

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: February 11, 2010

Time: 6:30 P.M.

COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Joline Bell Hahn, Commissioner

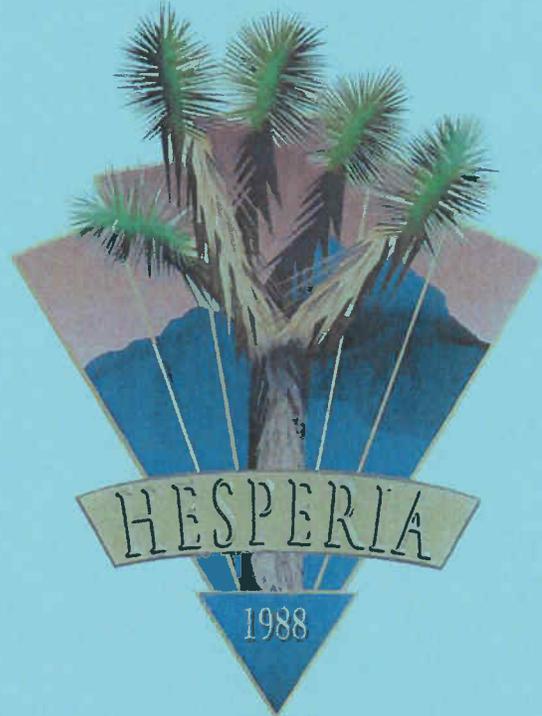
Stephen James, Commissioner

Julie Jensen, 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.

February 11, 2010

**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 William Muller
 - Commissioner Joline Bell Hahn
 - Commissioner Stephen James
 - Commissioner Julie Jensen

JOINT PUBLIC COMMENTS

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

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

CONSENT CALENDAR

- D. Approval of Minutes: December 10, 2009 Planning Commission Meeting Draft Minutes

-1-

PUBLIC HEARINGS

- 1. Consideration of Conditional Use Permit (CUP09-10281), to construct a wireless communications facility, camouflaged as a 52-foot water tank, and Variance (VAR09-10324), to exceed the 35-foot height limitation of the A-1 zone, on one acre, located approximately 430 feet west of Seventh Avenue, on the north side of Palm Avenue (Applicant: T-Mobile West Corporation; APN: 0412-021-27). (Staff Person: Daniel Alcayaga). 1-1
- 2. Consideration of Specific Plan Amendment (SPL09-10166), to change approximately 2.5 gross acres from Regional Commercial and Commercial Industrial Business Park to Neighborhood Commercial within the Main Street and Freeway Corridor Specific Plan; and Tentative Parcel Map (TPM09-10130/PM-19159), to create two parcels from 40.0 gross acres located on the south side of Main Street, east and west of U.S. Highway 395 (Applicant: Ramsey Najor; APN: 3064-531-07). (Staff Person: Stan Liudahl). 2-1

PRINCIPAL PLANNER'S REPORT

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

- E. DRC Comments
- F. Major Project Update
- G. Discussion: Administrative Regulations

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, February 4, 2010 at 5:30 p.m. pursuant to California Government Code §54954.2.



Eva Heter
Planning Commission Secretary

**HESPERIA PLANNING COMMISSION
REGULAR MEETING
December 10, 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:

Chair Elvert called the meeting to order at 6:30 PM

Pledge of Allegiance to the Flag

Invocation

Roll Call: Chair Chris Elvert; Vice Chair Joline Bell Hahn; Commissioner Stephen James; Commissioner Julie Jensen; Commissioner William Muller

Present: Chris Elvert
Joline Bell Hahn
Stephen James
Julie Jensen
William Muller

JOINT PUBLIC COMMENTS

Chair Elvert Opened Joint Public Comments: 6:36 PM

No Comments to Consider.

Chair Elvert Closed Joint Public Hearing: 6:36 PM

CONSENT CALENDAR

- D. [Approval of Minutes: October 8, 2009 Planning Commission Meeting Draft Minutes](#)

Motion by Vice Chair Hahn to approve the Draft Minutes of the October 8, 2009 Planning Commission Meeting, as presented approving Minutes for the October 8, 2009 Planning Commission Meeting, Seconded by Commissioner James, 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 Conditional Use Permit \(CUP09-10255\), to construct a two-story, three-bay, 17,531 square foot multi-tenant industrial park including an automotive dismantling/recycling facility with outdoor storage area on 1.3 gross acres zoned General Manufacturing located on the north side of Lilac Street, approximately 1,000 feet west of G Avenue \(Applicant: Deaton Investment, Inc.; APN: 0415-244-08\) \(Staff Person: Lisette Sanchez-Mendoza\).](#)

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

Vice Chair Hahn questioned the reasoning for having landscaping down both sides of the lot.

Planner, Lisette Sanchez-Mendoza stated that the landscaping was required along the sides and the frontage; covering up to 5% of the total site.

Commissioner James questioned the concrete and pavement work proposed for the site. He also questioned any cautions taken for hazardous materials.

Planner, Lisette Sanchez-Mendoza reviewed the paving and concrete proposed for the site as well as Commissioner James' question regarding the hazardous materials concern. She referred some of Commissioner James' questions regarding hazardous materials too the Applicant.

Commissioner James questioned the underground storage for excess flow; he was concerned about hazardous materials with respect to the underground storage.

Senior Engineer, Tom Thornton stated that there would be additional filtration devices placed as extra precautions for hazardous materials. He also stated that there were guidelines in place for servicing the filtration.

Chair Elvert Opened Public Hearing: 6: 43 PM

Dan Haskins, Applicant stated that he was in agreement with the conditions; he was available for any questions. He requested clarification from the Planner regarding the fencing.

Wade Shuey, Architect Representative stated that concrete and curbing could be put in place for hazardous material. He stated that the dismantling would occur in the concreted are of the site. Vehicles would then be stored on the graveled area.

Principal Planner, Dave Reno AICP stated that it was his understanding that the fluids would be removed prior to being delivered to the site. He questioned the regulations for having the fluids removed prior to the vehicles being transported.

Wade Shuey, Architect stated that the fluids would be removed prior to the delivery of the vehicles.

Chair Elvert Closed Public Hearing: 6: 49 PM

Motion by Vice Chair Hahn to adopt Resolution No. PC-2009-46 as presented, approving Conditional Use Permit (CUP09-10255), Seconded by Commissioner Muller, 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 Conditional Use Permit \(CUP09-10280\), to construct a wireless communications facility within the roof parapet of an existing medical office building designed on 1.5 gross acres zoned C-1 located at 12021 Jacaranda Avenue \(Applicant: Royal Street Communications; APNs: 0399-144-21 & 22\) \(Staff Person: Lisette Sanchez-Mendoza\).](#)

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

Chair Elvert Opened Public Hearing: 6:54 PM

Alexander Lew, Royal Communications Representative stated that all antennas were fully integrated into the building. He stated that he was available for questions.

Vice Chair Hahn questioned if the antennas were for cell use.

Chair Elvert Closed Public Hearing: 6:55 PM

Motion by Commissioner James to adopt Resolution No. PC-2009-47 as presented, approving Conditional Use Permit (CUP09-10280), Seconded by Vice Chair Hahn, 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 Variance \(VAR09-10226\), to allow a covered barbeque and accessory building to encroach within the required side and rear setbacks located at 13045 Newport Street \(Applicant: Ramsey Najor; APN: 3046-311-32\) \(Staff Person: Daniel Alcayaga, AICP\).](#)

Senior Planner, Daniel Alcayaga AICP gave a brief staff report. He introduced a green sheet item (See Attachment 1).

Vice Chair Hahn requested comments from Dave Reno.

Principal Planner, Dave Reno AICP stated that regardless of whether or not the property owner had been sited previously or not, the building was still in violation of the code. He stated that no building permits had been applied for; therefore, the City

did not have any opportunity for inspection or regulation of the site. He also discussed a few other concerns associated with the variance.

Chair Elvert questioned how the City was notified of the violation.

Principal Planner, Dave Reno AICP stated that the City doesn't get involved in the concern of who complained.

Chair Elvert questioned if staff would still bring the proposal before the Commission if the issue was only pertaining to the setback.

Principal Planner, Dave Reno AICP discussed the laws for concern.

Commissioner Jensen questioned why the issue was sent before the Commission.

Principal Planner, Dave Reno AICP stated that the applicant has a right to appeal the decision of staff; therefore, the proposal was brought forward to the Planning Commission.

Vice Chair Hahn requested a review of the location of the building on the property.

Senior Planner, Daniel Alcayaga AICP reviewed the location of the building on the property.

Chair Elvert Opened the Public Hearing: 7:12 PM

Ramsey Najor, Applicant stated that the buildings were already in existence when he bought the home. He stated that City Staff was aware that the buildings were in existence. He read the petition, previously given to the Commission (See Attachment 1). He requested that the Commission approve the variance.

Commissioner James questioned if the real estate agent had disclosed that the buildings were not permitted.

Ramsey Najor, Applicant stated that the real estate agent did not inform him of the non-permitted building.

Commissioner James questioned if Mr. Najor had requested any information verifying if the buildings had been permitted.

Ramsey Najor, Applicant stated that it just wasn't an issue; he was not aware, nor did he know that code and he had just assumed that the buildings had been permitted.

Commissioner James questioned if Mr. Najor ever looked at the tax rolls and public records to find out if everything was up to code on the property.

Ramsey Najor, Applicant stated that he used a realtor and assumed that the realtor knew what he/she was doing.

Vice Chair Hahn stated that the realtor would have been aware that the buildings were not permitted and that it would have been the realtor's responsibility to inform him of that fact.

Commissioner James stated that disclosure forms are given at the time of purchase to ensure that the buildings were up to code.

Chair Elvert Closed the Public Hearing: 7:22 PM

Vice Chair Hahn questioned if the foundation of the out building and if it was on block.

Senior Planner, Daniel Alcayaga AICP stated that staff did not look at the construction because the stucco would have had to be removed.

Commissioner Jensen stated that she felt that it was a really unfortunate situation.

Motion by Commissioner James to adopt Resolution No. PC-2009-48 as presented, denying Variance (VAR09-10226), Seconded by Commissioner Jensen, passed with the following roll call vote:

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

4. [Consideration of Variance \(VAR09-10252\), to allow signs in excess of the number, height, and area restrictions for a temporary sales trailer marketing Tract-14744, located on the south side of Rancho Road between Topaz Avenue and Primrose Avenue \(Applicant: Century Crowell Communities, LP; Area APNs: 0405-115-07 & 0405-134-01\) \(Staff Person: Stan Liudahl, AICP\).](#)

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

Chair Elvert questioned if the proposal had been presented to the Commission before.

Senior Planner, Stan Liudahl AICP verified that the proposal had not been previously presented to the Commission.

Commissioner James stated that the signs had been present for quite some time.

Commissioner Jensen questioned if permits were required for a sign, such as the proposed.

Senior Planner, Stan Liudahl AICP stated that permits were required; however, a permit had not been pulled for the sign in question.

Chair Elvert Opened Public Hearing: 7:31 PM

Gary Winetroph, Representative stated that the construction of the homes had started back in 2005. He reviewed the previous signs and then reviewed additional signs that had been placed at the purchase of the property. He stated that there was a serious financial burden on the property and if the signs were removed he was concerned that the burden may be compounded. He requested the approval of the Variance.

Chair Elvert Closed the Public Hearing: 7:34 PM

Vice Chair Hahn questioned if the signs had be up since 2007.

Senior Planner, Stan Liudahl stated that he was not aware of the exact date the signs were placed.

Chair Elvert questioned if the code would have permitted the signs back in 2007.

Principal Planner, Dave Reno AICP clarified the signs that the code would have permitted in 2007; he also stated that there were options for other signage, such as off-site signs that would have been permitted as well.

Motion by Commissioner James to adopt Resolution No. PC-2009-44 as presented, denying Variance (VAR09-10252), Seconded by Chair Elvert, passed with the following roll call vote:

AYES: Chris Elvert, Stephen James, Julie Jensen, and William Muller
NOES: and Joline Bell Hahn

5. [Consideration of Development Code Amendment \(DCA09-10301\), regarding animals allowed in R-3 and Multi-family residential districts \(Applicant: City of Hesperia; Area Affected: Citywide\) \(Staff Person: Stan Liudahl, AICP\).](#)

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

Commissioner Muller stated that the Rim Apartments was noted to have no limits for animals.

Senior Planner, Stan Liudahl AICP stated that there were some disagreements among management within the apartment areas.

Commissioner Muller questioned the Development Code Amendment's affect on the mobile homes.

Principal Planner, Dave Reno AICP stated that the amendment wouldn't change any of the rules for privately enforced limits on pets.

Chair Elvert stated that Commissioner Muller's question was, if the owner of the property states that the residents can have an unlimited number of pets then they would be in violation of the ordinance.

Principal Planner, Dave Reno AICP stated that if there was an issue then Code Enforcement could enforce the regulations set by the ordinance.

Chair Elvert Opened Public Hearing: 7:44 PM

No Comments to Consider.

Chair Elvert Closed the Public Hearing: 7:44 PM

Motion by Vice Chair Hahn to adopt Resolution No. PC-2009-45, as presented, recommending that the City Council introduce and place on first reading an ordinance approving Development Code Amendment (DCA09-10301), Seconded by Commissioner Jensen, 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

Principal Planner, Dave Reno AICP introduced the new Animal Control Supervisor, Suzanne Edson to the Planning Commission.

E. DRC Comments

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

F. Major Project Update

Principal Planner, Dave Reno AICP gave a brief review of Major Projects within the City of Hesperia.

PLANNING COMMISSION BUSINESS OR REPORTS

G. Reorganization of the Planning Commission

1. Election of Chair

Chair Elvert Called for a motion to nominate the Chair

Motion by Joline Bell Hahn: Vice Chair Hahn nominated Chris Elvert for the position of Chair, 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. Election of Vice Chair

Chair Elvert Called for a motion to nominate the Vice Chair.

Motion by Stephen James: Commissioner James nominated Commissioner Muller for the position of Vice Chair, Seconded by Chair Elvert, passed with the following roll call vote:

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

ADJOURNMENT

Chair Elvert adjourned the Planning Commission Meeting to February 11, 2010: 7:55 PM

Christ Elvert,
Planning Commission Chair

Eva Heter,
Commission Secretary

ATTACHMENT 1

CITY OF HESPERIA

PLANNING COMMISSION

PETITION FOR GRANTING VARIANCE

VARIANCE VAR09-10226 FOR COVERED BARBECUE AND ACCESSORY BUILDING TO ENCROACH WITHIN THE SIDE AND REAR SETBACKS AT 13045 NEWPORT STREET

I, RAMSEY NAJOR PURCHASED AND MOVED IN TO MY RETIREMENT HOME AT 13045 NEWPORT STREET IN NOVEMBER 2008.

THERE WAS AN EXISTING OUTDOOR COVERED BARBECUE, WITH A FIREPROOF STUCCO, TILE ROOF.

THERE WAS ALSO AN 8X10 STUCCO BUILDING, BUILT ON A CONCRETE PAD WITH 3' FT CONCRETE BLOCK WALL. I WILL PUT TILES ON THE ROOF ON THE GRANTING OF THIS VARIANCE. THIS SHOULD RESOLVE THE FIRE AND SAFETY ISSUES.

BECAUSE OF THESE AMENITIES, I INVESTED MY MONEY AND PAID A PREMIUM PRICE FOR THE HOME. I ALSO INSTALLED WATER SAVING ARTIFICIAL GRASS AND UPGRADED THE HOME.

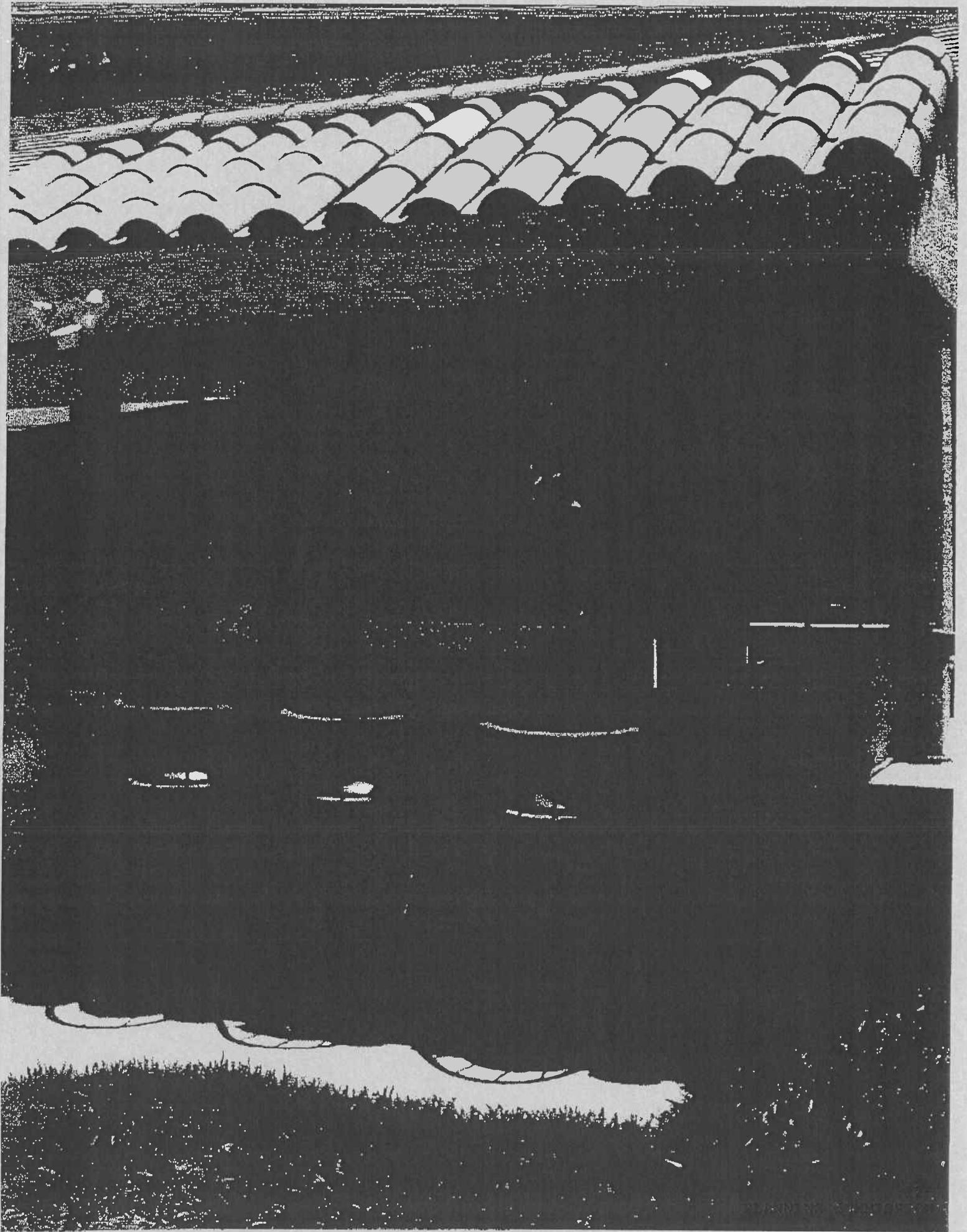
THE CITY OF HESPERIA HAS ADMITTED THAT THEY KNEW THE STRUCTURES WERE THERE BEFORE I BOUGHT THE HOME, YET THE CITY NEVER CITED THE PREVIOUS OWNER.

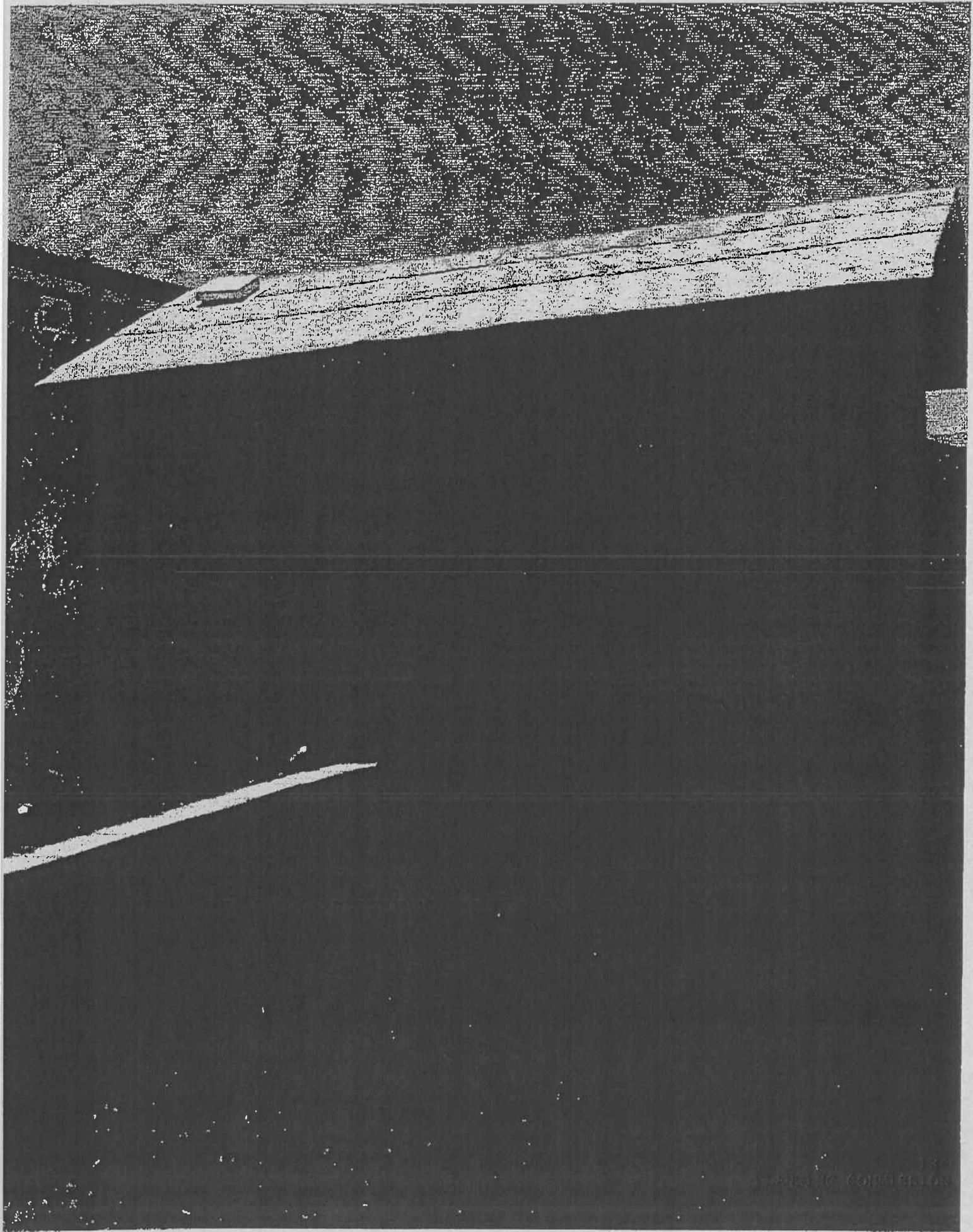
THE CITY HAS CITED ME AND DEMANDS THAT I TEAR DOWN AND/OR REPLACE THEM OUTSIDE THE 5 FT. SETBACK. THIS DISRUPTIVE CONSTRUCTION PROJECT WILL TAKE 4 MONTHS AND COST \$12,000 TO \$18,000.

I AM ASKING THAT THE COMMISSION GRANT THIS VARIANCE AND ALLOW THE STRUCTURES TO REMAIN IN PLACE.

THIS IS THE BEST AND FAIREST SOLUTION FOR THIS ISSUE.

ALL MY NEIGHBORS SUPPORT THE GRANTING OF THIS VARIANCE. SEE THE ATTACHED PETITION SIGNED BY THIRTY OF MY NEIGHBORS.





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DATE: February 11, 2010
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Daniel S. Alcayaga, AICP, Senior Planner
SUBJECT: Conditional Use Permit CUP09-10281 and Variance VAR09-10324; Applicant: T-Mobile West Corporation; APN: 0412-021-27

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2010-03 and PC-2010-04, approving Conditional Use Permit CUP09-10281 and Variance VAR09-10324.

BACKGROUND

Proposal: A Conditional Use Permit to construct a wireless communications facility, camouflaged as a 52-foot high water tank, and a Variance to exceed the 35-foot height limitation of the A-1 zone, on one acre.

Location: Approximately 430 feet west of Seventh Avenue, on the north side of Palm Avenue (Attachment 1).

Current General Plan, Zoning and Land Uses: Very Low density residential (VL) General Plan Land Use and zoned Limited Agricultural with a one-acre minimum lot size (A1) (Attachments 2 and 3). There are existing single-family residences surrounding the proposed location (Attachment 4).

ISSUES/ANALYSIS

Land Use: The property is owned by the Hesperia Water District and known as Plant 15. The site includes a water production well for the District. T-Mobile proposes to utilize a 2,000 square foot area on the northeast portion of the property. Access to T-mobile's equipment will be from a Public Utility Easement (PUE), to the north. The PUE is currently used by the District to read water meters and has unobstructed access to Seventh Avenue.

As part of the application, a propagation study was filed (Attachments 5 and 6), which shows the present condition and how the proposed site will improve service surrounding the proposed location. The propagation study indicates that cell phone coverage by T-Mobile will increase significantly in the immediate area.

The proposed wireless communications facility is designed as an elevated water tank. It has been designed as an old fashioned water tank with a rustic look in order to fit in with the residential neighborhood (Attachment 6 and 7). The tank can accommodate additional service carriers. The ground level mechanical equipment and graveled parking area will be completely fenced with a 6-foot high chain link fence with slats.

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

Street Improvements: No public street improvements are required as the facility will generate little traffic.

Environmental: Staff has found this project to be 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 policy to conceal the appearance of new wireless communications facilities. The project meets the standards of the Development Code, and staff recommends approval.

FISCAL IMPACT

Construction of this project will be subject to payment of plan review and inspection fees as adopted by the City.

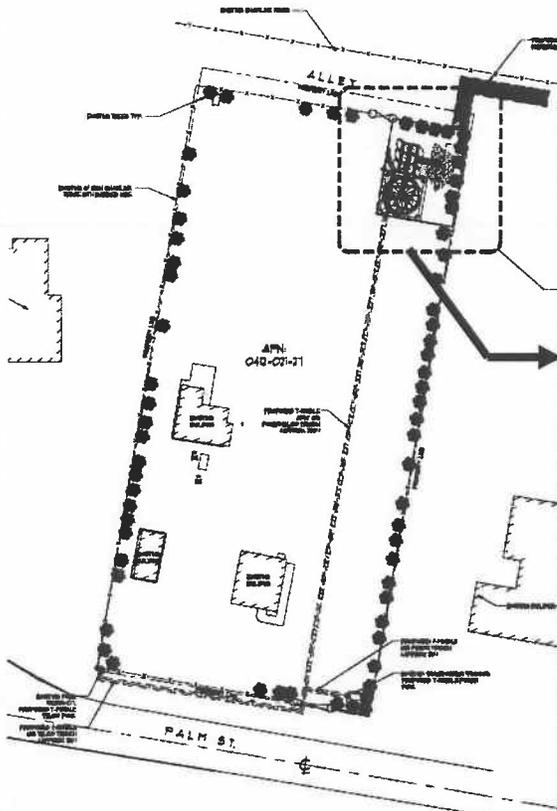
ALTERNATIVE

Provide alternative direction to staff.

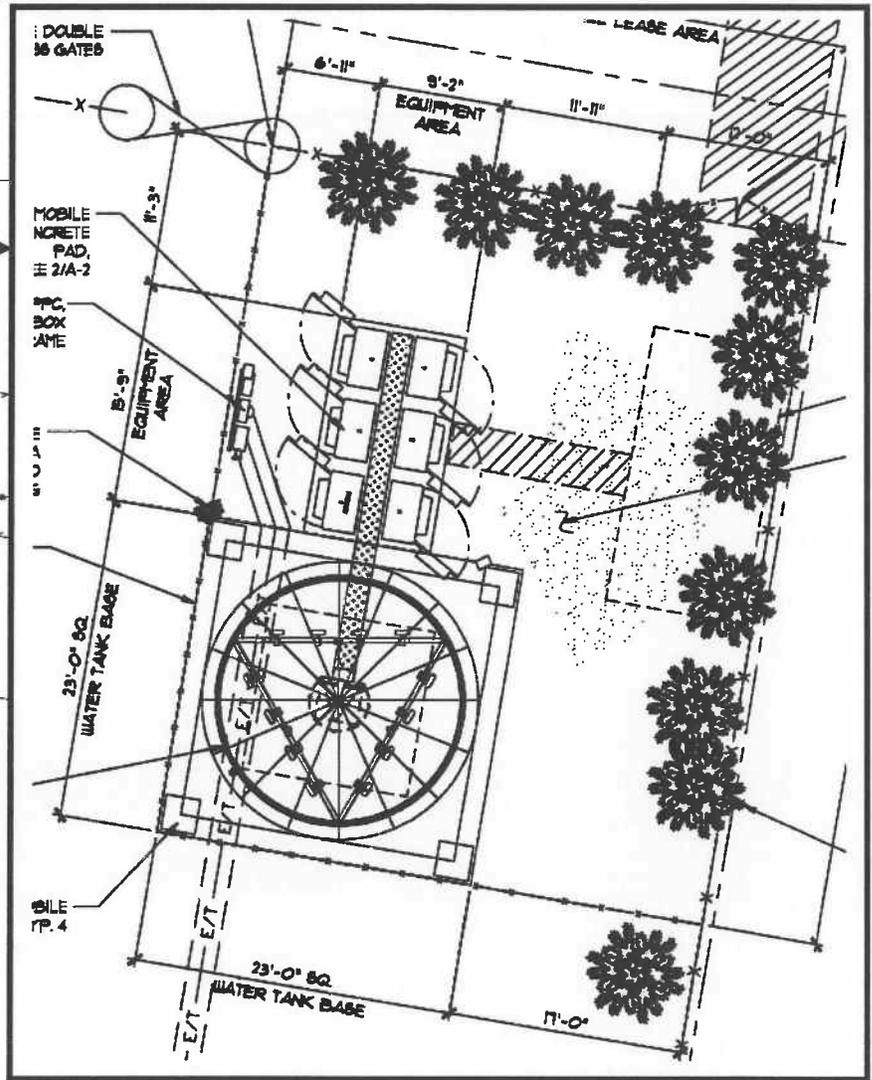
ATTACHMENTS

1. Site Plan
2. General Plan Land Use Map
3. Zoning Map
4. Photo Aerial
5. Existing Wireless Communications Signal Propagation (Propagation Study)
6. Proposed Wireless Communications Signal Propagation (Propagation Study)
7. Photo Representation/Elevation
8. Resolution No. PC-2010-03, with list of conditions (Conditional Use Permit)
9. Resolution No. PC-2010-04 (Variance)

ATTACHMENT 1



Site Plan – Plant 15



Area to be used by T-Mobile

APPLICANT (S):
T-MOBILE WEST CORPORATION

FILE NO (S):
CUP09-10281 & VAR09-10324

LOCATION:
LOCATED APPROXIMATELY 430 FEET WEST OF SEVENTH AVENUE, ON THE NORTH SIDE OF PALM AVENUE

APN (S):
0412-021-27

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY, CAMOUFLAGED AS A 52-FOOT WATER TANK ON ONE ACRE ZONED A-1



SITE PLAN

ATTACHMENT 2



APPLICANT (S):
T-MOBILE WEST CORPORATION

FILE NO (S):
CUP09-10281 & VAR09-10324

LOCATION:
LOCATED APPROXIMATELY 430 FEET WEST OF SEVENTH AVENUE, ON THE NORTH SIDE OF PALM AVENUE

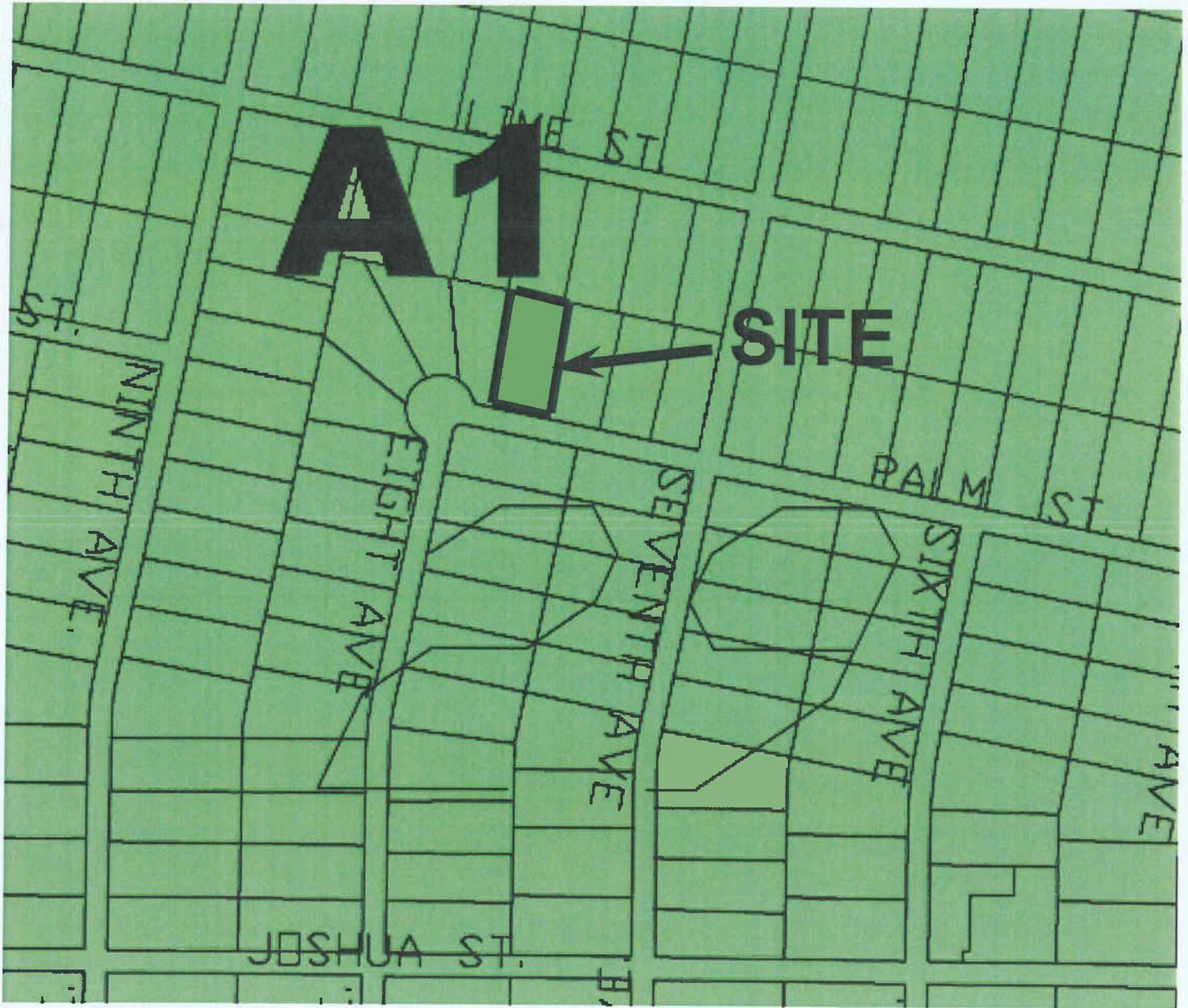
APN (S):
0412-021-27

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY, CAMOUFLAGED AS A 52-FOOT WATER TANK ON ONE ACRE ZONED A-1



GENERAL PLAN LAND USE MAP

ATTACHMENT 3



APPLICANT (S):
T-MOBILE WEST CORPORATION

FILE NO (S):
CUP09-10281 & VAR09-10324

LOCATION:
LOCATED APPROXIMATELY 430 FEET WEST OF SEVENTH AVENUE, ON THE NORTH SIDE OF PALM AVENUE

APN (S):
0412-021-27

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY, CAMOUFLAGED AS A 52-FOOT WATER TANK ON ONE ACRE ZONED A-1



ATTACHMENT 4



APPLICANT (S):
T-MOBILE WEST CORPORATION

FILE NO (S):
CUP09-10281 & VAR09-10324

LOCATION:
LOCATED APPROXIMATELY 430 FEET WEST OF SEVENTH AVENUE, ON THE NORTH SIDE OF PALM AVENUE

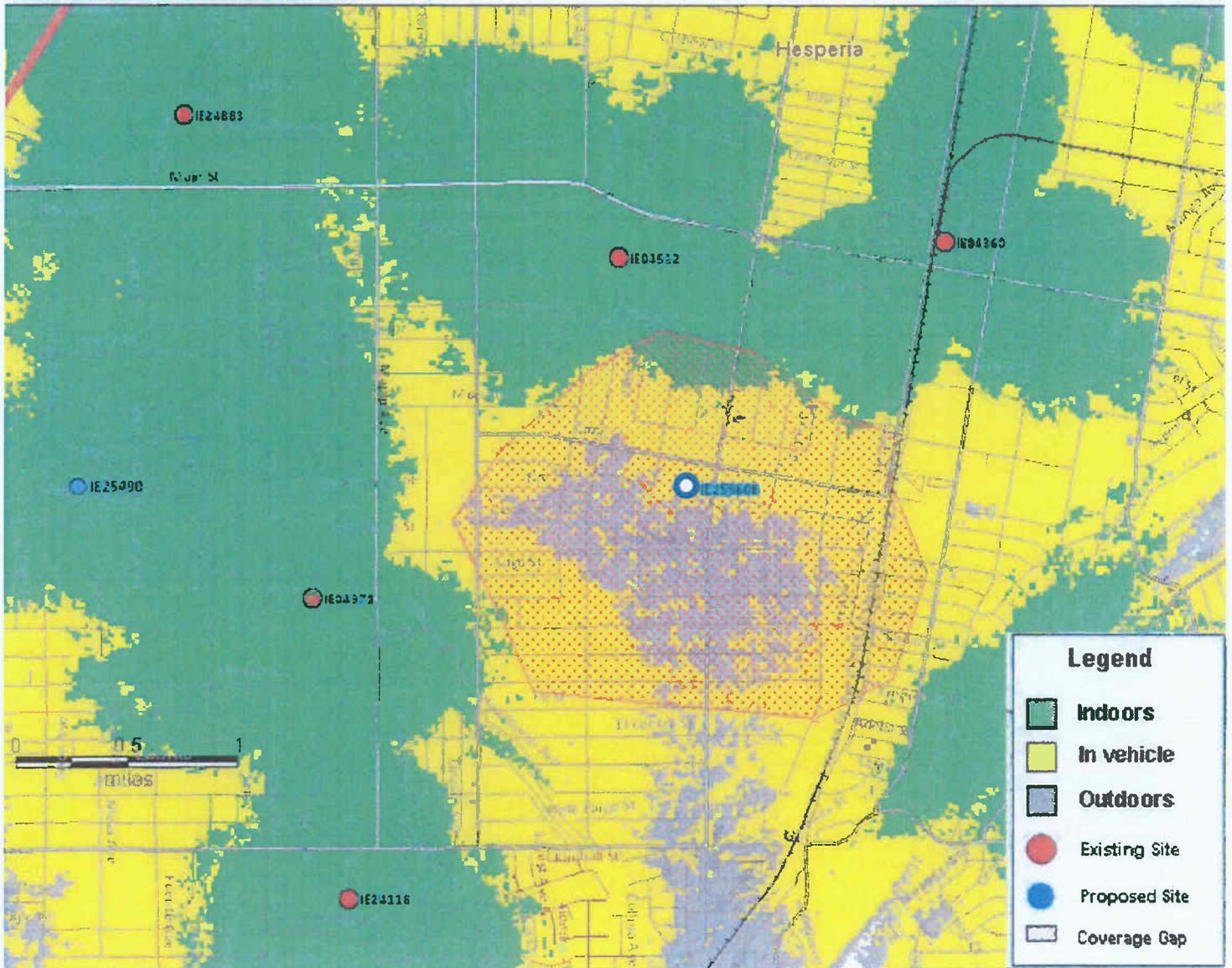
APN (S):
0412-021-27

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY, CAMOUFLAGED AS A 52-FOOT WATER TANK ON ONE ACRE ZONED A-1



AERIAL PHOTO

ATTACHMENT 5



Cell Site

APPLICANT (S):
T-MOBILE WEST CORPORATION

FILE NO (S):
CUP09-10281 & VAR09-10324

LOCATION:
LOCATED APPROXIMATELY 430 FEET WEST OF SEVENTH AVENUE, ON THE NORTH SIDE OF PALM AVENUE

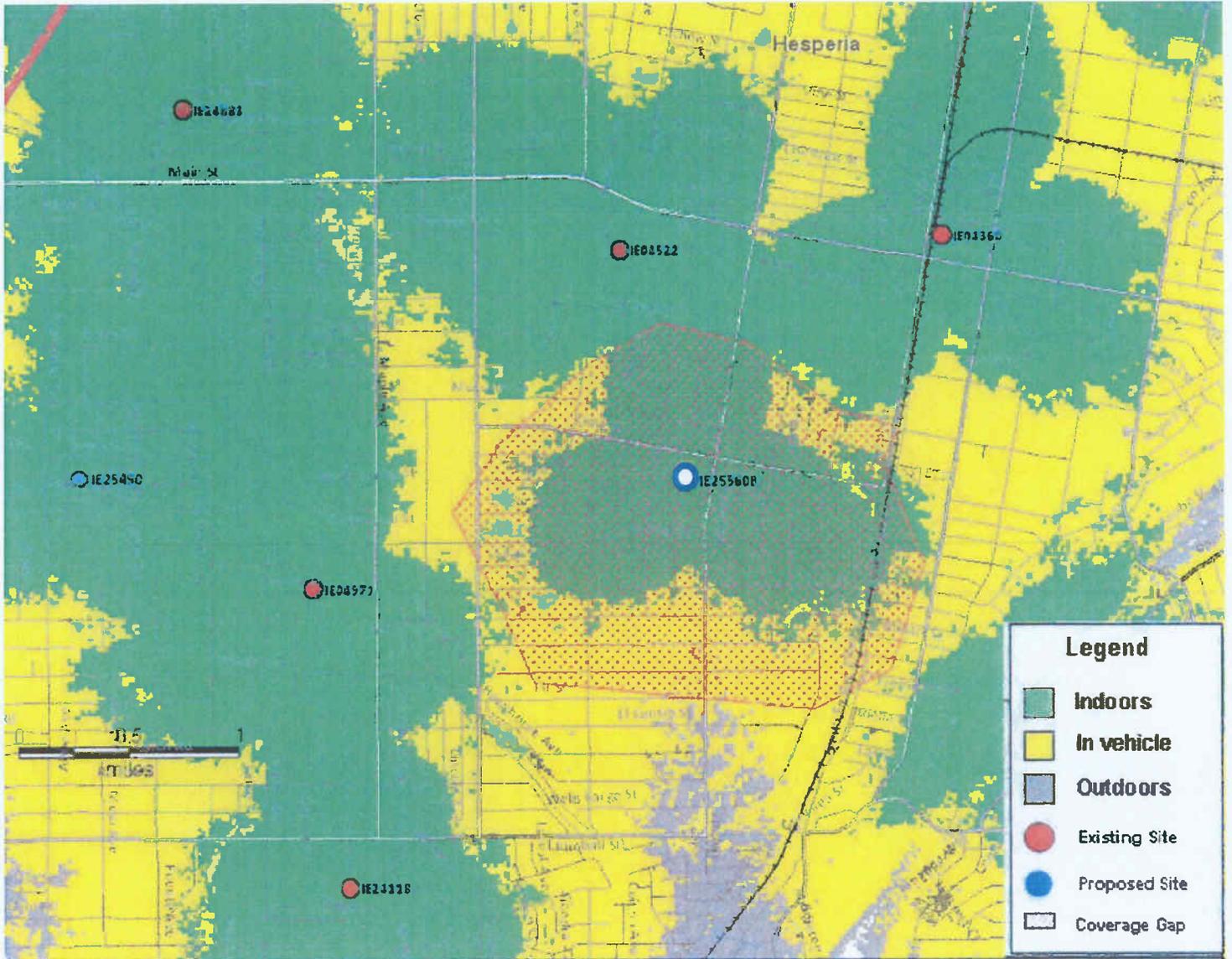
APN (S):
0412-021-27

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY, CAMOUFLAGED AS A 52-FOOT WATER TANK ON ONE ACRE ZONED A-1



EXISTING WIRELESS COMMUNICATIONS SIGNAL PROPAGATION

ATTACHMENT 6



Cell Site

APPLICANT (S):
T-MOBILE WEST CORPORATION

FILE NO (S):
CUP09-10281 & VAR09-10324

LOCATION:
LOCATED APPROXIMATELY 430 FEET WEST OF SEVENTH AVENUE, ON THE NORTH SIDE OF PALM AVENUE

APN (S):
0412-021-27

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY, CAMOUFLAGED AS A 52-FOOT WATER TANK ON ONE ACRE ZONED A-1



PROPOSED WIRELESS COMMUNICATIONS SIGNAL PROPAGATION

RESOLUTION NO. PC-2010-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY, CAMOUFLAGED AS A 52-FOOT HIGH WATER TANK, ON ONE ACRE IN THE A-1 ZONE, LOCATED APPROXIMATELY 430 FEET WEST OF SEVENTH AVENUE, ON THE NORTH SIDE OF PALM AVENUE (CUP09-10281)

WHEREAS, T-Mobile West Corporation has filed an application requesting approval of Conditional Use Permit CUP09-10281 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a one acre parcel within the Limited Agricultural (A1) Zone District, located on approximately 430 feet west of Seventh Avenue, on the north side of Palm Avenue and consists of Assessor's Parcel Number 0412-021-27; and

WHEREAS, the Application, as contemplated, proposes to construct a wireless communications facility, camouflaged as a 52-foot water tank; and

WHEREAS, T-Mobile West Corporation has also filed Variance VAR09-10324 to exceed the 35-foot height limitation of the A-1 zone; and

WHEREAS, the subject site includes a water production well for the Hesperia Water District. There are existing single-family residences surrounding the project site; and

WHEREAS, the subject property is currently designated Very Low density residential (VL) on the City's Land Use Map. The adjacent land within the City is also designated Very Low density residential (VL); and

WHEREAS, the subject property is currently zoned Limited Agricultural with a one-acre minimum lot size (A1). The adjacent land within the City is also zoned Limited Agricultural with a minimum lot size of one acre; 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 February 11, 2010, the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds as follows:

- (a) Based upon the project's exemption from the requirement for environmental review and subject to the List of Conditions assigned to it, the proposed Conditional Use Permit will not have a significant effect on the environment.
- (b) The site for the proposed use is adequate in size and shape to accommodate the proposed use, because the site can accommodate all proposed improvements, without infringing on required setbacks or easements.
- (c) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof. The wireless communications facility has been designed as an old fashioned water tank with a rustic look in order to fit in with the residential neighborhood. The ground level mechanical equipment and graveled parking area will be completely screened with a 6-foot high chain link fence with slats.
- (d) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia. The project is consistent with the City's intent to conceal the appearance of new wireless communications facilities.
- (e) The site for the proposed use will have adequate access based upon the existing access from a public utility easement, to the north. The access easement has unobstructed access to the Seventh Avenue.
- (f) The proposed project is consistent with the adopted General Plan of the City of Hesperia.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP09-10281, 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 11th day of February, 2010.

Chris Elvert, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Site Plan Review CUP09-10281:

Approval Date: February 11, 2010
Effective Date: February 23, 2010
Expiration Date: February 23, 2013

This list of conditions apply to a Conditional Use Permit to construct a wireless communications facility, camouflaged as a 52-foot water tank, on one acre zoned A-1, located approximately 430 feet west of Seventh Avenue, on the north side of Palm Avenue. Any change of use or expansion of area may require approval of a Conditional Use Permit application. (APN: 0412-021-27)

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 three (3) 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. Four complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division for review. (B) |
| _____ | 2. | Variance. This approval is contingent upon approval of Variance VAR09-10324. (P) |
| _____ | 3. | 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 2,000 square foot area to be utilized by the applicant shall be screened from view with a six-foot high chain link fence with slats. (P)
B. The proposed T-Mobile Power/Telco trench shown on the site plan shall be moved 20 feet east, towards the property line. (P)
C. As a historical tribute, the water tank shall be labeled "Hesperia Land and Water Company." The color and design shall be reviewed and approved by the Planning Division. (P) |
| _____ | 4. | AQMD Approval. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B) |
| _____ | 5. | Soils Report. The Developer shall provide soils reports to substantiate the foundation design. (B) |

- _____ 6. **Specialty Plans.** The following additional plans/reports shall be required for businesses with special environmental concerns:
 - 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)

- _____ 7. **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)

- _____ 8. **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, or after 25 years from its date of establishment, whichever occurs first. The bond or letter of credit shall be made payable to the City upon demand and shall not expire before the end of the 25-year term in which the facility is to be used. Neither the bond, nor the letter of credit shall be released until the Planning Division verifies the facility's removal. (P)

- _____ 9. **Access Easement to the Wireless Communications Facility.** An access easement to the wireless communications facility shall be provided as shown upon the approved site plan. The access easement shall be recorded in a form approved by the City and shall be effective for the life of the communications facility. The access easement may be included in the lease agreement, provide the lease agreement is recorded with the San Bernardino County Recorder's office. (P)

- _____ 10. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the Development Advisory Board, the Planning Commission, City Council, or otherwise), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

- _____ 11. **Consistency with Approved Graphics.** Improvement plans for off-site and on-site improvements shall be consistent with the graphics approved as part of this conditional use permit application and shall also comply with all applicable Title 16 and Engineering Division requirements. The following (E, P)
- _____ 12. **Lease Agreement.** Each wireless communications provider, including those implemented through the approved co-location agreement, shall execute a lease agreement with the City. The agreement shall include, but not limited to:
- A. Keys shall be provided to Hesperia Water District for access to the premises. (EDD)
 - B. The applicant shall be subject to a License agreement with the Hesperia Water District. (EDD)
 - C. This Conditional Use Permit shall terminate upon termination of the License agreement with Hesperia Water District. (EDD)
 - D. The lease agreement shall be subject to review and approval by the City/District and/or the City Attorney prior to its execution. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 13. **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 graphics. Any exceptions shall be approved by the Deputy Director of Development Services / Community Development. (P)
- _____ 14. **Removal of Bush.** The bush in the easement blocking access and adjacent to Seventh Avenue shall be removed. Prior to removal, the owner of the property containing the easement shall be notified, in writing, that the bush will be removed. (P)

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

- _____ 15. **Abandonment of the Facility.** Should the facility fail to be used as approved for more than 180 consecutive days or should its 25-year effective life expire, then 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 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)

- _____ 16. **Maintenance of the Facility.** The facility, fencing, and all related equipment shall be maintained in good condition during the life of the wireless communications facility. (P)
- _____ 17. **Primary Access.** Primary access to the site shall be from the public utility easement to the north. It is the responsibility of the applicant, or their successors, to maintain legal access from the public utility easement. Access to the wireless communications facility from Palm Street, other than fire department access, is not permitted. (P)

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

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

RESOLUTION NO. PC-2010-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A VARIANCE TO ALLOW A WIRELESS COMMUNICATIONS FACILITY TO EXCEED THE 35-FOOT HEIGHT LIMITATION OF THE A-1 ZONE, ON ONE ACRE, LOCATED APPROXIMATELY 430 FEET WEST OF SEVENTH AVENUE, ON THE NORTH SIDE OF PALM AVENUE (VAR09-10324)

WHEREAS, T-Mobile West Corporation has filed an application requesting approval of Variance VAR09-10324 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a one acre parcel within the Limited Agricultural (A1) Zone District, located on approximately 430 feet west of Seventh Avenue, on the north side of Palm Avenue and consists of Assessor's Parcel Number 0412-021-27; and

WHEREAS, T-Mobile West Corporation has also filed an application requesting approval of Conditional Use Permit CUP09-10281 to construct a wireless communications facility, camouflaged as a 52-foot water tank; and

WHEREAS, the subject site includes a water production well for the Hesperia Water District. There are existing single-family residences surrounding the project site; and

WHEREAS, the subject property is currently designated Very Low density residential (VL) on the City's Land Use Map. The adjacent land within the City is also designated Very Low density residential (VL); and

WHEREAS, the subject property is currently zoned Limited Agricultural with a one-acre minimum lot size (A1). The adjacent land within the City is also zoned Limited Agricultural with a minimum lot size of one acre; 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 February 11, 2010, the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced February 11, 2010, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon the project's exemption from the requirement for environmental review and subject to the List of Conditions assigned to it, the proposed Variance will not have a significant effect on the environment.
- (b) The strict or literal interpretation and enforcement of the specified regulations would result in practical difficulties or unnecessary physical hardships because the height restriction would reduce the effectiveness of the wireless communications facility, which would result in the need to establish additional wireless communications facilities in the vicinity. In approving the additional height, a co-location agreement is being implemented which will allow additional wireless communications providers the ability to utilize the site, further reducing the number of wireless communications facilities necessary to serve the City of Hesperia.
- (c) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone because the site includes a water production well for the Hesperia Water District, and the addition of the wireless communications facility will not materially affect the character of the site or neighborhood.
- (d) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone because other wireless communications facilities have previously been constructed in the City that exceed the height limitations within the Development Code.
- (e) The granting of the variance would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because other similar wireless communications facilities have previously been constructed in the City that exceed the height limitations within the Development Code. In approving the variance, additional wireless communications will be allowed on the facility and reduce the number of wireless communications facilities throughout the City.
- (f) The granting of the variance will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity, as the facility is required to comply with the City's Development Code and the 2007 California Building Code.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR09-10324.

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

ADOPTED AND APPROVED this 11th day of February, 2010.

Chris Elvert, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission



DATE: February 11, 2010

TO: Planning Commission

FROM:  Dave Reno, AICP, Principal Planner

BY:  Stan Liudahl, AICP, Senior Planner

SUBJECT: Specific Plan Amendment SPL09-10166 and Tentative Parcel Map TPM09-10130 (PM-19159); Applicant: Ramsey Najor; APN: 3064-531-07

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2010-01 and PC-2010-02, recommending that the City Council introduce and place on first reading an ordinance approving SPL09-10166 and approve TPM09-10130 (PM-19159).

BACKGROUND

Proposal: A Specific Plan Amendment to change approximately 2.5 gross acres from Regional Commercial and Commercial Industrial Business Park to Neighborhood Commercial within the Main Street and Freeway Corridor Specific Plan and a tentative parcel map to create two parcels from 40.0 gross acres (Attachment 1).

Location: On the south side of Main Street, east and west of U. S. Highway 395.

Current General Plan, Zoning and Land Uses: Planned Mixed Use (PMU) General Plan Land Use designation and the Regional Commercial (RC), Neighborhood Commercial (NC), Commercial Industrial Business Park, and the Wash Protection Overlay Districts of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated and zoned as noted on Attachments 2 and 3. The site is currently vacant and has been partially disturbed by off-road vehicle use, past roadway improvements, and drainage bisecting the site from the southwest to the northeast. Main Street is along the northern boundary of the site and U. S. Highway 395 splits the site, forming the boundary between proposed Parcels 1 and 2. All surrounding properties are currently vacant. A mobilehome/recreational vehicle park exists approximately 1,320 feet to the east and single-family residences exist approximately 660 feet west of the site (Attachment 4).

ISSUES/ANALYSIS

Land Use: The Specific Plan Amendment would change the zoning of the south half of Parcel 2 from Regional Commercial and Commercial Industrial Business Park to Neighborhood Commercial. The minimum parcel size for the Neighborhood Commercial District is two gross acres, as opposed to the 10-acre minimum within the Regional Commercial and Commercial Industrial Park Districts. There are currently no plans for development of the site.

Tentative map: The proposed subdivision is consistent with the existing General Plan, but requires approval of a Specific Plan Amendment to Neighborhood Commercial to allow for the proposed size of Parcel 2. Parcel 2 is below the 10-acre minimum parcel size requirement of the Regional Commercial and Commercial Industrial Business Park Districts. The proposed tentative parcel map meets the minimum parcel depth and area requirements, with approval of the Specific Plan Amendment. The 200-foot parcel width requirement cannot be met, given the constraints of the existing alignment of U. S. Highway 395. This deficiency is allowed without approval of a variance by the Development Code.

Drainage: A portion of the site from southwest to the northeast is within the Wash Protection Overlay District and contains the Oro Grande Wash, identified by the Victorville Master Plan of Drainage facility as A-01. This wash conveys storm water northeast to a proposed drainage facility identified as A-10S, which will be parallel to the Main Street alignment. All drainage from future development created on-site beyond that which has occurred historically, will be retained within an approved drainage system. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review.

Water and Sewer: Water and sewer improvements, which may include a sewer lift station for development in proximity to the Wash Overlay District, will be required with development of the site. Inasmuch as the proposed action will only allow for the transfer of the property, utility improvements are not required at this time.

Street Improvements: Main Street and U. S. Highway 395 are paved. The developer will be required to construct street improvements as approved by the City upon development of the site, based upon the Circulation Element. Staff recommends that non-vehicular access easements be established by the parcel map along the Parcel 1 frontage of Phelan Road within 450 feet of U. S. Highway 395 and across the entire frontage of U. S. Highway 395. Non-vehicular access easements along Parcel 2 are recommended across the entire Main Street frontage and the Northerly 1,100 feet of the U. S. Highway 395 frontage, due to sight-distance issues caused by significant topographic changes and the curve along U. S. Highway 395.

Traffic: The developer is requesting that 2.5 acres of the 4.4-acre parcel be changed to Neighborhood Commercial. Based on a floor area ratio of 0.23 for big box retail development and industrial park development on the 2.5-acre site, approximately 725 daily vehicle trips would be created, according to the Institute of Transportation Engineer's Trip Generation Manual. The proposed Specific Plan Amendment, establishing 2.5 additional acres of Neighborhood Commercial area would result in about 1,076 daily vehicle trips. Therefore, an increase of about 351 daily vehicle trips is projected with approval of the Specific Plan Amendment. This increase does not account for the configuration of the parcel, which will reduce the area able to be developed, reducing the additional traffic impact. As mentioned above, street improvements will be required upon development of the property.

Environmental: Approval of this project requires adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study (Attachment 5) prepared for the project conclude that there are no significant adverse impacts resulting from development of the project. Further environmental analysis will be required prior to approval of the development as part of a Site Plan Review and/or Conditional Use Permit.

Conclusion: The project conforms to the policies of the City's General Plan and meets the standards of the Main Street/Freeway Corridor Specific Plan as well as the Development Code, with approval of the Specific Plan Amendment. Approval of the Specific Plan Amendment will result in increased traffic impact. However, given the limited acreage and restricted development potential due to parcel configuration, the increase is not significant.

FISCAL IMPACT

None.

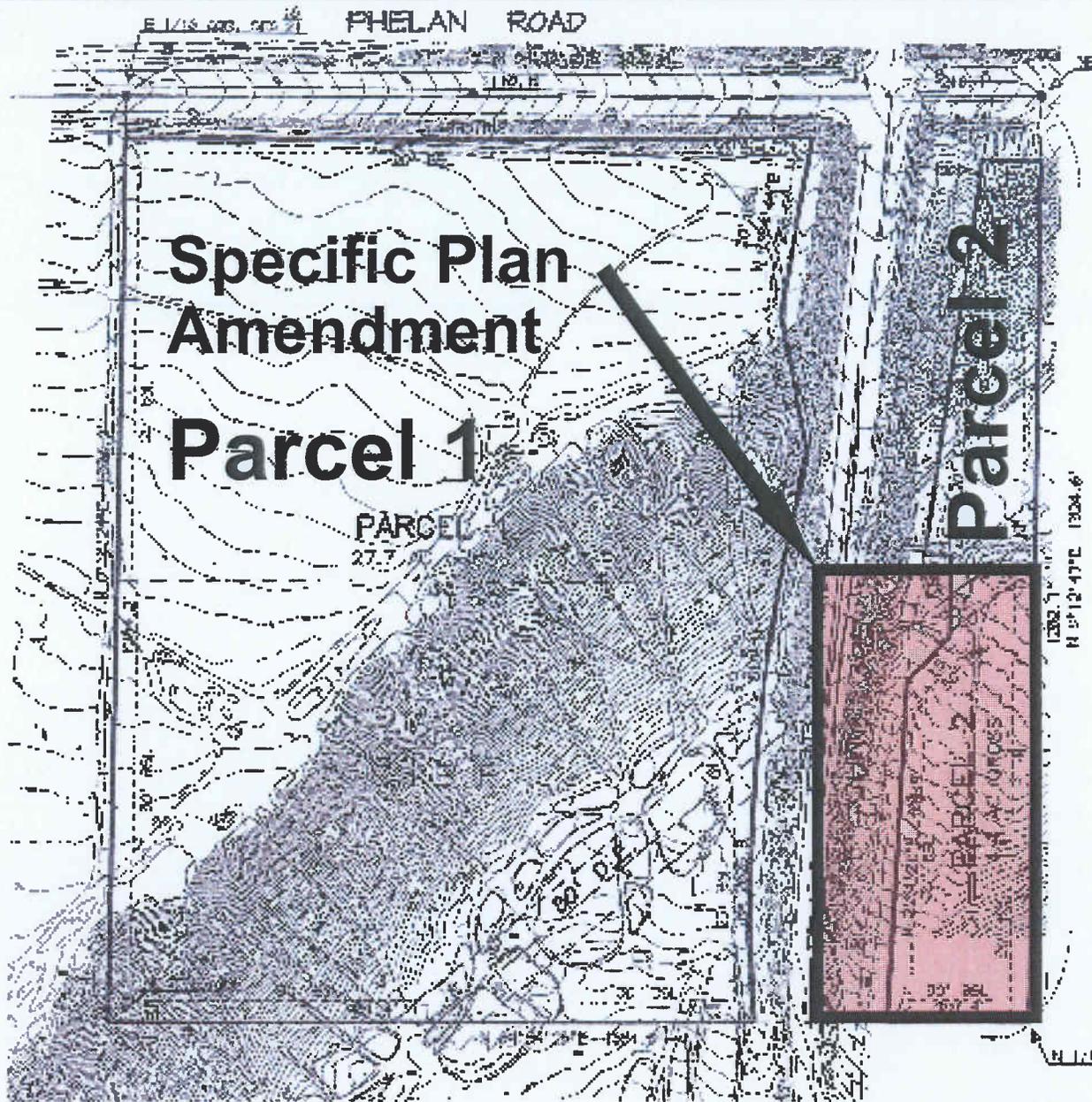
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Tentative parcel map
2. General Plan Land Use map
3. Zoning map
4. Aerial photo
5. Negative Declaration No. ND-2010-01 and the initial study
6. Resolution No. PC-2010-01
7. Resolution No. PC-2010-02, with list of conditions

ATTACHMENT 1



APPLICANT(S):
RAMSEY NAJOR

FILE NO(S):
SPL09-10166 & TPM09-10130 (PM-19159)

LOCATION:
ON THE SOUTH SIDE OF MAIN STREET, EAST AND WEST OF U. S. HIGHWAY 395

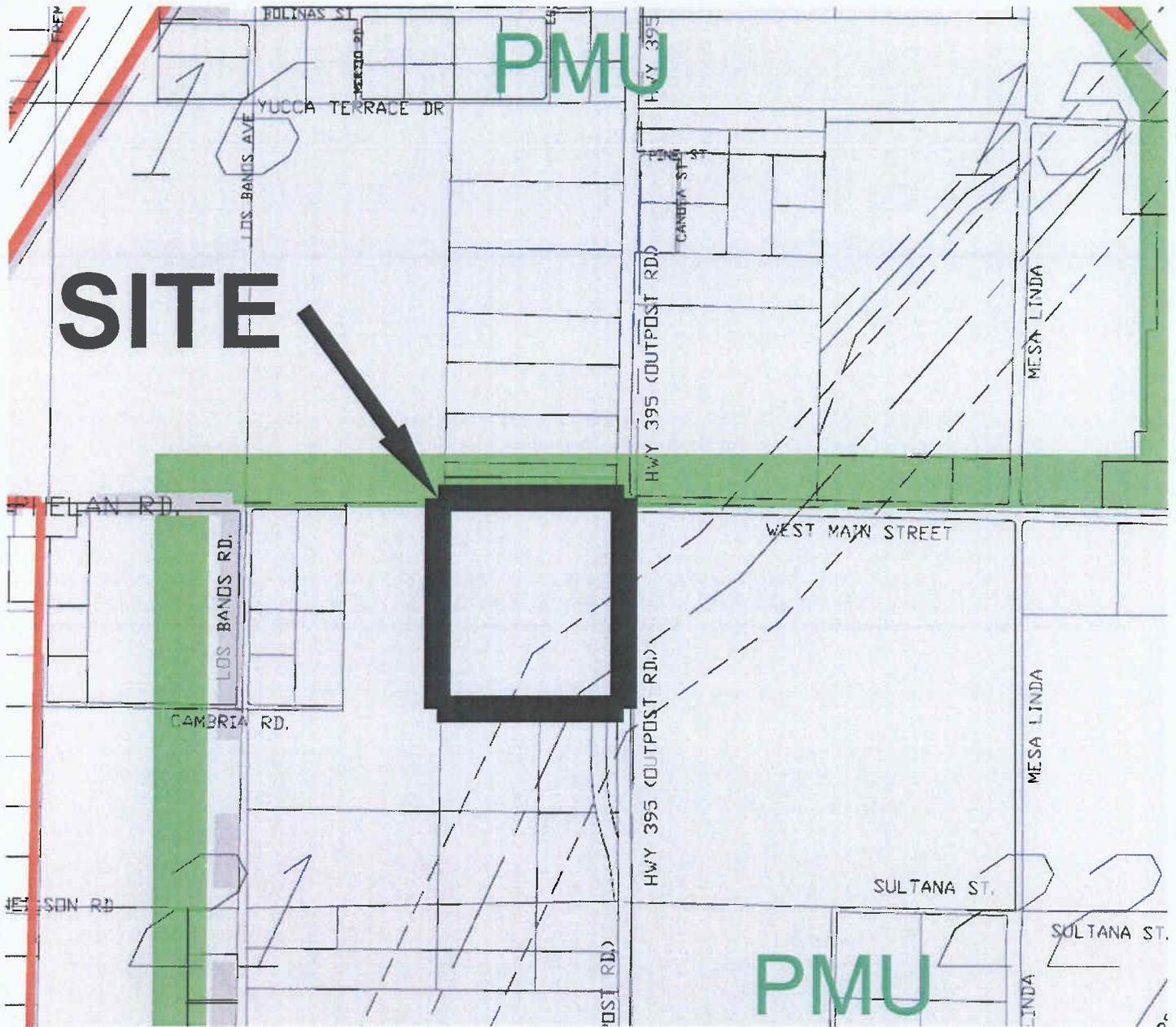
APN(S):
3064-531-07

PROPOSAL:
CONSIDERATION OF SPECIFIC PLAN AMENDMENT SPL09-10166, TO CHANGE APPROXIMATELY 2.5 GROSS ACRES FROM REGIONAL COMMERCIAL AND COMMERCIAL INDUSTRIAL BUSINESS PARK TO NEIGHBORHOOD COMMERCIAL WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN; AND TENTATIVE PARCEL MAP TPM09-10130 (PM-19159), TO CREATE TWO PARCELS FROM 40.0 GROSS ACRES



TENTATIVE PARCEL MAP

ATTACHMENT 2



APPLICANT(S):
RAMSEY NAJOR

FILE NO(S):
SPL09-10166 & TPM09-10130 (PM-19159)

LOCATION:
ON THE SOUTH SIDE OF MAIN STREET, EAST AND WEST OF U. S. HIGHWAY 395

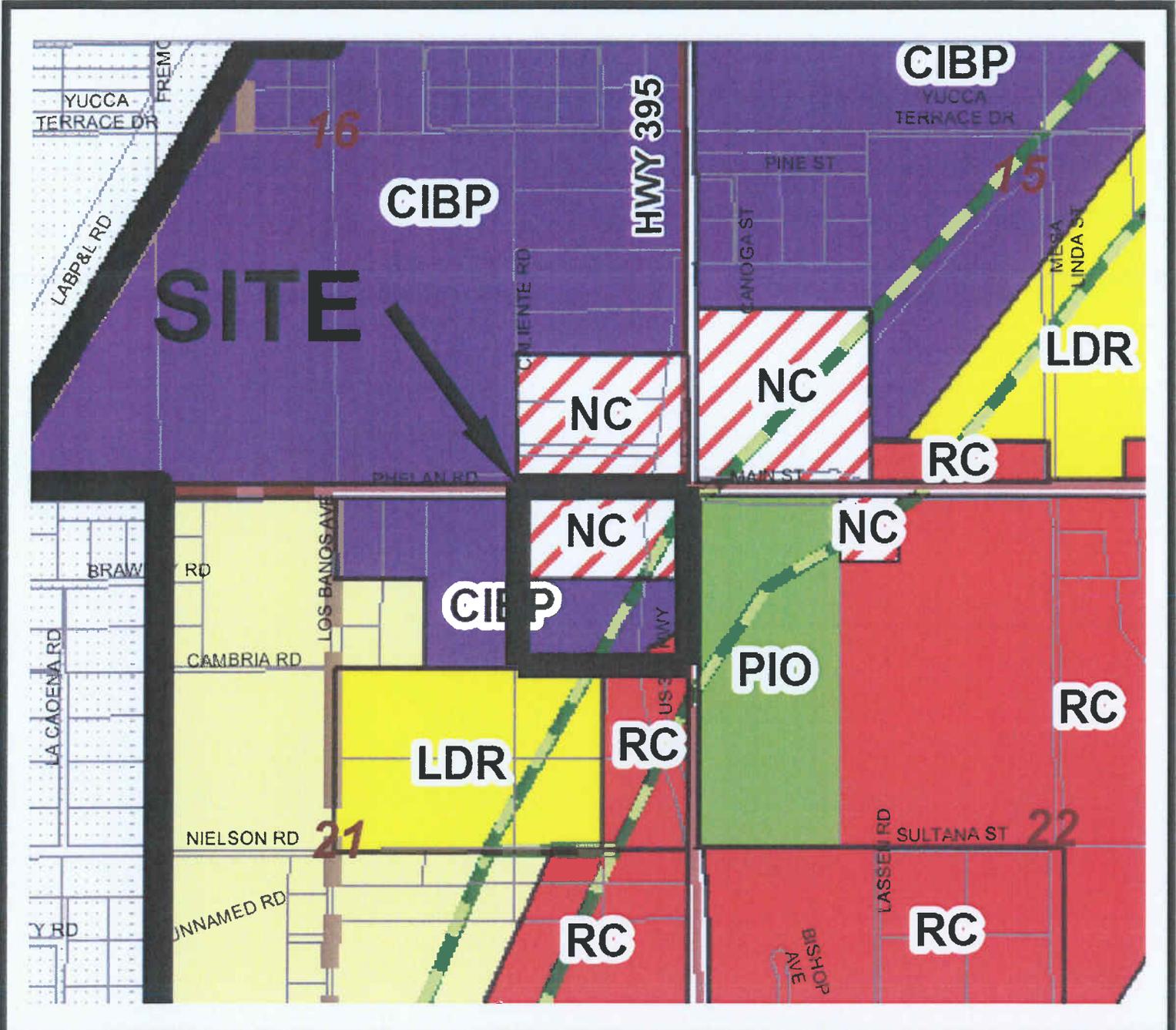
APN(S):
3064-531-07

PROPOSAL:
CONSIDERATION OF SPECIFIC PLAN AMENDMENT SPL09-10166, TO CHANGE APPROXIMATELY 2.5 GROSS ACRES FROM REGIONAL COMMERCIAL AND COMMERCIAL INDUSTRIAL BUSINESS PARK TO NEIGHBORHOOD COMMERCIAL WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN; AND TENTATIVE PARCEL MAP TPM09-10130 (PM-19159), TO CREATE TWO PARCELS FROM 40.0 GROSS ACRES



GENERAL PLAN LAND USE MAP

ATTACHMENT 3



APPLICANT(S):
RAMSEY NAJOR

FILE NO(S):
SPL09-10166 & TPM09-10130 (PM-19159)

LOCATION:
ON THE SOUTH SIDE OF MAIN STREET, EAST AND WEST OF U. S. HIGHWAY 395

APN(S):
3064-531-07

PROPOSAL:
CONSIDERATION OF SPECIFIC PLAN AMENDMENT SPL09-10166, TO CHANGE APPROXIMATELY 2.5 GROSS ACRES FROM REGIONAL COMMERCIAL AND COMMERCIAL INDUSTRIAL BUSINESS PARK TO NEIGHBORHOOD COMMERCIAL WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN; AND TENTATIVE PARCEL MAP TPM09-10130 (PM-19159), TO CREATE TWO PARCELS FROM 40.0 GROSS ACRES



ZONING MAP

ATTACHMENT 4



APPLICANT(S):
RAMSEY NAJOR

FILE NO(S):
SPL09-10166 & TPM09-10130 (PM-19159)

LOCATION:
ON THE SOUTH SIDE OF MAIN STREET, EAST AND WEST OF U. S. HIGHWAY 395

APN(S):
3064-531-07

PROPOSAL:
CONSIDERATION OF SPECIFIC PLAN AMENDMENT SPL09-10166, TO CHANGE APPROXIMATELY 2.5 GROSS ACRES FROM REGIONAL COMMERCIAL AND COMMERCIAL INDUSTRIAL BUSINESS PARK TO NEIGHBORHOOD COMMERCIAL WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN; AND TENTATIVE PARCEL MAP TPM09-10130 (PM-19159), TO CREATE TWO PARCELS FROM 40.0 GROSS ACRES



AERIAL PHOTO

ATTACHMENT 5

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

NEGATIVE DECLARATION ND-2010-01
Preparation Date: January 14, 2010

Name or Title of Project: Specific Plan Amendment SPL09-10166 and Tentative Parcel Map TPM09-10130 (PM-19159).

Location: On the south side of Main Street, east and west of U. S. Highway 395 (APN: 3064-531-07).

Entity or Person Undertaking Project: Ramsey Najor.

Description of Project: Consideration of Specific Plan Amendment SPL09-10166, amending the Main Street and Freeway Corridor Specific Plan from the Regional Commercial and Commercial Industrial Business Park District to the Neighborhood Commercial District on approximately 2.5 gross acres; and Tentative Parcel Map TPM09-10130 (PM-19159), to create two parcels from 40.0 gross acres.

Statement of Findings: The City Council 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 and does hereby direct staff to file a Notice of Determination, pursuant to the California Environmental Quality Act (CEQA).

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

Public Review Period: January 22, 2010 through February 20, 2010.

Adopted by the City Council: March 16, 2010.

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

PROJECT DESCRIPTION

1. **Project Title:** Specific Plan Amendment SPL09-10166 and Tentative Parcel Map TPM09-10130 (PM-19159)
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Stan Liudahl, AICP, Senior Planner
Phone number: (760) 947-1231.
4. **Project Location:** On the south side of Main Street, east and west of U. S. Highway 395 as shown on Attachment "A" (APN: 3064-531-07).
5. **Project Sponsor:** Ramsey Najor
Address: 13045 Newport Street, Hesperia, CA 92345
6. **General Plan Designation:** The site is within the Planned Mixed Use (PMU) General Plan Land Use designation, which is consistent with the current zoning of the property.
7. **Zoning:** The site is within the Regional Commercial, Neighborhood Commercial, and Commercial Industrial Business Park Zone Districts of the Main Street and Freeway Corridor Specific Plan. The site also includes a Wash Protection Overlay, which bisect the site from the southwest to the northeast.
8. **Description of project:**

A Specific Plan Amendment to change approximately 2.5 gross acres from the Regional Commercial and Commercial Industrial Business Park to Neighborhood Commercial Zone District of the Main Street and Freeway Corridor Specific Plan in conjunction with a tentative parcel map to create two parcels from 40.0 gross acres. The site is currently within the Planned Mixed Use (PMU) General Plan Land Use designation, which is consistent with the zoning. The site is currently vacant, has been impacted by drainage across its midsection from the southwest to the northeast, and has been partially disturbed by off-road vehicle use and past roadway improvements.

The proposed subdivision is consistent with the existing General Plan, but requires approval of a Specific Plan Amendment from Regional Commercial and Commercial Industrial Business Park to Neighborhood Commercial on approximately 2.5 gross acres to allow for the proposed size of Parcel 2. Parcel 2 is below the 10-acre minimum parcel size requirement of the Regional Commercial and Commercial Industrial Business Park Districts. The proposed tentative parcel map meets the minimum parcel depth and area requirements, with approval of the Specific Plan Amendment. The 200-foot parcel width requirement cannot be met, given the constraints of the existing alignment of U. S. Highway 395. This deficiency is allowed without approval of a variance by the Development Code. There are currently no plans for development of the site. Further environmental analysis will be required prior to approval of development of the site as part of a Site Plan Review and/or Conditional Use Permit.

9. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.) All surrounding properties are within the Planned Mixed Use (PMU) General Plan Land Use designation and are within the Main Street and Freeway Corridor Specific Plan. The properties to the north are within the Neighborhood Commercial District of the Main Street and Freeway Corridor Specific Plan. The properties to the south are within the Regional Commercial and Low Density Residential Districts. The property to the east is within the Public/Institutional Overlay District, and the property to the west is within the Commercial Industrial Business Park District. A portion of the properties to the south and east are also affected by the Wash Protection Overlay.

The site is currently vacant, has been impacted by drainage across its southwestern to its northeastern portion, and has been partially disturbed by off-road vehicle use and past roadway improvements. Main Street is along the northern boundary of the site and U. S. Highway 395 splits the site, forming the boundary between proposed Parcels 1 and 2. All surrounding properties are currently vacant. A recreational vehicle/mobilehome park exists approximately 1,320 feet to the east and single-family residences exist approximately 660 feet west of the site.

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

"De minimis"

| | | |
|---|--|--|
| X | I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. | |
| | 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. | |
| | I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. | |
| | 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. | |
| | 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
 Stan Liudahl, AICP, Senior Planner, Hesperia Planning Division

1/14/2010

 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 & 2)? | | | | 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 & 4)? | | | | X |

Comments.

A portion of the site has been previously disturbed by off-highway vehicle use and past roadway improvements. Additionally, a motocross track exists to the south, a mobilehome park and recreational vehicle park exist to the northeast, and single-family residences occur to the west. Consequently, the site is not considered a scenic resource. The site contains frontage on both Main Street and U. S. Highway 395. Neither roadway is a scenic highway nor is the site in close proximity to any scenic

resources or historic buildings. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review.

Future development of the site will not have any adverse impact to the aesthetics of the area as the development is subject to the Main Street and Freeway Corridor Specific Plan regulations (1, 2, & 3), which limit the building height and provide for minimum yard and maximum floor area ratio standards as implemented through the site plan review and/or conditional use permit process. Consequently, future development of the site will not degrade the existing visual character or quality of the site and its surroundings.

The proposed subdivision is consistent with the proposed Neighborhood Commercial District of the Main Street and Freeway Corridor Specific Plan, which allows a minimum parcel size of two acres. The future use of the property is not known at this time. The Neighborhood Commercial District allows a wide range of retail and service uses through approval of a site plan review and/or conditional use permit (3). The Specific Plan EIR addressed development to the maximum build-out of the Specific Plan. The impact of rezoning the portion of the site within the Regional Commercial and Commercial Industrial Business Park Districts to the Neighborhood Commercial District will cause a small increase in traffic impact from that analyzed under the EIR. Further, the impact of the proposed uses will be assessed at the time that a land use application is submitted for development of the site.

The Main Street and Freeway Corridor Specific Plan identifies large areas where future residential, commercial, and industrial development will occur. The Main Street and Freeway Corridor Specific Plan Environmental Impact Report (EIR) analyzed the impact to aesthetics upon build-out of the Specific Plan (5). Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative-level significant impacts for light and glare. This project is expected to cause a less than significant increased impact from that addressed by the EIR regarding traffic impact. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required. Therefore, approval of the Specific Plan Amendment and Tentative Parcel Map would not have an impact upon aesthetics.

| II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and State Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use (6)? | | | | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (7)? | | | | 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 (7)? | | | | X |

Comments.

The project site has been partially disturbed, and is not presently, nor does it have the appearance of previous agricultural uses. The project site does not contain any known agricultural activities or any

known unique agricultural soils. Based on the lack of designated agricultural soils on the project site, it is concluded that the project will not result in significant adverse impacts to agriculture or significant agricultural soils. The soil at this location is classified by the U.S. Soil Conservation Service as *Cajon Sand, zero to two percent slopes, Cajon Sand, two to nine percent slopes, Cajon Sand, nine to fifteen percent slopes, and Hesperia loamy fine sand, two to five percent slopes*. These soils are limited by high soil blowing hazard, high water intake rate, low available water capacity, and low fertility (6). The proximity of recreational and residential uses does not make this site viable for agriculture. The U.S. Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County California Mojave River Area states that “Urban and built-up land and water areas cannot be considered prime farmland...” The project is located within an urbanized area which, according to the SCS, is not considered prime farmland. Further, the site is not within the area designated by the State of California as “unique farmland (6).”

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 Regional Commercial, Commercial Industrial Business Park, and neighborhood Commercial within the Specific Plan (7). Therefore, this project has no potential to conflict with existing zoning for agricultural uses or a Williamson Act contract and will not have an impact upon agricultural resources. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Therefore, approval of the Specific Plan Amendment and Tentative Parcel Map would 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 (8)? | | | | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (8)? | | | | 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) (8)? | | | | X |
| d) Expose sensitive receptors to substandard pollutant concentrations (1, 2 & 7)? | | | | X |
| e) Create objectionable odors affecting a substantial number of people (2)? | | | | X |

Comments.

The impact of the development upon the surrounding area, with emphasis upon the impact upon sensitive receptors, was considered. Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality. The closest sensitive receptors are the occupants of the single-family residences located approximately 660 feet to the west.

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 (9 & 10).

Assembly Bill 32, effective as of January 1, 2007, requires the California Air Resources Board (CARB) to develop regulations and market mechanisms that will ultimately reduce California's greenhouse gas emissions to 1990 levels by 2020. CARB has yet to adopt mandatory monitoring and reporting rules for significant sources of greenhouse gases or adopt a plan indicating how emission reductions will be achieved from significant greenhouse gas sources via regulations, market mechanisms and other actions. CARB is required to establish rules and standards by January 1, 2009. In addition, Senate Bill 97 requires that all local agencies analyze the impact of greenhouse gases under CEQA and task the Office of Planning and Research (OPR) to develop CEQA guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions..."

On April 13, 2009, OPR submitted to the Secretary for Natural Resources its proposed amendments to the state CEQA Guidelines for greenhouse gas emissions, as required by Senate Bill 97 (Chapter 185, 2007). The Natural Resources Agency forwarded the adopted amendments and the entire rulemaking file to the Office of Administrative Law (OAL) on December 31, 2009. OAL has 30 working days to review the Adopted Amendments and the Natural Resources Agency's rulemaking file. The adopted amendments will become effective 30 days after OAL completes its review and submits them to the Secretary of State for inclusion in the California Code of Regulations. Therefore, it is anticipated that the official guidelines will become available in February of 2010.

The Main Street and Freeway Corridor Specific Plan identifies large areas where future residential, commercial, and industrial development will occur. The Main Street and Freeway Corridor Specific Plan Environmental Impact Report (EIR) analyzed the impact to air quality upon build-out of the Specific Plan (5). Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with air quality impacts. This project is consistent with the Specific Plan and would create a slight increase in the number of vehicle trips from that currently allowed by the Specific Plan EIR, as described within Section XV. Transportation/Traffic. Inasmuch as this project would not result in development of the property and that additional discretionary review is needed prior to development, no impact upon air quality will result from this project. In addition, the Specific Plan Amendment will not create a significant increase in air quality impact from that currently allowed by the adopted Specific Plan (8).

| 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, 2 & 11)? | | | | 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, 2 & 11)? | | | | 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 (2 & 12)? | | | | 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 (2 & 12)? | | | | X |

Comments.

The site is not expected to support the Mohave ground squirrel given the very low population levels of the species in the region. The potential for the existence of a desert tortoise upon the 40 acres, which is in proximity to existing development, is extremely low. The project site is located in an area listed as Category 3 habitat for the desert tortoise by the United States Bureau of Land Management (11). Class 3 habitat indicates that the probability of tortoise occurring is low, but 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. Prior to approval of a site plan review and/or conditional use permit allowing for development of the site, a biological report shall be prepared, which shall determine whether sensitive species or specie habitats exist on the site including desert tortoise, Mojave ground squirrel, burrowing owls, or any other special-status species. In addition, a protected plant plan will be required by the City, which will ensure that individual plants protected under the City's Native Plant Protection Ordinance (12) which are capable of being transplanted, will be protected in place or relocated. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Consequently, approval of the Specific Plan Amendment and Tentative Parcel Map will not have an impact upon biological resources.

| 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 (13)? | | | | X |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (13)? | | | | X |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (13)? | | | | X |
| d) Disturb any human remains, including those interred outside of formal cemeteries (13)? | | | | X |

Comments.

Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Consequently, approval of the Specific Plan Amendment and Tentative Parcel Map will not

have an impact upon cultural resources.

| VI. GEOLOGY AND SOILS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (14). | | | | X |
| ii) Strong seismic ground shaking (15)? | | | | X |
| iii) Seismic-related ground failure, including liquefaction (6 & 16)? | | | | X |
| iv) Landslides (17)? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil (6 & 17)? | | | | 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 (6 & 16)? | | | | 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 (6 & 16)? | | | | X |

Comments.

The project site contains generally flat topography, but contains an average slope of five percent, approaching a slope of 20 to 30 percent within the wash, which bisects the property. According to Figure S-1 of the City of Hesperia General Plan (14), no active faults are known or suspected to occur near or within the project site and the site is not within an Alquist-Priolo Special Studies Zone or Earthquake Fault Zone.

Ultimate development of the site will disturb more than one-acre of land area. Consequently, the project will be required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to land disturbance. Issuance of these permits requires preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting stormwater. Obtaining the NPDES and implementing the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). These are mandatory and NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Consequently, approval of the Specific Plan Amendment and Tentative Parcel Map will not have an impact upon geology or soils.

| 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 (18)? | | | | 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 (18)? | | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (19)? | | | | 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 & 20)? | | | | X |

Comments.

The project does not involve the transport or storage of hazardous wastes. 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/superpad/cursites/srchsites.cfm>). This database contains information on hazardous waste sites, potentially hazardous waste sites, and remedial activities across the nation. There is one Superfund site in the City of Hesperia, however, the project site is not located within or adjacent to the Superfund site.
- Solid Waste Information System (SWIS) (<http://www.ciwmb.ca.gov/SWIS/Search.asp>). The SWIS database contains information on solid waste facilities, operations, and disposal sites throughout the State of California. There are three solid waste facilities in the City of Hesperia, however the project site is not listed.
- Leaking Underground Fuel Tanks (LUFT)/ Spills, Leaks, Investigations and Cleanups (SLIC) (<http://geotracker.waterboards.ca.gov/search/>). This site tracks regulatory data about underground fuel tanks, fuel pipelines, and public drinking water supplies. There are fourteen LUFT sites in the City of Hesperia, six of which are closed cases. The project site is not listed as a LUFT site and there are no SLIC sites in the City of Hesperia.
- There are no known Formerly Used Defense Sites within the limits of the City of Hesperia. Formerly Used Defense Sites <http://hq.environmental.usace.army.mil/programs/fuds/fudsinv/fudsinv.html>.

The site is over 1 ½ miles from the nearest school and over five miles from the Hesperia Airport to the southeast and is therefore not within a restricted use zone 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 and is not in an area susceptible to wildland fires. All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. The use is also consistent with the Hesperia Emergency Evacuation Plan (19). Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Consequently, approval of the Specific Plan Amendment and Tentative Parcel Map will not have any impact upon or be affected by hazards and hazardous materials.

| 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 & 21)? | | | | 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 & 22)? | | | | X |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (2 & 23)? | | | | 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 & 22)? | | | | X |
| j) Inundation by seiche, tsunami, or mudflow (1 & 17)? | | | | X |

Comments.

Ultimately development of the site 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, will be retained within an approved drainage system in accordance with City of Hesperia Resolution 89-16. The site is bisected by the Oro Grande Wash, which is identified by the Victorville Master Plan of Drainage facility as A-01. This wash conveys storm water northeast from the southwestern site boundary to a proposed drainage facility identified as A-10S, which will be parallel to the Main Street alignment. The project is located over 60 miles from the Pacific Ocean at elevations more than 2,500 feet above mean sea level and housing is not allowed by the Specific Plan or the proposed amendment. No large water bodies are located near the project and the project is not located within an area with potential for impact from mudflows. Further, approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Therefore, the impact upon hydrology and water quality associated with the Specific Plan Amendment and Tentative Parcel Map 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, 7, 21 & 24)? | | | | X |

| | | | | |
|--|--|--|--|---|
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan (25)? | | | | X |
|--|--|--|--|---|

Comments.

The proposed subdivision is consistent with the existing General Plan, but requires approval of a Specific Plan Amendment from Regional Commercial and Commercial Industrial Business Park to Neighborhood Commercial on approximately 2.5 gross acres to allow for the proposed size of Parcel 2. Parcel 2 is below the 10-acre minimum parcel size requirement of the Regional Commercial and Commercial Industrial Business Park Districts. The proposed tentative parcel map meets the minimum parcel depth and area requirements, with approval of the Specific Plan Amendment. The 200-foot parcel width requirement cannot be met, given the constraints of the existing alignment of U. S. Highway 395. This deficiency is allowed without approval of a variance by the Development Code. There are currently no plans for development of the site. Further environmental analysis will be required prior to approval of development of the site as part of a Site Plan Review and/or Conditional Use Permit.

The impact of development within the Regional Commercial, Commercial Industrial Business Park, and Neighborhood Commercial Districts was assessed as part of the Environmental Impact Report for the Main Street and Freeway Corridor Specific Plan (EIR). A small increased additional impact beyond that identified within the EIR would occur, inasmuch as the Specific Plan Amendment would cause a slight increase in traffic impact. 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. 6 of the General Plan, which promotes zoning and land use policies providing a mix of residential, commercial, and industrial land uses which will generate sufficient tax revenues to pay the costs of maintaining desired levels of services and adequate infrastructure facilities. The project site does not contain any known habitat nor is it within a natural community conservation plan area. Consequently, the overall impact upon land use associated with the proposed development is considered less than significant.

The Main Street and Freeway Corridor Specific Plan identifies large areas where future residential, commercial, and industrial development will occur. The Main Street and Freeway Corridor Specific Plan Environmental Impact Report (EIR) analyzed the impact to land use and planning upon build-out of the Specific Plan (5). Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with growth inducement. This project is consistent with the Specific Plan with approval of the Specific Plan Amendment and would cause a slight increase the number of vehicle trips from that currently allowed by the Specific Plan EIR, as described within Section XV. Transportation/Traffic. Inasmuch as this project would create a slight additional impact from that currently allowed by the adopted Specific Plan, the impact beyond that identified within the EIR is not significant. Besides, approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Therefore, development of the project would have a less than significant impact upon land use and planning.

| | | | | |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| 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 (26)? | | | | 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 (26)? | | | | X |

Comments.

According to data in the Conservation Element of the City’s General Plan, no naturally occurring important mineral resources occur within the project site (26). These resources are primarily located within wash areas and active stream channels. The project contains a portion of the Oro Grande Wash, but does not contain significant resources.

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

| 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, 27 & 28)? | | | | X |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (2 & 28)? | | | | X |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (2 & 28)? | | | | 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 (18)? | | | | 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 (18)? | | | | X |

Comments.

Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review.

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. The Main Street and Freeway Corridor Specific Plan Environmental Impact Report (EIR) analyzed the impact of noise during construction of projects within the Specific Plan (5). Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with construction noise. 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, customers, vehicle service, and deliveries). The highest noise levels impacting the project site originate from Main Street and U. S. Highway 395 (27).

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, and childcare facilities are also considered noise-sensitive uses. Residential and school uses are also considered to be noise-sensitive land uses. The nearest sensitive uses to the site are the single-family residences to the west, which are located approximately 660 feet to the west. At this distance, the future uses onsite will not have an impact greater than the vehicular noise impact from Main Street and U. S. Highway 395.

Noise levels in excess of 70 CNEL are considered excessive for office and retail uses. The project site is subjected to noise in excess of 70 CNEL (28), based upon the distance from Main Street and U. S. Highway 395. Consequently, noise reduction techniques shall be employed in development of the future buildings to ensure the interior noise levels within the retail/service uses of the development would not exceed 45 dB(A) with the windows closed.

Ultimately, the development of the site will create noise associated with vehicular traffic to and from the office, retail, and commercial/industrial business park uses. The Main Street and Freeway Corridor Specific Plan identifies large areas where future residential, commercial, and industrial development will occur. The Main Street and Freeway Corridor Specific Plan Environmental Impact Report (EIR) analyzed the impact upon noise associated with build-out of the Specific Plan (5), which involved development of regional uses. This project would create a slight impact in excess of the uses approved within the Specific Plan and therefore would not significantly increase the amount of noise in the area beyond that which was identified within the EIR.

Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Therefore, the area noise impact generated by the project as well as the impact of noise upon the development 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 & 7)? | | | | 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 proposed project is consistent with the current Planned Mixed Use (PMU) General Plan Land Use designation and Specific Plan, with approval of the Specific Plan Amendment (24). The Specific Plan Amendment is requested specifically to allow for proposed Parcel 2 to be less than 10 acres in area. Both the Regional Commercial and Commercial Industrial Business Park Districts require a minimum ten-acre parcel size whereas the Neighborhood Commercial District allows for a minimum two-acre parcel size.

Inasmuch as the project site is identified for development of regional and neighborhood commercial land uses as well as commercial industrial business park uses, no alteration, or change in the distribution of human population in the area will occur. In regards to the project’s growth inducing impacts, the site is in close proximity to water, sewer, and other utility systems. Therefore, development of the project would not require significant extension of major improvements to existing public facilities. The project will not displace any existing housing, necessitating the construction of replacement housing elsewhere as the property is designated and zoned for commercial and commercial industrial business park development.

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

The Main Street and Freeway Corridor Specific Plan identifies large areas where future residential, commercial, and industrial development will occur. The Main Street and Freeway Corridor Specific Plan Environmental Impact Report (EIR) analyzed the impact to population and housing upon build-out of the Specific Plan (5). Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative growth impacts. This project is consistent with the Specific Plan with approval of the proposed Specific Plan Amendment and would not significantly increase the number of vehicle trips from that currently analyzed by the Specific Plan EIR, as described within Section XV. Transportation/Traffic. Inasmuch as this project would create a slight increase in cumulative impact from that currently allowed by the adopted Specific Plan, the impact beyond that identified within the EIR is less than significant. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Therefore, development of the project would have a less than significant impact upon population and housing.

| | | | | |
|-------------------------------|--------------------------------|---------------------------------------|------------------------------|-----------|
| 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? (1 & 2) | | | | X |
| Police protection? (1 & 2) | | | | X |
| Schools? (1 & 2) | | | | X |
| Parks? (1 & 2) | | | | X |
| Other public facilities? (1 & 2) | | | | X |

Comments.

The proposed project will not 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 site (29). 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. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Therefore, the proposed Specific Plan Amendment and Tentative Parcel map will not have an impact upon public services.

| 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, approval of the Specific Plan Amendment and Tentative Parcel Map will not induce population growth directly. A slight increase in indirect impact would occur as a result of commercial and commercial/industrial business park development in the future. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Therefore, the proposed Specific Plan Amendment and Tentative Parcel map will not have an impact upon recreation.

| 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) (30, 31 & 32)? | | | | 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 (18)? | | | | 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 Tentative Parcel map is being filed in conjunction with a Specific Plan Amendment, which will change approximately 0.8 gross acres from Regional Commercial to Neighborhood Commercial and about 1.7 gross acres from Commercial Industrial Business Park to Neighborhood Commercial. The Main Street/Freeway Corridor Specific Plan Environmental Impact Report (EIR) considered the impact of land use to the maximum allowable density upon the transportation network. The Regional Commercial District allows a maximum Floor Area Ratio (FAR) of 0.23. Based on a FAR of 0.23 for big box retail development on the 0.8-acre site, approximately 394 daily vehicle trips would be created, based upon the Institute of Transportation Engineer’s Trip Generation Manual, which attributes an average daily vehicle trip demand of 49.21 trips per 1,000 square feet of gross building floor area for discount superstore development **(30)**. The Commercial Industrial Business Park District allows an FAR of 0.35. The Institute of Transportation Engineer’s Trip Generation Manual attributes an average daily vehicle trip demand of 12.76 trips per 1,000 square feet of gross building floor area for business park development **(31)**. Based on this FAR on the 1.7-acre site, approximately 331 daily vehicle trips would be created. Consequently, 725 daily vehicle trips were accounted for by the EIR on the 2.5 gross acres within the Regional Commercial and Commercial Industrial Business Park Districts.

The Neighborhood Commercial District allows an FAR of 0.23. The Institute of Transportation Engineer’s Trip Generation Manual attributes an average daily vehicle trip demand of 42.94 trips per 1,000 square feet of gross building floor area for shopping center development **(32)**. Based on this FAR on the 2.5-acre site, approximately 1,076 daily vehicle trips would be created. Therefore, the proposed Specific Plan Amendment, establishing 2.5 additional gross acres of Neighborhood Commercial development replacing the Regional Commercial and Commercial Industrial Business Park development would result in an increase of about 351 daily vehicle trips. This increase does not account for the configuration of the parcel, which will reduce the area able to be developed. Accounting for this area will further reduce the building area and associated traffic impact.

Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental

review. The proposed Specific Plan Amendment will result in a small increase in the number of daily vehicle trips beyond that which were projected with build-out of the site under the Specific Plan. Consequently, approval of this project would result in a small increase in impact upon transportation systems from that identified by the EIR for the Main Street and Freeway Corridor Specific Plan. As a result, the impact of the proposed Specific Plan Amendment and Tentative Parcel map upon transportation facilities associated is considered to be less than significant.

| XVI. UTILITIES AND SERVICE SYSTEMS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (21)? | | | | 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 (21)? | | | | X |
| c) Require or result in the construction of new storm water drainage facilities, the construction of which could cause significant environmental effects (2 & 21)? | | | | X |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (35 & 36)? | | | | 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 (21)? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (37)? | | | | X |
| g) Comply with federal, state, and local statutes and regulations related to solid waste (37)? | | | | X |

Comments.

The proposed Specific Plan Amendment and Tentative Parcel Map will not cause an increase in the use of water as it will not, in and of itself, result in establishment of any land uses (2). Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review.

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" (36).

The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 600 tons per day in order to accommodate future development. Currently, about 400 tons of solid waste is currently generated by the City per day. The City is in compliance with the California Integrated Waste Management Act of 1989, which requires that 50 percent of the solid waste within the City be recycled. Currently, approximately 63 percent of the solid waste within the City is being recycled (38 & 39). Consequently, approval of the development would not cause a significant impact upon utilities and service systems.

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

Comments.

Based upon the analysis in this initial study, a Negative Declaration may be adopted. Development of this project will have a minor effect upon the environment.

| 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.

Mitigation measures are not recommended as a function of this project.

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

- (1) Aerial photos of the City of Hesperia flown taken February, 2009 and on-site field investigations conducted in June, 2009.
- (2) Specific Plan Amendment SPL09-10130 and Tentative Parcel Map TPM09-10130 (PM-19159) applications and related materials.
- (3) Chapter 9 of the Hesperia Main Street and Freeway Corridor Specific Plan, Pages 165 thru 173 and Pages 198 thru 207.
- (4) Section 14 of Chapter 10 of the Hesperia Main Street and Freeway Corridor Specific Plan, Pages 232 thru 233.
- (5) Resolution No. 2008-053, making the environmental findings pursuant to the California Environmental Quality Act, adopting a statement of overriding considerations, certifying the final environmental impact report, and adopting a mitigation monitoring and reporting plan adopting the Hesperia Main Street and Freeway Corridor Specific Plan.
- (6) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area, Pages 27 thru 28, 44, and Map Sheet No. 30.
- (7) Current Official City of Hesperia zoning and General Plan map.
- (8) Personal communication with Alan De Salvio, Air Quality Specialist, Mojave Desert Air Quality Management District.
- (9) Mojave Desert Air Quality Management District, Rule 403.2 Fugitive Dust Control for the Mojave Desert Planning Area, July 22, 2005.
- (10) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
- (11) 1988 United States Bureau of Land Management California Desert Conservation Area and 1991 City of Hesperia Conservation Element, Figure CN-4.
- (12) Chapter 16.24 of the Hesperia Municipal Code, Article II. Desert Native Plant Protection.
- (13) 1991 City of Hesperia General Plan Conservation Element, Figure CN-5.
- (14) Map of Known Active and Potentially Active Faults Near Hesperia, Figure S-1.
- (15) 1991 City of Hesperia General Plan Safety Element, Pages S-1 through S-7.
- (16) 1991 City of Hesperia General Plan Safety Element, Figure S-3.
- (17) 1991 City of Hesperia General Plan Safety Element, Page S-7 and Figure S-6.
- (18) 1991 City of Hesperia Airport Comprehensive Land Use Plan, Figure 1-5 and pages 23- 36.
- (19) 1989 City of Hesperia Disaster Preparedness Plan.
- (20) 1991 City of Hesperia General Plan Safety Element, Pages S-19 through S-21.

- (21) 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.
- (22) 1991 City of Hesperia General Plan Safety Element, Figure S-11.
- (23) 1991 City of Hesperia General Plan Safety Element, Figure S-10.
- (24) Chapters 9 and 10 of the Hesperia Main Street and Freeway Corridor Specific Plan.
- (25) 1991 City of Hesperia General Plan Conservation Element, Page CN-7.
- (26) 1991 City of Hesperia General Plan Conservation Element, Page CN-18.
- (27) 1991 City of Hesperia General Plan Noise Element Technical Appendix, Exhibit A-13 and Pages A-11 and A-12
- (28) 1991 City of Hesperia General Plan Noise Element, Figures N-2 and N-3 and pages N-1 through N-19.
- (29) 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.
- (30) Trip Generation Manual, Volume III, 7th Edition, Institute of Transportation Engineers, Page 1328.
- (31) Trip Generation Manual, Volume III, 7th Edition, Institute of Transportation Engineers, Page 1298.
- (32) Trip Generation Manual, Volume III, 7th Edition, Institute of Transportation Engineers, Page 1451.
- (33) 2001 City of Hesperia General Plan Circulation Element, Pages C-8 through C-9.
- (34) Section 16.20.077 of the Hesperia Municipal Code and Section 7 of Chapter 10 of the Hesperia Main Street and Freeway Corridor Specific Plan, Page 224.
- (35) 1993 Final Environmental Impact Report for the Hesperia Redevelopment Project, Pages 4-171 & 4-172.
- (36) Mojave Water Agency letter dated March 27, 1996.
- (37) California Integrated Waste Management Act (AB 939).
- (38) 2008 California Department of Resources, Recycling and Recovery Annual AB939 Report.
- (39) Quarterly data of the San Bernardino County Disposal Reporting System for the 3rd quarter 2009.

Attachment "A"



ATTACHMENT 6

RESOLUTION NO. PC-2010-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND THE OFFICIAL ZONING MAP BY RECLASSIFYING CERTAIN REAL PROPERTY HEREIN DESCRIBED WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ON APPROXIMATELY 2.5 GROSS ACRES FROM REGIONAL COMMERCIAL AND COMMERCIAL INDUSTRIAL BUSINESS PARK TO NEIGHBORHOOD COMMERCIAL LOCATED ON THE EAST SIDE OF U.S. HIGHWAY 395, APPROXIMATELY 660 FEET SOUTH OF MAIN STREET (SPL09-10166)

WHEREAS, Ramsey Najor has filed an application requesting approval of SPL09-10166 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 2.5 gross acres within the Regional Commercial (RC), Commercial Industrial Business Park (CIBP) and the Wash Protection Overlay District of the Main Street and Freeway Corridor Specific Plan located on the east side of U. S. Highway 395, approximately 660 feet south of Main Street and consists of Assessor's Parcel Number 3064-531-07; and

WHEREAS, the Application, as contemplated, proposes to change the zoning of approximately 2.5 gross acres from the Regional Commercial (RC) and Commercial Industrial Business Park (CIBP) to the Neighborhood Commercial (NC) District of the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, Ramsey Najor has also filed an application requesting approval of Tentative Parcel Map TPM09-10130 (PM-19159), to create two parcels from the 40.0 gross acre site; and

WHEREAS, The site is currently vacant and has been partially disturbed by off-road vehicle use, past roadway improvements, and drainage from the southwest to the northeastern portion of the site. The site is bounded to the north by Main Street. U. S. Highway 395 bisects the eastern portion of the site. All surrounding properties are currently vacant. A mobile home/recreational vehicle park exists approximately 1,320 feet to the east and single-family residences exist approximately 660 feet to the west; and

WHEREAS, the subject property is currently designated Planned Mixed Use (PMU) on the City's Land Use map. All surrounding properties are also within the PMU General Plan Land Use designation; and

WHEREAS, the subject property is currently within the Regional Commercial (RC), Commercial Industrial Business Park (CIBP), and the Wash Protection Overlay District of the Main Street and Freeway Corridor Specific Plan. The properties to the north are within the Neighborhood Commercial District of the Main Street and Freeway Corridor Specific Plan. The properties to the south are within the Regional Commercial and Low Density Residential Districts. The property to the east is within the Public/Institutional Overlay District, and the property to the west is within the Commercial Industrial Business Park District. A portion of the properties to the south and east are also affected by the Wash Protection Overlay; and

WHEREAS, an environmental Initial Study for the proposed project was completed on January 14, 2010, and no significant adverse impacts were identified. Negative Declaration ND-2010-01 was subsequently prepared; and

WHEREAS, on February 11, 2010, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced February 11, 2010 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2010-01 and the initial study which supports the Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed zone change will have a significant effect on the environment.
- (b) The site of the proposed change in district classification is suitable for any of the land uses permitted within the proposed zone district, because the land uses can meet the standards for setbacks, parking, circulation, and access within the proposed zone district.
- (c) The existing zone district does not permit retail and service uses, which are promoted by the site's being located on the corner of Main Street and U. S. Highway 395. Therefore, the proposed change in zone district classification is reasonable and beneficial at this time, because it will facilitate the planning and development of this area that is needed to support the well-planned growth of Hesperia.
- (d) The proposed change in zone district classification will not have a significant adverse impact on surrounding properties or the community in general, because the project will be subject to the City's policies governing design.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia, because the proposal will allow commercial uses capable of utilizing existing supporting infrastructure and municipal services, as directed by the City's adopted General Plan.

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

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends approval of Specific Plan Amendment SPL09-10166, amending the Official Zoning Map of the City of Hesperia as shown on Exhibit "A."

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

ADOPTED AND APPROVED on this 11th day of February 2010

Chris Elvert, Chair, Planning Commission

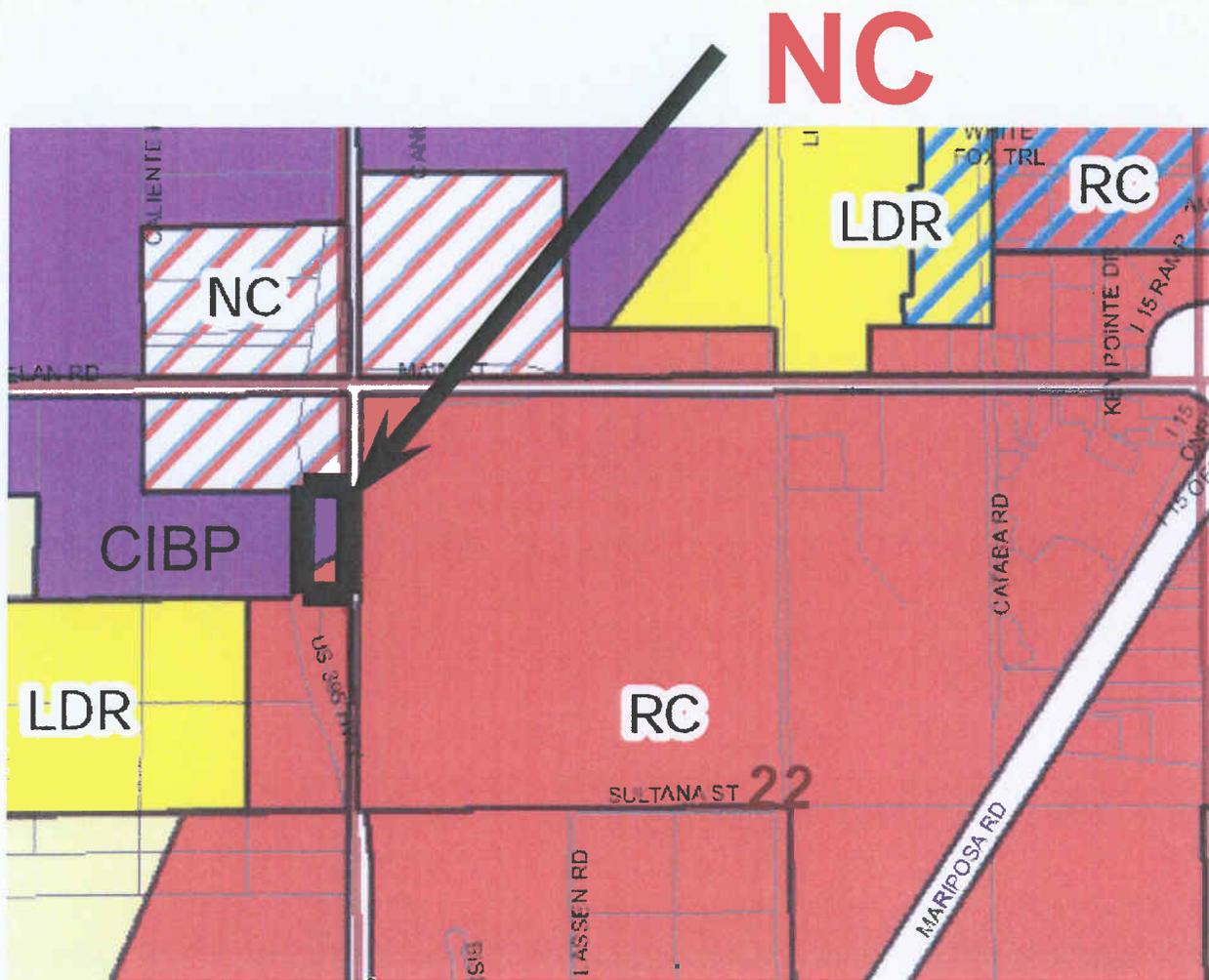
ATTEST:

Eva Heter, Secretary, Planning Commission

EXHIBIT "A"

SPL09-10166

Ramsey Najor



ATTACHMENT 7

RESOLUTION NO. PC-2010-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A TENTATIVE PARCEL MAP TO CREATE TWO PARCELS FROM 40.0 GROSS ACRES LOCATED ON THE SOUTH SIDE OF MAIN STREET, EAST AND WEST OF U. S. HIGHWAY 395 (TPM09-10130/PM-19159)

WHEREAS, Ramsey Najor has filed an application requesting approval of Tentative Parcel Map TPM09-10130 (PM-19159) described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 40.0 gross acres within the Regional Commercial (RC), Commercial Industrial Business Park (CIBP), and the Wash Protection Overlay District of the Main Street and Freeway Corridor Specific Plan located on the south side of Main Street, east and west of U. S. Highway 395 and consists of Assessor's Parcel Number 3064-531-07; and

WHEREAS, the Application, as contemplated, proposes to create two parcels from the 40.0 gross acre site; and

WHEREAS, Ramsey Najor has also filed an application requesting approval of Specific Plan Amendment SPL09-10166, to change the zoning of approximately 2.5 gross acres from the Regional Commercial (RC) and Commercial Industrial Business Park (CIBP) to the Neighborhood Commercial (NC) District of the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, The site is currently vacant and has been partially disturbed by off-road vehicle use, past roadway improvements, and drainage from the southwest to the northeastern portion of the site. The site is bounded to the north by Main Street. U. S. Highway 395 bisects the eastern portion of the site. All surrounding properties are currently vacant. A mobile home/ recreational vehicle park exists approximately 1,320 feet to the east and single-family residences exist approximately 660 feet to the west; and

WHEREAS, the subject property is currently designated Planned Mixed Use (PMU) on the City's Land Use map. All surrounding properties are also within the PMU General Plan Land Use designation; and

WHEREAS, the subject property is currently within the Regional Commercial (RC), Commercial Industrial Business Park (CIBP), and the Wash Protection Overlay District of the Main Street and Freeway Corridor Specific Plan. The properties to the north are within the Neighborhood Commercial District of the Main Street and Freeway Corridor Specific Plan. The properties to the south are within the Regional Commercial and Low Density Residential Districts. The property to the east is within the Public/Institutional Overlay District, and the property to the west is within the Commercial Industrial Business Park District. A portion of the properties to the south and east are also affected by the Wash Protection Overlay; and

WHEREAS, an environmental Initial Study for the proposed project was completed on January 14, 2010, and no significant adverse impacts were identified. Negative Declaration ND-2010-01 was subsequently prepared; and

WHEREAS, on February 11, 2010, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced February 11, 2010 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2010-01, the initial study which supports the Negative Declaration, and the conditions which have been applied to the Application, the Planning Commission finds that there is no substantial evidence that the proposed subdivision will have a significant effect on the environment.
- (b) The proposed map is consistent with the City's General Plan of the City of Hesperia, because the subdivision is consistent with the intent of the Planned Mixed Use (PMU) designation of the adopted land use element.
- (c) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia, as the project supports the existing land use and circulation pattern in the area.
- (d) The site is physically suitable for the type of development because there are no known physical constraints to commercial development and the site has adequate area to accommodate the proposed parcels.
- (e) The site is physically suitable for the proposed density of development because the parcels are adequate in size and shape and all Development Code regulations for the permitted uses can be met, with approval of Specific Plan Amendment SPL09-10166.
- (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes.

- (g) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

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

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends approval of Tentative Parcel Map TPM09-10130 (PM-19159), subject to the Conditions of Approval as set forth in ATTACHMENT "A."

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

ADOPTED AND APPROVED on this 11th day of February 2010.

Chris Elvert, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Tentative Parcel Map TPM09-10130 (PM-19159):

Approval Date: March 16, 2010

Effective Date: May 6, 2010

Expiration Date: May 6, 2013

This list of conditions apply to a Tentative Parcel Map to create two parcels from 40.0 gross acres located on the south side of Main Street, east and west of U. S. Highway 395 (Applicant: Ramsey Najor; APN(s): 3064-531-07).

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

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

Init Date

PRIOR TO RECORDATION OF THE PARCEL MAP:

- _____ 1. **Map (Commercial).** A Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyor's Office Map Standards. (E)
- _____ 2. **Title Report.** The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)
- _____ 3. **Plan Check Fees.** A customer request form from Engineering shall be completed and submitted to the Engineering Department. Upon receipt of form, plan-checking fees will be provided to the developer. Fees must be paid along with submittal. Map, CDP, Improvement Plans (*If Required*), requested studies, and CFD annexation must be submitted as a package. (E)
- _____ 4. **All Easements of Record.** It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. (E)
- _____ 5. **Non-Vehicular Access.** The map shall show non-vehicular access along the following portions of each parcel:
 - A. Parcel 1 – All of Hwy 395 frontage and the Phelan Road frontage within 450 feet of U. S. Highway 395.
 - B. Parcel 2 – All of Main Street frontage and the northerly 1,100 feet of the U. S. Hwy. 395 frontage. (E)
- _____ 6. **Irrevocable Offers of Dedication and Easements.** The Developer shall show all Offers of Dedication(s) and Easement(s) on the Map as outlined below: (E)
 - A. City of Victorville Master Plan of Drainage Channel A-01.

- _____ 7. **Specific Plan Amendment.** These conditions are contingent upon Specific Plan Amendment SPL09-10166 becoming effective. (P)
- _____ 8. **CFD Annexation.** The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)
- _____ 9. **Fish & Game Fee.** The applicant shall submit a check to the City in the amount of \$2,060.25 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)
- _____ 10. **Composite Development Plan.** Four (4) copies of a Composite Development Plan (CDP) shall be submitted to the Building Division for review and approval in accordance with Sections 17.20.010 thru 17.20.020 of the Hesperia Municipal Code. Information to be delineated on the CDP shall include: (E, P)
- A. Prior to Development, a Final Hydrology Study shall be submitted for review which addresses any off-site tributary flows that impact the site. (If required)
 - B. Grading Criteria. All grading shall be in conformance with Chapter 16.40 (the City's Hillside Development Regulations). This includes, but is not limited to:
 - i. The foundation of structures shall be custom designed and/or be split-level on slopes in excess of 19%.
 - ii. Structures built upon ridges shall be designed so as not to disrupt the natural silhouette of the existing topography.
 - iii. Slope stabilization methods as approved by the City shall be employed upon the graded portions of the property containing significant slopes.
 - iv. The building pads shall be elevated to ensure protection from any existing off-site tributary flow.
 - C. All Easements of Record.
 - D. Incorporation of Special Map Requirements.
 - E. Other notes required as follows:
 - i. Developer shall submit a drainage acceptance letter stating that Parcel 2 accepts any and all drainage from Parcel 1. Acceptance letter shall be submitted with current grant deed and shall be reviewed and approved by the Engineering Division.
 - ii. The Plan shall contain a section titled "Composite Development Plan Notes" which lists any conditions or mitigating measures stipulated for the development of the subject property.
 - iii. The following statement shall be prominently displayed on each map sheet: NOTES ON THIS PLAN ARE FOR INFORMATIONAL PURPOSES, TO INDICATE CONDITIONS AND CRITERIA THAT EXIST ON THIS PROPERTY THAT WERE KNOWN AND IDENTIFIED AS OF THE DATE THIS PLAN WAS FILED. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS AND IS NOT INTENDED TO AFFECT RECORD TITLE INTERESTS.

- iv. Parcel 2 is limited to a right turn-in and right turn-out driveway at the very south of the parcel for access to Hwy 395. Final size and location is subject to the review and approval of the City Engineer and the State of California. Location of access to Parcel 1 from Phelan Road is also subject to the review and approval of the City Engineer.
- v. Any explanatory notes related to criteria delineated on the map shall include the following:
 - Title and date of report
 - Name and credentials of person or firm preparing report;
 - The location where the reports are on file.

_____ 11. **Electronic Copies.** The Developer shall provide electronic copies of the approved Parcel Map in AutoCAD format Version 2007 or later to the City's Engineering Department. (E)

_____ 12. **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)

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

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

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CITY OF HESPERIA



CITY OF HESPERIA DEVELOPMENT REVIEW COMMITTEE

City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, DECEMBER 09, 2009

A. PROPOSALS:

1. William Kanayan (SPR09-10174)

Proposal: A site plan review to construct an equipment storage and maintenance facility, including a 2,184 square foot office building and a 4,000 square foot warehouse building on 2.3 acres zoned I-1.

Location: Approximately 250 feet north of Lemon Street on the east side of "G" Avenue.

Planner: Daniel Alcayaga

Action: Administratively Approved

2. Armando Nunez (SPR09-10262)

Proposal: A site plan review to construct a 22,200 square foot community church building, on 4.64 acres, zoned LDR.

Location: Approximately 300 feet north of Valencia Street, on the west side of Maple Avenue.

Planner: Holly Effiom

Action: Administratively Approved

3. Abundant Living Family Church (SPR09-10310)

Proposal: A revised site plan review to allow for a 3,840 square foot expansion of an existing 5,440 square foot church within an industrial park.

Location: 17555 Mauna Loa Street.

Planner: Stan Liudahl

Action: Administratively Approved

CITY OF HESPERIA



CITY OF HESPERIA DEVELOPMENT REVIEW COMMITTEE

City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
TUESDAY, DECEMBER 22, 2009

A. PROPOSALS:

1. T-Mobile West Corporation (CUP09-10281)

Proposal: Consideration of Conditional Use Permit (CUP09-10281), to construct a telecommunications wireless facility on 1.0 acre zoned Limited Agriculture (A-1).

Location: Located 430 feet west of Seventh Avenue on the north side of Palm Avenue.

Planner: Daniel Alcayaga

Action: Forwarded to Planning Commission

2. Ramsey Najor (SPL09-10166 & TPM09-10130)

Proposal: Consideration of Specific Plan Amendment (SPL09-10166), from the Commercial Industrial Business Park and Regional Commercial District to the Neighborhood Commercial District on approximately 4.4 gross acres within the Main Street and Freeway Corridor Specific Plan and a Tentative Parcel Map (TPM09-10130), to create two parcels from 40.0 gross acres.

Location: Located generally on the southwest corner of Main Street and U.S. Highway 395.

Planner: Stan Liudahl

Action: Forwarded to Planning Commission

3. Hesperia Fire Protection District (SPR09-10295)

Proposal: Consideration of Public Facility Review (SPR09-10295), to construct a 2-bay, 3,021 square foot expansion of an existing 2-bay, 4,923 square foot fire station (Station No. 304) on 2.5 gross acres zoned Limited Agriculture (A-1).

Location: Located at 15660 Eucalyptus Street.

Planner: Lisette Sanchez-Mendoza

Action: Continued to January 6, 2010 DRC Meeting

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, JANUARY 6, 2010

A. PROPOSALS:

1. JMJ Contractors (SPR09-10270)

Proposal: Consideration of Site Plan Review (SPR09-10270), to construct a contractor's storage yard on 2.4 acres zoned Neighborhood Commercial.

Location: Located on the south side of Smoke Tree Street, 330 feet east of C Avenue.

Planner: Daniel S. Alcayaga

Action: Administratively Approved

2. Thomas & Sophie Steeno (SPR09-10319 & VAR09-10324)

Proposal: Consideration of revised Site Plan Review (SPR09-10319), to install three, 14'-2" tall wind turbines on the parapet of an existing 24'-5" tall commercial building and Variance (VAR09-10324), to exceed the 35-foot height requirement on 1.0 gross acres zoned C-2.

Location: Located at 11774 Hesperia Road.

Planner: Stan Liudahl

Action: Administratively Approved

3. Hesperia Fire Protection District (SPR09-10295)

Proposal: Consideration of Public Facility Review (SPR09-10295), to construct a 2-bay, 3,021 square foot expansion of an existing 2-bay, 4,923 square foot fire station (Station No. 304) on 2.5 gross acres zoned Limited Agriculture (A-1).

Location: Located at 15660 Eucalyptus Street.

Planner: Lisette Sanchez-Mendoza

Action: Continued to February 3, 2010 DRC Meeting

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, JANUARY 20, 2010

A. PROPOSALS:

1. Harris Homes, Inc. (TPM09-10327)

Proposal: A Tentative Parcel M (TPM09-10327/PM19242) to create four parcels and a remainder for model home purposes from 23.0 gross acres zoned R-1.

Location: Southwest corner of Muscatel Street and Tamarisk Avenue.

Planner: Daniel S. Alcayaga

Action: Continued to the February 3, 2010 DRC Meeting

2. Heller Development (TNT09-10329)

Proposal: A revised Tentative Tract (TNT09-10329) to reduce the allowable livable area of homes below 1,800 square feet in area within Tentative Tract (TT-16660).

Location: Northeast of Sultana Street and Escondido Avenue.

Planner: Stan Liudahl

Action: Administratively Approved

3. San Bernardino Truck Dismantling (CUP09-10331)

Proposal: A revised Conditional Use Permit (CUP09-10331) to establish a salvage/dismantling yard with outdoor storage and resale of parts within a 3,000 square foot metal building on 1.6 acres, zoned I-2.

Location: 10785 Santa Fe Avenue.

Planner: Lisette Sanchez-Mendoza

Action: Administratively Approved