.

C. The Developer is not required to install sewer lines unless the proposed septic system cannot meet the La Honton Regional Water Quality Board's requirements or the City of Hesperia's EDU requirements. 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 size PVC sewer main in said Avenue per City standards.

D. Complete V.V.W.R.A.'s "Wastewater Questionnaire for Commercial / Industrial Establishments" and submit to the Engineering Department. Complete the "Certification Statement for Photographic and X-ray Processing Facilities" as required. **The Wastewater Questionnaire is only required if the project is required to connect to sewer.**

_____ 26. **Water / Sewer Improvement Plan:** The Developer shall design water and sewer improvements in accordance with City standards as required by the design. (E)

_____ 27. **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)

_____ 28. **Design for Required Improvements.** Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review application with the following revisions made to the improvement plans: (E, P)

A. The trash enclosure shall be relocated to provide adequate sanitation access. The location of the trash enclosure shall be subject to approval by Planning staff;

_____ 29. **Access.** The development shall have a minimum of **two points** of vehicular access. These are for fire/emergency equipment access and for evacuation routes.

- 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. (F)

- _____ 30. **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 one hundred fifty (150) feet from any portion of a structure. (F)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 31. **Construction Waste.** The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

- _____ 32. **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)

- _____ 33. **Development Fees.** The Developer shall pay required development fees as follows:

A. School Fees (B)

- _____ 34. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

- _____ 35. **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 Building and Safety 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)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 36. **As-Built Plans:** The Developer shall provide as-built plans. (E)
- _____ 37. **Public Improvements:** All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)
- _____ 38. **Development Fees.** The Developer shall pay required development fees as follows:
 - A. Development Impact Fees (B)
 - B. Utility Fees (P)
- _____ 39. **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)
- _____ 40. **On-Site Improvements.** All on-site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit "A." Any exceptions shall be approved by the Deputy Director of Development Services / Community Development. (P)
- _____ 41. **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 eight (8) 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). Six (6) inch numbers shall be placed on the access doors for individual units. Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. (F)

OPERATING CONDITIONS:

- _____ 42. **Outdoor Storage.** Outdoor storage area shall be used for the storage of large recyclable items. No permanent storage of objects unrelated to the business shall be permitted. Storage of materials shall be limited in height and shall not exceed the height of the perimeter fencing. (P)

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

| | | |
|-------|---------------------------------------|----------|
| (P) | Planning Division | 947-1200 |
| (B) | Building Division | 947-1300 |
| (E) | Engineering Division | 947-1414 |
| (F) | Fire Prevention Division | 947-1012 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |

ATTACHMENT 7

RESOLUTION NO. PC-2009-38

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, APPROVING A PARCEL MAP TO CREATE ONE PARCEL ON 4.0 GROSS ACRES LOCATED AT 16666 SPRUCE STREET (PM-19120)

WHEREAS, Jose Cuevas has filed an application requesting approval of Tentative Parcel Map PM-19120 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 4.0 gross acres within the Commercial Industrial Business Park (CIBP) District of the Main Street and Freeway Corridor Specific Plan located on the north side of Spruce Street approximately 300 feet east of Santa Fe Avenue and consists of Assessor's Parcel Number 0410-151-19, 20, 24, 25, 34 and 0410-161-15, 16, 26, thru 28, and 36; and

WHEREAS, the Application, as contemplated, proposes to create one parcel from the 4.0 gross acre site; and

WHEREAS, Jose Cuevas has also filed an application requesting approval Conditional Use Permit CUP-2007-07, to convert an existing lumber yard into a large recycling facility; and

WHEREAS, the site is currently developed as a lumber yard and all surrounding properties are currently developed with industrial uses; and

WHEREAS, the subject property has a General Plan Land Use designation of Planned Mixed Use (PMU). All surrounding properties are also within the PMU General Plan Land Use designation; and

WHEREAS, the subject property is currently within the Commercial Industrial Business Park District of the Main Street and Freeway Corridor Specific Plan. The properties to the east and west are also within the Commercial Industrial Business Park District (CIBP). The properties to the north are zoned General Industrial (GI). The properties to the south are within the Neighborhood Commercial District (NC); 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 July 9, 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 July 9, 2009, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed map is consistent with the City's General Plan of the City of Hesperia, because the project is consistent with the intent of the Planned Mixed Use (PMU) designation of the adopted land use element.
- (b) The design or improvement of the proposed project is consistent with the General Plan of Hesperia, as the project supports the existing land use and circulation pattern in the area.
- (c) The site is physically suitable for the type of development because there are no known physical constraints to commercial/industrial development and the site has adequate area to accommodate the proposed parcel.
- (d) The merging or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes.
- (e) That the merging of parcels will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed site.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission approves of Tentative Parcel Map PM-19120, subject to the Conditions of Approval as set forth in ATTACHMENT "A."

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

ADOPTED AND APPROVED on this 9th day of July 2009.

Chris Elvert, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Parcel Map PM-19120:

Approval Date: July 9, 2009
Effective Date: July 21, 2009
Expiration Date: July 21, 2012

This list of conditions apply to a Tentative Parcel Map to create 1 parcel on 4.0 gross acres zoned Commercial Industrial Business Park, located at 16666 Spruce Street (Applicant: Jose Cuevas; APN(s): 0410-151-19, 20, 24, 25, 34 and 0410-161-15, 16, 26 thru 28, and 36).

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

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

PRIOR TO RECORDATION OF THE PARCEL MAP:

- _____ 1. **Map (Commercial):** A Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyor's Office Map Standards. (E)
- _____ 2. **Title Report:** The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
- _____ 3. **Plan Check Fees:** A customer request form from Engineering shall be completed and submitted to the Engineering Department. Upon receipt of form, plan-checking fees will be provided to the developer. Fees must be paid along with submittal. Map, CDP, Improvement Plans, requested studies, and CFD annexation must be submitted as a package. (E)
- _____ 4. **All Easements of Record:** It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. (E)
- _____ 5. **Access Easement(s):** The Developer shall grant an Access Easement if required to provide reciprocal access to and from parcels. Said easements shall be indicated on the Map. (E)
- _____ 6. **Off-Site Offers of Dedication and Easements:** Should off-site offers of dedication or easements be required for off-site improvements, it shall be the responsibility of the Developer to obtain such dedications or easements at no cost to the City, pursuant to section 66462.5 of the Subdivision Map Act. (E)

- _____ 7. **Irrevocable Offers of Dedication and Easements:** The Developer shall show all Offers of Dedication(s) and Easement(s) on the Map. Ensure the map clearly delineates the offers of dedication for: Santa Fe Ave (VAC), Spruce Street and Smoke Tree Street previously Hesperia Ave (VAC). Include the addition paths of travel behind the drive approaches as shown on the DRC site plan. (E)
- _____ 8. **Incorporation of Special Map Requirements:** Three off-site street dedications were needed; two located on Spruce St and one on Smoke Tree Street. During the DRC process the off-site I.O.D for Smoke Tree Street was submitted, this shall be recorded prior to the Map. The remaining off site dedications shall be pursued. (E)
- _____ 9. **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)

PRIOR TO DEVELOPMENT OF ANY PARCEL OF THE PARCEL MAP:

- _____ 10. **Recordation of Map:** Map shall be recorded with the San Bernardino County Recorder's Office. (E)
- _____ 11. **Utility Relocation / Undergrounding:** If the developer is required to install water, sewer, or construct street improvements or when utilities shall be placed underground, it shall be the developer's responsibility to relocate / underground any existing utilities at their own expense. Relocation / undergrounding of utilities shall be identified upon submittal of construction plans. (P, E)
- _____ 12. **Drainage Study:** The Developer shall submit a Final Hydrology / Hydraulic study identifying the method of collection and conveyance of any tributary flows from off-site as well as the method of control for

increased run-off generated on-site. The Developer shall design street improvements, as identified in the Hydrology study or per the City's Engineering and Building and Safety Department requirements upon review of the grading plan. Street design shall be in accordance with City standards (E)

- _____ 13. **Pre-construction Survey.** A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

- _____ 14. **Approval of All Required Improvement Plans.** All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)

PRIOR TO OCCUPANCY OF ANY UNIT:

- _____ 15. **As-Built Plans:** The Developer shall provide as-built plans. (E)
- _____ 16. **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)
- _____ 17. **Electronic Copies.** The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)
- _____ 18. **Development Fees.** The Developer shall pay required development fees as follows:
- A. Development Impact Fees (B)
 - B. Utility Fees (E)

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

| | | |
|-------|---------------------------------------|----------|
| (P) | Planning Division | 947-1200 |
| (B) | Building Division | 947-1300 |
| (E) | Engineering Division | 947-1414 |
| (F) | Fire Prevention Division | 947-1012 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |

City of Hesperia
STAFF REPORT



DATE: July 9, 2009

TO: Planning Commission

FROM:  Dave Reno, AICP, Principal Planner 

BY:  Stan Liudahl, AICP, Senior Planner

SUBJECT: Development Code Amendment DCA09-10205 regarding clear areas and allowable projections into yards; Applicant: City of Hesperia; Area affected: Citywide

Staff is recommending that the July 9, 2009 public hearing on this Development Code Amendment be continued to August 13, 2009 to allow staff time to consider additional revisions to this portion of the Development Code.

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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, JUNE 24, 2009

A. PROPOSALS:

1. James Vandenberg (TT-16849-E)

Proposal: A first extension of time for TT-16849, to create 9 single-family residential lots on 5.0 gross acres.

Location: Southeast corner of Topaz Avenue and Sage Street.

Planner: Paul Rull

Action: Administratively Approved; 1 year extension

2. Altus Institute, Inc. (SPR09-10200)

Proposal: A Revised Site Plan Review to allow for the expansion of an existing charter school. The existing facility at 14073 Main Street, Unit 103 will remain as an administrative office for the charter school.

Location: 14135 Main Street, Units 201 thru 203.

Planner: Stan Liudahl

Action: Administratively Approved

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