

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: September 10, 2009

Time: 6:30 P.M.

COMMISSION MEMBERS

Chris Elvert, Chair

Joline Bell Hahn, Vice Chair

Stephen James, Commissioner

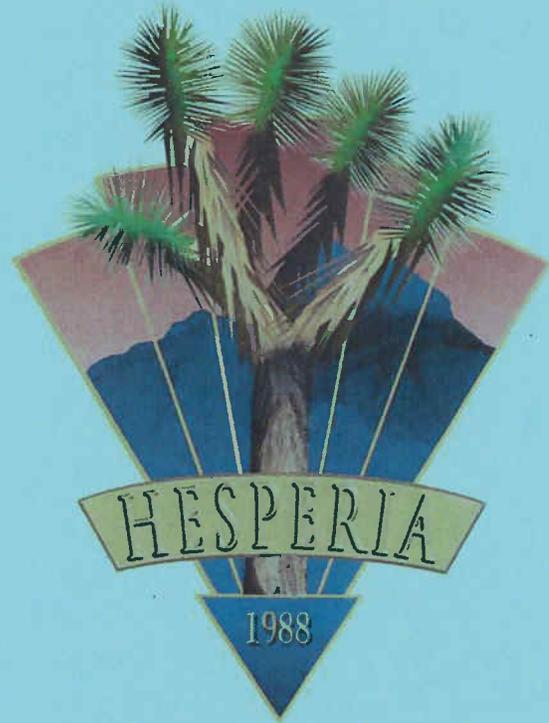
Julie Jensen, Commissioner

William A. Muller, Commissioner

* - * - * - * - * - * - * - *

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.

September 10, 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: August 13, 2009 Planning Commission Meeting Draft Minutes

-1-

PUBLIC HEARINGS

- 1. Consideration of Conditional Use Permit (CUP09-10131), and Variance (VAR09-10192) to construct a 75-foot high wireless communications facility in lieu of the 35-foot height limitation at Timberlane Park (Applicant: Royal Street Communications California, LLC; APN: 0411-234-12) (Staff Person: Lisette Sanchez-Mendoza). 1-1
- 2. Consideration of Conditional Use Permit (CUP09-10125), to establish a purification product facility on the southern portion of a 10.0 gross acre lot zoned General Industrial located 660 feet west of "I" Avenue on the south side of Hercules Street (Applicant: LA Water, LLC; APN: 0410-072-01) (Staff Person: Daniel S. Alcayaga). 2-1

PRINCIPAL PLANNER'S REPORT

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

- F. DRC Comments
- G. Major Project Update

3-1

PLANNING COMMISSION BUSINESS OR REPORTS

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

ADJOURNMENT

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

I, Eva Heter, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, September 3, 2009 at 5:30 p.m. pursuant to California Government Code §54954.2.



Eva Heter
Planning Commission Secretary

**HESPERIA PLANNING COMMISSION
REGULAR MEETING
August 13, 2009
MINUTES**

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

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
Present: None.

JOINT PUBLIC COMMENTS

CONSENT CALENDAR

- E. Approval of Minutes: July 9, 2009 Planning Commission Meeting Draft Minutes
Motion by Stephen James to Approve, Seconded by Joline Bell Hahn, passed with the following roll call vote:

AYES: Chris Elvert, Joline Bell Hahn, Stephen James, Julie Jensen, and William Muller
NOES: None

PUBLIC HEARING

- 1. 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).
Senior Planner, Stan Liudahl AICP gave a brief staff report.

Commissioner James submitted pictures of the corner of Chase and Danbury with questions pertaining to the topography; he also submitted pictures of Sultana Street and 3rd with questions pertaining to the clear sight triangle (See Attachment 1).

Chair Elvert opened the Public Hearing: 7:07 PM

No Comments from the Public to Consider.

Chair Elvert closed Public Hearing: 7:07 PM

Commissioner Muller questioned City Liability.

Motion by Stephen James to Amend; Amendment: Strike the Clear Site Triangle areas. Strike: 16.20. 070 Clear Areas; 12.20.045 Clear Site Triangles. The motion did not receive a Second and was lost.

Motion by Julie Jensen to Approve, The motion did not receive a second and was lost.

Motion by Joline Bell Hahn to Amend; Amendment: Staff to review topography on corner lots, public improvements, structures, fences and other circumstances that may effect the location of fencing on corner lots, Seconded by Julie Jensen, passed with the following roll call vote:

AYES: Chris Elvert, Joline Bell Hahn, Stephen James, Julie Jensen, and William Muller
NOES: None

2. Consideration of Development Code Amendment (DCA09-10229), to amend the Development Code regarding the definition of a front lot line (Applicant: City of Hesperia; Area Affected: Citywide) (Staff Person: Stan Liudahl).

Chair Elvert opened the Public Hearing: 7:29 PM

No Comments from the Public to Consider.

Chair Elvert Closed the Public Hearing: 7:29 PM

Motion by Joline Bell Hahn to Amend; Amendment: Staff to review topography on corner lots, public improvements, structures, fences and other circumstances that may effect the front lot line, Seconded by William Muller, passed with the following roll call vote:

AYES: Chris Elvert, Joline Bell Hahn, Stephen James, Julie Jensen, and William Muller
NOES: None

3. Consideration of Development Code Amendment (DCA09-10228), to amend the Development Code regarding the approval periods for land use decisions (Applicant: City of Hesperia; Area Affected: Citywide) (Staff Person: Stan Liudahl).

Chair Elvert opened the Public Hearing: 7:37 PM

No Comments from the Public to Consider.

Chair Elvert Closed the Public Hearing: 7:29 PM

Motion by Joline Bell Hahn to Approve, Seconded by Stephen James, passed with the following roll call vote:

AYES: Chris Elvert, Joline Bell Hahn, Stephen James, Julie Jensen, and William Muller
NOES: None

Principal Planner's Report

F.DRC Comments

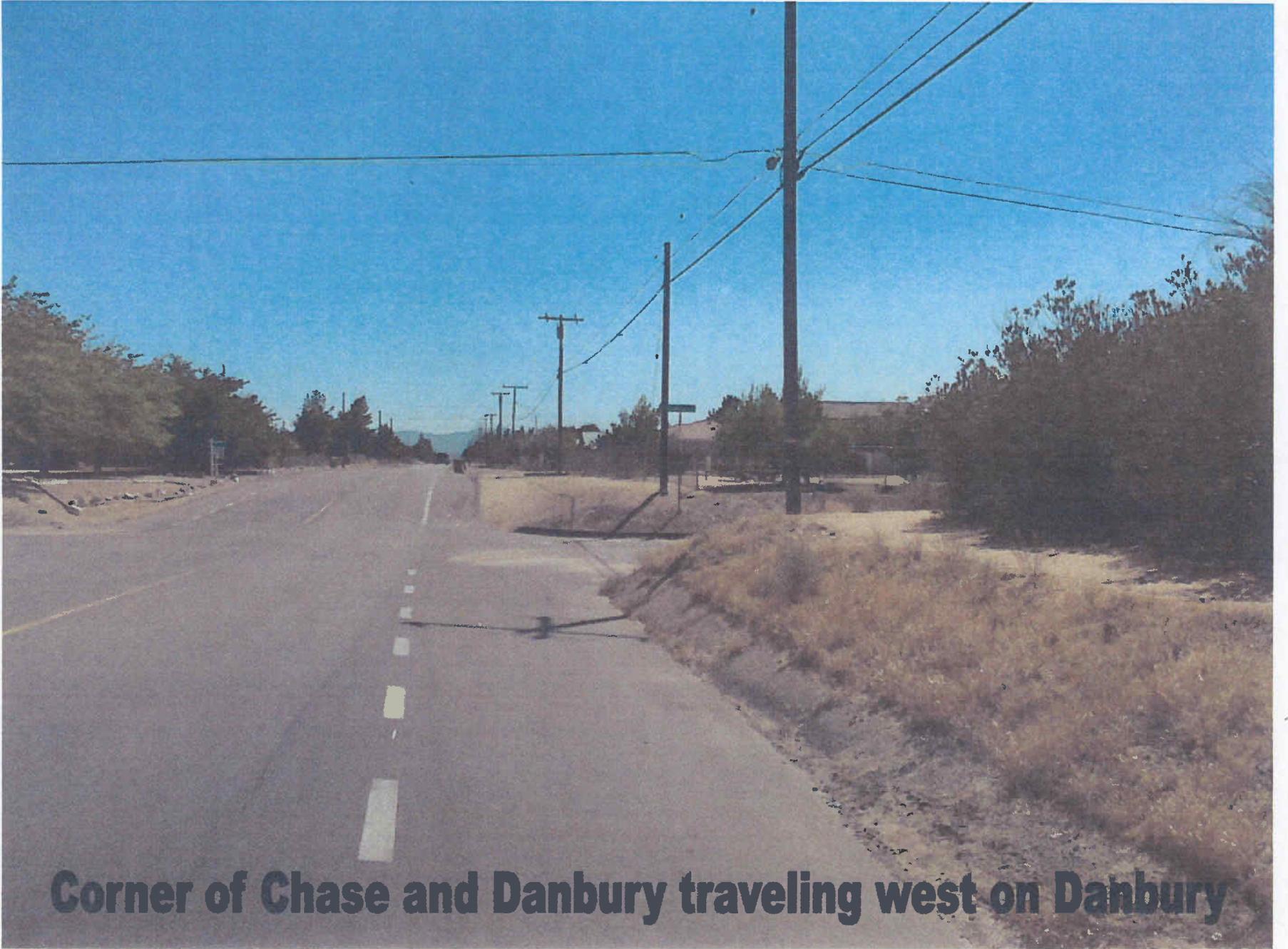
G.Major Project Update

ADJOURNMENT

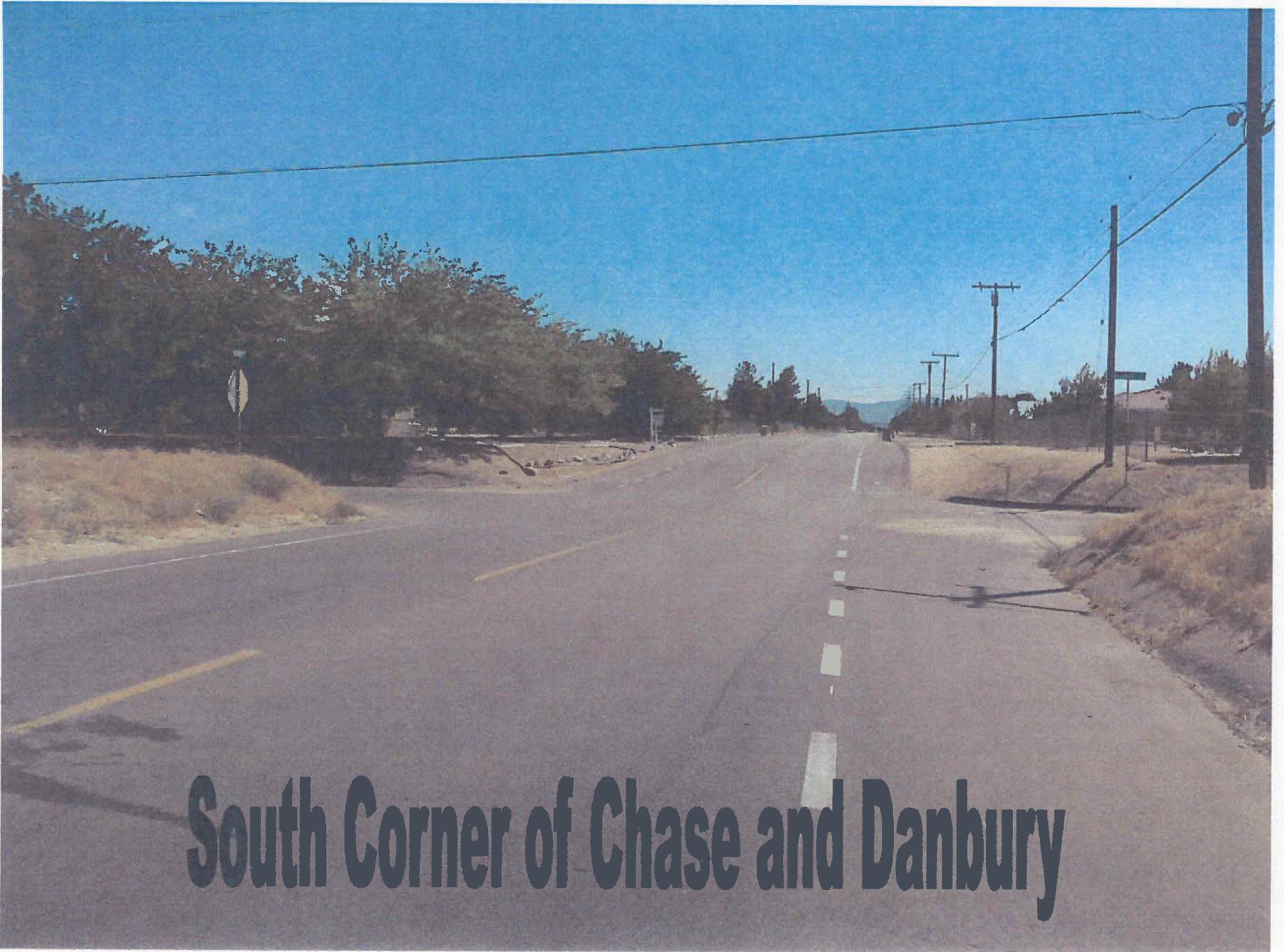
Chris Elvert
Planning Commission Chair

Attested:

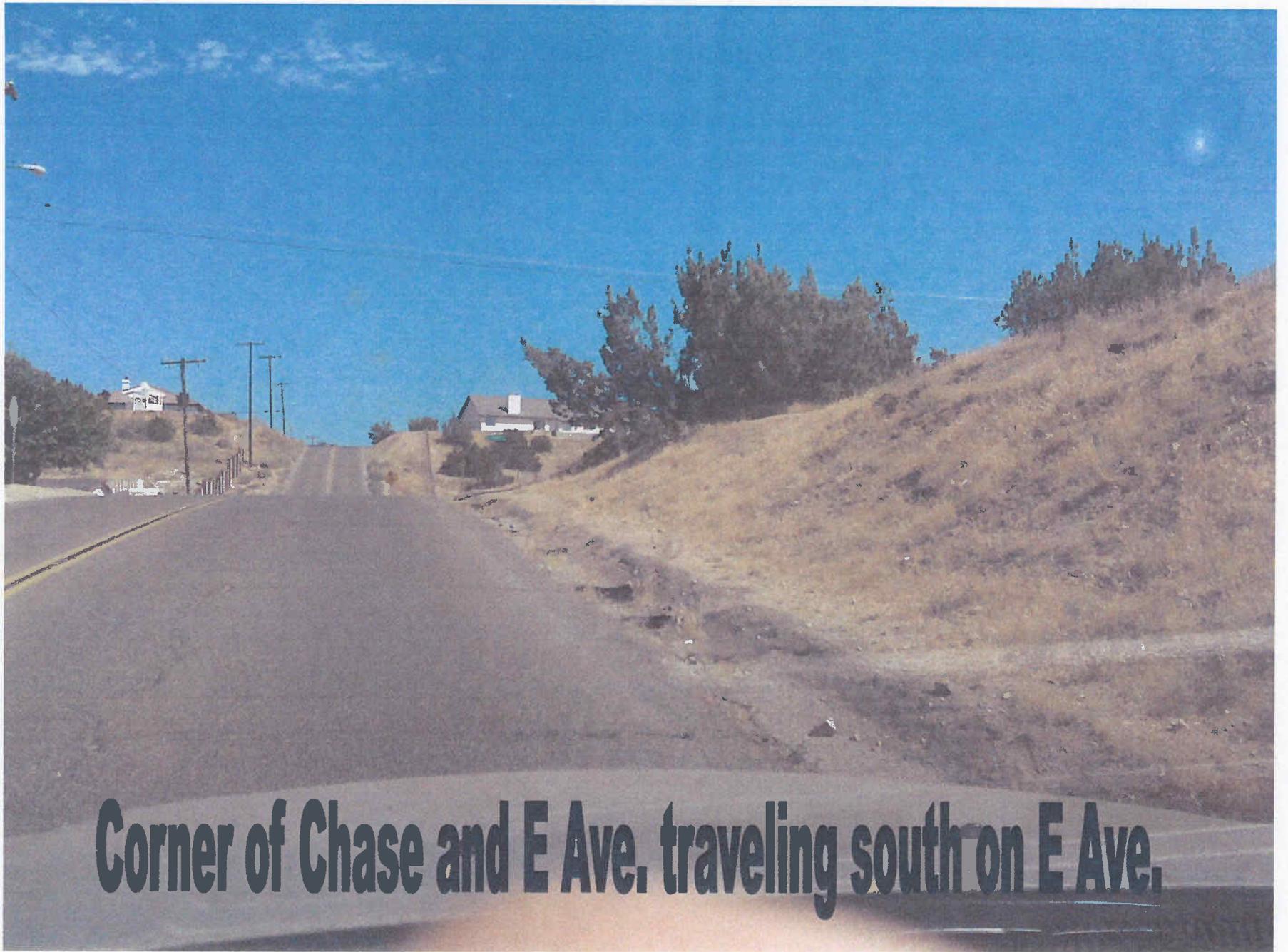
Eva Heter
Planning Commission Secretary



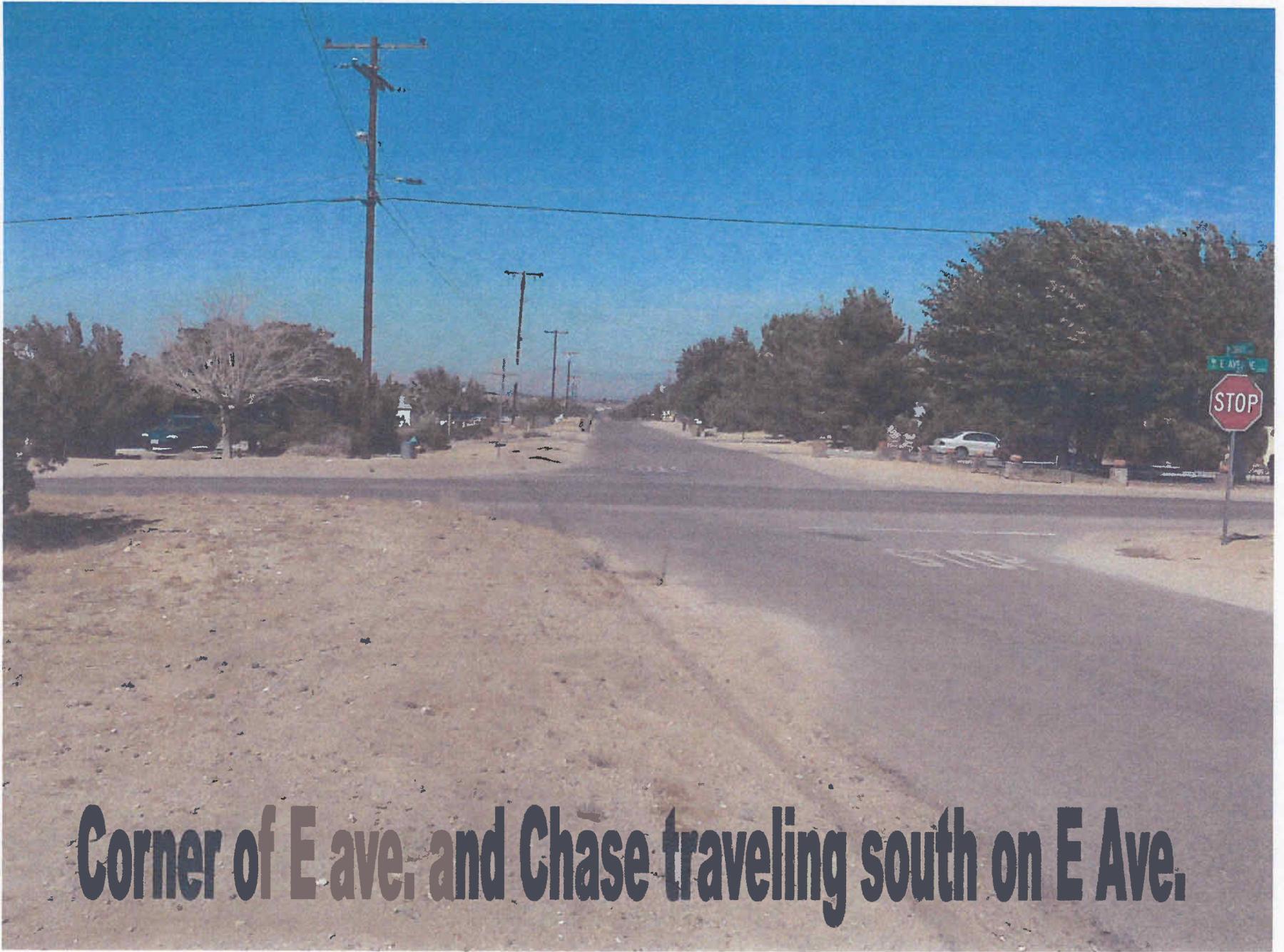
Corner of Chase and Danbury traveling west on Danbury



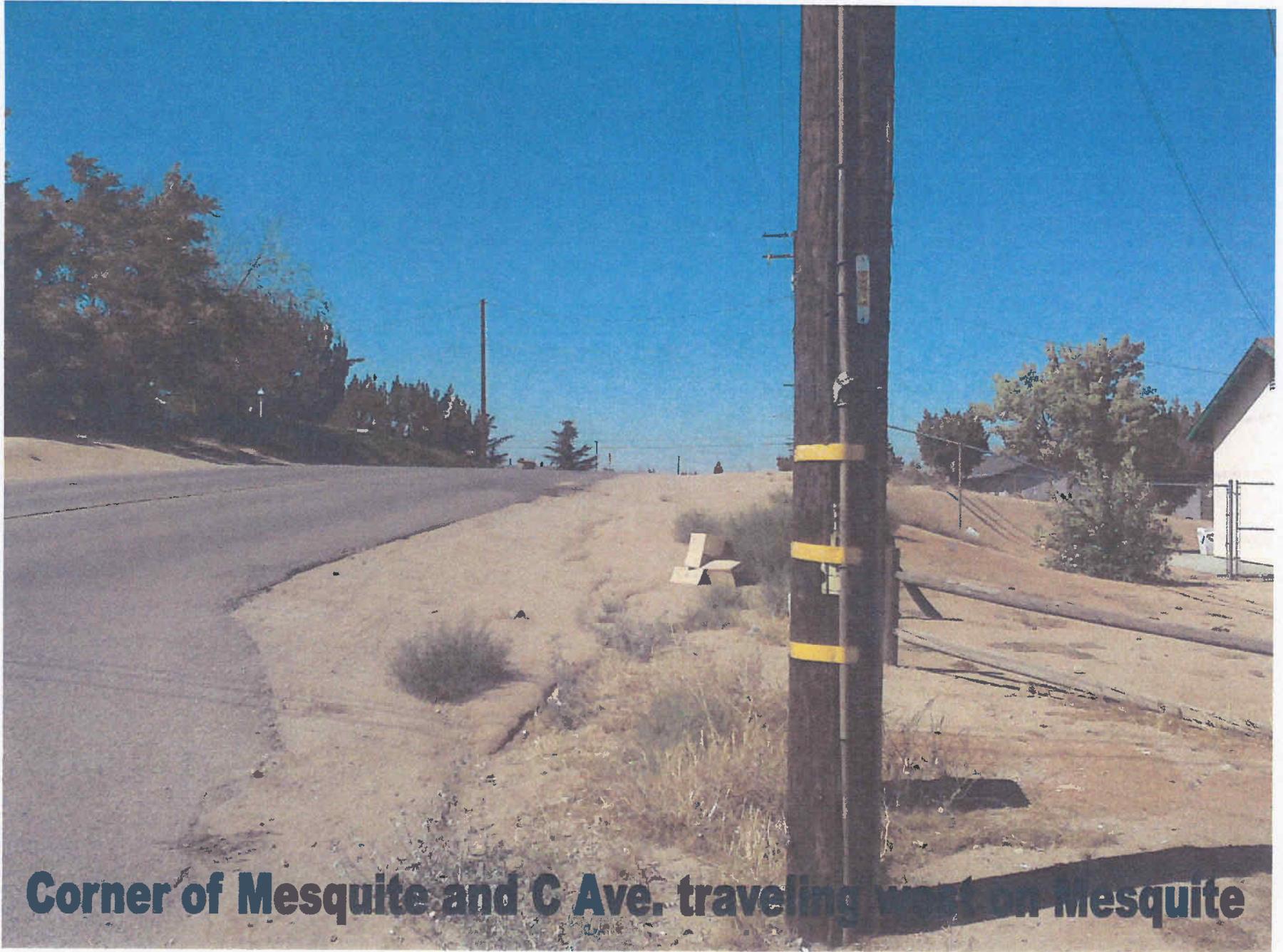
South Corner of Chase and Danbury



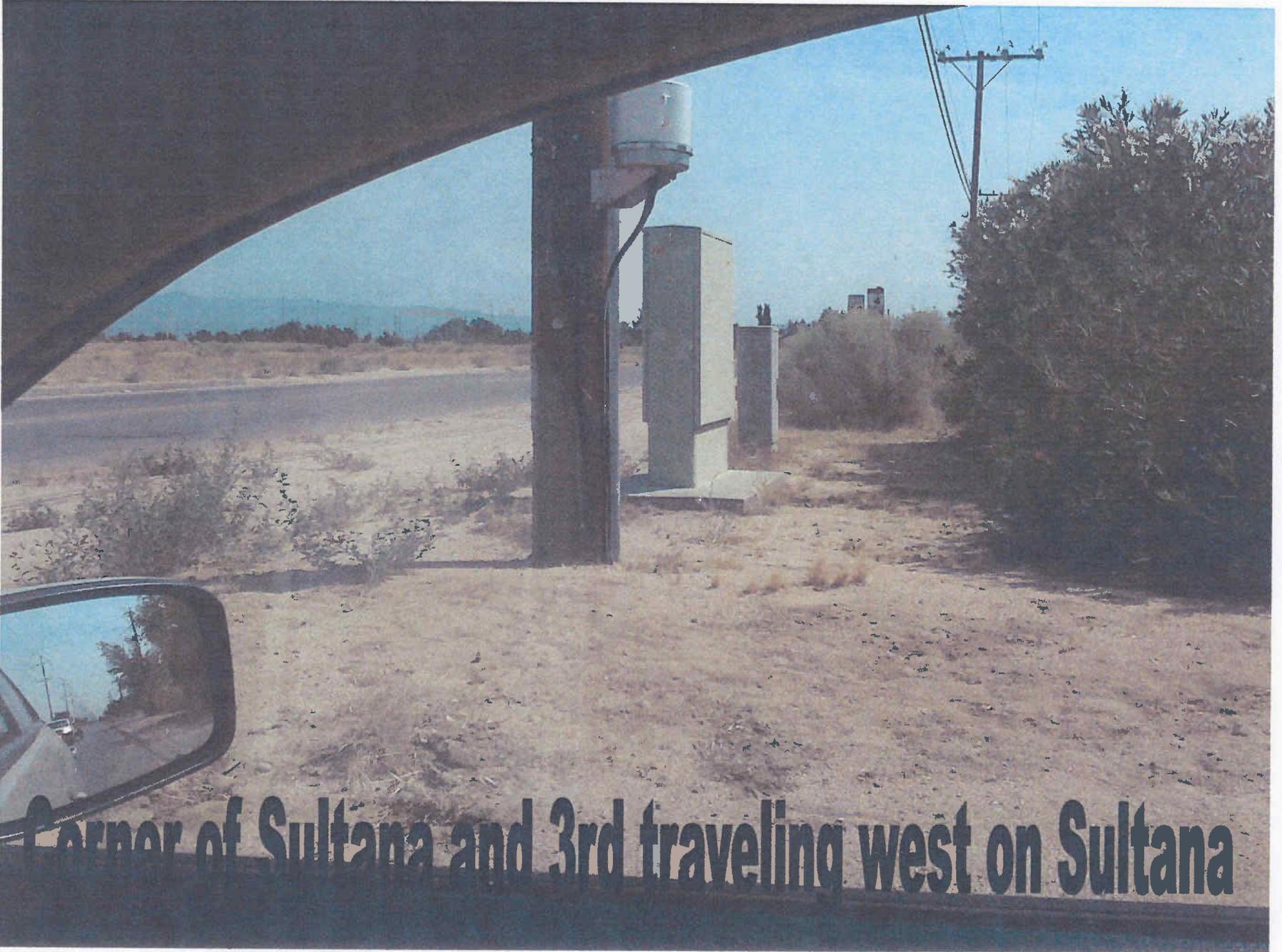
Corner of Chase and E Ave. traveling south on E Ave.



Corner of E ave. and Chase traveling south on E Ave.



Corner of Mesquite and C Ave. traveling west on Mesquite





Corner of 3rd and Sultana Traveling North



DATE: September 10, 2009
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner *DR*
BY: *LSM* Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Conditional Use Permit CUP09-10131 and Variance VAR09-10192; Applicant: Royal Street Communications California, LLC; APN: 411-234-12

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2009-30 and PC-2009-31, approving CUP09-10131 and VAR09-10192.

BACKGROUND

Proposal: A Conditional Use Permit and Variance to construct a 75-foot high wireless communications facility in excess of the 35-foot height limitation (Attachment 1).

Location: 9480 Timberlane Avenue.

Current General Plan, Zoning and Land Uses: The site is within the Public (P) General Plan Land Use designation and the Rural Residential with a minimum lot size of 20,000 square feet (RR-20,000) zone district. The surrounding land is designated and zoned as noted on Attachments 2 and 3. The site is presently developed as a park facility. The surrounding properties are developed with single-family residences (Attachment 4).

ISSUES/ANALYSIS

Land Use:

Metro PCS is establishing coverage in Hesperia. So far, they've received approval of eight sites. A service plan was submitted to show the existing and proposed communications coverage in the area (Attachment 5). The facility will be located within a 900 square foot area of Timberlane Park, west of the baseball diamond. One tree exists within the project area and will be removed by the Recreation and Park District. This tree, along with two others, has been assessed by the district as diseased, and their removal is not as consequence of the project. The proposed facility will include a 75-foot high monopine, an equipment cabinet, and an eight-foot high perimeter block wall. The facility will be adequately camouflaged by the monopole's bark, leaves and branches. There is sufficient room on the monopole for two future carriers. A co-location agreement shall be recorded, allowing for at least two additional carriers to utilize the site.

A variance was submitted with the conditional use permit to exceed the maximum 35-foot building height requirement. The 75-foot monopine affords sufficient height to provide adequate coverage to their customers and will accommodate two additional service providers. The Planning Commission has requested that other stealth technologies be considered for cell

towers. In this case, the park contains numerous mature trees. Consequently, staff supports installation of a monopine.

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

Street Improvements: No public street improvements are required.

Environmental: This project is exempt from the California Environmental Quality Act (CEQA), per Section 15303, New Construction or Conversion of Small Structures.

Conclusion: The project is consistent with the City's intent to locate new wireless facilities on existing public facilities, to conceal their appearance through use of monopines and other stealth technologies, and to reduce the number of wireless communications sites through co-location agreements. 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.

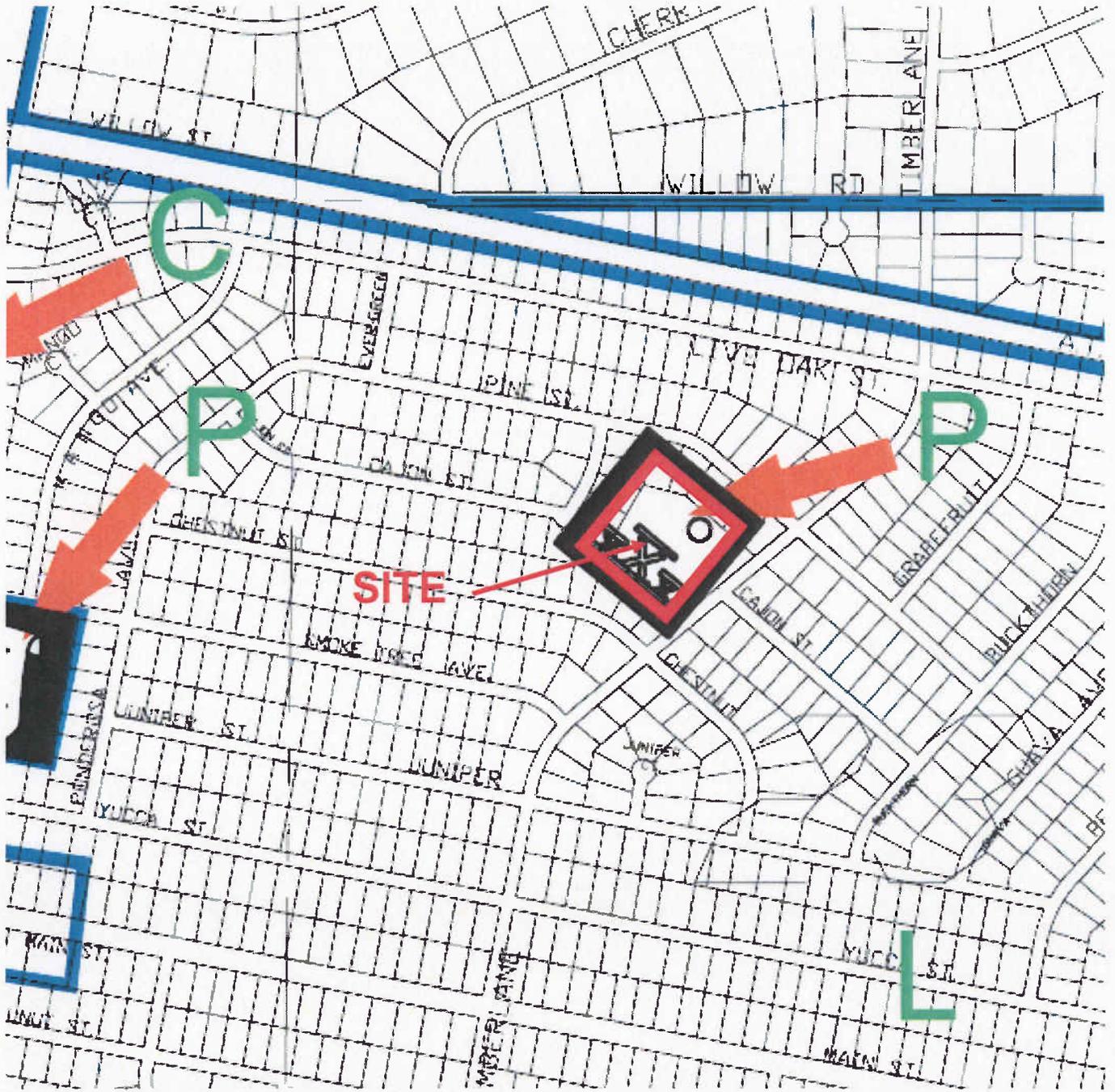
ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENTS

1. Site plan
2. General Plan land use map
3. Zoning map
4. Aerial photo
5. Service plan
6. Elevations
7. Resolution No. PC-2009-30 (Variance)
8. Resolution No. PC-2009-31, with list of conditions (CUP)

ATTACHMENT 2



APPLICANT(S):
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC

FILE NO(S):
CUP09-10131 & VAR09-10192

LOCATION:
9480 TIMBERLANE AVENUE, TIMBERLANE PARK

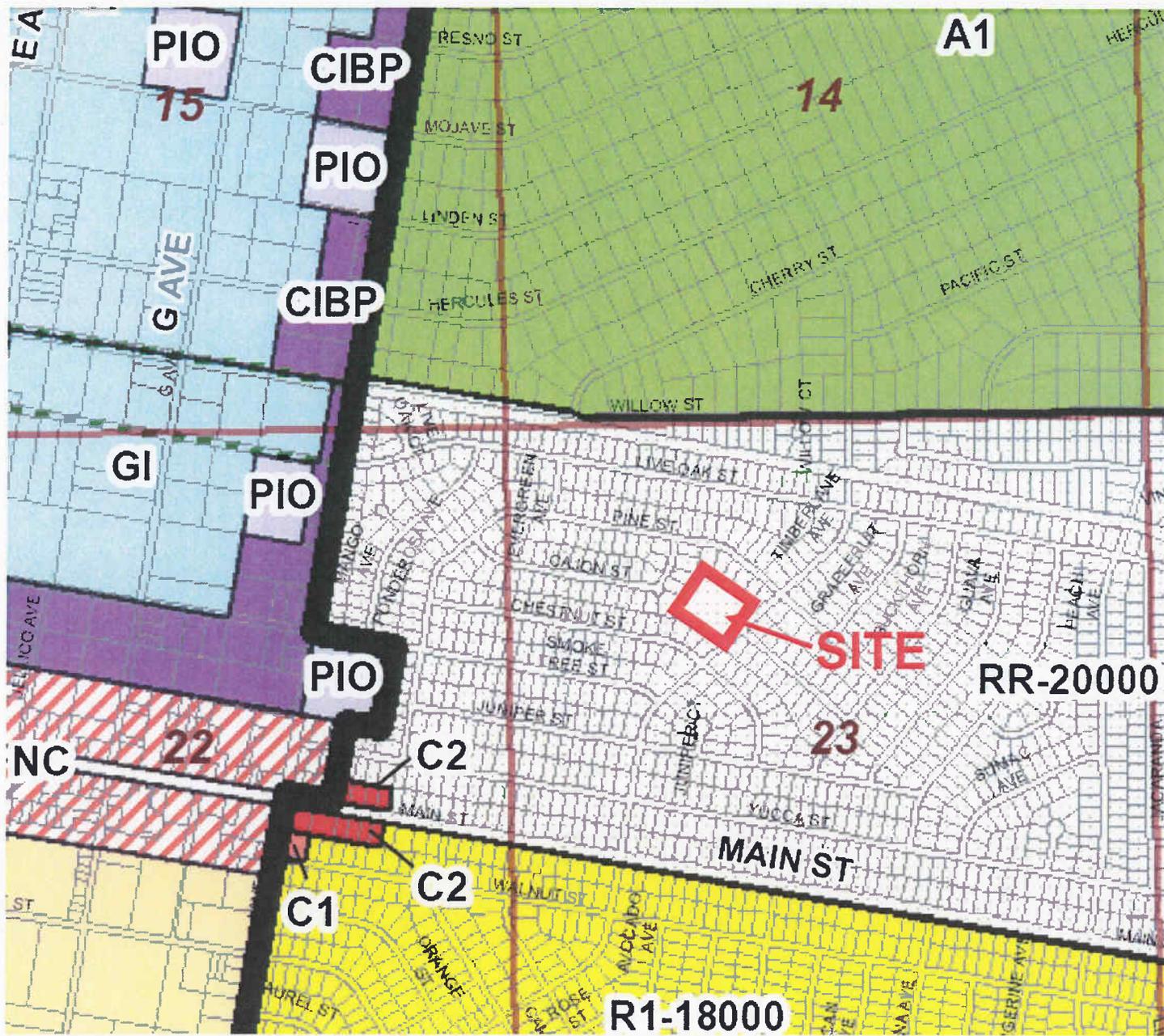
APN(S):
411-234-12

PROPOSAL:
TO CONSTRUCT A 75-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY IN EXCESS OF THE 35-FOOT HEIGHT LIMITATION



GENERAL PLAN LAND USE MAP

ATTACHMENT 3



APPLICANT(S):
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC

FILE NO(S):
CUP09-10131 & VAR09-10192

LOCATION:
9480 TIMBERLANE AVENUE, TIMBERLANE PARK

APN(S):
411-234-12

PROPOSAL:
TO CONSTRUCT A 75-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY IN EXCESS OF THE 35-FOOT HEIGHT LIMITATION



ZONING MAP

ATTACHMENT 4



APPLICANT(S):
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC

FILE NO(S):
CUP09-10131 & VAR09-10192

LOCATION:
9480 TIMBERLANE AVENUE, TIMBERLANE PARK

APN(S):
411-234-12

PROPOSAL:
TO CONSTRUCT A 75-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY IN EXCESS
OF THE 35-FOOT HEIGHT LIMITATION

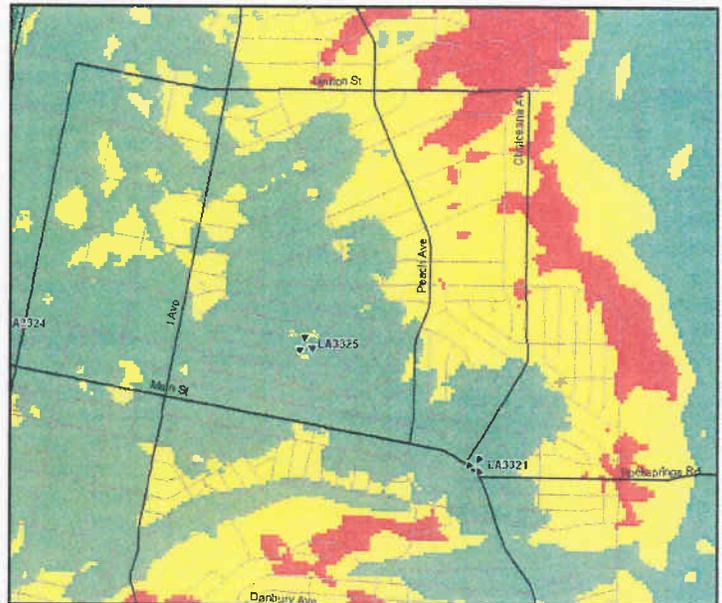
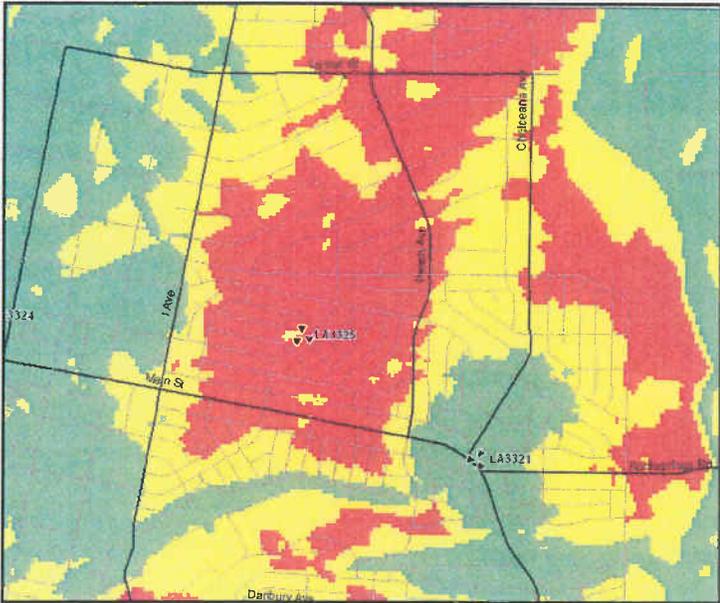


AERIAL PHOTO

ATTACHMENT 5

Coverage without CUP09-10131

Coverage with CUP0910131



Map Legend

- In Building (-88 dBm)
- In Vehicle (-95 dBm)
- Outdoor (-102 dBm)

APPLICANT(S):
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC

FILE NO(S):
CUP09-10131 & VAR09-10192

LOCATION:
9480 TIMBERLANE AVENUE, TIMBERLANE PARK

APN(S):
411-234-12

PROPOSAL:
TO CONSTRUCT A 75-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY IN EXCESS OF THE 35-FOOT HEIGHT LIMITATION

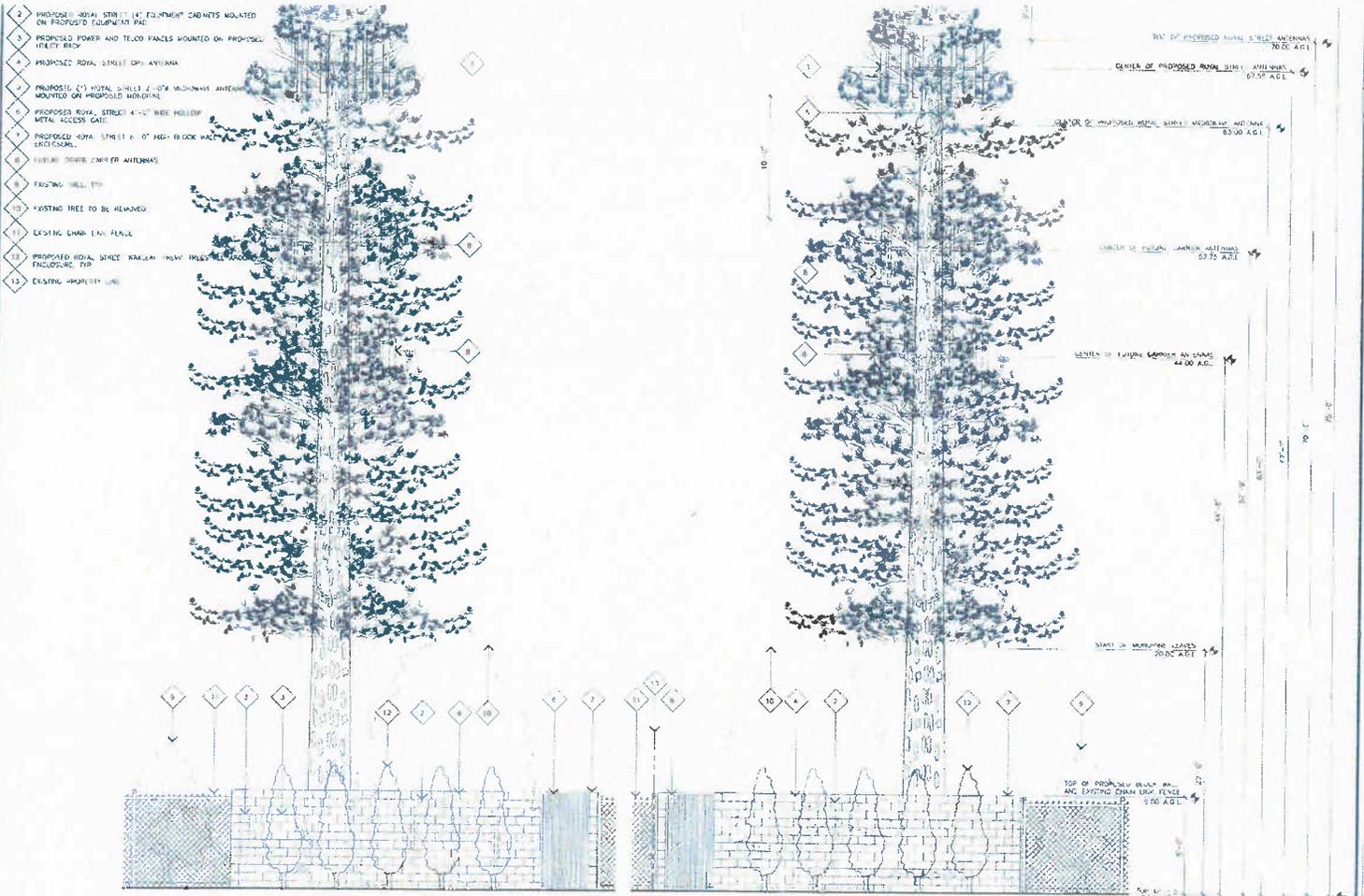


SERVICE PLAN

ATTACHMENT 6

NORTHEAST ELEVATION

SOUTHWEST ELEVATION



APPLICANT(S):
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC

FILE NO(S):
CUP09-10131 & VAR09-10192

LOCATION:
9480 TIMBERLANE AVENUE, TIMBERLANE PARK

APN(S):
411-234-12

PROPOSAL:
TO CONSTRUCT A 75-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY IN EXCESS OF THE 35-FOOT HEIGHT LIMITATION



ELEVATIONS

ATTACHMENT 7

RESOLUTION NO. PC-2009-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A VARIANCE TO ALLOW A 75-FOOT HIGH WIRELESS COMMUNICATION FACILITY IN EXCESS OF THE 35-FOOT HEIGHT LIMITATION AT TIMBERLANE PARK (VAR09-10122)

WHEREAS, Royal Street Communications, LLC, has filed an application requesting approval of Variance VAR09-10122 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 5.3 net acres within the Rural Residential zone district, located at Timberlane Park and consists of Assessor's Parcel Number 411-234-12; and

WHEREAS, Royal Street Communications, LLC, has also filed an application requesting approval of Conditional Use Permit CUP09-10131, to construct a 75-foot high wireless communication facility; and

WHEREAS, the Application, as contemplated, proposes to construct a 75-foot wireless communications facility, exceeding the 35-foot height limitation; and

WHEREAS, the subject site is presently developed as Timberlane Park. The site is surrounded by single family residences; and

WHEREAS, the subject property is designated as Public Institutional (P) on the City's General Plan Map. The properties surrounding the site are designated Low Density Residential; and

WHEREAS, the subject property, and surrounding properties are zoned Rural Residential with a minimum lot size of 20,000 square feet (RR-20000); and

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

WHEREAS, on September 10, 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.

ATTACHMENT 8

RESOLUTION NO. PC-2009-31

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 75-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY AT TIMBERLANE PARK (CUP09-10131)

WHEREAS, Royal Street Communications California, LLC has filed an application requesting approval of Conditional Use Permit CUP09-10131 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 5.3 net acres within the Rural Residential zone district, located at Timberlane Park and consists of Assessor's Parcel Number 411-234-12; and

WHEREAS, the Application, as contemplated, proposes to construct a wireless communications facility at Timberlane Park; and

WHEREAS, the subject site is presently developed as Timberlane Park. The site is surrounded by single family residences; and

WHEREAS, the subject property is designated Public Institutional (P) on the City's General Plan Map. The properties surrounding the site are designated Low Density Residential; and

WHEREAS, the subject property, and surrounding properties are zoned Rural Residential with a minimum lot size of 20,000 square feet (RR-20000); and

WHEREAS, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15303, New Construction or Conversion of Small Structures; and

WHEREAS, on September 10, 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 September 10, 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 wireless communications facility. The proposed monopine facility is consistent with the physical surroundings at the park.
- (b) The site is physically suitable for development, because the proposed equipment shelter and monopine are compatible with the current structures on site, and all Development Code regulations required for the permitted uses can be met.
- (c) The design of the wireless communications 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 wireless communications 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 CUP09-10131, 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 10th day of September 2009.

Chris Elvert, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP09-10131:

Approval Date: September 10, 2009
Effective Date: September 22, 2009
Expiration Date: September 22, 2011

This list of conditions apply to a Conditional Use Permit to construct a 75-foot high wireless communications facility at 9480 Timberlane Avenue (Timberlane Park). Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: Royal Street Communications California, LLC; APN: 411-234-12).

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.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

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

Init Date

- ___ ___ 1. **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. (B)
- ___ ___ 2. **Variance.** These conditions are contingent upon Variance VAR09-10192 becoming effective. (P)
- ___ ___ 3. **Facility Requirements.** The monopole shall be designed in accordance with the photo simulations for the monopine. (P)
- ___ ___ 4. **Soils Report.** The Developer shall provide soils reports to substantiate the foundation design. (B)
- ___ ___ 5. **Specialty Plans.** The following additional plans/reports shall be required for businesses with special environmental concerns: (B)
 - A. Any battery equipment used in conjunction with the telecommunications facility shall comply with the provisions of Article 64 and 80 of the California Fire Code. (F)
- ___ ___ 6. **Co-location Agreement.** The applicant shall record a co-location agreement permitting at least two other wireless communications providers to place at least two other communications facilities upon the site. The co-location agreement shall be binding for the life of the facility and shall be subject to review and approval by the City Attorney and Planning Staff prior to recordation. (P)

- _____ 7. **Bond or Irrevocable Letter of Credit.** The applicant shall submit a bond and/or letter of credit acceptable to the City in an amount to cover the cost of removing the entire wireless communications facility in the event that the communications facility is abandoned. The bond or letter of credit shall be made payable to the City upon demand and shall not expire before the end of the term in which the facility is in use. Neither the bond nor the letter of credit shall be released until the Planning Division verifies the facility's removal. (P).
- _____ 8. **Lease Agreement.** The applicant as well as all future co-locating wireless communications facilities shall obtain a signed lease agreement from the Hesperia Recreation and Park District. The agreement may also include the co-location agreement and/or access easement requirements. (P)
- _____ 9. **Utilities.** All wireless communications facilities shall be connected to required services independently of the recreational facility and shall be separately metered. (B, P)
- _____ 10. **Access to the Wireless Communications Facility.** Access to the wireless communications facility shall be provided from Timberlane Avenue as shown on the site plan. The required access easement shall be recorded in a form approved by the City and shall be effective for the life of the communications facility. (P)
- _____ 11. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the Development Advisory Board, the Planning Commission, City Council, or otherwise), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 12. **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 monopine and all other structures part of the wireless communications facility shall be designed consistent with the approved design. Any exceptions shall be approved by the Deputy Director of Development Services / Community Development. (P)

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

- _____ 13. **Abandonment of the Facility.** Should the facility fail to be used as approved for more than 180 consecutive days or should its 31 ½-year effective life expire, the applicant shall cause the removal of the facility, and all related equipment at its sole cost and expense. The facility and related equipment shall be removed no later than 30 days after the facility has been abandoned. Failure to remove the facility in accordance with this condition shall also result in forfeiture of the bond and/or letter of credit posted with the City so that the City will have the funds to cause its removal. The bond shall not be released until the Planning Division verifies the facility's removal. (P)
- _____ 14. **Maintenance of the Facility.** The facility and all related equipment shall be maintained in good condition during the life of the wireless communications facility. Specifically, the bark and branches that comprise the stealth technology shall be maintained consistent with the photo simulations. (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 | 947-1623 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |



DATE: September 10, 2009
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner [Signature]
BY: Daniel S. Alcayaga, AICP, Senior Planner [Signature]
SUBJECT: CUP09-10125; Applicant: LA Water, LLC; APN: 0410-072-01

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2009-41, approving CUP09-10125.

BACKGROUND

Proposals: A Conditional Use Permit to establish a purification product facility on the south portion of a 10.0 gross acre lot (Attachments 1).

Location: 660 feet west of "I" Avenue on the south side of Hercules Street.

Current General Plan, Zoning and Land Uses: Planned Mixed Use (PMU) General Plan Land Use designation and zoned General Industrial (G-I). The surrounding land is designated and zoned as noted on Attachments 2 and 3. The site as well as surrounding properties to the north and west are currently vacant. The Burlington Northern/Santa Fe (BNSF) Railroad exists to the south. The land on the opposite side of the railroad to the south is also vacant. A mini-storage facility and vacant land exist to the east (Attachment 4).

ISSUES/ANALYSIS:

Land Use: The proposed project involves construction of a new plant for the production of drinking water and wastewater purification products. The new products would be liquid in form and would include ferric chloride, ferrous chloride, ferric sulfate and ferrous sulfate. These products are predominantly used in the purification of both municipal wastewater and drinking water. The proposed facility would use the following raw materials in the manufacturing process: high purity iron oxide, metallic iron, sulfuric acid, hydrochloric acid, sodium hydroxide, liquid chlorine, and spent steel mill pickle liquor. These raw materials and end products would be delivered by truck and rail.

Many of the raw materials and products are considered hazardous because they are acidic or basic in nature. The materials will be stored in self-contained tanks made of steel and fiberglass situated on a concrete pad. Tanks and structures will undergo review by the City's Building and Safety Division to ensure that they are seismically secured to the concrete pad and appropriate containment is in place in the event of an accidental spill. Currently, the site plan shows a 3-foot containment wall surrounding the tanks and an 8-foot containment wall for the storage of iron ore.

The site and the process will also be reviewed by the San Bernardino County Fire Department, Hazardous Materials (Haz-Mat) Division. The Haz-Mat Department requires placards on all buildings and storage tanks that store hazardous materials. In addition, fire extinguishers and a key box vault containing access to the facility are also required. In the event of a spill of hazardous material, Haz-Mat must be notified immediately and materials must be recovered as required by federal and state law.

The manufacturing process itself is designed to avoid noxious odors and adverse air emissions. The tanks for materials that produce odors and emissions are equipped with a system that collect and treat vapors before they are emitted into the atmosphere. Therefore, no fugitive emissions and odors are released by the processing materials. The proposed facility would be required to obtain a permit from the Mojave Desert Air Quality Management District (MDAQMD) to ensure this process is in place. The applicant is also required to obtain permits from the U.S Department of Transportation (USDOT) for transportation of hazardous materials. No hazardous wastes for disposal purposes would be generated from the production process. The only wastewater that would be discharged from the plant would be normal sanitary wastewater from employees (restrooms).

Phase 1 includes construction of the 3,300 square foot control room, paved parking and truck loading area, and installation of above ground tanks for the ferric and ferrous chloride process and the overhead bridge crane. Phase 1 also consists of two railroad line installations on the south boundary of the property, spanning approximately 650 feet, with a switch to connect to the BNSF Railroad. Phase 2 includes installation of a truck scale.

Phase 3 consists of installation of the sulfuric acid tanks. Phase 4 involves construction of a 4,900 square foot warehouse building. Phase 5 consists of installation of the above ground tanks for the ferric and ferrous sulfate process. The entire development includes 21 parking spaces, including 2 handicap parking spaces. Twenty two percent of the site will be developed with landscaping to be completed in Phase 1.

Tank heights would range from approximately 12 feet to 30 feet. The tallest project component would be the overhead bridge crane structure, at approximately 40 feet. These structures will be painted an earth tone color to soften the look of the tanks and equipment (Attachment 5). In addition, landscaping and a chain link fence with slats will be installed along the northern boundary of the development to further obscure the tanks and equipment from public view.

Drainage: A hydrology study has been prepared to analyze off-site and on-site tributary flows. Drainage is to be handled so that the development contains the additional storm water associated with the impervious surfaces created on-site. The developer will use a retention/detention basin to retain the additional drainage created by the development. The retention system will be located along the northeast portion of the development. In a major storm event which exceeds a 100 year storm, the overflow from the system will be discharged to the north.

Water and Sewer: The development will connect to an existing 12-inch AC water line in Hercules Street. The development is not required to install sewer lines unless the proposed septic system cannot meet the Lahontan Regional Water Quality Control Board's requirements.

Street Improvements: The developer is required to construct a 50 foot wide paved road starting at 80 feet west of the easterly property line and continuing easterly to the existing pavement west of "I" Avenue. Curb and gutter is required to be constructed across the paved portion of the project frontage based on the City's 66-foot Industrial Collector roadway standard.

Traffic/Circulation: The project expects 10 truck loads per day in and out of the site. Half of these would be at night from 8 a.m. to 2 p.m. and half during the day from 5 a.m. to 12 p.m. The remaining trips generated by the project would occur by rail. Upon full operation, 50 employees are expected with vehicles, including 30 on the day shift, 10 on the swing shift, and 10 on the night shift. Initially, the operation should have about 10 employees. The City has established a Traffic Impact Mitigation Fee Program as part of the Development Impact Fee (DIF) to fund the construction of traffic improvements to maintain adequate levels of service. The Development Impact Fees are imposed on new development and collected as part of the building permit process. The developer is required to pay all applicable City Development Impact Fees towards the improvements.

Environmental: Approval of this development requires adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study (Attachment 6) prepared for the development conclude that there are not significant adverse impacts resulting from the development. The biological assessment shows that the site does not contain habitat for the desert tortoise nor any other threatened or endangered species. A pre-construction survey for the burrowing owl will be conducted prior to the issuance of a grading permit. A protected plant plan will ensure that three transplantable Joshua trees protected by the City's Ordinance will be handled in accordance with the City's Protected Plant Ordinance. The Archaeological Information Center for the San Bernardino County Museum has reported that the potential for cultural resources occurring on the property are low and no further archaeological work is recommended.

Conclusion: The project conforms to the policies of the City's General Plan and development of the site will comply with municipal codes, standards, and policies.

FISCAL IMPACT

The development will also be subject to payment of development impact fees.

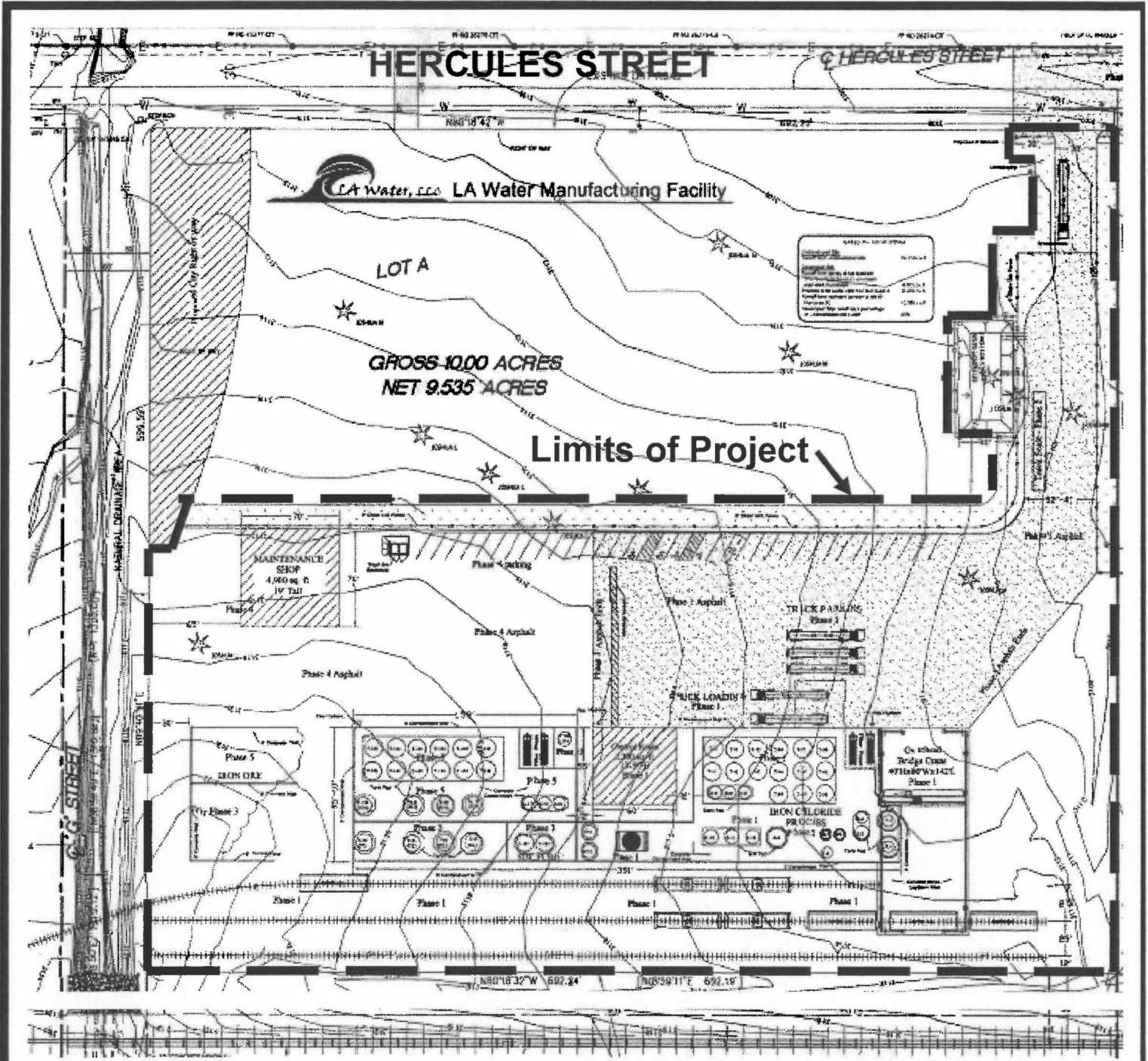
ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site plan
2. General Plan Land Use map
3. Zoning map
4. Aerial photo
5. Architectural rendering
6. Negative Declaration ND-2009-08, with Initial Study
7. Resolution No. PC-2009-41, with conditions of approval (Conditional Use Permit)

ATTACHMENT 1



APPLICANT(S):
LA WATER, LLC

FILE NO(S):
CUP09-10125

LOCATION:
ON THE SOUTH SIDE OF HERCULES STREET AND 660 FEET WEST OF "I" AVENUE

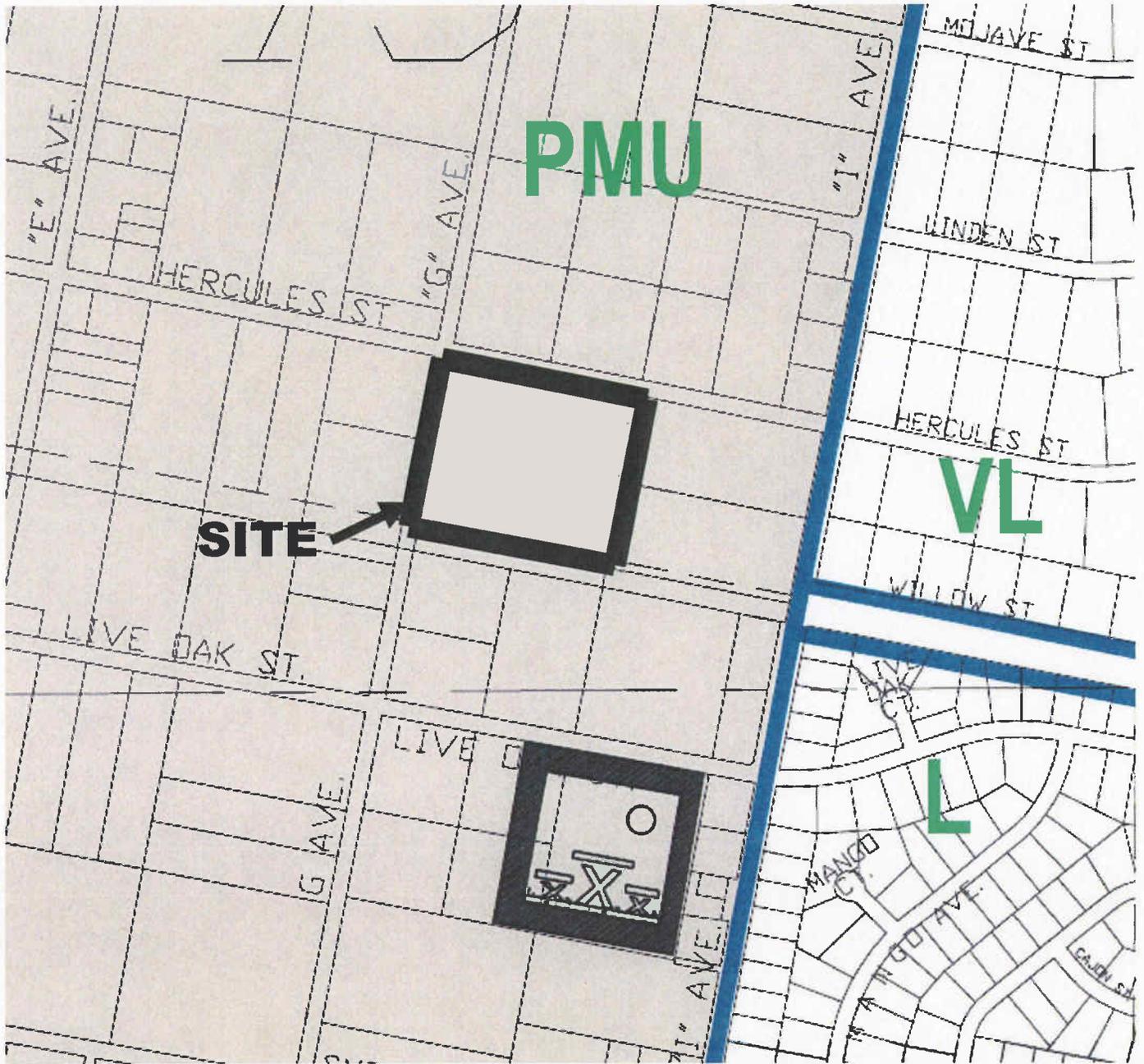
APN: 0410-072-01

PROPOSAL:
A CONDITIONAL USE PERMIT TO ESTABLISH A WATER PURIFICATION PRODUCT FACILITY ON THE SOUTH PORTION OF A 10.0 GROSS ACRE LOT



SITE PLAN

ATTACHMENT 2



APPLICANT(S):
LA WATER, LLC

FILE NO(S):
CUP09-10125

LOCATION:
ON THE SOUTH SIDE OF HERCULES STREET AND 660 FEET WEST OF "I" AVENUE

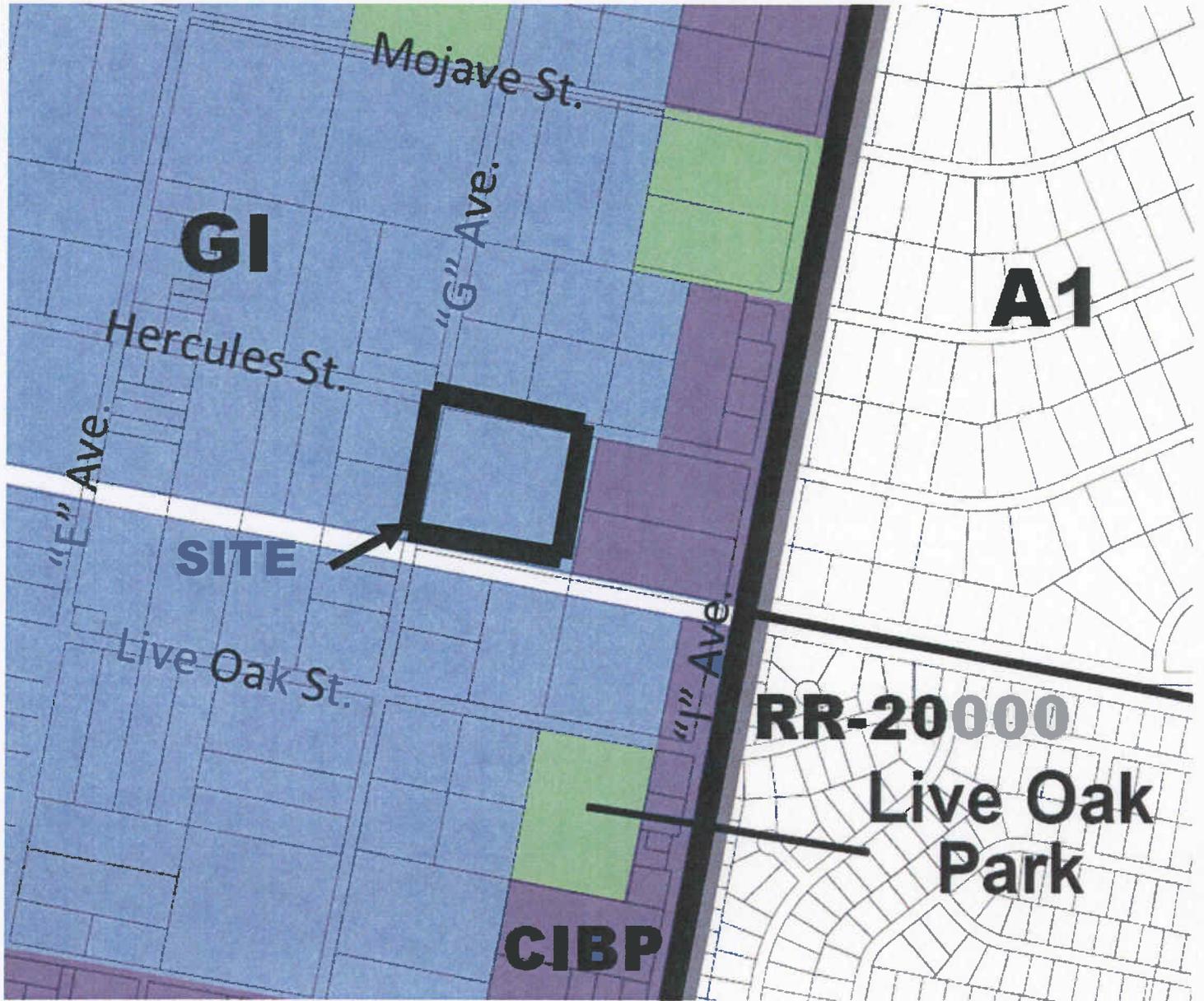
APN: 0410-072-01

PROPOSAL:
A CONDITIONAL USE PERMIT TO ESTABLISH A WATER PURIFICATION PRODUCT FACILITY ON THE SOUTH PORTION OF A 10.0 GROSS ACRE LOT



GENERAL PLAN LAND USE MAP

ATTACHMENT 3



APPLICANT(S):
LA WATER, LLC

FILE NO(S):
CUP09-10125

LOCATION:
ON THE SOUTH SIDE OF HERCULES STREET AND 660 FEET WEST OF "I" AVENUE

APN: 0410-072-01

PROPOSAL:
A CONDITIONAL USE PERMIT TO ESTABLISH A WATER PURIFICATION PRODUCT FACILITY ON THE SOUTH PORTION OF A 10.0 GROSS ACRE LOT



ZONING MAP

ATTACHMENT 4



APPLICANT(S):
LA WATER, LLC

FILE NO(S):
CUP09-10125

LOCATION:
ON THE SOUTH SIDE OF HERCULES STREET AND 660 FEET WEST OF "I" AVENUE

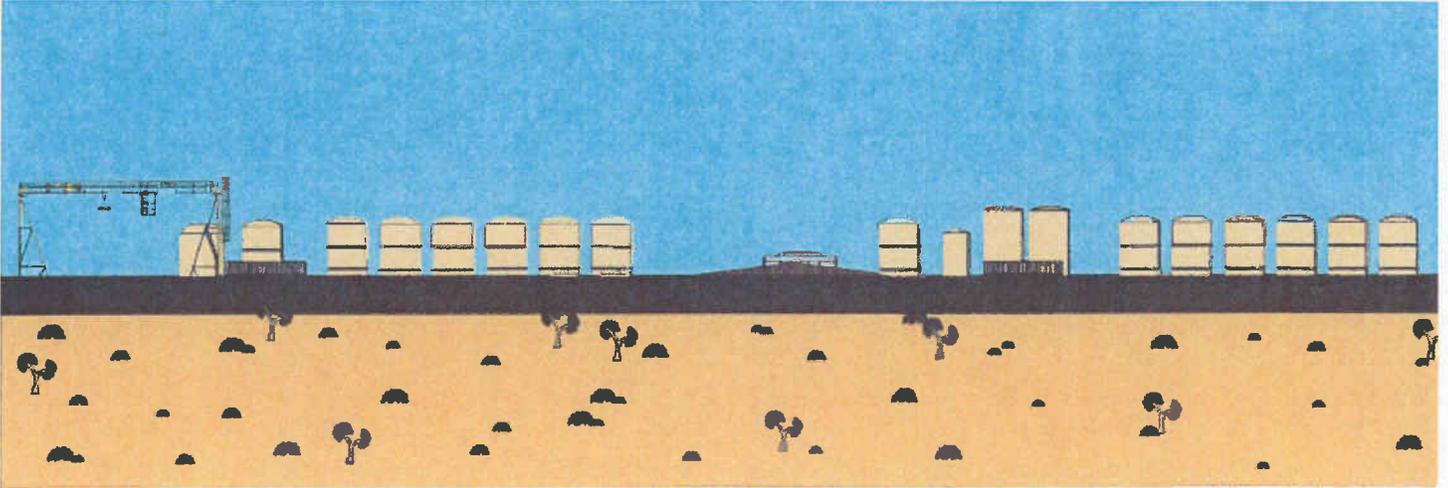
APN: 0410-072-01

PROPOSAL:
A CONDITIONAL USE PERMIT TO ESTABLISH A WATER PURIFICATION PRODUCT FACILITY ON THE SOUTH PORTION OF A 10.0 GROSS ACRE LOT



AERIAL PHOTO

ATTACHMENT 5



Looking South from Hercules St.

APPLICANT(S):
LA WATER, LLC

FILE NO(S):
CUP09-10125

LOCATION:
ON THE SOUTH SIDE OF HERCULES STREET AND 660 FEET WEST OF "I" AVENUE

APN: 0410-072-01

PROPOSAL:
A CONDITIONAL USE PERMIT TO ESTABLISH A WATER PURIFICATION PRODUCT FACILITY ON THE SOUTH PORTION OF A 10.0 GROSS ACRE LOT



ARCHITECTURAL RENDERINGS

ATTACHMENT 6

PLANNING DIVISION
9700 Seventh Avenue, Hesperia, California 92345
(760) 947-1224 FAX (760) 947-1304

NEGATIVE DECLARATION ND-2009-08
Preparation Date: August 20, 2009

Name or Title of Project: Conditional Use Permit CUP09-10125

Location: 660 feet west of "I" Avenue on the south side of Hercules Street (APN: 0410-072-01).

Entity or Person Undertaking Project: LA Water, LLC

Description of Project: A Conditional Use Permit to establish a water purification product facility on the south portion of a 10.0 gross acre lot.

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

Mitigation Measure:

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

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

Public Review Period: August 21, 2009 thru September 10, 2009

Public Hearing Date: September 10, 2009

Adopted by the City Council: N/A

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

PROJECT DESCRIPTION

1. **Project Title:** CUP09-10125
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Daniel S. Alcayaga, AICP, Senior Planner
Phone number: (760) 947-1330.
4. **Project Location:** 660 feet west of "I" Avenue on the south side of Hercules Street (APN: 0410-072-01).
5. **Project Sponsor:** LA Water, LLC
Address: PO Box 10937 – San Bernardino, CA 92423-0937
6. **General Plan Designation:** Planned Mixed Use (PMU)
7. **Zoning:** General Industrial (GI)

8. **Description of project:** A Conditional Use Permit to establish a water purification product facility on the south portion of a 10.0 gross acre lot. The proposed project involves construction of a new plant for the production of drinking water and wastewater purification products. The new products would be liquid in form and would include ferric chloride, ferrous chloride, ferric sulfate and ferrous sulfate. These products are predominantly used in the purification of both municipal wastewater and drinking water. The proposed facility would use the following raw materials in the manufacturing process: high purity iron oxide, metallic iron, sulfuric acid, hydrochloric acid, caustic, liquid chlorine, and spent steel mill pickle liquor. These raw materials and end products would be delivered by truck and rail.

Phase 1 includes construction of the 3,300 square foot control room, paved parking and truck loading area, and installation of above ground tanks for the ferric and ferrous chloride process and the overhead bridge crane. Phase 1 also consists of three railroad line installations on the south boundary of the property, spanning approximately 650 feet, with a switch to connect to the Atchison, Topeka, and Santa Fe Railroad. Phase 2 includes installation of a truck scale. Phase 3 consists of installation of the sulfuric acid tanks. Phase 4 involves construction of a 4,900 square foot warehouse building. Phase 5 consists of installation of the above ground tanks for the ferric and ferrous sulfate process. The entire development includes 21 parking spaces, including 2 handicap parking spaces. Twenty two percent of the site will be developed with landscaping to be completed in Phase 1.

The developer is required to construct a paved street, 50 feet wide, starting at 80 feet west of the easterly property line and continuing easterly to the existing pavement west of "I" Avenue. Curb and gutter is required to be constructed across the paved portion of the project frontage based on the City's 66-foot Industrial Collector roadway standard.

9. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.) The site as well as surrounding properties to the north and west are currently vacant. The Atchison, Topeka, and Santa Fe Railroad exists to the south. The land on the opposite side of the railroad to the south is also vacant. A mini-storage facility and vacant land exist to the east. The subject property as well as surrounding properties are currently designated Planned Mixed Use (PMU) on the City's Land Use map. The subject property is currently zoned General Industrial (GI) by the Main Street and Freeway Corridor Specific Plan. The property to the north, south, and west are also zoned GI. The properties to the east are zoned Commercial/Industrial Business Park (CIBP).

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (Completed by the Lead Agency)

On the basis of this initial evaluation:

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



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

8 - 20 - 09

 Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is provided for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off- as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting information sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

| I. AESTHETICS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect on a scenic vista (1)? | | | | X |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (1 & 2)? | | | | X |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings (1 & 2) | | | X | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (1, 2, 3 & 26)? | | | X | |

Comments.

The project is surrounded by vacant land. Hercules Street is a dirt road and "I" Avenue is located 660 feet to the east. These roadways are not scenic highways. The site is not in close proximity to any scenic resources, historic buildings, or a scenic highway.

The proposed processing plan will not have any adverse impact to the aesthetics of the area as the development is subject to Title 16 zone district regulations (1, 2, & 3), which limit the building height and provide for minimum yard and lot coverage standards as implemented through the building permit review process. Tank heights would range from approximately 12 feet to 30 feet. The tallest project component would be the overhead bridge crane structure, at approximately 40 feet. These structures will be painted an earth tone color to soften the look of the tanks and equipment. In addition, landscaping and a chain link fence with slats will be installed along the northern boundary of the development to further obscure the tanks and equipment from public view. Consequently, development of the site will not degrade the existing visual character or quality of the site and its surroundings. Further, these impacts were analyzed by the Main Street and Freeway Corridor Specific Plan's and Hesperia General Plan's Program Environmental Impact Reports (PEIRs). Therefore, development of the project would have a less than significant impact upon aesthetics.

The project will produce additional light. However, any light or glare produced would be similar to that already being produced by the existing adjacent mini-storage development and will be subject to the Development Code, which limits the amount of light produced at the boundary of the site, which will not have an adverse impact upon the surrounding properties (26). Therefore, development of the project would not have an overall negative impact upon aesthetics.

The land use plan within the General Plan identifies large areas where future residential, commercial and industrial development will occur. The Main Street and Freeway Corridor Specific Plan's and Hesperia General Plan's Final Environmental Impact Reports (EIRs) analyzed the impacts on aesthetics. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative impacts (43). Inasmuch as this project is within the limitations of the adopted land use plan, no additional impact beyond that identified within the Main Street and Freeway Corridor Specific Plan and General Plan EIRs 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.

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

The project is currently vacant land and is not presently, nor does it have the appearance of previous agricultural uses. The project site does not contain any known agricultural activities or any known unique agricultural soils. Based on the lack of designated agricultural soils on the project site, it is concluded that the project will not result in significant adverse impacts to agriculture or significant agricultural soils. According to the U.S. Soil Conservation Service, 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, as well as low fertility of the soil and the proximity of urban uses, does not make this site viable for agriculture.

According to the City of Hesperia General Plan, no agriculture specific land use exists within the project site. The land is not within a Williamson Act contract and is zoned for General Industrial (5). Therefore, this project has no potential to conflict with existing zoning for agricultural uses or a Williamson Act contract. 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 & 5)? | | | X | |
| e) Create objectionable odors affecting a substantial number of people (2)? | | | | X |

Comments.

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

Long-term emissions refer to those air quality impacts that occur after construction has been completed and these impacts will continue over the operational life of the development. The long-term air quality impacts associated with this project are mainly associated with mobile emissions created by motor vehicles. The project expects 10 truck loads per day in and out of the site. Half of these would be at night from 8 a.m. to 2 p.m. and half during the day from 5 a.m. to 12 p.m. The remaining trips generated by the project would occur by rail. Upon full operation, 50 employees are expected with vehicles, including 30 on the day shift, 10 on the swing shift, and 10 on the night shift. Initially, the operation should have about 10 employees. The City of Hesperia is within the MDAQMD, 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).

The proposed project involves construction of a new plant for the production of drinking water and wastewater purification products. The new products would be liquid in form and would include ferric chloride, ferrous chloride, ferric sulfate and ferrous sulfate. These products are predominantly used in the purification of both municipal wastewater and drinking water. The proposed facility would use the following raw materials in the manufacturing process: high purity iron oxide, metallic iron, sulfuric acid, hydrochloric acid, caustic, liquid chlorine, and spent steel mill pickle liquor. These raw materials and end products would be delivered by truck and rail. The manufacturing process itself is designed to avoid noxious odors and adverse air emissions. The tanks for materials that produce odors and emissions are equipped with a system that collect and treat vapors before they are emitted into the atmosphere. Therefore, no fugitive emissions and odors are released by the processing materials. The proposed facility would be required to obtain a permit from the MDAQMD.

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

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 740 feet to the east. The project is not considered of sufficient size to generate construction emissions that could adversely affect nearby receptors. The impacts to these receptors created by construction vehicles and equipment during construction is less than significant.

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, 2010. 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 development site is currently vacant. The project is consistent with the current General plan. Development of the site allowed by the General Plan was considered as part of the General Plan PEIR. Inasmuch as the project is within the limitations which was been analyzed under the PEIR, no additional impact upon air quality beyond that analyzed in the PEIR would occur.

The land use plan within the General Plan identifies large areas where future residential, commercial and industrial development will occur. The Main Street and Freeway Corridor Specific Plan's and Hesperia General Plan's Final Environmental Impact Reports (EIRs) analyzed the impacts of air quality. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative impacts (43). Inasmuch as this project is consistent with the adopted land use plan, no additional impact beyond that identified within the Main Street and Freeway Corridor Specific Plan and General Plan EIRs would occur.

| IV. BIOLOGICAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1 & 7)? | | | | X |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1, 7 & 39)? | | | | X |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (1)? | | | | X |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (1)? | | | | X |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (8 & 39)? | | | | X |

| | | | | |
|--|--|--|--|---|
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (8)? | | | | X |
|--|--|--|--|---|

Comments.

The City required the project applicant to submit a biological report to determine if the site contains any state or federally listed endangered species pursuant legislation to protect the habitats of listed species as well as the species itself. If a listed endangered species is determined to be present, the proposed project may be constrained to avoid or minimize effects to the species. RCA Associates, Inc. prepared a Biological Report dated December 8, 2008 and the report concluded that no sensitive species or specie habitats were observed on the site including desert tortoise, Mojave ground squirrel, burrowing owls, sharp-shinned hawks, or loggerhead shrikes (39). The site is not expected to support the Mohave ground squirrel given the very low population levels of the species in the region. The potential for the existence of a desert tortoise upon these 10.0 acres is extremely unlikely (7).

The project site is located in an area listed as Category 0 habitat for the desert tortoise by the United States Bureau of Land Management (9). Class 3 habitat indicates that the probability of tortoise occurring is low, but that the area is still within the historic range. Class 0 habitat indicates that the area is considered outside of the historical range of the species and thus is not expected to occur.

The project is outside floodplains and washes that could contain riparian habitat and listed species that occupy that habitat. The site does not contain any wetlands and/or blue line streams. Due to the unpredictability of the burrowing owl, a pre-construction survey shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading. The mitigation measure is listed on page 21.

If the circumstances surrounding a particular species or biological resource are different in the future and should cause biological resource impacts to be deemed significant in the future, subsequent environmental documentation will be prepared and reviewed by the appropriate state agencies and/or federal agencies with jurisdiction.

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. RCA Associates, Inc. prepared a Desert Vegetation Preservation Plan dated December 8, 2008. The protected plant plan indicates that the site contains 3 healthy Joshua Trees capable of being transplanted (45). The grading plan for the project shall stipulate that all protected plants identified within the report are properly transplanted. The mitigation measure is listed on page 21.

| V. CULTURAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 (9)? | | | | X |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (9)? | | X | | |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (9)? | | | | X |
| d) Disturb any human remains, including those interred outside of formal cemeteries (9)? | | | | X |

Comments.

According to Figure CN-5 of the City’s General Plan (shows areas known or suspected of containing sensitive cultural resources), the project is within areas considered sensitive for cultural resources. The Archaeological Information Center for the San Bernardino County Museum has reported that the potential for cultural resources occurring on the property are low and no further archaeological work is recommended (40).

| VI. GEOLOGY AND SOILS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (10). | | | X | |
| ii) Strong seismic ground shaking (11)? | | | X | |
| iii) Seismic-related ground failure, including liquefaction (4 & 12)? | | | X | |
| iv) Landslides (13)? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil (4 & 13)? | | | X | |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse (4 & 12)? | | | X | |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (4 & 12)? | | | X | |

Comments.

The project site slopes about two percent to the northeast. No large hills or mountains are located within the project site. According to Figure S-1 of the City of Hesperia General Plan, no active faults are known or suspected to occur near or within the project site. No Alquist-Priolo Special Studies Zones or Earthquake Fault Zones occur within the site.

As a function of obtaining a building final, the proposed development will be built in compliance with the Hesperia Municipal Code and the Building Code (14), which ensures that the buildings will adequately resist the forces of an earthquake. Tanks and structures will undergo review by the City’s Building and Safety Division to ensure that they are seismically secured to a concrete pad and appropriate containment is in place in the event of an accidental spill. Currently, the site plan shows 3-foot containment walls surrounding the tanks and 8-foot containment walls for the storage of iron ore. 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.

Because the project disturbs more than one acre of land area, the project is required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to the start of land disturbance activities. Issuance of these permits require preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting stormwater. Obtaining the NPDES and implementing the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). These are mandatory and NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts.

| VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (2)? | | | X | |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (2)? | | | X | |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (1 & 2)? | | | | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment (1)? | | | | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area (15)? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area (15)? | | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (16)? | | | | X |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (1 & 17)? | | | | X |

Comments.

The proposed project involves construction of a new plant for the production of drinking water and wastewater purification products. The new products would be liquid in form and would include ferric chloride, ferrous chloride, ferric sulfate and ferrous sulfate. These products are predominantly used in the purification of both municipal wastewater and drinking water. The proposed facility would use the following raw materials in the manufacturing process: high purity iron oxide, metallic iron, sulfuric acid, hydrochloric acid, caustic, liquid chlorine, and spent steel mill pickle liquor. These raw materials and end products would be delivered by truck and rail.

Many of the raw materials and products are considered hazardous because they are acidic in nature. The materials will be stored in self-contained tanks made of steel and fiberglass. Tanks and structures will undergo review by the City’s Building and Safety Division to ensure that they are seismically secured to the floor and appropriate containment is in place in the event of an accidental spill. Currently, the site plan shows 3-foot containment walls surrounding the tanks and 8-foot containment walls for the storage of iron ore.

The project would be regulated by the California Department of Emergency Services through the CalARP (California Accidental Release Prevention) program due to the proposed transport and use of substantial quantities of potentially hazardous materials including chlorine. CalARP works through the San Bernardino County Fire Hazardous Material (Haz-Mat) Department. The Haz-Mat Department requires placards on all buildings and storage tanks that store hazardous materials. In addition, fire extinguishers and a key box vault containing access to the facility are also required. In the event of a spill of hazardous material, Haz-Mat must be notified immediately and materials must be recovered as required by federal and state law.

The proposed facility would be required to obtain a permit from the Mojave Desert Air Quality Management District (MDAQMD) and U.S Department of Transportation (USDOT) for transportation of hazardous materials. No hazardous wastes for disposal purposes would be generated from the production process. The only wastewater that would be discharged from the plant would be normal sanitary wastewater from employees (restrooms).

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

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

The project site is not listed in any of the following hazardous sites database systems, so it is unlikely that hazardous materials exist on-site:

- National Priorities List www.epa.gov/superfund/sites/query/basic.htm. List of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. There are no known National Priorities List sites in the City of Hesperia.
- Site Mitigation and Brownfields Reuse Program Database www.dtsc.ca.gov/database/Calsites/Index.cfm. This database (also known as CalSites) identifies sites that have known contamination or sites that may have reason for further investigation. There are no known Site Mitigation and Brownfields Reuse Program sites in the City of Hesperia.
- Resource Conservation and Recovery Information System www.epa.gov/enviro/html/rcris/rcris_query_java.html. Resource Conservation and Recovery Information System is a national program management and inventory system of hazardous waste handlers. There are 53 Resource Conservation and Recovery Act facilities in the City of Hesperia, however, the project site is not a listed site.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS) (<http://cfpub.epa.gov/supercpad/cursites/srchsites.cfm>). This database contains information on hazardous waste sites, potentially hazardous waste sites, and remedial activities across the nation. There is one Superfund site in the City of Hesperia, however, the project site is not located within or adjacent to the Superfund site.
- Solid Waste Information System (SWIS) (<http://www.ciwmb.ca.gov/SWIS/Search.asp>). The SWIS database contains information on solid waste facilities, operations, and disposal sites throughout the State of California. There are three solid waste facilities in the City of Hesperia, however the project site is not listed.

- Leaking Underground Fuel Tanks (LUFT)/ Spills, Leaks, Investigations and Cleanups (SLIC) (<http://geotracker.waterboards.ca.gov/search/>). This site tracks regulatory data about underground fuel tanks, fuel pipelines, and public drinking water supplies. There are fourteen LUFT sites in the City of Hesperia, six of which are closed cases. The project site is not listed as a LUFT site and there are no SLIC sites in the City of Hesperia.
- There are no known Formerly Used Defense Sites within the limits of the City of Hesperia. Formerly Used Defense Sites <http://hq.environmental.usace.army.mil/programs/fuds/fudsinv/fudsinv.html>.

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

The Hesperia Airport is located 3 miles to the south. The project is not proposed at or adjacent to the airport nor within restricted use zones associated with air operations. No safety hazards to people or air operations associated with implementation of the project can be identified.

The project is located within an urbanized area. The project does not propose any new housing or other development which will place people or human occupancy structures in areas susceptible to wildland fires. All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. No impact associated with the risk of exposure of people or structures to the hazard of wildland fires can be identified. Therefore, the impact upon hazards and hazardous materials associated with the proposed development is considered less than significant.

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

| | | | | |
|---|--|--|--|---|
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (2 & 19)? | | | | X |
| j) Inundation by seiche, tsunami, or mudflow (1 & 13)? | | | | X |

Comments.

The 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 detained within an underground drainage system in accordance with City of Hesperia Resolution 89-16. A hydrology study has been prepared to analyze off-site and on-site tributary flows (28). Drainage is to be handled so that the development contains the additional storm water associated with the impervious surfaces created on-site. The developer will use a retention/detention basin to retain the additional drainage created by the development. The retention system will be located along the northeast portion of the development. In a major storm event which exceeds a 100 year storm, the overflow from the system will be discharged to the north. No hazardous wastes for disposal purposes would be generated from the production process. The only wastewater that would be discharged from the plant would be normal sanitary wastewater from employees (restrooms).

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

According to the FEMA Flood Insurance Rate Maps (FIRMs), the site is not in an area prone to flooding as the property is in flood zone X. The project is located over 60 miles from the Pacific Ocean at elevations more than 3,000 feet above mean sea level. No housing is proposed by the project. No large water bodies are located near the project. The project is not located within areas with any potential for impact from mudflow. No potential for inundation by seiche and tsunami will be associated with projects proposed by the project. Therefore, the impact upon hydrology and water quality associated with the proposed development is considered less than significant.

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

Comments.

The project has a Planned Mixed Use (PMU) General Plan Land Use designation and zoned General Industrial (GI). The proposed project involves construction of a new plant for the production of drinking water and wastewater purification products. The new products would be liquid in form and would

include ferric chloride, ferrous chloride, ferric sulfate and ferrous sulfate. These products are predominantly used in the purification of both municipal wastewater and drinking water. The proposed facility would use the following raw materials in the manufacturing process: high purity iron oxide, metallic iron, sulfuric acid, hydrochloric acid, caustic, liquid chlorine, and spent steel mill pickle liquor. The Main Street and Freeway Corridor Specific Plan required a conditional use permit for processing of hazardous materials.

Phase 1 includes construction of the 3,300 square foot control room, paved parking and truck loading area, and installation of above ground tanks for the ferric and ferrous chloride process and the overhead bridge crane. Phase 1 also consists of three railroad line installations on the south boundary of the property, spanning approximately 650 feet, with a switch to connect to the Burlington Northern/Santa Fe (BNSF) Railroad. Phase 2 includes installation of a truck scale. Phase 3 consists of installation of the sulfuric acid tanks. Phase 4 involves construction of a 4,900 square foot warehouse building. Phase 5 consist of installation of the above ground tanks for the ferric and ferrous sulfate process. The entire development includes 21 parking spaces, including 2 handicap parking spaces. Twenty two percent of the site will be developed with landscaping to be completed in Phase 1. The proposed use is consistent with the Main Street & Freeway Corridor Specific Plan and General Plan.

The project would be regulated by the California Department of Emergency Services through the CalARP (California Accidental Release Prevention) program due to the proposed transport and use of substantial quantities of potentially hazardous materials including chlorine. CalARP works through the San Bernardino County Fire Hazardous Material (Haz-Mat) Department. The Haz-Mat Department requires placards on all buildings and storage tanks that store hazardous materials. In addition, fire extinguishers and key box vault containing access to the facility is also required. In the event of a spill of hazardous material, Haz-Mat must be notified immediately and materials must be recovered as required by federal and state law. The proposed facility would also be required to obtain a permit from the Mojave Desert Air Quality Management District (MDAQMD) and the U.S Department of Transportation (USDOT) for transportation of hazardous materials.

The City's review of such projects includes review and approval of site plans, building plans, and an environmental evaluation to comply with CEQA. These approvals will include conditions of approval for the projects. It is concluded that compliance with the terms and requirements of the HMC is adequate mitigation to reduce the potential for land use conflicts associated with implementation of the project to a less than significant level.

The impact of development within the Planned Mixed Use (PUD) General Plan Land Use designation was assessed as part of the Main Street and Freeway Corridor Specific Plan and General Plan Environmental Impact Reports (EIRs). No additional impact beyond that identified within the EIRs would occur. No disruption or division of the physical arrangement of the established community will occur. Further, approval of the project is consistent with Land Use Policy No. L. G. 10, which promotes zoning and land use policies which ensure maximum utilization of existing facilities and infrastructure. The project site does not contain any known habitat or natural community conservation plans. Consequently, the overall impact upon land use associated with the proposed development is considered less than significant.

The land use plan within the General Plan identifies large areas where future residential, commercial and industrial development will occur. The Main Street and Freeway Corridor Specific Plan's and Hesperia General Plan's Final Environmental Impact Reports (EIRs) analyzed the impacts of Land Use and Planning. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative impacts **(43)**. Inasmuch as this project is within the imitations of the adopted land use plan, no additional impact beyond that identified within the Main Street and Freeway Corridor Specific Plan and General Plan EIRs would occur.

| X. MINERAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (24)? | | | | X |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan (24)? | | | | X |

Comments.

According to data in the Conservation Element of the City’s General Plan, no naturally occurring mineral resources occur within the project site (24). The project site is located within an urbanized area. Such development restricts the recovery of mineral resources should any occur. The project is not located within areas designated for mineral extraction or production. No impact to such resources can be identified from implementing the project. Consequently, no impact upon mineral resources is associated with the proposed development.

| XI. NOISE. Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (2, 15, & 25)? | | | X | |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (2 & 25)? | | | X | |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (2 & 25)? | | | X | |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (2)? | | | X | |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels (15)? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels (15)? | | | | X. |

Comments.

Construction noise levels associated with any future construction activities would be slightly higher than the existing ambient noise levels in the vicinity of the project site. Noise generated by construction equipment, including trucks, graders, backhoes, well drilling equipment, bull-dozers, concrete mixers and portable generators can reach high levels and is typically one of the sources for the highest potential noise impact of a project. However, the construction noise would subside once construction is completed. The proposed project must adhere to the requirements of the City of Hesperia Noise Ordinance. Also, grading and construction activities are restricted to between 7:00 A.M. and 10:00 P.M., Monday through Friday. Therefore, the short-term impact by construction activities to adjacent properties is considered less than significant. (2).

According to the City of Hesperia’s General Plan, the predominate noise sources are mobile sources which include motor vehicles and aircraft. Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Noises associated with this type of project will be from traffic caused by arriving vehicles (employees, shoppers, and deliveries). The highest noise levels near the project site are located along the adjacent railroad and “I” Avenue. Noise levels around these facilities are projected to exceed 65 CNEL. However, certain activities that are particularly sensitive to noise including sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration will not be impacted. Hospitals and convalescent homes, churches, libraries, schools, and childcare facilities are also considered noise-sensitive uses. Residential and school uses are considered to be noise-sensitive land uses. The closest sensitive receptors are single-family homes located 740 feet to the east. The project is not close enough to generate construction noise that could adversely affect nearby receptors.

The process that will be used at the LA Water, LLC facility involves the use of compressors, fans, and pumps, and the use of a crane. The equipment does not generate significant amount of noise. The source of noise would be from the diesel pick-up and delivery trucks. The noise generated by the railroad would exceed any noise that would be produced by the project.

Development of the project proposed will utilize standard construction techniques and equipment. No explosives or other construction activities which could generate excessive groundborne noise or vibration will result. None of the proposed uses will include activities that could generate significant or excessive groundborne vibration or groundborne noise. The proposed facilities do not include human occupancy structures or other facilities that will accommodate people near an airport. No potential adverse noise impacts from any airport will occur from implementing the project. Therefore, the area impacts by noise generated by the project is less than significant.

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

Comments.

The project is currently within the General Industrial (GI) zone and Planned Mixed Use (PMU) General Plan Land Use designation. Development of the site was addressed by the Environmental Impact Report (EIR) of the Main Street and Freeway Corridor Specific Plan and General Plan. Since the proposed project is consistent with the General Plan and Main Street and Freeway Corridor Specific 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 and Specific Plan. Therefore, the additional impact on the future population of the area by this project would not be significant.

Inasmuch as the project site is identified as an industrial land use, no alteration, or change in the distribution of human population in the area will occur. In regards to the project’s growth inducing impacts, the site is 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 project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere as the property is vacant.

The population in Hesperia has increased partially because of the cost of affordable housing in the high desert. There is currently more demand for services and jobs than there are services and jobs available in Hesperia. As a result, the proposed development will not induce substantial population growth as the development will provide much needed services and jobs for the current population in the High Desert. No additional growth related impacts associated with implementation of the project can be identified.

The land use plan within the General Plan identifies large areas where future residential, commercial and industrial development will occur. The Main Street and Freeway Corridor Specific Plan's and Hesperia General Plan's Final Environmental Impact Reports (EIRs) analyzed the impacts of Population and Housing. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative impacts (43). Inasmuch as this project is within the intensity limitations of the adopted land use plan, no additional impact beyond that identified within the Main Street and Freeway Corridor Specific Plan and General Plan EIRs would occur.

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

Comments.

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

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

Comments.

As evaluated previously, the project will not induce population growth. Therefore, it will not increase the demand for recreational facilities beyond that already allowed by the current General Plan.

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

Comments.

The project expects 10 truck loads per day in and out of the site. Half of these would be at night from 8 a.m. to 2 p.m. and half during the day from 5 a.m. to 12 p.m. The remaining trips generated by the project would occur by rail. Upon full operation, 50 employees are expected with vehicles, including 30 on the day shift, 10 on the swing shift, and 10 on the night shift. Initially, the operation should have about 10 employees.

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). 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 it design capacity.

The City has established a Traffic Impact Mitigation Fee Program as part of the Development Impact Fee (DIF) to fund the construction of traffic improvements to maintain adequate levels of service. The Development Impact Fees are imposed on new development and collected as part of the building permit process. The developer is required to pay all applicable City Development Impact Fees towards the improvements.

Street improvement plans shall be submitted to the City’s Engineering Division for approval and shall satisfy the project’s conditions of approval for street improvements. These street improvements include, a paved street, 50-foot wide, starting at 80 feet west of the easterly property line and continuing easterly to the existing pavement west of “I” Avenue. Curb and gutter is required to be constructed across the paved portion of the project frontage based on the City’s 66-foot Industrial Collector roadway standard. Based upon the street improvements to be constructed and payment of development impact fees, the impact upon transportation facilities associated with the proposed development is considered to be less than what was considered as part of the City’s General Plan PEIR.

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

Comments.

As a condition of approval, the developer is required to apply for the NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. As a condition of approval, the developer is required to provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off collection during construction. The development will connect to an existing 12-inch AC water line in Hercules Street. The development is not required to install sewer lines unless the proposed septic system cannot meet the Lahontan Regional Water Quality Board’s requirements.

The proposed development will cause an increase in the use of water. However, the increase will not exceed current levels of water production (36). The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al. , Riverside Superior Court Case

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

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

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

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

The project includes a water purification product facility on the south portion of a 10.0 gross acre lot. Upon full operation, 50 employees are expected, including 30 on the day shift, 10 on the swing shift, and 10 on the night shift. The project does not employ 1,000 persons, nor does the project occupy 40 acres or encompass more than 650,000 square feet of floor area.

| XVII. MANDATORY FINDINGS OF SIGNIFICANCE. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | | X | | |

| | | | | |
|--|--|--|---|--|
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | | | X | |
| c) Does the project have environmental effects which will cause substantial adverse affects on human beings, either directly or indirectly? | | | X | |

Comments.

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

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

- (1) Aerial photos of the City of Hesperia dated May 2008 and on-site field investigations conducted in March 2009.
- (2) Conditional Use Permit CUP09-10125 application and related materials.
- (3) Chapter 9 & 11 of the Main Street and Freeway Corridor Specific Plan and Chapter 16.16 of the Hesperia Municipal Code, Article XII, Industrial Districts.
- (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.
- (24) 1991 City of Hesperia General Plan Conservation Element, Page CN-18.
- (25) 1991 City of Hesperia General Plan Noise Element, Figures N-2 and N-3 and pages N-1 through N-19 and the 1991 Noise Element Technical Appendix.
- (26) Chapter 16.20 of the Hesperia Municipal Code, Article V. General Performance Standards.
- (27) 1991 City of Hesperia General Plan Noise Element Technical Appendix, Exhibit A-13 and Pages A-11 and A-12
- (28) Preliminary Hydrology Study prepared by Merrell-Johnson Engineering, Inc dated December 22, 2009 and revision dated June 18, 2009.

- (29)** Master Plan of Arterial Highways adopted May 2, 2001.
- (30)** 1991 City of Hesperia General Plan Noise Element Technical Appendix, Table 1.
- (31)** City of Hesperia Water and Sewer Maps
- (32)** 1991 City of Hesperia Ordinance 180 entitled "An Ordinance of the City Council of the City of Hesperia, California, Establishing a Development Impact Fee for all New Residential, Commercial, and Industrial Structures" and Resolution No. 2007-110 on November 20, 2007.
- (33)** 2001 City of Hesperia General Plan Circulation Element, Pages C-8 through C-9.
- (34)** Chapter 16.20 of the Hesperia Municipal Code, Article IV. Parking and Loading Standards.
- (34)** Trip Generation Manual, Volume I, 6th Edition, Institute of Transportation Engineers.
- (36)** 1993 Final Environmental Impact Report for the Hesperia Redevelopment Project, Pages 4-171 & 4-172.
- (37)** Mojave Water Agency letter dated March 27, 1996.
- (38)** California Integrated Waste Management Act (AB 939).
- (39)** Biological Survey Report prepared by RCA Associates, Inc. dated December 8, 2008.
- (40)** Archaeological Information Center for the San Bernardino County Museum report dated December 16, 2008
- (41)** Mojave Desert Air Quality Management District, Rule 403.2 Fugitive Dust Control for the Mojave Desert Planning Area, July 22, 2005
- (42)** Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995
- (43)** City of Hesperia General Plan Program Environmental Impact Report (PEIR) dated June 1990
- (45)** Desert Vegetation Preservation Plan prepared by RCA Associates, Inc. dated December 8, 2008.

ATTACHMENT 7

RESOLUTION NO. PC-2008-53

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH A WATER PURIFICATION PRODUCT FACILITY ON THE SOUTH PORTION OF A 10.0 GROSS ACRE LOT ZONE GENERAL INDUSTRIAL LOCATED 660 FEET WEST OF "I" AVENUE ON THE SOUTH SIDE OF HERCULES STREET (CUP09-10125)

WHEREAS, LA Water, LLC, has filed an application requesting approval of Conditional Use Permit CUP09-10125 to establish a water purification product facility on the southern portion of a 10.0 gross acre lot (hereinafter referred to as "Application").

WHEREAS, the property is located 660 feet west of "I" Avenue on the south side of Hercules Street and consists of Assessor's Parcel Numbers 0410-072-01.

WHEREAS, the site as well as surrounding properties to the north and west are currently vacant. The Atchison, Topeka, and Santa Fe Railroad exists to the south. The land on the opposite side of the railroad to south is also vacant. A mini-storage facility and vacant land exist to the east; and

WHEREAS, the subject property as well as surrounding properties are currently designated Planned Mixed Use (PMU) on the City's Land Use map; and

WHEREAS, the subject property is currently zoned General Industrial (GI) by the Main Street and Freeway Corridor Specific Plan. The property to the north, south, and west are also zoned GI. The properties to the east are zoned Commercial/Industrial Business Park (CIBP); and

WHEREAS, an environmental Initial Study for the proposed conditional use permit was completed on August 20, 2009, and no significant adverse impacts were identified. Negative Declaration ND-2009-08 was subsequently prepared; and

WHEREAS, on September 10, 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 September 10, 2009, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use. The site is approximately 10.0 gross acres and can accommodate the water purification product facility, including a 3,300 square foot control room, 4,900 square foot warehouse building, overhead bridge crane, process tank farms with containment walls, and truck scale. On-site improvements required by the Hesperia Development Code can be constructed on the property including 21 parking spaces, minimum 26-foot wide drive aisles, landscaping, trash enclosures, and loading areas. The proposed project also meets all of the San Bernardino County Fire Department standards for fire lanes, fire truck turn-around, and fire hydrants. The proposed development also complies with all state and federal regulations, including the Americans with Disability Act (ADA). The project is designed with an on-site retention/detention basin to accommodate the required capacity of a 100-year storm. The development will preserve existing Joshua trees that will be transplanted within the development's landscaping.
- (b) The proposed use will not have a substantial adverse effect on abutting properties, or the permitted use thereof because the proposed project is consistent with the City's PMU General Plan Land Use designation. The project is designed with a retention/detention basin to accommodate the required capacity of a 100-year storm. The City has established Traffic Impact Mitigation Fee Program to fund the construction of traffic improvements to maintain adequate levels of service standards. The developer is required to pay all applicable City development impact fees towards these improvements.
- (c) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the development complies with standards for landscaping, driveway aisles, parking stall dimensions, building heights, fire lanes and turn-arounds, trash enclosures, and loading areas. The development complies with Americans with Disability Act (ADA) by providing 2 handicap parking spaces with loading areas and a 4-foot-wide path of travel to the streets, parking spaces, and all buildings. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development must comply with the project's condition of approval for off-site and on-site improvements required prior to grading and building construction and prior to issuance of a Certificate of Occupancy.
- (d) The site for the proposed use will have adequate access based upon the site's current accessibility to "I" Avenue. "I" Avenue has access to Bear Valley Road to the north and Main Street to the south. The development will have one drive approach on Hercules Street. The developer is required to construct a 50 foot wide paved road starting

at 80 feet west of the easterly property line and continuing easterly to the existing pavement west of "I" Avenue. The City has established a Traffic Impact Mitigation Fee Program as part of the Development Impact Fee (DIF) to fund the construction of traffic improvements to maintain adequate levels of service. The developer is required to pay all applicable City development impact fees towards these improvements.

- (e) Based upon Negative Declaration ND-2009-07 and the initial study which supports the Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed conditional use permit will have a significant effect on the environment.

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

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP09-10125, subject to the Conditions of Approval as set forth in ATTACHMENT "A."

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

ADOPTED AND APPROVED this 10th day of September 2009.

Chris Elvert, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP09-10125

Approval Date: September 10, 2009
Effective Date: September 22, 2009
Expiration Date: September 22, 2012

This list of conditions apply to a Conditional Use Permit to establish a water purification product facility on the south portion of a 10.0 gross acre lot zoned GI, located 660 feet west of "I" Avenue on the south side of Hercules Street. Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: LA Water, LLC; APN: 0410-072-01).

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

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

SUBMITTAL OF PUBLIC IMPROVEMENT PLANS SHALL INCLUDE THE FOLLOWING:

- _____ 1. **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. (B)
- _____ 2. **Percolation Test.** The applicant shall submit a percolation test, performed by a California licensed civil or soils engineer, and approved by the San Bernardino County Department of Environmental Health Services for the required private sewage disposal systems. Should the applicant agree in writing to use the most restrictive percolation test for a site in close proximity to the subject property in designing the sewage disposal systems, then a percolation test shall not be required to be performed on-site. The applicability of any percolation test for use in designing the sewage disposal systems shall be subject to review and approval by the Building and Safety Division. In the event a tract map or parcel map has previously been recorded on the project site, the City of Hesperia has a percolation test on file, and no unusual conditions apply, this requirement may be waived by the Building and Safety Division. (B)
- _____ 3. **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)

- _____ 4. **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)
- _____ 5. **Geotechnical Report:** The Developer shall provide two copies of the soils report with the grading plan. The soils report shall substantiate with all grading, building, and public improvement plans. In addition, a percolation report shall be performed to substantiate the percolation of the on-site drainage retention areas. Include "R" value testing and pavement recommendations for public streets (E, B)
- _____ 6. **Title Report:** The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
- _____ 7. **NPDES:** The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E)
- _____ 8. **Storm Water Pollution Prevention Plan:** The Developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off control during construction. (E)
- _____ 9. **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)
- _____ 10. **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)
- _____ 11. **Irrevocable Offer Of Dedication:** The Developer shall submit an "Offer of Dedication" to the City's Engineering Department for review and approval. These documents are in conjunction with the City of Hesperia's LEAD Track project as well as additional dedication on Hercules Street. (E)
- _____ 12. **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)
- _____ 13. **Fire Flow Test.** Provide either a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied or you must install an approved fire sprinkler system. This requirement shall be completed prior to combination inspection by Building and Safety. [F-5b]

- _____ 14. **Access.** The development shall have a minimum of **ONE (1)** points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.

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.

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-41]

- _____ 15. **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-54]

- _____ 16. **Knox Box[®].** An approved Fire Department Knox Box[®] is required. The Knox Box[®] shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. [F85]

- _____ 17. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

- _____ 18. **Haz-Mat Approval.** The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8401 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials. [F94]

- _____ 19. **Material Identification Placards.** The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan. [F95]

- _____ 20. **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:

- _____ 21. **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 be constructed in within Phase 1. The location of the trash enclosure shall be subject to approval by Planning Division staff. The trash enclosure shall be constructed per City approved detail;
 - B. A four-foot wide handicapped accessible route of travel shall be provided from the street and handicap parking spaces to the control room. These ADA requirements shall be completed in Phase 1.
 - C. Additional landscaping shall be provided along the northern boundary of the development to soften the look of the farm tanks and large equipment. The proposed chain link fence along the northern boundary of the development shall be a minimum of 8 feet in height and shall include slats. The landscaping and fencing requirements in this section shall be installed in Phase1;
 - D. All tanks, overhead bridge crane, and other equipment visible from public view shall be painted an earth tone color to match the desert surroundings;
 - E. The 4,900 square foot maintenance shop building within Phase 4 shall be subject to the City's architectural standards. The building architecture shall be reviewed and approved by the City's Planning Division;
 - F. Any areas that do not include asphalt or landscaping, including the area on the northeast portion of the property, shall be graveled, unless it would interfere with the operation. This shall be completed in Phase 5 (the final phase).

- _____ 22. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)
- _____ 23. **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)
- _____ 24. **Protected Plants.** Three copies of a protected plant plan shall be submitted to the Planning Division showing the present location and proposed treatment of species in the Dalea and Spinosa (smoketree); Agavaceae (century plants, nolinias, and yuccas, including Joshua Trees); Prosopis (mesquites); Larrea (Creosote rings ten feet or greater in diameter); and all plants protected by the State Desert Native Plants Act, which shall be handled in accordance with the provisions of the Development Code and State law. The grading plan shall be consistent with the approved protected plant plan. Ground disturbing activities shall not commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)
- _____ 25. **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)
- _____ 26. **Cultural Resources.** If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)
- _____ 27. **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)
- _____ a. **Dedication(s):** The Developer shall grant to the City an Irrevocable Offer of Dedication for "G" Avenue and Hercules Street in conjunction with the City of Hesperia's LEAD Track Project. Hercules shall be designed as an Industrial Collector (66') sixty-six full width per City Standards. 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)

- _____ b. **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)
- _____ c. **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)
- _____ d. **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)
- _____ e. **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)
- _____ f. **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)
- _____ g. **Off-Site Grading Letter(s):** It is the Developer's responsibility to obtain signed Off-Site Grading Letters from *any* adjacent property owner(s) who are affected by any Off-Site Grading that is needed to make site work. The Off-Site Grading letter, along with the latest grant deed, must be submitted to the City's Engineering Department for plan check approval. (E)
- _____ h. **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)
- _____ i. **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. The developer is proposing to capture all on-site water by utilizing two HDPE liners in a proposed retention area with a leak detection device. The proposed design of this facility will need to be reviewed and approved 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)

_____ j. **Street Improvement Plan:** The Developer shall design street improvements in accordance with City standards and as indicated below. (E)

_____ A. **Hercules Street:** Starting at 80' west of the easterly property line and continuing easterly to the existing pavement west of "I" Avenue construct 50' full-width of pavement. Curb and gutter is required across the paved portion of the project frontage based on City's 66-foot Industrial Collector Roadway Standard. The curb face is to be located at 25' 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. Future extension of Hercules Street shall be designed across the entire project frontage. 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. Commercial driveway approaches 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 City Engineer.
- J. Provide a signage and striping plan per City standards.
- K. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
- L. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

_____ k. **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 12" AC water line in Hercules 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.
- 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.**

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 28. **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)

- _____ 29. **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. All landscaping and irrigation shall be installed in Phase 1. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)

- _____ 30. **Development Fees.** The Developer shall pay required development fees as follows:
 - A. School Fees (B)

- _____ 31. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

- _____ 32. **Light and Landscape District Annexation.** Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD)

- _____ 33. **Additional Requirements for Hazardous Material.** The City will require all measures to safely handle hazardous waste materials pursuant to all State and Federal regulations. (B)
- _____ 34. **Operations Manual and Emergency Response Plan.** A manual shall be prepared with written operational and emergency procedures for site operations and maintenance. This document shall feature standard operating procedures to ensure proper facility management and a course of action plan in case of a spill or explosion. The applicant shall develop measures and procedures to minimize the release or spill of hazardous materials. The applicant must provide a copy of the manual to the City. All measures identified in the manual shall be implemented. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 35. **Hazardous Materials Permit.** Prior to occupancy, the developer must obtain permits from the San Bernardino County Fire Hazardous Materials (Haz-Mat) Department. (F)
- _____ 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. **Directory Addressing.** Apartments, condominiums and commercial or industrial complexes with more than three separate buildings on site shall have a building directory. Directories are to be posted at the main entrance(s) to the complex on the entry driveway side. Directories shall not be located in the public right-of-way or clear sight triangle areas.

Directories shall be of sufficient size to be clearly visible from the public roadway serving the entrance driveway, but in no case less than two feet in either dimension or six square feet. The directory shall be lighted from a power source dedicated to the general premises. (B)

**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 |

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, AUGUST 19, 2009

A. PROPOSALS:

1. First Class Properties, LLC (VAR09-10226)

Proposal: To allow an accessory building and a covered barbeque to encroach farther within the rear and side yard setbacks than allowed by the Development Code.

Location: 13045 Newport Street.

Planner: Daniel Alcayaga

Action: Forwarded to Planning Commission