

# PLANNING COMMISSION AGENDA

## REGULAR MEETING

**Date: March 11, 2010**

**Time: 6:30 P.M.**

### COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Joline Bell Hahn, Commissioner

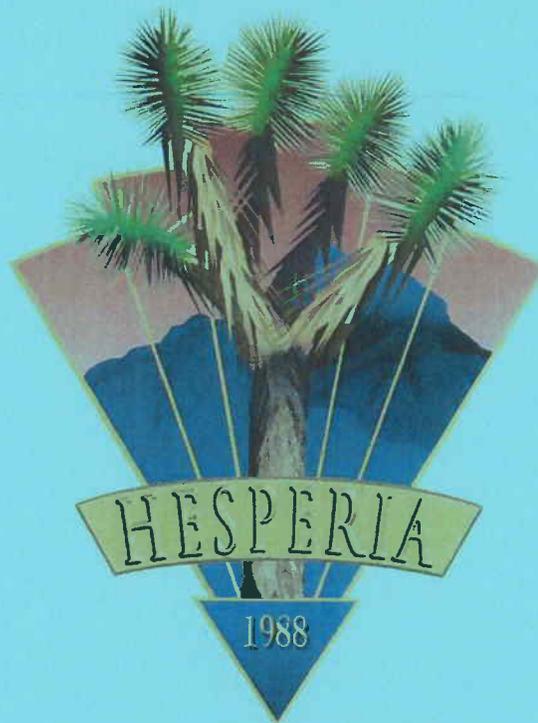
Stephen James, Commissioner

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.

March 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: February 11, 2010 Planning Commission Meeting Draft Minutes

-1-

**PUBLIC HEARINGS**

- 1. Consideration of Conditional Use Permit (CUP10-10101) to establish the sale of beer and wine within an existing convenience store at 15986 Main Street (Applicant: American Planet, Inc.; APN: 0413-034-34) (Staff Person: Lisette Sanchez-Mendoza). 1-1
- 2. Consideration of Specific Plan Amendment (SPL10-10106) and Conditional Use Permit (CUP09-10289), to change the subject property from Regional Commercial, Commercial Industrial Business Park, and Rural Estate Residential to Public/Institutional Overlay within the Main Street and Freeway Corridor Specific Plan and to establish a motocross racetrack on approximately 77.8 gross acres located on the west side of U.S. Highway 395, generally north of Poplar Street (Applicant: CEMX, LLC; APN:3064-551-01 thru 04, 06 thru 08, and 3064-561-06) (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. Annual Report on Status and Implementation of the General Plan
- F. DRC Comments
- G. Major Project Update

3-1

4-1

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



\_\_\_\_\_  
Eva Heter  
Planning Commission Secretary

**HESPERIA PLANNING COMMISSION  
REGULAR MEETING  
February 11, 2010  
DRAFT MINUTES**

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

**CALL TO ORDER 6:30 p.m.**

**Pledge of Allegiance to the Flag**

**Invocation**

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

Present: Chris Elvert  
Joline Bell Hahn  
Stephen James  
William Muller

Absent: Julie Jensen

**JOINT PUBLIC COMMENTS**

No Comments to Consider.

**CONSENT CALENDAR**

**Approval of Minutes: December 10, 2009 Planning Commission Meeting Draft Minutes**

**Motion by Stephen James to Motion to approve the minutes for the December 10, 2009 Planning Commission Meeting, Seconded by William Muller, passed with the following roll call vote:**

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

**PUBLIC HEARING**

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).

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

**Chair Elvert** questioned a variance for the difference of 17 ft. in height.

**Senior Planner, Daniel Alcayaga AICP** stated that a variance was required for anything over 35 feet.

**Chair Elvert** questioned if T-mobile would handle any future lease agreements with co-locatable antennas.

**Commissioner Hahn** questioned if access was gained from the alley way; she also questioned any improvements that were planned for the access. She was concerned about the narrow alley causing accessibility issues.

**Senior Planner, Daniel Alcayaga AICP** reviewed the specifications for the alley way.

**Principal Planner, Dave Reno AICP** stated that Staff's current position was that no additional improvements were required.

**Commissioner Hahn** stated that she was primarily concerned with the larger vehicles gaining access to the location.

**Senior Planner, Daniel Alcayaga AICP** stated that he had traveled down the alley way with the Planning vehicle and the only difficulty that he had with respect to access was the shrub located on the corner of the alley and 7th Avenue; therefore, a condition of approval was placed requiring the applicant to work with the property owner to remove the shrub.

**Chair Elvert opened the Public Hearing: 6:47 pm**

**Susan Chong, Applicant Representative** requested the approval of the variance. She stated that she was available for questions.

**Chair Elvert** questioned comparisons in height of a 35 foot tower and a 52 foot tower.

**Susan Chong, Applicant Representative** stated that there were no plans showing comparisons of coverage at the varying heights; however, the height of the proposed tower was due to height of the trees in the area.

**Commissioner James** questioned the trips that the alley would have to sustain for maintenance.

**Susan Chong, Applicant Representative** stated that aside from any unforeseen emergency maintenance trips, the standard maintenance trips would be scheduled for once a month.

**Commissioner Hahn** questioned the access during the construction phase with respect to the busy street.

**Susan Chong, Applicant Representative** stated that during the construction phase, access may be able to be attained through the front of the facility.

**Adeline Delrio, Hesperia Resident** questioned the radius of the tower and if the tower produced any radiation.

**Chair Elvert** referred Adeline's concern to Staff.

**Adeline Delrio, Hesperia Resident** stated that her main concern was regarding health.

**Chair Elvert** stated that the Commission would address Adeline's concerns with Staff.

**Principal Planner, Dave Reno AICP** stated that there had been several studies regarding the electro magnetic fields produced by the towers, as well as other devises, and all of the results have indicated that there is no negative health risks associated with the towers.

**Principal Planner, Dave Reno AICP** reviewed the zoning map and the process of approving a proposed item. He reviewed the policy of having the towers co-locatable.

**Chair Elvert closed the Public Hearing: 6:58 pm**

**Motion by Joline Bell Hahn to adopt Resolution Nos. PC-2010-03 and PC-2010-04, as presented, approving Conditional Use Permit (CUP09-10281) and Variance (VAR09-10324), Seconded by Stephen James, passed with the following roll call vote:**

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

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 \(Applicant: Ramsey Najor; APN: 3064-531-07\). \(Staff Person: Stan Liudahl\).](#)

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

**Chair Elvert** questioned what could be built at the location.

**Senior Planner, Stan Liudahl AICP** stated that the Applicant did not have a proposal at the time; however, he reviewed possible proposals for the site.

**Chair Elvert** questioned if there were going to be any dedications along U.S. Highway 395.

**Senior Engineer, Tom Thornton** stated that right-of-way needs were closely looked at by Staff and he reviewed the dedications that would be acquired for the site.

**Commission Hahn** questioned the possible development across U.S. Highway 395 and the street that would be developed. She questioned access across U.S. Highway 395 and how that access would affect access to the proposed site. She reviewed previous projects that had been presented to the Planning Commission and she questioned access with respect to the other projects proposed in the area.

**Senior Engineer, Tom Thornton** reviewed possible areas for traffic circulation.

**Principal Planner, Dave Reno AICP** stated that the Commission needed to keep in mind that there had not been any plans submitted as far as circulation for previously proposed projects.

**Commissioner Hahn** questioned the access and easements requested along U.S. Highway 395 and Phelan Road and the possible widening of the streets in the area.

**Senior Engineer, Tom Thornton** reviewed the dedications and easements in the area of question.

**Vice Chair Muller** questioned if there would be a turning lane for traffic traveling southbound on U.S. Highway 395.

**Senior Engineer, Tom Thornton** stated that a turning lane would be generated by a traffic study warranting the turning lane. He reviewed a possible protected left turn pocket, stating that sight distances would need to be carefully considered when warranting a turning lane.

**Chair Elvert opened the Public Hearing: 7:15 pm**

**Craig Sundgren of Cubit Engineering, Applicant Representative** reviewed the map being presented to the Commission. He stated that the applicant was in agreement with the conditions and he was available to answer any questions.

**Commissioner Hahn** questioned if the top portion of the parcel would be left undeveloped.

**Craig Sundgren of Cubit Engineering, Applicant Representative** reviewed the possible development of the lot.

**Chair Elvert closed the Public Hearing: 7:18 pm**

**Motion by Stephen James to adopt Resolution Nos. PC-2010-01 and PC-2010-02, as presented, recommending that the City Council introduce and place on first reading an ordinance approving Specific Plan Amendment (SPL09-10166) and approve**

**Tentative Parcel Map (TPM09-10130), Seconded by William Muller, passed with the following roll call vote:**

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

### 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

**Principal Planner, Dave Reno AICP** briefly discussed the DRC Action Agenda.

F. Major Project Update

**Principal Planner, Dave Reno AICP** briefly discussed the review of the GP Update by staff. He reviewed the projected timeline. He also stated that staff was looking at the Rancho Las Flores Specific Plan and a draft plan was possible for April or May. He gave a brief update on the High Desert Gateway Center. He also reviewed a possible annexation into the water district.

G. Discussion: Administrative Regulations

**Planning Commission Secretary, Eva Heter** briefly discussed future changes to the Planning Commission's Administrative Regulations.

### PLANNING COMMISSION BUSINESS OR REPORTS

No Items to Report.

### ADJOURNMENT

**Chair Elvert Adjourned meeting and announced the date for the next Planning Commission Meeting [March 11, 2010]: 7:31 pm**

Christ Elvert  
Planning Commission Chair

Eva Heter,  
Commission Secretary

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**DATE:** March 11, 2010  
**TO:** Planning Commission  
**FROM:** Dave Reno, AICP, Principal Planner  
**BY:** Lisette Sánchez-Mendoza, Assistant Planner  
**SUBJECT:** Conditional Use Permit CUP10-10101; Applicant: American Planet, Inc; APN: 0410-034-34

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### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2010-07, approving Conditional Use Permit CUP10-10101.

### BACKGROUND

**Proposal:** A Conditional Use Permit to establish the sale of beer and wine including a finding of public convenience or necessity within an existing convenience store.

**Location:** 15986 Main Street (Attachment 1).

**Current General, Plan, Zoning and Land Uses:** The site is within the Planned Mixed Use (PMU) General Plan Land Use Designation and Pedestrian Commercial District of the Main Street and Freeway Corridor Specific Plan. The site is currently developed with a commercial building. The property to the north is vacant. Properties directly to the south and east have been developed with commercial uses and the property to the west contains the San Bernardino County Transitional Assistance Department. The surrounding land is designated and zoned as noted on Attachments 2 and 3.

### ISSUES/ANALYSIS:

**Land Use:** The convenience store known as the Love Market is located at 15986 Main Street. This is on the north side of Main Street between Seventh Avenue and Fifth Avenue. A Type 20 license is proposed, which would allow the sale of beer and wine for off-site consumption. The hours of operations are from 8:00 am to 10:00 pm, seven days a week.

As part of the Main Street and Freeway Corridor Specific Plan, Pedestrian Commercial zoning requires that all stores and restaurants selling alcohol apply for a conditional use permit. The Department of Alcoholic Beverage Control (ABC) requires cities to make a finding of public convenience or necessity if an over-concentration of licenses occurs. The subject property is located in Census Tract 100.19, where ABC has determined that no more than three businesses can obtain licenses, based on residential population without the City's finding of public convenience or necessity. Six off-sale licenses are currently in place in the Census Tract including the subject property (Table 1). Within this census tract, the nearest establishment also holding a Type 20 license is located 300 feet southwest of the site (Chevron Gas Station) and the nearest establishment selling beer, wine and distilled spirits is located approximately 750 feet southwest (Q Mart) of the project site. Staff believes that the proposed license differs, as

these are gas stations which are mainly geared towards serving auto traffic. The proposal also is different, when compared to the larger retail uses such as Cardenas Market, Stater Bros., and Big Lots, as these stores offer a greater variety of goods in addition to beer, wine and liquor. In as much as over-concentration of licenses has been determined by ABC, staff believes that these findings can be made in this instance because the use is the only one of its kind in the nearby vicinity and it will offer greater opportunity to purchase beer and wine in this area where pedestrian oriented development is intended.

**Table 1**

**Existing Off-Sale Licenses in Census Tract 100.19**

<b>Location</b>	<b>Business Name</b>	<b>ABC License Type</b>
15555 Main Street.	Cardenas Market	21 – beer, wine, and liquor
15755 Main Street	Big Lots	20 – beer and wine
15757 Main Street	Stater Bros.	21 – beer, wine, and liquor
15853 Main Street	Q Mart	21 – beer, wine, and liquor
15933 Main Street	Chevron Mini Mart	20 – beer and wine

**Schools and Parks:** The project is located within ½ mile of Mesa Grande Elementary, and just over ¼ mile from Civic Center Park (Attachment 1).

**Environmental:** This project is exempt from the California Environmental Quality Act (CEQA), per Section 15301, Existing Facilities.

**Conclusion:** The project is consistent with the City's General Plan, Main Street and Freeway Corridor Specific Plan, and staff recommends approval. Furthermore, on-going conditions of approval related to this project will be in effect and any violation of these conditions would result in a reassessment of the conditional use permit.

**ALTERNATIVE**

1. Provide alternative direction to staff.

**ATTACHMENTS**

1. Aerial photo
2. General Plan Land Use map
3. Zoning map
4. Resolution No. PC-2010-07, with conditions of approval

# ATTACHMENT 1



**APPLICANT(S):**  
AMERICAN PLANET, INC.

**FILE NO(S):**  
CUP10-10101

**LOCATION:**  
15986 MAIN STREET

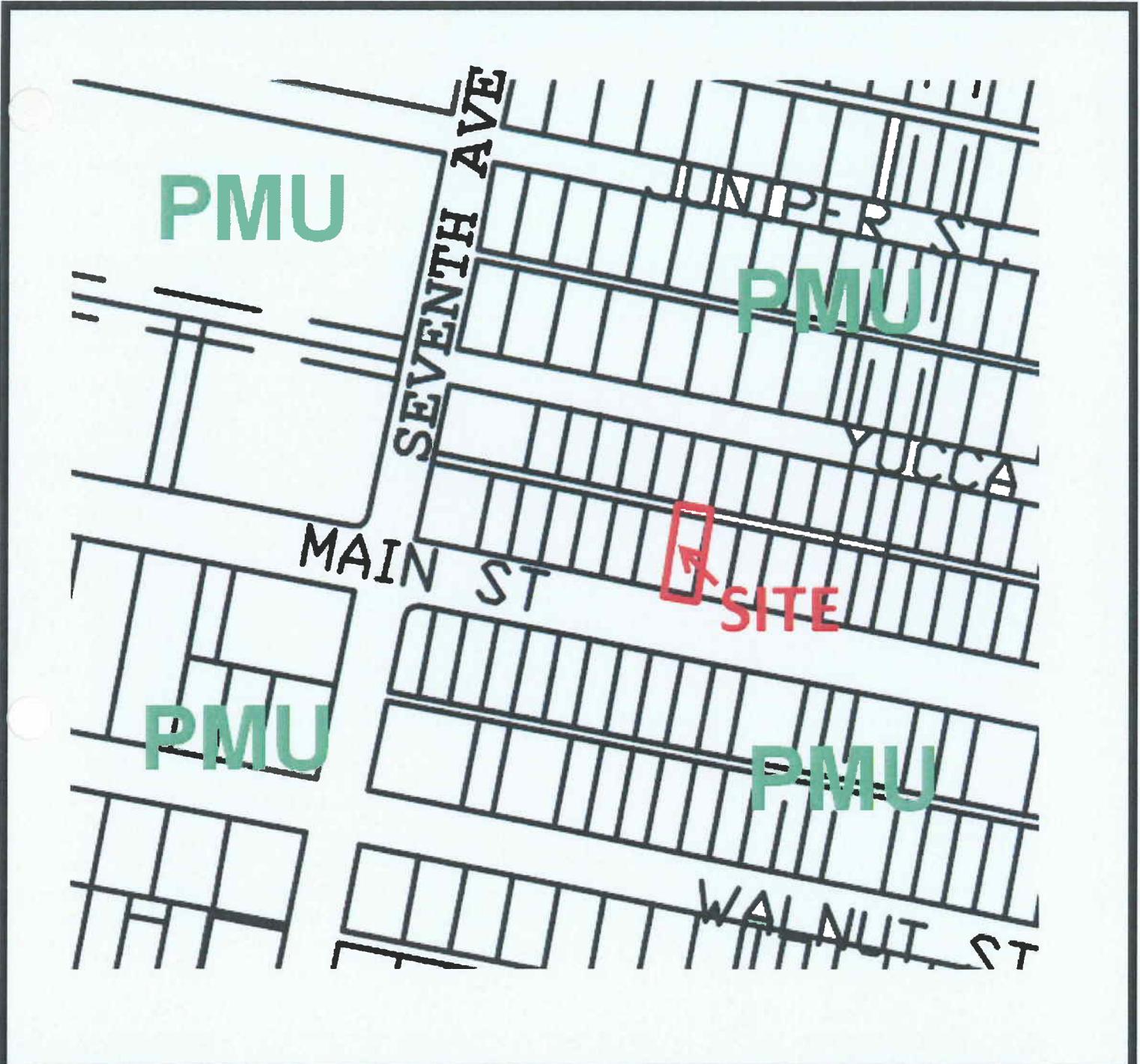
**APN(S):**  
0413-034-34

**PROPOSAL:**  
CONSIDERATION OF CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER  
AND WINE WITHIN AN EXISTING CONVENIENCE STORE FOR OFF-SITE CONSUMPTION



**AERIAL PHOTO**

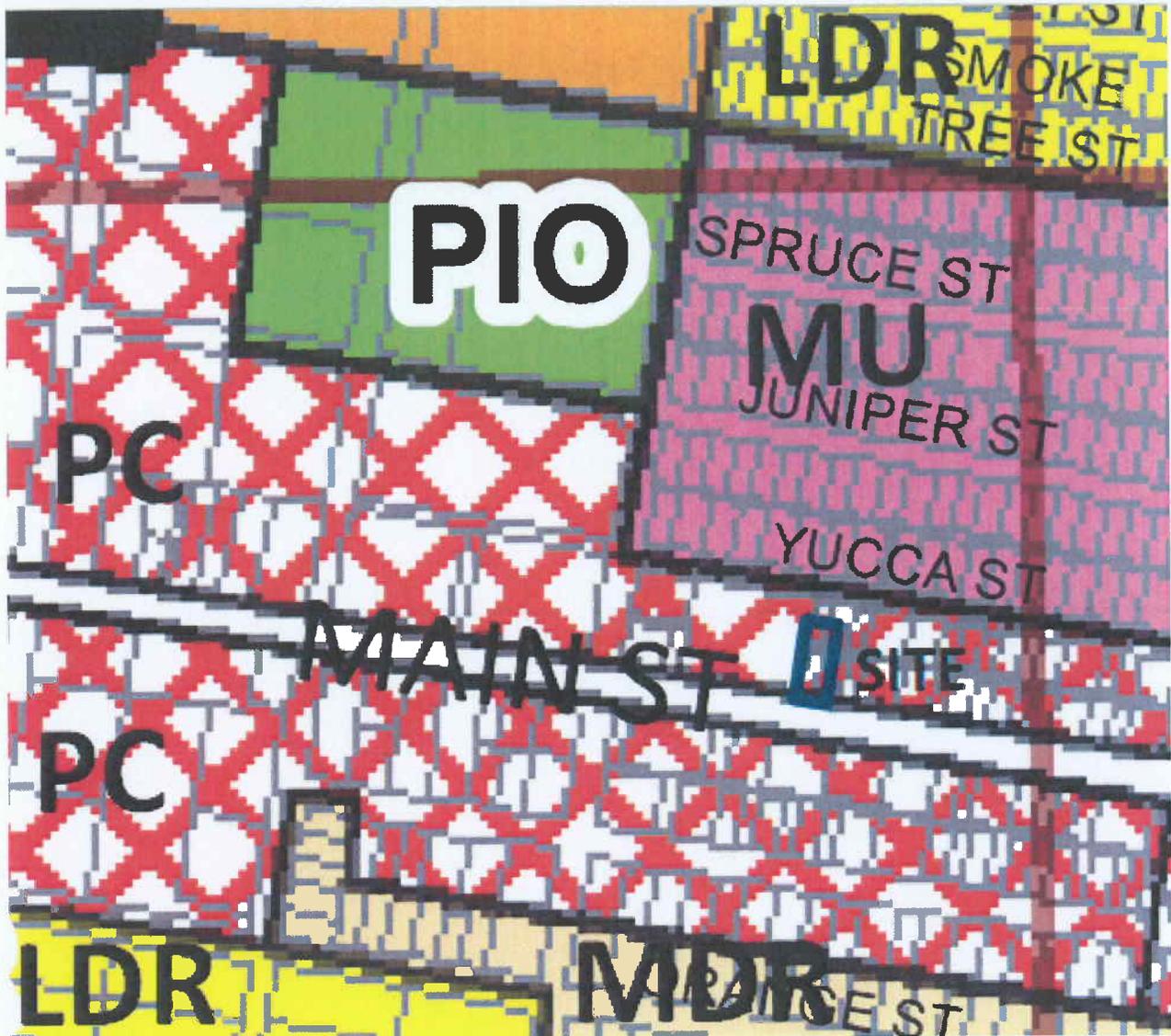
# ATTACHMENT 2



<b>APPLICANT(S):</b> AMERICAN PLANET, INC.		<b>FILE NO(S):</b> CUP10-10101	
<b>LOCATION:</b> 15986 MAIN STREET		<b>APN(S):</b> 0413-034-34	
<b>PROPOSAL:</b> CONSIDERATION OF CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER AND WINE WITHIN AN EXISTING CONVENIENCE STORE FOR OFF-SITE CONSUMPTION			<b>N</b> ↑

## GENERAL PLAN MAP

# ATTACHMENT 3



**APPLICANT(S):**  
AMERICAN PLANET, INC.

**FILE NO(S):**  
CUP10-10101

**LOCATION:**  
15986 MAIN STREET

**APN(S):**  
0413-034-34

**PROPOSAL:**  
CONSIDERATION OF CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER AND WINE WITHIN AN EXISTING CONVENIENCE STORE FOR OFF-SITE CONSUMPTION

**N**  
↑

**ZONING MAP**

1-5  
PLANNING COMMISSION

# ATTACHMENT 4

## RESOLUTION NO. PC-2010-07

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER AND WINE INCLUDING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY WITHIN AN EXISTING CONVENIENCE STORE AT 15986 MAIN STREET (CUP10-10101)

**WHEREAS**, American Planet, Inc., has filed an application requesting approval of Conditional Use Permit CUP10-10101 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to a convenience store within the Pedestrian Commercial District of the Main Street and Freeway Corridor Specific Plan at 15986 Main Street and consists of Assessor's Parcel Number 0413-034-34; and

**WHEREAS**, the Application, as contemplated, proposes to allow the sale beer and wine at an existing convenience store; and

**WHEREAS**, the subject site is currently developed. The surrounding properties are also commercially developed; and

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

**WHEREAS**, the subject property and surrounding properties are within the Pedestrian Commercial District of the Main Street and Freeway Corridor Specific Plan; and

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

**WHEREAS**, on March 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 this Commission during the above-referenced March 11, 2010 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed use is conditionally allowed within, and would not impair the integrity and character of the Pedestrian Commercial District and complies with all applicable provisions of the development code, specifically Section 16.12.120. The site is suitable for the type and intensity of use that is proposed. The proposed use is located in an existing convenience store. There will be no expansion of the project, and the only addition is the sale of beer and wine.
- (b) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or adverse to the public convenience, health, safety or general welfare. The proposal to allow the sale of alcoholic beverages will not have a detrimental impact on adjacent properties. The addition of alcohol sales at a convenience store is not likely to create any noise, traffic or any other impacts.
- (c) The proposed use is consistent with the objectives, policies, general land uses and programs of the general plan, specific plan and development code. The proposed use will take place in a permitted convenience store. The sale of alcohol is consistent with the design guidelines and criteria of the Pedestrian Commercial District. The sale of alcohol is also consistent with other commercial uses in the area.
- (d) There are adequate provisions for sanitation, water and public utilities and services to ensure public convenience, health, safety and general welfare. The proposed use will occur in an existing convenience store with adequate infrastructure. The existing transportation infrastructure is adequate to support the type and quantity of traffic that will be generated by the proposed use. The addition of alcohol at an existing convenience store is not likely to have any impacts on traffic or parking on- and off-site.
- (e) The public convenience or necessity would be served by the issuance of a license for the sale of beer and wine off-site. There no other similar uses, in the immediate vicinity, that only sell beer and wine.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP10-10101, 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 11<sup>th</sup> day of March 2010.

\_\_\_\_\_  
Chris Elvert, Chair, Planning Commission

ATTEST:

\_\_\_\_\_  
Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for CUP10-10101

Approval Date: March 11, 2010

Effective Date: March 23, 2010

Expiration Date: March 23, 2013

This list of conditions apply to Conditional Use CUP10-10101, to allow the sale of beer and wine within an existing convenience store at 15986 Main Street (Applicant: AMERICAN PLANET, INC.; APN: 0413-034-34).

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 fees prior to the expiration date.

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

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

Init Date

- \_\_\_\_\_ 1. **Valid License.** At all times during the conduct of the use allowed by this permit, the use shall obey all laws and maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void. (P)
- \_\_\_\_\_ 2. **Permit Revocation.** In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall become null and void. (P)
- \_\_\_\_\_ 3. **Employee Age.** All employees selling alcohol must be at least 21 years of age. (P)
- \_\_\_\_\_ 4. **ABC Requirements.** The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. (P)
- \_\_\_\_\_ 5. **ABC License.** The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises. (P)
- \_\_\_\_\_ 6. **Sale of Alcohol.** The sale of alcoholic beverages shall be permitted only between the hours of 6:00 AM to 2:00 AM. (P)
- \_\_\_\_\_ 7. **Alcohol Consumption.** No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee. (P)

- \_\_\_\_\_ 8. **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 City Council, the Planning Commission, or other City reviewing authority), 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)

**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



**DATE:** March 11, 2010  
**TO:** Planning Commission  
**FROM:** Dave Reno, AICP, Principal Planner *DR*  
**BY:** *SL* Stan Liudahl, AICP, Senior Planner  
**SUBJECT:** Specific Plan Amendment SPL10-10106 and Conditional Use Permit CUP09-10289; Applicant: CEMX, LLC; APNs: 3064-551-01 thru 04, 06 thru 08, and 3064-561-06

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### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2010-05 and PC-2010-06, recommending that the City Council introduce and place on first reading an ordinance approving SPL10-10106 and approve CUP09-10289.

### BACKGROUND

**Proposal:** A Specific Plan Amendment to change the subject property from Regional Commercial, Commercial Industrial Business Park, and Rural Estate Residential to Public/Institutional Overlay within the Main Street and Freeway Corridor Specific Plan and a conditional use permit to establish a motocross racetrack on 77.8 gross acres (Attachment 1).

**Location:** On the west side of U. S. Highway 395, generally north of Poplar Street.

**Current General Plan, Zoning and Land Uses:** Planned Mixed Use (PMU) General Plan Land Use designation and the Regional Commercial (RC), Commercial Industrial Business Park (CIBP), Rural Estate Residential (RER) and the Wash Protection Overlay District of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated and zoned as noted on Attachments 2 and 3. The property has been used as a motocross facility since 2004. The property to the southeast contains an industrial park and three properties along the west site boundary contain single-family residences (Attachment 4).

### ISSUES/ANALYSIS

**Land Use:** The Specific Plan Amendment would change the zoning of the site from Regional Commercial, Commercial Industrial Business Park (CIBP), and Rural Estate Residential (RER) to Public/Institutional Overlay (PIO). Changing the site to PIO is supported by the Standards for Location Section and Review Procedures of the Main Street and Freeway Corridor Specific Plan. Conditional Use Permit CUP-2004-03, which entitled the motocross facility, was never completed and has expired. The proposed conditional use permit will reauthorize the use, requiring the necessary improvements not completed to date be completed within one-year of the effective date of this application. This will allow the motocross racetrack to remain open, provided continuing conditions are met. A chronology of events from the filing of the original conditional use permit application in 2004 to the present is provided as Attachment 5.

This application will reestablish a motocross racetrack upon the site. The facility contains three tracks. One is used as a safety training course, another is the track for less experienced riders, and the main track is used for racing events and factory testing of new motorcycles. The riding trails shall be open Tuesdays, Fridays, Saturdays, and Sundays. Riding events will occur on weekdays from 8:00 am until 4:00 pm and between 8:00 am and 6:00 pm on weekends. Weekend events may be extended to 7:30 pm from June 20<sup>th</sup> until September 22<sup>nd</sup>. Most events at the facility will be small, with no more than 500 participants. Additional days and hours, including overnight camping, may be authorized by a Temporary Special Event permit (TSE). All major events, which exceed 500 participants, shall require approval of a temporary special event permit application.

The project does not include permanent buildings and may be an interim use inasmuch as the lease is for three years with the possibility of a three-year extension. Therefore, paved parking spaces, drive aisles and driveways, and landscaping are not recommended. The Fire Department is requiring "all weather access," which is typical for motocross facilities.

**Drainage:** The western portion of the site is within the Wash Protection Overlay District and contains the Oro Grande Wash, which is identified by the Victorville Master Plan of Drainage facility as A-01. This wash conveys storm water northeast within the western portion of the site. Inasmuch as the racetracks and parking areas are unpaved, much of the drainage percolates into the soil and the runoff is nearly identical to the pre-developed condition. Therefore, a retention basin is not required.

**Water and Sewer:** Water improvements have been constructed to the south portion of the property from Aspen Street at the southern boundary northward, which includes three fire hydrants. Sewer improvements are unnecessary, as no permanent buildings are proposed as part of this project. Sanitation will be provided for the facility by portable toilets.

**Street Improvements:** Pavement a minimum of 26 feet wide shall be constructed from the existing edge of pavement in Caliente Road north, east in Muscatel Street, and north to Aspen Street. Aspen Street shall be constructed to the City's 66-foot Industrial Collector Roadway standard. Curb and gutter improvements shall be constructed within the northern half of the street, along the project frontage. Dedications shall be obtained from adjacent properties as needed to provide the minimum 26 feet of pavement.

**Traffic:** This project is consistent with the current Planned Mixed Use (PMU) General Plan Land Use designation and the Public/Institutional Overlay of the Main Street and Freeway Corridor Specific Plan. A typical weekday or weekend event will create between 150 and 250 vehicles per day. Only during a major event would the facility create significant amount of traffic. Construction of the required street improvements will ensure that none of the major events would have a significant negative impact upon the roads in the vicinity.

**Crowd/Traffic Control:** The applicant shall employ a minimum of 10 qualified bonded and licensed security personnel to conduct and monitor traffic to and from the site and provide security during major events. A major event is defined as any activity with over 500 persons in attendance.

**Dust:** The project would require site watering during development, as well as prior to and during events as necessary.

**Noise:** A noise study of the motocross facility was prepared as part of CUP-2004-03. The results of the study indicated that noise from the main motocross track would not exceed 65 dB(A) at the western boundary of the site, nearest residentially designated properties. The City's Development Code restricts noise impacting residentially designated property to a limit of 60 dB(A) at the property line during daylight hours. The noise impacting surrounding properties may exceed the ambient noise level by 5 dB(A) based upon wind noise. In addition, the Noise Ordinance allows for a 5 dB(A) increase in noise levels for up to 15 minutes in any one-hour period. This temporary noise increase is consistent with temporary outdoor industrial activities such as loading and unloading warehouses. All tracks were relocated east based upon the results of the noise study to ensure that the facility would comply with the noise ordinance. The impact of this facility upon the industrial properties north and south of the site is not significant as 70 dB(A) is permitted in industrial areas. Consequently, the motocross facility does not exceed the City's noise standards.

**Insurance:** The applicant shall maintain a minimum of \$5,000,000 in general liability insurance for the use, a minimum \$1,000,000 per occurrence vehicular liability insurance, and a minimum \$1,000,000 per employee worker's compensation and liability policy as required by the lease agreement.

**Medical Services:** A minimum of two certified emergency technicians shall be provided on-site during each major event.

**Sanitation:** A minimum of ten standard portable sanitation units and two handicapped accessible units shall be maintained on-site for day-to-day operations. Additional toilets shall be provided in accordance with the Building Code for major events.

**Trespass:** Access to all off-highway vehicle areas shall be controlled using fencing. The fencing shall be maintained to prohibit trespass onto adjoining properties.

**Waste Control:** Trash receptacles shall be provided on-site and refuse shall be collected after each event to prevent windblown trash.

**Alcoholic Beverages:** Alcoholic beverages will not be permitted to be sold at this facility.

**Environmental:** Approval of CUP-2004-03 required adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study (Attachment 6) prepared for CUP-2004-03 concluded that there are no significant adverse impacts resulting from development of the project. The environmental impact of this project does not exceed that analyzed under CUP-2004-03. This project will be required to meet all mitigation measures outlined in the negative declaration for CUP-2004-03. Consequently, no additional environmental review is required.

**Conclusion:** The project conforms to the policies of the City's General Plan and meets the applicable standards of the Main Street/Freeway Corridor Specific Plan as well as the Development Code, with approval of the Specific Plan Amendment. Use of compacted dirt instead of pavement is consistent with the level of property improvements, which does not include permanent buildings.

## **FISCAL IMPACT**

The lease agreement between the Hesperia Redevelopment Agency (RDA) and the applicant to operate the motocross facility will generate \$120,000 per year for the RDA.

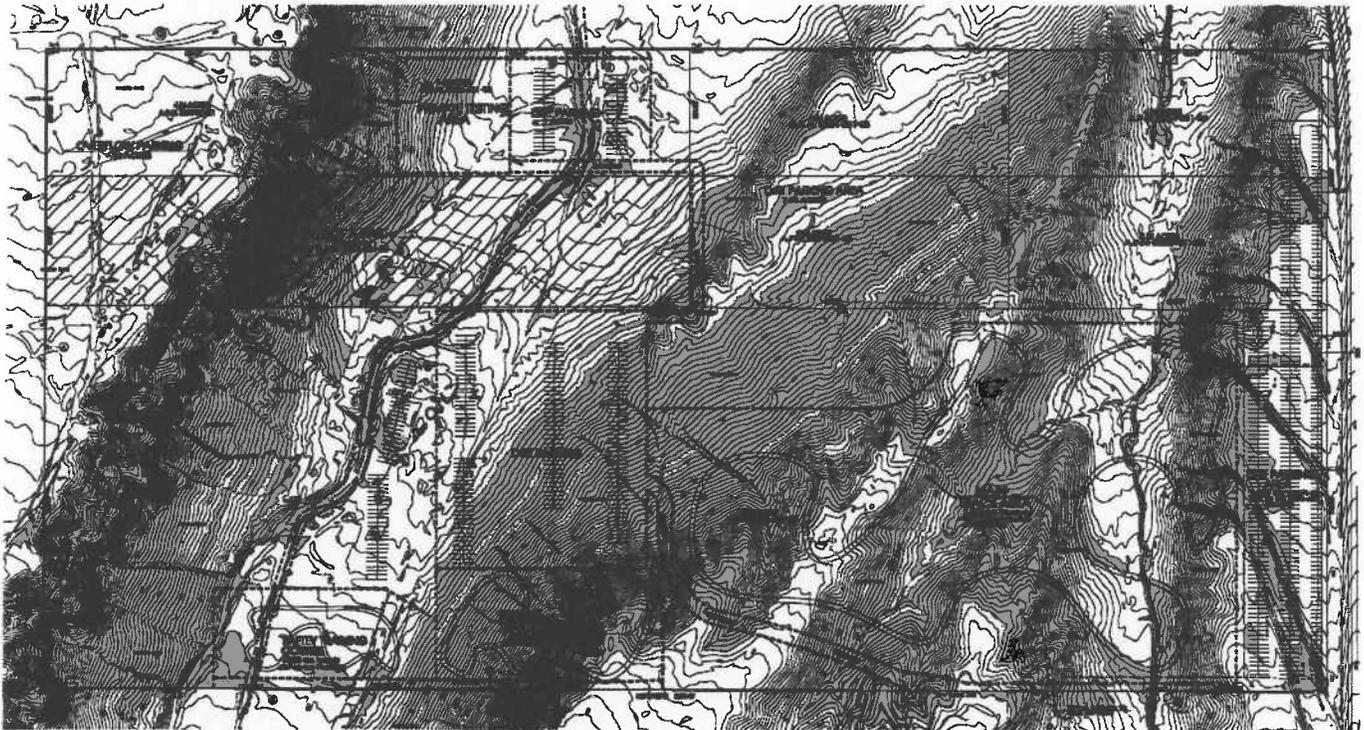
## **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

## **ATTACHMENTS**

1. Site Plan
2. General Plan Land Use map
3. Zoning map
4. Aerial photo
5. Competitive Edge Moto-cross Park chronology
6. Negative Declaration No. ND-2004-22 and the initial study
7. Resolution No. PC-2010-05
8. Resolution No. PC-2010-06, with list of conditions

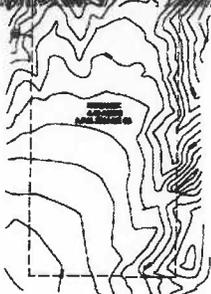
# ATTACHMENT 1



US HWY 395

**COMPETITIVE EDGE MX PARK**  
 HWY 395, HESPERIA CA.

NO.	DESCRIPTION	DATE	REVISIONS
1	PRELIMINARY	01/10/10	ISSUED FOR PERMITTING
2	REVISED	02/10/10	REVISED PER COMMENTS
3	REVISED	03/10/10	REVISED PER COMMENTS
4	REVISED	04/10/10	REVISED PER COMMENTS
5	REVISED	05/10/10	REVISED PER COMMENTS
6	REVISED	06/10/10	REVISED PER COMMENTS
7	REVISED	07/10/10	REVISED PER COMMENTS
8	REVISED	08/10/10	REVISED PER COMMENTS
9	REVISED	09/10/10	REVISED PER COMMENTS
10	REVISED	10/10/10	REVISED PER COMMENTS



**APPLICANT(S):**  
 CEMX, LLC

**FILE NO(S):**  
 SPL10-10106 & CUP09-10289

**LOCATION:**  
 ON THE WEST SIDE OF U. S. HIGHWAY 395, GENERALLY  
 NORTH OF POPLAR STREET

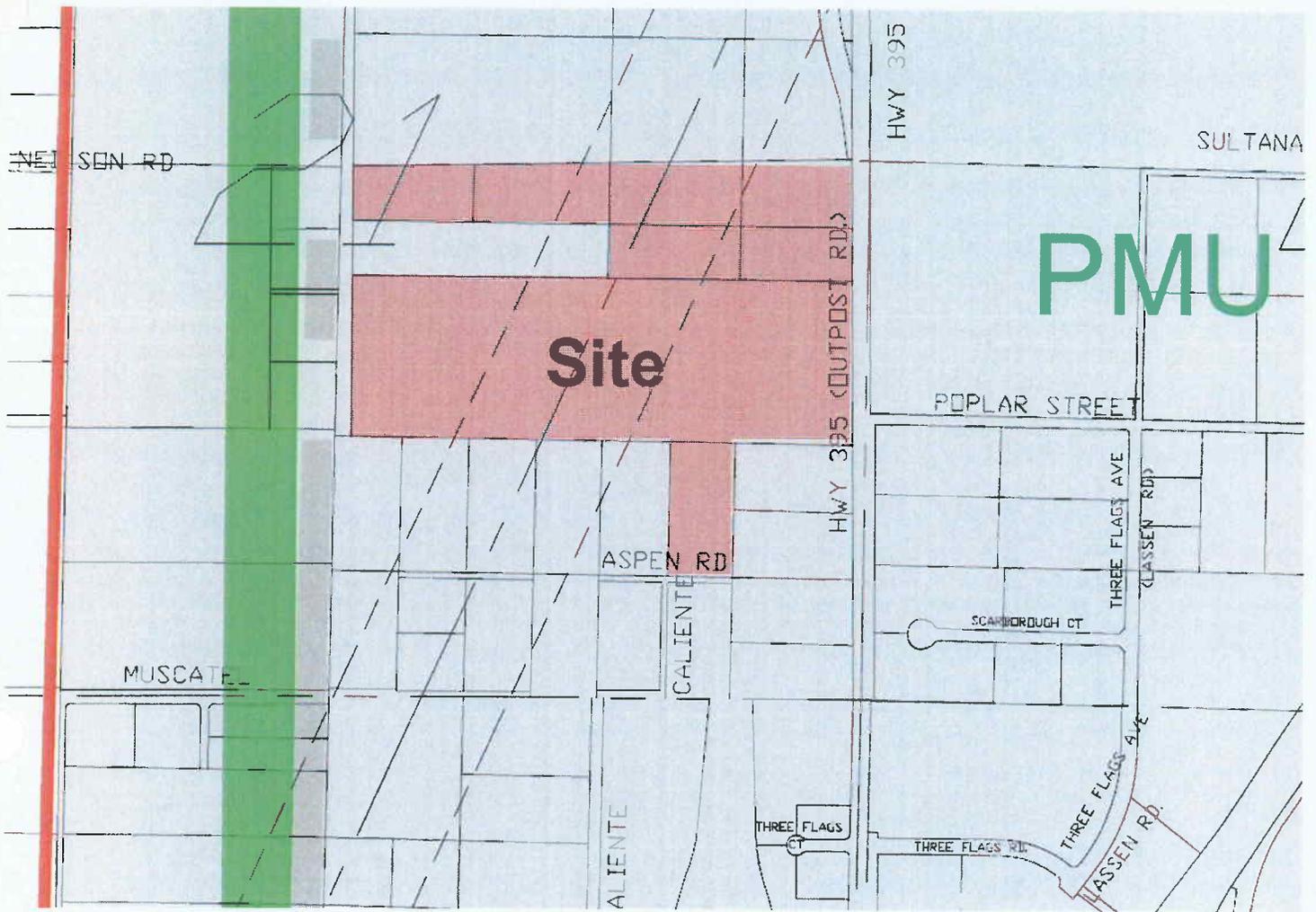
**APN(S):**  
 3064-551-01 THRU 04, 06  
 THRU 08, AND 3064-561-06

**PROPOSAL:**  
 CONSIDERATION OF A SPECIFIC PLAN AMENDMENT AND CONDITIONAL USE PERMIT  
 TO CHANGE THE SUBJECT PROPERTY FROM REGIONAL COMMERCIAL, COMMERCIAL  
 INDUSTRIAL BUSINESS PARK, AND RURAL ESTATE RESIDENTIAL TO  
 PUBLIC/INSTITUTIONAL OVERLAY WITHIN THE MAIN STREET AND FREEWAY  
 CORRIDOR SPECIFIC PLAN AND TO ESTABLISH A MOTOCROSS RACETRACK ON  
 APPROXIMATELY 77.8 GROSS ACRES



## SITE PLAN

# ATTACHMENT 2



**APPLICANT(S):**

CEMX, LLC

**FILE NO(S):**

SPL10-10106 & CUP09-10289

**LOCATION:**

ON THE WEST SIDE OF U. S. HIGHWAY 395, GENERALLY NORTH OF POPLAR STREET

**APN(S):**

3064-551-01 THRU 04, 06 THRU 08, AND 3064-561-06

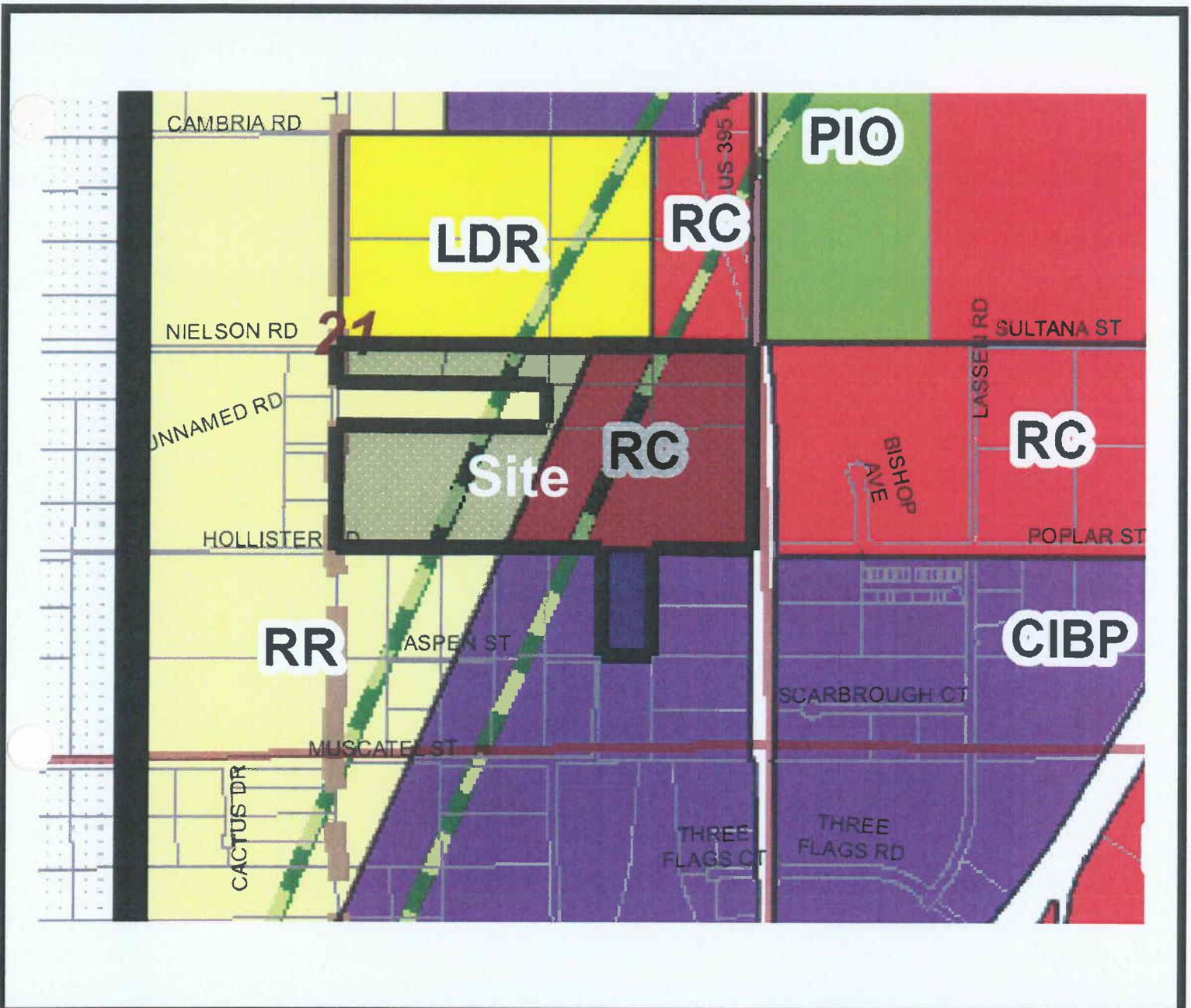
**PROPOSAL:**

CONSIDERATION OF A SPECIFIC PLAN AMENDMENT AND CONDITIONAL USE PERMIT TO CHANGE THE SUBJECT PROPERTY FROM REGIONAL COMMERCIAL, COMMERCIAL INDUSTRIAL BUSINESS PARK, AND RURAL ESTATE RESIDENTIAL TO PUBLIC/INSTITUTIONAL OVERLAY WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN AND TO ESTABLISH A MOTOCROSS RACETRACK ON APPROXIMATELY 77.8 GROSS ACRES



## GENERAL PLAN LAND USE MAP

# ATTACHMENT 3



<b>APPLICANT(S):</b> CEMX, LLC	<b>FILE NO(S):</b> SPL10-10106 & CUP09-10289
<b>LOCATION:</b> ON THE WEST SIDE OF U. S. HIGHWAY 395, GENERALLY NORTH OF POPLAR STREET	<b>APN(S):</b> 3064-551-01 THRU 04, 06 THRU 08, AND 3064-561-06
<b>PROPOSAL:</b> CONSIDERATION OF A SPECIFIC PLAN AMENDMENT AND CONDITIONAL USE PERMIT TO CHANGE THE SUBJECT PROPERTY FROM REGIONAL COMMERCIAL, COMMERCIAL INDUSTRIAL BUSINESS PARK, AND RURAL ESTATE RESIDENTIAL TO PUBLIC/INSTITUTIONAL OVERLAY WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN AND TO ESTABLISH A MOTOCROSS RACETRACK ON PROXIMATELY 77.8 GROSS ACRES	
<b>N</b> ↑	

## ZONING MAP

# ATTACHMENT 4



**APPLICANT(S):**

CEMX, LLC

**FILE NO(S):**

SPL10-10106 & CUP09-10289

**LOCATION:**

ON THE WEST SIDE OF U. S. HIGHWAY 395, GENERALLY NORTH OF POPLAR STREET

**APN(S):**

3064-551-01 THRU 04, 06 THRU 08, AND 3064-561-06

**PROPOSAL:**

CONSIDERATION OF A SPECIFIC PLAN AMENDMENT AND CONDITIONAL USE PERMIT TO CHANGE THE SUBJECT PROPERTY FROM REGIONAL COMMERCIAL, COMMERCIAL INDUSTRIAL BUSINESS PARK, AND RURAL ESTATE RESIDENTIAL TO PUBLIC/INSTITUTIONAL OVERLAY WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN AND TO ESTABLISH A MOTOCROSS RACETRACK ON APPROXIMATELY 77.8 GROSS ACRES



## AERIAL PHOTO

# ATTACHMENT 5

## COMPETITIVE EDGE MOTO-CROSS PARK CHRONOLOGY

Activity	Date	Notes
CUP-2004-03	06/30/2004	Land use application filed
CUP-2004-03	08/11/2004	DRC Forwarded the application to the Planning Commission
CUP-2004-03	09/09/2004	Planning Commission forwarded the application to the City Council
CUP-2004-03	10/20/2004	City Council approved the application; expires 12/04/2006
TSE-2005-08	03/02/2005	Approved weekend riding 3/19/2005 – 9/06/2005
TSE-2005-08-E	07/06/2005	Approved an extension to 12/31/2005
Building and grading plans submitted	11/04/2005	First plan check completed 11/08/2005
Building and grading plans resubmitted	11/30/2005	Second plan check completed 12/02/2005
TSE-2005-08	12/2005	Amended TSE to allow daytime racing 4 days/week and factory testing 3 days/week
Water line installed	2005	Improvements include three fire hydrants
Grading plans approved by Planning	01/24/2006	
TSE-2006-25	05/31/2006	Approved six evening pit-bike events
Building plans approved by Planning	07/11/2006	
Deadline for completion of improvements	09/30/2006	Primary buildings, on-site parking and off-site improvements, including improvements to Caliente Avenue, Muscatel Street, and Aspen Street shall be completed to City standards
CUP-2004-03-E	11/15/2006	Application for extension approved 11/21/2006; extending CUP to 06/04/2007
Lease agreement	11/04/2009	CEMX, LLC signs lease
SPL10-10106 & CUP09-10289	01/06/2010	Application to reestablish the use filed
SPL10-10106 & CUP09-10289	02/03/2010	DRC forwarded the applications to the Planning Commission for consideration

PLANNING DEPARTMENT  
15776 Main Street, Hesperia, California 92345  
(760) 947-1224 FAX (760) 947-1304

NEGATIVE DECLARATION ND-2004-22  
Preparation Date: August 25, 2004

Name or Title of Project: Conditional Use Permit CUP-2004-03.

Location: The west side of U. S. Highway 395 between Aspen Road and Cambria Road.

Entity or Person Undertaking Project: Competitive Edge MX Park, Inc.

Description of Project: A conditional use permit to establish a motocross/off-highway vehicle park with a 9,000 square foot retail motorcycle sales facility, a 3,100 square foot concessions building, and a future 15,000 square foot multi-tenant light industrial building on 76.6 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 with inclusion of the following mitigation measures and does hereby direct staff to file a Notice of Determination, pursuant to the California Environmental Quality Act (CEQA).

Mitigation Measures:

1. The applicant shall water all dirt areas the day prior to, the day of, and during each event to control dust.
2. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.
3. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. Further, prior to completion of the project, the applicant shall submit a report describing all cultural resources encountered during grading.
4. The riding trails shall be open Tuesdays, Wednesdays, Saturdays, and Sundays. The hours of operation for motocross and regular riding events shall be limited to between 9:00 a.m. and 2:00 p.m. on weekdays and between 8:00 a.m. and 6:00 p.m. on weekends (7:30 during the summer). Other days and hours may be authorized on a case-by-case basis as part of a special event permit.
5. The applicant shall operate the use so that it does not exceed the noise restrictions within the Development Code along the site boundaries. The applicant shall make adjustments to the track layouts, amplified voice equipment, and/or spectator areas as needed to maintain compliance with the noise restrictions. Should staff receive complaints regarding excessive noise, which is verified by staff, based upon measurements taken in the field, then this conditional use permit may be forwarded to the Planning Commission for possible revocation.

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: September 19, 2004 through October 20, 2004.

Public Hearing Date: October 20, 2004

Adopted by the City Council: October 20, 2004

Attest:

---

DAVE RENO, AICP, PRINCIPAL PLANNER

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

- 1. Project title:**  
Conditional Use Permit CUP-2004-03
- 2. Lead agency name and address:**  
City of Hesperia Planning Department, 15776 Main Street, Hesperia, CA 92345.
- 3. Contact person and phone number:**  
Stan Liudahl, Planner (760) 947-1231.
- 4. Project location:**  
The west side of U. S. Highway 395, between Aspen Road and Cambria Road (APNs: 3064-551-01 thru 03, 05, 06 & 08 and 3064-561-06).
- 5. Project sponsor's name and address:**  
Competitive Edge MX Park, Inc., 39154 Memory Drive, Murrietta, CA 92563
- 6. General plan designation:**  
The site is within the Industrial (IND) General Plan Land Use designation. The Industrial designation, as implemented by the Development Code, allows sport oriented recreational uses requiring remote locations including, but not limited to, rifle and archery ranges, sky diving jump sites, off-road vehicle parks, marinas, golf courses, hunting and fishing clubs, ski resorts and recreational camps. The character of the proposed use is such that it requires a remote location away from other land uses.
- 7. Zoning:**  
The site is currently zoned Rural Residential with a minimum lot size of 2 ½ acres RR-2 ½. This zone district is inconsistent with the current General Plan Land Use designation. The applicant has also filed Zone Change ZC-2004-23, which would change the zoning to Limited Manufacturing (I-1). The proposed zone change is consistent with the current General Plan Land Use designation. As such, ZC-2004-23 is exempt from environmental review pursuant to the Section 16.12.415 of the Hesperia Municipal Code.

8. **Description of project:** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary).

A conditional use permit to establish a motocross/off-highway vehicle park on 76.6 acres. The use would include five dirt tracks. The main track, which would be used for most events, is located within the southeastern portion of the site. The development would also have a supercross, intermediate, quad, and peewee track area. The motocross/off-highway vehicle park would also contain a 3,100 square foot concessions building. In addition to the motocross/off-highway vehicle park, a 9,000 square foot retail motorcycle sales facility and a future 15,000 square foot light industrial building would be constructed on the southernmost portion of the site.

The applicant has also filed Zone Change ZC-2004-23, which would change the zoning from Rural Residential with a minimum lot size of 2-½ acres RR-2 ½ to Limited Manufacturing (I-1).

9. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.)  
 The property is currently vacant, although it has been heavily used by past off-highway vehicle use. All surrounding properties are currently vacant. Single-family residences exist ¼ mile north and west and light industrial uses (Graco and Skipjack) exist 1/8 mile south of the site.

All surrounding properties are within the Industrial (IND) General Plan Land Use designation except the properties on the west, which are designated Rural Estate (RE). The properties on the north are zoned Desert Agricultural (DA), the properties on the south are zoned Rural Residential with a minimum lot size of 2 ½ acres (RR-2 ½) and Limited Manufacturing (I-1), the properties on the east are zoned RR-2 ½ and Regional Commercial (C-4), and the properties on the west are within the unincorporated portion of Oak Hills.

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 or County Special District (Zone J), the Hesperia Unified School District, Southern California Edison, and Southwest Gas.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

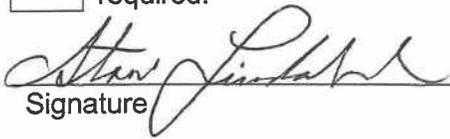
<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agricultural Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology / Soils
<input type="checkbox"/>	Hazards & Hazardous Materials	<input type="checkbox"/>	Hydrology / Water Quality	<input type="checkbox"/>	Land Use / Planning

<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population / Housing
<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation	<input type="checkbox"/>	Transportation / Traffic
<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance	<input type="checkbox"/>	

**DETERMINATION:** (Completed by the Lead Agency)

On the basis of this initial evaluation:

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

  
Signature

8/25/04  
Date

Stan Liudahl, Planner, Hesperia Planning Department

**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.

**ENVIRONMENTAL IMPACTS:**

**ISSUES**

I. <b>AESTHETICS.</b> Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista (1)?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (1 & 2)?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings (1 & 2)			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (1, 2 & 3)?			X	
<p><b>Comments.</b></p> <p>All surrounding properties are currently vacant. Two light industrial uses (Graco and Skipjack) exist 1/8 mile south of the site and single-family residences exist ¼ mile north and west of the site. (1). The site's proximity to existing development evidence that the development would not have a negative impact upon the visual character of the site. In addition, the site is not in close proximity to scenic resources, historic buildings, or a scenic highway. Further, the proposed development will not have any adverse impact to the aesthetics of the area due to Title 16 zone district regulations (3), which limit the building height and provide for minimum yard and lighting standards as implemented through the conditional use permit review process. Consequently, development of the site will not have a negative impact upon scenic resources.</p> <p>The project will produce additional light and glare associated with the retail motorcycle sales facility and light industrial building. However, any light or glare produced would be similar to that already being produced by the nearby light industrial uses (Graco and Skipjack) (1). Therefore, development of the project would not have a significant negative impact upon aesthetics.</p>				
II. <b>AGRICULTURE RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and State Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use (4)?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (5)?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use (5)?				X

**Comments.**

The site is not well suited for agriculture, particularly since the site is in a residentially designated area (5). The soil at this location is classified by the U.S. Soil Conservation Service as *Hesperia loamy fine sand, two to five percent slopes* and *Cajon Sand, nine to fifteen percent slopes*. This soil is limited by high soil blowing hazard, high water intake rate, slope considerations, and low fertility (4). The slopes as well as the proximity of light industrial and residential uses, do not make this site viable for agriculture. Further, the site is not within the area designated by the State of California as “unique farmland (4).” In addition, the site is presently zoned Rural Residential with a minimum lot size of 2 ½ acres (RR-2 ½) and within the Industrial (IND) General Plan Land Use designation, which allows for light industrial development. The applicant has filed Zone Change ZC-2004-23, which would change the zoning from RR-2 ½ to Limited Manufacturing (I-1). Therefore, the proposed project will not have an impact upon agricultural resources.

**III. AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan (6)?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (6)?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) (6)?			X	
d) Expose sensitive receptors to substandard pollutant concentrations (2 & 6)?			X	
e) Create objectionable odors affecting a substantial number of people (2)?				X

**Comments.**

All uses identified within the Hesperia General Plan are classified as area sources by the Mojave Desert Air Quality Management District (6). Programs have been established in the 1991 Air Quality Attainment Plan which address emissions caused by area sources. The proposed 77-acre motocross and off-highway vehicle park is consistent with the existing General Plan Land Use designation. As part of the General Plan Environmental Impact Report, the impact of development consistent with the Land use Plan was analyzed. Inasmuch as this project is consistent with the General Plan, no additional impact upon air resources beyond that previously analyzed would occur. Therefore, no additional analysis is necessary. Further, the impact of a 77-acre motocross and off-highway vehicle park does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment Plan.

The project will have a temporary impact upon air quality during its construction as well as during operation of the motocross and off-highway vehicle park, resulting from blowing dust associated with ground disturbances. The Building and Safety Division dust control measures include limited grading and site watering during construction. In addition, the applicant shall water all dirt areas as necessary to control dust. The mitigation measure is listed on page 19.

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1, 7, 9 & 34)?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1, 7 & 9)?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (1)?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (1)?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (8 & 36)?		X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (8 & 9)?				X

**Comments.**

The project site is located in an area listed as Category 2 habitat for the desert tortoise by the United States Bureau of Land Management (9). This classification indicates that the site is within the historical range of the Desert Tortoise, however, the probability of finding a Desert Tortoise is low to moderate. In addition, the City's General Plan Open Space Element identifies that natural areas along the western portions of the Oro Grande Wash be preserved to protect development from natural hazards, conserve natural resources, preserve habitat and community character, and enhance the quality of life. In this case, the site has been significantly degraded due to off-highway vehicle use.

The property is currently vacant, although it has been heavily used by past off-highway vehicle use. All surrounding properties are currently vacant. Single-family residences exist ¼ mile north and west and light industrial uses (Graco and Skipjack) exist 1/8 mile south of the site. Since the site contains native plant species, a biological survey was conducted by Thomas H. Irwin, M. A. and Associates to determine the presence of the Desert Tortoise, Mohave Ground Squirrel, Desert Kit Fox, or Burrowing Owl (34). The biological report states that none of these threatened, endangered species or candidate were observed. A protected plant plan was also conducted (36). The protected plant plan ensures that individual plants protected under the City's Native Plant Protection Ordinance (8) which are capable of being transplanted, will be protected in place or relocated. The protected plant plan indicates that 41 healthy Cholla, 16 Beavertail, 222 Joshua Trees, and 178 Lord's Candle capable of being transplanted will be used as part of the on-site landscaping (36). The grading plan for the motocross and off-highway vehicle racing facility as well as the retail motorcycle sales and future light industrial facility shall stipulate that all protected plants identified within the report not protected in place are to be properly transplanted. The mitigation measure is listed on page 19.

V. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 (10 & 35)?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (10 & 35)?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (10 & 35)?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries (10)?				X
<p><b>Comments.</b>  Although the site is not within an area with existing religious or sacred uses, the project site is in an area which has the potential to contain cultural resources (10). Therefore, a cultural resources investigation for the site was prepared by the San Bernardino County Archaeological Information Center (35). The report indicates that there are no significant cultural resources present within the project site. However, should cultural resources be uncovered during grading, then the applicant shall contract with a qualified archaeological/paleontological inspector to monitor and assess the resource. The mitigation measure is listed on page 19.</p>				
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 (11).				X
ii) Strong seismic ground shaking (12)?			X	
iii) Seismic-related ground failure, including liquefaction (4 & 13)?				X
iv) Landslides (14)?			X	
b) Result in substantial soil erosion or the loss of topsoil (4 & 14)?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse (4 & 13)?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (4 & 13)?				X

**Comments.**

No known or suspected fault traces are located within the Hesperia Planning Area. Additionally, the City Planning Area is not subject to the provisions of Alquist-Priolo Special Studies Zones (11). The City is located in an area with a high potential for severe ground shaking (12). However, as a function of obtaining a building final, the proposed structures will be built in compliance with the Hesperia Municipal Code and the Building Code (15) for structures greater than five kilometers from the North Frontal Zone (a "B" fault) (11), which ensures that the buildings will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soil study is required to be provided, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be provided in accordance with all development codes to assure that all structures will not be negatively affected by the soil. Further, all of the buildings with the exception of the restroom buildings serving the tracks, are located within the southern portion of the site, which is not impacted by significant slopes. The restroom buildings will be protected using retaining walls or other accepted construction techniques. Consequently, the impact upon geology and soils associated with the proposed development is considered less than significant.

VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (2)?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (2)?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (1 & 2)?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment (1)?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area (16)?				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 (16)?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (17)?				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 & 18)?				X

**Comments.**

The proposed project involves the transport and use of hazardous materials associated with internal combustion engine fuels and lubricants. However, these materials are being transported by private vehicles in small amounts. Therefore, the impact of these hazardous substances is not significant. **(2)** In addition, this project is consistent with the Hesperia Emergency Evacuation Plan **(17)** and is not located within a safety area for the Hesperia Airport. The project is north of two industrial developments. Therefore, a block wall is not required as part of an urban/wildland interface. Consequently, the proposed development would not pose a health hazard.

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 <b>(2 &amp; 19)</b> ?			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) <b>(2)</b> ?			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 <b>(2)</b> ?			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 <b>(1)</b> ?			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 <b>(2)</b> ?			X	
f) Otherwise substantially degrade water quality <b>(2)</b> ?			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 <b>(2 &amp; 21)</b> ?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows <b>(2 &amp; 22)</b> ?				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 <b>(2 &amp; 21)</b> ?				X
j) Inundation by seiche, tsunami, or mudflow <b>(1 &amp; 23)</b> ?				X

**Comments.**

The development proposed may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff (2). All drainage created on-site beyond that which has occurred historically, will be detained within a retention basin(s) within the southeastern portion of the site adjacent to the retail motorcycle sales and light industrial buildings in accordance with City of Hesperia Resolution 89-16. In addition, the development shall be subject to approval of a storm water management prevention plan. Therefore, the impact upon hydrology and water quality associated with the proposed development is considered less than significant.

**IX. LAND USE AND PLANNING.** Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community (1)?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (3 & 5)?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan (9 & 24)?				X

**Comments.**

The proposed development requires approval of a zone change (5). The site is currently zoned Rural Residential with a minimum lot size of 2 ½ acres (RR-2 ½). Zone Change ZC-2004-23, which would change the zoning to Limited Manufacturing (I-1), is consistent with current the General Plan Land Use designation of Industrial (IND) (25), which allows for light industrial development. The motocross and off-highway vehicle park is allowed as an additional use pursuant to the Development Code. The impact upon the facilities associated with the surrounding land uses is not significant as no unusual glare, traffic or noise will occur.

The impact of industrial development upon this site was assessed as part of the General Plan Environmental Impact Report (EIR). Since this project involves a motocross and off-highway vehicle park, commercial and industrial development, no additional impact beyond that identified within the EIR would occur. Therefore, no disruption or division of the physical arrangement of the established community will occur. Further, approval of the project is consistent with Land Use Policy No. L. G. 10, which promotes zoning and land use policies which ensure maximum utilization of existing facilities and infrastructure. Consequently, the overall impact upon land use associated with the proposed development is considered less than significant.

**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 (33)?				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 (33)?				X

**Comments.**

The site does not contain any known important deposits of valuable local or statewide mineral resources (33). Consequently, the impact upon mineral resources associated with the proposed development is considered to be less than significant.

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, 16, & 26)?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (2 & 26)?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (2 & 26)?			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 (16)?				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 (16)?				X

**Comments.**

The facility will create increased noise levels during development. However, the Hesperia Municipal Code restricts the hours during which construction activities may occur so that the short-term impact upon the adjacent properties is not significant and the operation of the facility would be subject to the Noise Ordinance, which restricts the amount of noise to acceptable levels (27). The noise associated with the motocross and off-highway vehicle events presents a potential noise nuisance, particularly to the residentially designated properties west of the site. Consequently, the applicant retained the services of P. A. Penardi & Associates, a firm which provides noise evaluation services (37). P. A. Penardi & Associates conducted a noise study of a motocross event at the Glen Helen recreational area. The results of the study indicate that noise from the main Motocross track would not exceed 65 dB(A) at the western boundary of the site (37). The City's Development Code restricts noise impacting residentially designated property to a limit of 60 dB(A) at the property line during daylight hours. However, the noise limit may be exceeded by 5 dB(A) for up to 15 minutes in any one-hour period. The noise study states that the facility will comply with the City's Noise Ordinance. In addition, the noise impacting surrounding properties may exceed the ambient noise level by 5 dB(A). Industrial land uses are not sensitive to noise. The Development Code allows industrially designated properties to receive up to 70 dB(A). Therefore, the impact of this facility upon the industrial properties north and south of the site is not significant. Consequently, the motocross and off-highway vehicle park would not exceed the City's noise regulations.

The boundary of the site fronts upon U. S. Highway 395, is less than one-half mile from Interstate 15, is approximately three miles from of the Burlington, Northern, and Santa Fe Railroad right-of-way and is over four miles from the Hesperia Airport. At this distance, the site is not impacted by the airport nor the railroad and is expected to be exposed to noise less than 60 CNEL from Interstate 15. However, the site would be subject to noise in excess of 70 dB(A) due to U. S. Highway 395. That portion of the site impacted by noise in excess of 60 dB(A) contains dirt parking areas and portions of the main motocross track. The buildings associated with the motocross and off-highway vehicle park and the motorcycle sale and future light industrial buildings would not be impacted by noise in excess of 60 dB(A) from U. S. Highway 395. Besides, these uses are not noise sensitive and may be subjected to increased noise levels.

Should staff receive complaints regarding noise issue and it is determined that the noise limitations have been exceeded based upon measurements taken in the field during an event by City staff, then this Conditional Use Permit may be forwarded to the Planning Commission for possible revocation. Further, the hours of the proposed motocross/off-highway vehicle park will ensure that the noise ordinance will not be exceeded, due to the 55 dB(A) noise limitation between 10 p.m. and 7 a.m. (28). The mitigation measures associated with the hours of operation and noise limitations are listed on page 19.

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

**Comments.**

Industrial development of the subject property is identified within the Land Use Element of the City's General Plan (5). Although the proposed project requires approval of a zone change, its potential effect as a growth-inducing factor was addressed by the Environmental Impact Report for the General Plan. According to the application, the facility will employ 25 persons (10 for the motocross and off-highway vehicle park and 15 for the retail motorcycle sales facility. This is well below the employment projections that could occur on this site, based upon the General Plan EIR. Therefore, the indirect population growth of the area resulting from this industrial development would not be significant.

Inasmuch as the project site is identified as an industrial land use, no alteration, or change in the distribution of human population in the area will occur. In regards to the project's growth inducing impacts, the site is currently served by water and other utility systems. Therefore, development of the project would not require the extension of major improvements to existing public facilities.

**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):			X	
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

**Comments.**

The proposed project will result in an increase in public services (2). Development impact fees will be assessed at the time that building permits are issued for construction of the proposed development (28). In addition, the project site will be annexed into Assessment District 94-01, which will assure that adequate fire protection services will be provided. These fees are designed to ensure the appropriate levels of capital resources necessary to serve any future development. Consequently, satisfactory levels of public services will be maintained. Therefore, the impact upon public services associated with the proposed development is considered less than significant.

**XIV. RECREATION.**

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

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (1 & 2)?			X	
<b>Comments.</b> The proposed residential development may cause an indirect increase in the need for recreational facilities (2). Development impact fees will be collected, which will provide funding for park facilities. Consequently, the impact upon recreational facilities associated with the proposed development is considered to be less than significant.				
<b>XV. TRANSPORTATION / TRAFFIC.</b> Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections) (2)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (29)?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks (16)?				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 (2)?				X
<b>Comments.</b> The City of Hesperia General Plan Circulation Element is designed so the master-planned roadways operate at a Level of Service (LOS) of "C" or better, with a few exceptions (29). In evaluating Level of Service, existing land use designations were applied (2). The project is bounded by U. S. Highway 395, which is a freeway and Aspen Road is a suburban Major Collector roadway. These roadways are designed to accommodate the future volume of traffic allowed by the land uses authorized by the General Plan. Industrial development of the site was addressed by the Environmental Impact Report (EIR) of the General Plan. This analysis includes an automated traffic model, which was designed to provide adequate roadway capacity based upon the land uses permitted by the General Plan Land Use Element. Since the proposed project is consistent with the General Plan Land Use Element, the circulation needs of this land use has been accounted for as a part of the Circulation Element within the General Plan. Therefore, the impact upon the City's roadways by this project would not be significant.  Development impact fees will be collected at the time that building permits are issued, which will provide funding for the construction of roadways to reduce the impacts of additional vehicular traffic (28). Further, preparation of a traffic impact analysis in accordance with the San Bernardino County Congestion Management Plan is not required, due to the limited number of large events. The typical weekday or weekend event would involve approximately 150 to 250 vehicles per day. Construction of the frontage of the project abutting Aspen Road as well as a 26-foot wide paved section from the existing edge of pavement in Caliente Avenue to the project's frontage will ensure that development of the project will not have a significant negative impact upon the City's transportation systems.				

<b>XVI. UTILITIES AND SERVICE SYSTEMS.</b> 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 <b>(19)</b> ?				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 <b>(19)</b> ?			X	
c) Require or result in the construction of new storm water drainage facilities, the construction of which could cause significant environmental effects <b>(2 &amp; 19)</b> ?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed <b>(30 &amp; 31)</b> ?				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 <b>(19)</b> ?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs <b>(32)</b> ?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste <b>(32)</b> ?				X

**Comments.**

The proposed development will cause an increase in the use of water. However, the increase will not exceed current levels of water production (20). The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al. , Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, in a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin. Thus, the Judgment and physical solution adequately mitigates the additional water needs for the project. In addition, development considered under the City's General Plan Program EIR has been accounted for in the UWMP. In addition, the MWA recommends utilization of interior water conservation measures such as low flow plumbing fixtures. The MWA further states that "(t)his factor (water demand) should be given careful consideration before making significant (underlined for emphasis) commitments to increased water use" (31).

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

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

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

The proposed 76.6-acre motocross/off-highway vehicle park with a 9,000 square foot retail motorcycle sales facility, 3,100 square foot concessions building, and future 15,000 square foot light industrial building does not constitute a project of regional significance pursuant to CEQA. Further, the project shall utilize an approved on-site retention/detention system in accordance with City of Hesperia Resolution 89-16. The approved on-site retention/detention facilities will ensure that the facility will not have a negative impact upon groundwater resources.

<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>	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		
<p><b>Comments.</b>                      Based upon the analysis in this initial study, a Negative Declaration may be adopted. Development of this project will have a minor effect upon the environment. These impacts are only significant to the degree that mitigation measures are necessary.</p>				
<p><b>XVIII. EARLIER ANALYSES.</b></p>				
<p>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:</p>				
<p>The Certified General Plan Environmental Impact Report.</p>				
<p>a) <b>Earlier analyses used.</b> Earlier analyses are identified and stated where they are available for review.</p>				
<p>b) <b>Impacts adequately addressed.</b> 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.</p>				
<p>c) <b>Mitigation measures.</b> 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.</p>				

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

1. The applicant shall water all dirt areas the day prior to, the day of, and during each event to control dust.
2. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavaceae family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.
3. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. Further, prior to completion of the project, the applicant shall submit a report describing all cultural resources encountered during grading.
4. The riding trails shall be open Tuesdays, Wednesdays, Saturdays, and Sundays. The hours of operation for motocross and regular riding events shall be limited to between 9:00 a.m. and 2:00 p.m. on weekdays and between 8:00 a.m. and 6:00 p.m. on weekends (7:30 during the summer). Other days and hours may be authorized on a case-by-case basis as part of a special event permit.
5. The applicant shall operate the use so that it does not exceed the noise restrictions within the Development Code along the site boundaries. The applicant shall make adjustments to the track layouts, amplified voice equipment, and/or spectator areas as needed to maintain compliance with the noise restrictions. Should staff receive complaints regarding excessive noise, which is verified by staff, based upon measurements taken in the field, then this conditional use permit may be forwarded to the Planning Commission for possible revocation.

**Authority:** Public Resources Code Sections 21083 and 21087.

**REFERENCES**

- (1) Aerial photos of the City of Hesperia flown in 2004 and on-site field investigations conducted in August 2004.
- (2) Conditional Use Permit CUP-2004-03 application and related materials.
- (3) Chapter 16.16 of the Hesperia Municipal Code, Article XII, Limited Manufacturing (I-1) District.
- (4) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area, Pages 44 and ?? and Map Sheet No. 31.
- (5) Current Official City of Hesperia zoning and General Plan map.
- (6) Personal communication with Alan De Salvio, Air Quality Specialist, Mojave Desert Air Quality Management District.
- (7) 1991 City of Hesperia General Plan Open Space Element, Pages OS-15 through 16.
- (8) Chapter 16.24 of the Hesperia Municipal Code, Article II. Desert Native Plant Protection.
- (9) 1988 United States Bureau of Land Management California Desert Conservation Area and 1991 City of Hesperia Conservation Element, Figure CN-4.
- (10) 1991 City of Hesperia General Plan Conservation Element, Figure CN-5.
- (11) Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada, California Department of Conservation Division of Mines and Geology, Map O-31.
- (12) 1991 City of Hesperia General Plan Safety Element, Pages S-1 through S-7.
- (13) 1991 City of Hesperia General Plan Safety Element, Figure S-3.
- (14) 1991 City of Hesperia General Plan Safety Element, Page S-7 and Figure S-6.

- (15) 2001 California Building Code.
- (16) 1991 City of Hesperia Airport Comprehensive Land Use Plan, Figure 1-5 and pages 23-36.
- (17) 1989 City of Hesperia Disaster Preparedness Plan.
- (18) 1991 City of Hesperia General Plan Safety Element, Pages S-19 through S-21.
- (19) 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.
- (20) 1993 Final Environmental Impact Report for the Hesperia Redevelopment Project, Pages 4-171 & 4-172.
- (21) 1991 City of Hesperia General Plan Safety Element, Figure S-11.
- (22) 1991 City of Hesperia General Plan Safety Element, Figure S-10.
- (23) 1991 City of Hesperia General Plan Safety Element, Figure S-6.
- (24) 1991 City of Hesperia General Plan Conservation Element, Page CN-7.
- (25) 1991 City of Hesperia General Plan Land Use Element, Page L-29 thru 30.
- (26) 1991 City of Hesperia General Plan Noise Element, Figures N-2 and N-3 and pages N-1 through N-19 and the 1991 Noise Element Technical Appendix.
- (27) Chapter 16.20 of the Hesperia Municipal Code, Article V. General Performance Standards.
- (28) 1991 City of Hesperia Ordinance 180 entitled "An Ordinance of the City Council of the City of Hesperia, California, Establishing a Development Impact Fee for all New Residential, Commercial, and Industrial Structures."
- (29) 1991 City of Hesperia General Plan Circulation Element, Page C-9.
- (30) 1993 Final Environmental Impact Report for the Hesperia Redevelopment Project, Pages 4-171 & 4-172.
- (31) Mojave Water Agency letter dated March 27, 1996.
- (32) California Integrated Waste Management Act (AB 939).
- (33) 1991 City of Hesperia General Plan Conservation Element, Page CN-18.
- (34) Desert Tortoise Assessment for Conditional Use Permit CUP-2004-03 by Thomas H. Irwin, M. A. and Associates dated February 10, 2004.
- (35) Paleontological Resource Assessment for Conditional Use Permit CUP-2004-03 by the San Bernardino County Archaeological Information Center dated June 21, 2004.
- (36) Survey of Protected Plants for Conditional Use Permit CUP-2004-03 by Thomas H. Irwin, M. A., Robert Powell, BVA and Associates dated April 16, 2004.
- (37) Acoustical Study of the Proposed Competitive Edge MX Park at Highway 395 in Hesperia by P. A. Penardi & Associates dated June 30, 2004 and addendum dated August 2, 2004

# ATTACHMENT 7

## RESOLUTION NO. PC-2010-05

**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 77.8 GROSS ACRES FROM REGIONAL COMMERCIAL, COMMERCIAL INDUSTRIAL BUSINESS PARK, AND RURAL ESTATE RESIDENTIAL TO PUBLIC/INSTITUTIONAL OVERLAY LOCATED ON THE WEST SIDE OF U.S. HIGHWAY 395, GENERALLY NORTH OF POPLAR STREET (SPL10-10106)**

**WHEREAS**, CEMX, LLC has filed an application requesting approval of SPL10-10106 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to 77.8 gross acres within the Regional Commercial (RC), Commercial Industrial Business Park (CIBP), Rural Estate Residential (RER), and the Wash Protection Overlay District of the Main Street and Freeway Corridor Specific Plan located on the west side of U. S. Highway 395, generally north of Poplar Street and consists of Assessor's Parcel Numbers 3064-551-01 thru 04, 06 thru 08, and 3064-561-06; and

**WHEREAS**, the Application, as contemplated, proposes to change the zoning of approximately 77.8 gross acres from the Regional Commercial (RC), Commercial Industrial Business Park (CIBP), Rural Estate Residential (RER) District to the Public/Institutional Overlay (PIO) District of the Main Street and Freeway Corridor Specific Plan; and

**WHEREAS**, CEMX, LLC has also filed an application requesting approval of Conditional Use Permit CUP09-10289, to establish a motocross racetrack on the 77.8 gross acre site; and

**WHEREAS**, the property has been used as a motocross facility since 2004 under CUP-2004-03. U. S. Highway 395 is along the eastern boundary of the site. The property to the southeast contains an industrial park and three properties along the west site boundary contain single-family residences; 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), Rural Estate Residential (RER), and the Wash Protection Overlay District of the Main Street and Freeway Corridor Specific Plan. The properties to the north are within the Regional Commercial and Rural Estate Residential Districts of the Main Street and Freeway Corridor Specific Plan. A portion of the properties to the north, south, and west are also affected by the Wash Protection Overlay. The properties to the south and east are within the Regional Commercial and Commercial Industrial Business Park Districts, and the properties to the west are within the Commercial Industrial Business Park and Rural Estate Residential Districts of the Main Street and Freeway Corridor Specific Plan; and

**WHEREAS**, an environmental Initial Study for CUP-2004-03 was completed and no significant adverse impacts were identified. Negative Declaration ND-2004-22 was subsequently prepared. The environmental impact of this project does not exceed that analyzed under CUP-2004-03.

This project will be required to meet all mitigation measures outlined in the negative declaration for CUP-2004-03. Consequently, no additional environmental review is required; and

**WHEREAS**, on March 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 March 11, 2010 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2004-22 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 specifically permit institutional uses and the proposed Public/Institutional Overlay provides for the proposed motocross facilities on property owned by the Redevelopment Agency. 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 and the mitigation measures for ND-2004-22.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia, because the proposal will allow outdoor recreational 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 SPL10-10106, 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 11<sup>th</sup> day of March 2010

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Chris Elvert, Chair, Planning Commission

ATTEST:

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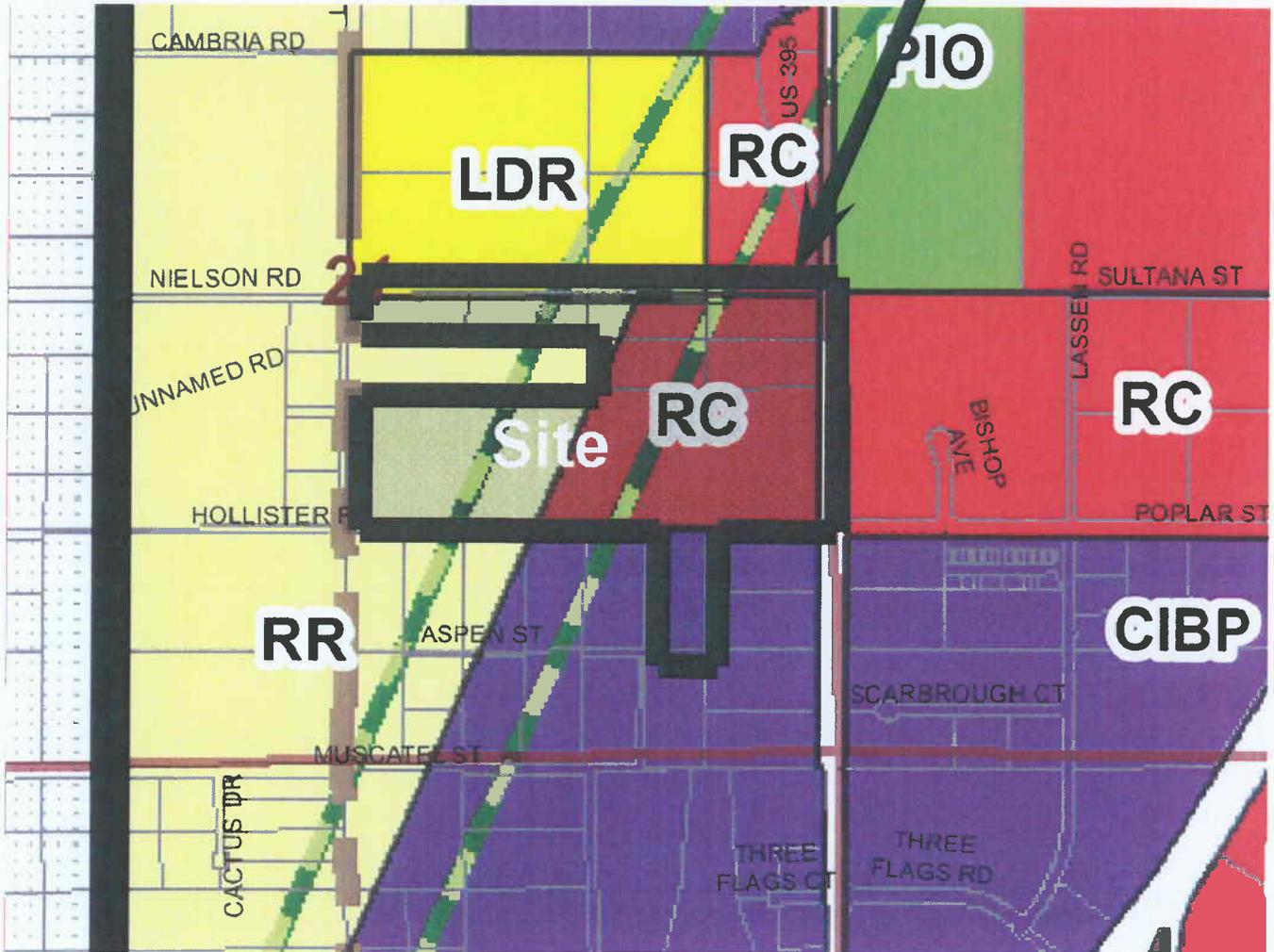
Eva Heter, Secretary, Planning Commission

# EXHIBIT "A"

SPL10-10106

CEMX, LLC

PIO



# ATTACHMENT 8

## RESOLUTION NO. PC-2010-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A CONDITIONAL USE PERMIT TO ESTABLISH A MOTOCROSS RACETRACK ON APPROXIMATELY 77.8 GROSS ACRES LOCATED ON THE WEST SIDE OF U. S. HIGHWAY 395, GENERALLY NORTH OF POPLAR STREET (TPM09-10130/PM-19159)**

**WHEREAS**, CEMX, LLC has filed an application requesting approval of CUP09-10289 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to 77.8 gross acres within the Regional Commercial (RC), Commercial Industrial Business Park (CIBP), Rural Estate Residential (RER), and the Wash Protection Overlay District of the Main Street and Freeway Corridor Specific Plan located on the west side of U. S. Highway 395, generally north of Poplar Street and consists of Assessor's Parcel Numbers 3064-551-01 thru 04, 06 thru 08, and 3064-561-06; and

**WHEREAS**, the Application, as contemplated, proposes to establish a motocross racetrack on approximately 77.8 gross acres; and

**WHEREAS**, CEMX, LLC has also filed an application requesting approval of Specific Plan Amendment SPL10-10106, to change the zoning of approximately 77.8 gross acres from the Regional Commercial (RC), Commercial Industrial Business Park (CIBP), Rural Estate Residential (RER) District to the Public/Institutional Overlay (PIO) District of the Main Street and Freeway Corridor Specific Plan; and

**WHEREAS**, the property has been used as a motocross facility since 2004 under CUP-2004-03. U. S. Highway 395 is along the eastern boundary of the site. The property to the southeast contains an industrial park and three properties along the west site boundary contain single-family residences; 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), Rural Estate Residential (RER), and the Wash Protection Overlay District of the Main Street and Freeway Corridor Specific Plan. The properties to the north are within the Regional Commercial and Rural Estate Residential Districts of the Main Street and Freeway Corridor Specific Plan. A portion of the properties to the north, south, and west are also affected by the Wash Protection Overlay. The properties to the south and east are within the Regional Commercial and Commercial Industrial Business Park Districts, and the properties to the west are within the Commercial Industrial Business Park and Rural Estate Residential Districts of the Main Street and Freeway Corridor Specific Plan; and

**WHEREAS**, an environmental Initial Study for CUP-2004-03 was completed and no significant adverse impacts were identified. Negative Declaration ND-2004-22 was subsequently prepared. The environmental impact of this project does not exceed that analyzed under CUP-2004-03. This project will be required to meet all mitigation measures outlined in the negative declaration for CUP-2004-03. Consequently, no additional environmental review is required; and

**WHEREAS**, on March 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 March 11, 2010 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2004-22 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 proposed use 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 and the mitigation measures for ND-2004-22.
- (c) 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 in conformance with the development code.
- (d) The proposed project is consistent with the goals, policies, standards and maps of the General Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia. Further, the project is consistent with the regulations allowing automotive dismantling/recycling facilities in the General Manufacturing zone.
- (e) The site for the proposed use will have adequate access based upon the proposed street improvements, which are consistent with the City's Circulation Element.
- (f) The proposed project is consistent with the adopted General Plan of the City of Hesperia.

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 Conditional Use Permit CUP09-10289, 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 11<sup>th</sup> day of March 2010

\_\_\_\_\_  
Chris Elvert, Chair, Planning Commission

ATTEST:

\_\_\_\_\_  
Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP09-10289:

Approval Date: April 20, 2010  
Effective Date: June 3, 2010  
Expiration Date: March 3, 2011

This list of conditions apply to a Conditional Use Permit to establish a motocross race track on approximately 77.8 gross acres located on the west side of U. S. Highway 395, generally north of Poplar Street. Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: CEMX, LLC; APNs: 3064-551-01 thru 04 & 06 thru 08 and 3064-561-06).

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 TWELVE (12) MONTHS OF THE EFFECTIVE DATE OF APPROVAL. Extensions of time of up to twelve (12) months may be granted upon submittal of the required application and fee prior to the expiration date.

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

SUBMITTAL OF PUBLIC IMPROVEMENT PLANS SHALL INCLUDE THE FOLLOWING:

Specific Plan Amendment. These conditions are concurrent with approved Specific Plan Amendment SPL10-10106 becoming effective. (P)

- \_\_\_\_\_ 1. Title Report. The property owner shall provide a complete title report 90-days or newer from the date of submittal. (E)
- \_\_\_\_\_ 2. Irrevocable Offer of Dedication. The property owner shall submit an "Offer of Dedication" to the City's Engineering Department for review and approval. (E)
- \_\_\_\_\_ 3. Easement, (Water, Sewer and Storm Drain). The property owner shall submit a "Grant of Easement" to the City's Engineering Department for review and approval if needed. There is a portion of the existing waterline that appears to be outside of the existing utility easement. (E)
- \_\_\_\_\_ 4. Submittal of Improvement Plans. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

- \_\_\_\_\_ 5. **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 City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

**CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:**

- \_\_\_\_\_ 6. **Approval of Improvement Plans.** All required improvement plans shall be completed to the satisfaction of the City Engineer. All Public Works plans shall be submitted as a complete set. (E)
- \_\_\_\_\_ 7. **Dedication(s).** The property owner shall grant to the City an Irrevocable Offer of Dedication for Aspen Rd and HWY 395. The right-of-way full-width for Aspen Rd shall be (66) feet. The right-of-way full-width for HWY 395 shall be (130) feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approach that encroaches onto private property. It is the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City. **Corner cut-off right of way dedication per City standards is required at all intersections, including interior roadways.** (E)
- \_\_\_\_\_ 8. **Street Improvement Plan.** Street improvements shall be designed in accordance with City standards and as indicated below. (E)
- \_\_\_\_\_ 9. **Off-Site Street Improvements.** Saw-cut (2-foot min.) and match-up asphalt pavement on Caliente Rd. Construct and design half-width 26-foot min asphalt paving starting from Caliente Rd, heading east to Muscatel St, then continue in the right-of-way between APN 3064-561-14 and APN 3064-561-15, and connect to Aspen Rd. Keep the paved access within the existing right-of-way from Caliente Rd to Aspen Rd. These improvements shall consist of (E):
- A. Pavement transitions per City Standards.

- B. Design roadway sections per City of Hesperia Local Standard.
- C. Cross sections every 50 feet per City standards.
- D. Traffic control signs and devices as required by the City Engineer.
- E. Provide a signage and striping plan per City standards.
- F. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
- G. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

\_\_\_\_\_ 10. **Aspen Road.** The design shall be based on City's 66-foot Industrial Collector Roadway Standard. The curb face is to be located at 25' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of (E):

- A. 8" Curb and Gutter per City standards.
- B. Roadway drainage device(s).
- C. Streetlights per City standards.
- D. Commercial driveway approaches per City standards.
- E. Pavement transitions per City Standards.
- F. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
- G. Cross sections every 50 feet per City standards.
- H. Traffic control signs and devices as required by the City Engineer.
- I. Provide a signage and striping plan per City standards.
- J. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
- K. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

\_\_\_\_\_ 11. **Jurisdiction.** Prior to any construction occurring on any parcel, the applicant shall contact the San Bernardino County Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F-1]

\_\_\_\_\_ 12. **Water System Commercial.** A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. [F-54]

\_\_\_\_\_ 13. **Electronic Copies.** The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)

- \_\_\_\_\_ 14. **Design for Required Improvements.** Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this conditional use permit application with the following revisions made to the improvement plans: (E, F, P)
- A. The driveways and drive aisles shall be a minimum of 26 feet wide and shall not exceed a 12 percent slope;
- B. The northern portion of the parking lot adjacent to U. S. Highway 395 shall be shifted west as approved by staff, out of the additional offer of dedication for U. S. Highway 395.
- \_\_\_\_\_ 15. **Fencing.** The Developer shall install the required six-foot high chain link fence to prevent trespass from the subject property onto APN 3064-551-05. (P)
- \_\_\_\_\_ 16. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)
- \_\_\_\_\_ 17. **Light and Landscape District Annexation.** The property owner shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD)
- \_\_\_\_\_ 18. **Notices of Nonresponsibility.** The Developer shall give the Hesperia Community Redevelopment Agency at least ten (10) days written notice of the date of commencement of any construction, alteration, addition, improvement, or repair costing in excess of Fifty Thousand Dollars (\$50,000) so that Hesperia Community Redevelopment Agency may post appropriate Notices of Nonresponsibility. (RDA)

**CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:**

- \_\_\_\_\_ 19. **As-Built Plans.** The Developer shall provide as-built plans. (E)
- \_\_\_\_\_ 20. **Public Improvements.** All public improvements shall be constructed to City standard and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)
- \_\_\_\_\_ 21. **Utility Clearances.** The Building Division will provide utility clearances for the facility after required permits and inspections and after the issuance of a Certificate of Occupancy for the use. Utility meters shall be permanently labeled. (B)
- \_\_\_\_\_ 22. **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. Any exceptions shall be approved by the Deputy Director of Development Services / Community Development. (P)

- \_\_\_\_\_ 23. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

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

- \_\_\_\_\_ 24. **Lease Agreement.** The Applicant shall maintain a valid lease agreement for the use and shall be in compliance with all requirements therein. A copy of a current lease agreement shall be submitted to the Planning Division prior to establishment of the use pursuant to this conditional use permit approval and at any time in the future upon demand. (P, RDA)
- \_\_\_\_\_ 25. **Use Operating Limitations.** The riding trails shall be open Tuesdays, Fridays, Saturdays, and Sundays. The hours of operation for motocross and regular riding events shall be limited to between 8:00 a.m. and 4:00 p.m. on weekdays and between 8:00 a.m. and 6:00 p.m. on weekends (until 7:30 p.m. between June 20<sup>th</sup> and September 22<sup>nd</sup>). Other days and hours may be authorized on a case-by-case basis as part of a temporary special event permit. (P)
- \_\_\_\_\_ 26. **Dust Control.** The applicant shall water all dirt areas the day prior to, the day of each event, and during each event as necessary to control dust. This includes areas for vehicular access to and from the parking areas as well the motocross tracks. (P)
- \_\_\_\_\_ 27. **Waste Control.** The applicant shall provide waste receptacles in sufficient numbers to accommodate the amount of waste generated for each event. Further, the applicant shall collect all refuse after each event to prevent windblown trash. In addition, all hazardous materials (fuels, lubricants and motor oils) shall be handled in accordance with an approved Hazardous materials management plan (HMMP). (P)
- \_\_\_\_\_ 28. **Noise.** The applicant shall operate the use so that it does not exceed the noise restrictions within the Development Code along the site boundaries. The applicant shall make adjustments to the track layouts, amplified voice equipment, and/or spectator areas as needed to maintain compliance with the noise restrictions. Should staff receive complaints regarding excessive noise, which is verified by staff, based upon measurements taken in the field, then this conditional use permit may be forwarded to the Planning Commission for possible revocation. (P)
- \_\_\_\_\_ 29. **Sanitation.** A minimum of ten standard portable sanitation units and two handicapped accessible units shall be maintained on-site for day-to-day operations. Additional units shall be provided as approved by the Building Division for all major events, pursuant to code requirements. (B)

- \_\_\_\_\_ 30. **Fencing of the facility.** The perimeter fencing restricting access to the riding areas shall be maintained to safeguard against vehicular access other than from the approved paved drive aisle to and from the site. In addition, the fencing to prevent access to APN 3064-551-05 shall also be maintained to prevent trespass. (P)
  
- \_\_\_\_\_ 31. **Access.** At no time shall the entrances or exits be blocked in order to inhibit vehicular or pedestrian access to the facility during operating hours. (P)
  
- \_\_\_\_\_ 32. **Alcoholic Beverages.** Alcoholic beverages will not be permitted to be sold and/or consumed at this facility. (P)

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

(P)	Planning Division	947-1200
(B)	Building Division	947-1300
(E)	Engineering Division	947-1414
(F)	Fire Prevention Division	947-1012
(RDA)	Hesperia Redevelopment Agency	947-1909
(RPD)	Hesperia Recreation and Park District	244-5488



**DATE:** March 11, 2010

**TO:** Planning Commission

**FROM:** Dave Reno, AICP, Principal Planner *[Signature]*

**SUBJECT: ANNUAL REPORT ON STATUS AND IMPLEMENTATION OF THE GENERAL PLAN**

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### RECOMMENDED ACTION

Staff recommends that the Planning Commission review this annual report, and forward it to the City Council with the intent to direct staff to transmit copies to the Governor's Office of Planning and Research, and the Department of Housing and Community Development as required by law.

### BACKGROUND

State law requires the Planning Department and Planning Commission to provide an annual report to the City Council on the status of the General Plan and progress in its implementation. Specifically, Government Code Section 65400 states in part,

“After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development...the status of the plan and its implementation...the progress in meeting its share of regional housing needs...and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing...”

The report also includes forms required by the Department of Housing and Community Development to report progress towards completion of the goals in the Housing Element. As noted, this report will be transmitted to the Office of Planning and Research, and the Department of Housing and Community Development. This annual report will cover the 2009 calendar year.

### ISSUES/ANALYSIS

Staff has prepared the attached document to serve three purposes. First, this report serves as the Annual Report on the status of the General Plan and progress towards implementation in accordance with Government Code Section 65400; second, this report is the Implementation

Plan for the City's General Plan, providing a comprehensive picture of the steps taken by the City in realizing the major policies established in the General Plan. Finally, since many of the General Plan policies are environmental mitigation measures from the Final Environmental Impact Report (FEIR) adopted for the General Plan, this report is the method through which the City of Hesperia complies with the requirements of Section 21081.6 of the California Public Resources Code (the "California Environmental Quality Act") which mandates monitoring of the mitigation measures.

#### **FISCAL IMPACT**

None

#### **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

#### **ATTACHMENT(S)**

1. Hesperia General Plan Annual Report - 2009

# HESPERIA GENERAL PLAN ANNUAL REPORT

2009



## ANNUAL REPORT ON THE STATUS OF THE GENERAL PLAN

### INTRODUCTION

Government Code Section 65400(b) requires each City and County with an adopted General Plan to provide an annual report to the legislative body on: 1) The status of the plan and progress of its implementation, including the progress in meeting its share of regional housing needs, and; 2) Local efforts to remove governmental constraints to the maintenance, improvement and development of housing. This annual report is a working document that provides information on the specific direction of the City of Hesperia and it is a tool to alert the City of potential revisions that may be required in the future.

This document serves three purposes for the City of Hesperia. First, this report serves as the required annual report for the 2009 calendar year. Second, this report is the Implementation Plan for the General Plan, providing a comprehensive picture of the steps taken by the City in realizing the major policies established in the General Plan. Finally, since many of the General Plan policies are environmental mitigation measures from the Final Environmental Impact Report (FEIR) adopted for the General Plan, this report is the method through which the City of Hesperia complies with the requirements of Section 21081.6 of the California Public Resources Code (the "California Environmental Quality Act") which mandates monitoring of the mitigation measures.

The City's corporate limits are approximately 75 square miles in area, and the designated Sphere of Influence is an additional 36± square miles. The City was originally incorporated with 50 square miles and has since completed 13 annexations. The most significant were for Rancho Las Flores (1992) and the Freeway Corridor (2004). When incorporated in 1988, the City had approximately 50,000 residents. The State Department of Finance estimates that the City has over 88,000 residents in 2009.

### HESPERIA GENERAL PLAN ELEMENTS

State law requires that a general plan contain seven mandatory elements. The Hesperia General Plan has the required seven elements, and includes maps illustrating the Land Use Plan and Circulation Plan of the City. These seven elements, with a brief discussion of each, are as follows:

The **Land Use Element** is the central element of the General Plan. This element guides the physical development of the City and its appearance, establishing land use designations on all territory within the City limits as well as the City's Sphere of Influence. The Land Use Plan shows the distribution and extent of residential, commercial, industrial, public and open space uses. Residential uses are classified by density ranges. Areas requiring comprehensive planning or special protection are also designated. The text contains the City's land use goals and policies on which the map designations are based. The Land Use Element is the most frequently amended element, as many development projects require an amendment as part of their approval. The most significant amendment to the Land Use Plan was the Main Street and Freeway Corridor Specific Plan, adopted in September 2008.

The **Circulation Element** contains information on streets and highways, trails and facilities for rail, airport and transit, which will meet the projected needs of the community. The Circulation Element contains a map showing the distribution and designation of streets and highways, and existing rail facilities within the community. Another map shows the City's bike and equestrian trail system. The text contains goals and policies on which the road designations are based along with specific actions for implementing the City's circulation objectives.

The **Safety Element** establishes standards and plans for protection from a variety of hazards including fire, earthquake hazards, and flooding, and includes discussion of emergency services. This Element also examines ground failure, dam inundation, disaster preparedness, airport safety and handling of hazardous materials. The goals and policies identify these hazards and include actions to minimize potential risks to the public.

The **Open Space Element** addresses recreational areas, as well as other locations and factors relative to open space. The Open Space Element details policies and measures for the preservation of open space, developed recreational park land, streetscapes, scenic corridors and recreational trails. These trails include bicycle and equestrian trails. The Element also acknowledges the City's proximity to the Pacific Crest Trail and the opportunity to connect to the State trail system. Finally the Element address the community's needs and outlines the existing facilities operated by the Hesperia Recreation and Park District.

The **Conservation Element** addresses the identification, conservation, development and use of natural resources including groundwater, soils, wildlife and mineral resources. This Element of the General Plan contains background information, policies and implementation programs relating to resource conservation within the planning area. The Element also addresses paleontological and cultural resources, air quality issues, agricultural lands as well as visual and aesthetic resources.

The **Noise Element** includes a comprehensive program to control noise in te planning process. The Noise Element identifies noise sensitive land uses and noise sources and defines areas of noise impact for the purpose of developing programs to protect residents from excessive noise intrusion.

The **Housing Element** contains provisions for housing development to all economic segments of the community. The Housing Element identifies the existing and projected housing needs of the community and establishes goals, policies, objectives, and programs for the preservation, improvement, and development of housing. It lists the numerical objectives assigned to the City through the Regional Housing Needs Assessment process conducted by SCAG and SANBAG. Of the seven mandatory elements, the Housing Element is the only one that requires review by the State for confirming compliance with State housing laws.

## **ACTIONS COMPLETED, ONGOING OR INITIATED IN 2009**

The following activities have been completed, initiated, implemented or processed by the City of Hesperia in 2009, which relate to General Plan goals and/or mitigation measures. These activities are categorized by the General Plan element they relate to and assist in implementation. Many of the policies, actions and mitigation measures contained within the General Plan are on-going in nature and are not listed below.

The City is implementing the Main Street and Freeway Corridor Specific Plan. This plan covers about 10,000 acres and the City's two most important thoroughfares. This plan was adopted in September 2008. Extensive public outreach occurred during 11 public meetings to solicit input on this Specific Plan from residents, local businesses and property owners.

Staff is also working on the General Plan Update. This is the first comprehensive update since the original General Plan was adopted in 1991. The update will cover the entire City and all seven elements of the General Plan. Of particular importance is the goal to convert the plan to a one-map system where all land uses will be designated on the General Plan map, eliminating the zoning map and any remaining inconsistencies. This will enable the public to easily determine the appropriate land uses for any parcel in the City and sphere of influence.

Additional actions taken by the City that address implementation of General Plan goals are discussed below:

### **Land Use Element:**

*L.G.2 Develop policies which will ensure that future development is compatible with existing uses and the desert environment, and that it will meet general social and economic needs.*

*L.G.3 Adopt land use strategies which will facilitate development of a self-contained community, with a full range of residential densities and housing types, commercial, educational, institutional, and recreational services, and job opportunities.*

*L.G.4 Accommodate population growth and associated land use development within the City of Hesperia, within the limits of the natural environment and the capacity of its infrastructure.*

*L.G.6 Provide for 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.*

*L.G.7 Develop a fiscally sound and balanced land use mix and distribution, recognizing long-term commitments to both rural and urban lifestyles, to managed growth, and to a balance of jobs and housing.*

The General Plan update will serve to address changes in the City's size, population and character that have taken place in the last 19 years. New laws, as well as other state

and federal mandates will also be addressed in the update, including, but not limited to regional government (SCAG and SANBAG) green house gas reduction targets, housing goals and transportation funding.

The City completed and adopted the Main Street and Freeway Corridor Specific Plan on September 16, 2008. This plan addresses land use and design standards, as well as motorized, bicycle and pedestrian circulation in a 10,000 acre area encompassing the City's two most important thoroughfares. The plan includes new zone districts, which take advantage of the City's existing and planned land use patterns to create a vibrant and attractive downtown area. The plan also anticipates regional commercial, auto sales and industrial uses to establish sales tax producing businesses and locally based jobs along the freeway corridor.

The Hesperia Gateway Shopping Center, featuring a Target Supercenter, opened in October 2008. This center is consistent with the land use goal to establish regional commercial uses along the freeway. The design and architecture meets the requirements of the Specific plan to create a visually interesting and attractive place to shop or dine. Recently, Marshall's and Ross have submitted plans to join Target in this center, further diversifying the City's retail base.

The City has established a Development Impact Fee, which is assessed on all new development. A portion of this fee is allocated to streets, drainage, fire, police and public services.

*L.G.8 Provide for a visually pleasing environment through adoption of design standards which will enhance the natural desert environment, conserve natural resources, and minimize visual clutter and blight.*

The City has adopted architectural and design standards in the Development Code as well as the Main Street and Freeway Corridor Specific Plan. The City reviews all new development for compliance with these standards. This assures compatibility with adjacent uses and high quality architecture.

The City has acquired 30 acres in the vicinity of the Civic Plaza. In 2006, the City completed the Hesperia Branch Library and the City Hall buildings. In 2008, the Civic Plaza Park was completed in time for the City's 20th anniversary celebration. In addition, a police station and County Government Center are currently under construction on property adjacent to City Hall and the park. All of these buildings exhibit common architecture, which will unify the Civic Plaza around the park.

The City is completing the first phase of the Downtown Revitalization Program. This consists of installing new curb, gutter, sidewalks, landscaping and front yard fencing in a one-square mile area immediately east of the Civic Plaza. Water lines will be replaced and new sewer lines will also be installed. Street trees will be added to complete the thematic improvements in harmony with the City's plans for the Civic Plaza. The first phase consists of two streets, Spruce and Smoke Tree, which began construction in February 2009 and will be completed by July 2010. The intent is to increase the property values in this area to encourage construction or remodeling of the existing homes and apartments in this area, many of which are in dilapidated or sub-standard condition.

The City adopted a new landscaping ordinance in 2007. This ordinance applies new standards and requires use of drip irrigation, drought tolerant plants and trees, mandates plumbing for the future use of recycled water, and limits the use of turf in most projects. The City is currently amending this ordinance to incorporate the mandated water budget standards in AB 1881.

**Circulation Element:**

*C.G.1 Develop a safe, efficient, convenient, and attractive transportation system throughout the community, providing links within the City and with neighboring regions, and accommodating automobile, truck, pedestrian, recreational, equestrian, rail, air, and public transit needs, which will meet current and future development requirements within the planning area.*

As part of the Main Street and Freeway Corridor Specific Plan, the City identified new land use districts that better suited the locations along two major corridors. A traffic model was created to address impacts over a 20-year period. This model will be further refined during the General Plan Update.

Capital Improvement Program

Projects underway in 2009 which implement the Transportation goals are as follows:

- Rancho Road Underpass - Environmental documents completed in August 2008, with property acquisition in progress, and construction planned by Summer 2010 through 2012.
- Rancho Road Interchange - Preliminary design completed, environmental document expected to be completed by April 2010. Construction is planned for 2011 to 2012.
- Rancho Corridor – widening of the road to 4 lanes between the Underpass and the Interchange. This will be planned and completed in conjunction with the County, as three miles of the six-mile length of this project is within their jurisdiction.
- Downtown Revitalization Project - The first two of nine streets (Spruce Street and Smoke Tree Street) are undergoing sewer line installation and waterline replacement. This will be completed in March. Afterward, the existing pavement will be ground and repaved and will include curb, gutter and sidewalks. Landscaping and front yard fencing is also included. This will be completed in Summer 2010. The City is planning to design similar improvements on two streets per year and construct them during the alternative years. Other streets will have additional features such as landscaped median islands (Third Avenue) and an exercise circuit (Hercules Street).
- The City completed 4 projects in the 2009-10 Fiscal Year totaling \$9.3 million. These included the first phase of the “downtown revitalization (Township) project, construction of Fire Station #305, Water Plant 19 reservoir improvements and the City’s FY 2008-09 Street Improvement Program.

*C.G.4 Organize land uses within the City to provide for efficient use of the existing and planned transportation systems.*

The City adopted the Main Street and Freeway Corridor Specific Plan, which became effective on October 16, 2008. This plan addresses land uses along the City's important thoroughfares. Land uses are located to take maximum advantage of planned transportation facilities. For example, auto sales uses are planned along the freeway, adjacent to the Rancho Road freeway interchange. This will provide exposure for the auto dealerships and convenient access from the freeway. In addition, this interchange will facilitate commuter access from Rancho Road, which extends east to the southern portion of the City.

The Specific Plan also specifies areas of higher residential density in the Freeway corridor as well as along the western portion of Main Street. This will place more housing in commuter-friendly locations near the freeway.

The City has also planned for housing and office uses to be located within the Civic Plaza area, so that the employees and residents may access commercial uses along Main Street and Eighth Avenue. The last 68 units of the KDF apartments, which are reserved for low income households were completed in January. As mentioned above the police station and County Government center are under construction. These new employees and residents will enhance the prospects for businesses in this area.

*C.G.7 Provide for a balance of different types of transportation facilities.*

The City had adopted the Bike Path and Equestrian Trail Plan. This includes class 1, 2 and 3 trails for bikes as well as equestrian trails these are located within power line transmission corridors as well as in open space areas. In addition, the Main Street and Freeway Corridor Specific Plan includes the Urban Design Framework. This plan established two new east-west corridors to link the City's system of parks and open space areas.

The City received a \$2,000,000 grant from the federal government to design and build the Hesperia Lead Track Project. This will enable businesses requiring rail access to receive and ship goods by rail from the City's industrial area. This project will serve over 200 acres and will reduce the need for truck traffic to cross the City.

**Safety Element:**

*S.P.1 Protect the community from Injury, loss of life and property damage due the flood Hazard and storm water runoff*

The City has completed improvements on the southern portion of the H-01 drainage course from Main Street to Third Avenue. This will alleviate flooding on Main Street and other streets during heavy rainstorm events.

*S.P. 3 Protect the community from injury, loss of life and property due to urban and wild land fire hazards.*

The City has funded the reconstruction of Fire Station 301. A 12,000 SF facility will replace the existing 3,700 SF station on 11th Avenue. In addition, the City has

completed Fire Station 305 on the west side of the freeway. This 18,000 SF station will protect the West side of Hesperia as well as the commercial and industrial areas along the freeway corridor. The County partially funded the station and County Fire units will serve Hesperia's sphere area.

*S.P. 4 Promote public safety in the event of a natural or man-made disaster.*

The City has completed a disaster preparedness plan for the City. In addition, the City participated in the Shakeout Earthquake Scenario on November 13, 2008. The City activated its Emergency Operations Center at City Hall and mobilized its management staff as well as other City staff to determine how prepared the City is to handle a major emergency. The City also sent two Building & Safety staff to the State Office of Emergency Services Evaluator and Coordinator training programs in September 2008.

**Open Space Element:**

*OS.G.1 Achieve a high quality, diverse park system which enhances and builds upon unique community values.*

*OS.G.2 Provide adequate park acreage and recreation facilities to serve the needs of present and future residents of the City.*

The City has worked with Hesperia Recreation and Park District to develop and expand the park system in the City. As part of new residential development on the west side of the city, three parks have been developed, totaling 16 acres. In addition, a paseo system was established to link these parks with Hesperia Community Park, located west of Datura Avenue.

In 2008, the City opened Civic Plaza Park adjacent to City Hall and the Hesperia Branch Library. The City celebrated its 20th anniversary on June 28, 2008.

*OS.G.4 Develop riding, hiking and bicycle trails which link open space areas and connect with regional trails systems.*

In 2002, the City adopted the Bike Path and Equestrian Trail Plan. This plan established a city-wide system of paths and trails. The plan includes class 1, 2 and 3 bike trails as well as equestrian trails in power line easements and open space areas, such as the Mojave River. The Mojave River Trail connects to the Pacific Crest Trail in Summit Valley.

During the General Plan Update process, the City Council has held discussions with the public and staff regarding establishment of Open Space areas. The City has identified preservation areas where the combination of natural vegetation, access and topography create kinds that would be preserved in a natural state, and developed with picnic or park facilities. Other areas would be set aside to provide trails to provide connectivity between the preservation areas or existing parks.

**Conservation Element:**

*CN.G.2 Adopt and implement conservation strategies throughout all aspects of the planning and development process.*

The City adopted a new landscape ordinance in 2007. This requires use of an approved plant list as well as restrictions on the use of turf and spray irrigation.

The City's General Plan identifies washes, open spaces and culturally sensitive areas within the City and Sphere of Influence. As part of the review of any development project, the City applies mitigations for drainage facilities, preservation of protected plants and hillsides as well as surveys for cultural and archaeological resources as recommended by the County Museum.

The City has adopted a Fat, Oil and Grease (FOG) program. The FOG program will require restaurants to monitor and maintain grease interceptors and properly dispose of FOG products to reduce potential blockages of the city sewer system. Lack of maintenance can lead to blocked sewer pipes, poor drainage and spills. Sewer spills can subject the City to fines from the Lahontan Regional Water Quality Control Board.

*CN.G.5 Promote development which is sensitive to the environment and which minimizes adverse impacts to water supply, soils, cultural resources, air and water quality and biological resources.*

The City requires that new development, as well as public projects, irrigate their landscaping with provisions to convert to the use of reclaimed water when it becomes available. The City, in conjunction with the regional wastewater authority, is building sub-regional treatment plants that will supply treated water for this purpose. The City also requires best management practices for new construction including watering of graded areas and dirt access ways, SWPPP measures and surveys for cultural or biological resources, as applicable to each project.

**Noise Element:**

*N.G.1 Provide for the reduction of noise where the noise environment is unacceptable.*

The City requires walls or other noise attenuation measures as part of construction of any building within the noise contours of any highway, as well as the railroad. This provides for the interior noise levels in homes and businesses to meet the City's standards.

*N.G.2 Provide sufficient information concerning the community noise levels so that noise can be objectively considered in all land use planning decisions.*

The City's General Plan contains an inventory of noise contours for all noise sources, including highways and railroads. The City also has established notification areas as part of the adopted Airport Land Use Plan. Referral Area "C" permits land owners to be aware of the proximity of the airport and its impacts. Projects within this area must provide avagation easements are part of the approval process.

*N.G.3 Protect and maintain those areas having acceptable noise environments.*

The City's Noise Ordinance sets limits on noise from stationary sources and construction activity. These limits are consistent with the data and the compatibility matrix within the Noise Element. The City requires that outdoor activities associated with a development project must be curtailed after normal work hours to protect adjacent residential uses. The City also limits the hours and days that construction activity may occur.

**Housing Element:**

The City's original Housing Element was adopted along with the remainder of the General Plan in May 1991. In 2002 the Housing Element was updated as required under state law, based on the schedule for the SCAG region. This update addressed the City's housing needs for the RHNA reporting period ending in 2005.

The City is currently working on a comprehensive General Plan Update, including the Housing Element. The new Housing Element will address the current RHNA reporting period, which is from January 1, 2006 to June 30, 2014.

The following tables contain the necessary information to report progress in meeting the City's housing goals, as well as the State's mandates for compliance with the State Department of Housing and community Development requirements:

**ANNUAL ELEMENT PROGRESS REPORT**  
*Housing Element Implementation*

(CCR Title 25 §6202 )

**Jurisdiction** City of Hesperia  
**Reporting Period** 1-Jan-09 - 31-Dec-09

**Table A**

**Annual Building Activity Report**  
**Very Low-, Low-, and Moderate-Income Units and Mixed-Income Multifamily Projects**

1	2	3	4			5	6		7	8
			Affordability by Household Incomes				Assistance Programs for Each Development	Deed Restricted Units		
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income	Total Units per Project	See Instructions	See Instructions	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
San Remo I 9055 Santa Fe	MFR	R	50	14		65	1)RDA/LMIHF 2) 9% Tax Credits	64	0	
San Remo II 9055 Santa Fe	MFR	R	39	19		58	1)RDA/LMIHF 2) 9% Tax Credits	58	0	

	MFR	R	31	0	123	0	154	1)RD/MIHF 2) 4%Tax Credits 3) Tax- Exempt Multi- Family Revenue Bonds	31	123
Villas at Hesperia 8810 C Avenue										
(9) Total of Above Moderate from Table A2			120	33	123	0	3			
(10) Total by income units (Field 5) Table A			120	33	123		280			

Table A2

Annual Building Activity Report Summary for Above Moderate-Income Units  
(not including those units reported on Table A)

	Single Family	2 - 4 Units	5+ Units	Second Unit	Mobile Homes	Total
No. of Units Permitted for Above Moderate	3	0		0	0	3

**Table B**  
**Regional Housing Needs Allocation Progress**  
**Permitted Units Issued by Affordability**

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.	Permitted Units Issued by Affordability										Total Remaining RHNA by Income Level	
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Total Units to Date (all years)		
Income Level	RHNA Allocation by Income Level										Total Remaining RHNA by Income Level	
	Very Low	38	38	89	120							285
	Deed Restricted											
	Non-deed restricted	0	0	0	0							
Low	Deed Restricted	142	117	33	33						325	1,131
	Non-deed restricted	0	0	0	0							
Moderate	Deed Restricted	0	0	0	123							1,569
	Non-deed restricted	0	0	0	0							
Above Moderate		850	171	68	3					1,092	2,659	
Total RHNA by COG. Enter allocation number:												
Total Units		1,030	326	190	279					1,825	7,190	
Remaining Need for RHNA Period												

**Table C**  
**Program Implementation Status**

Program Description (By Housing Element Program Names)	Name of Program	Objective	Deadline in H.E.	Status of Program Implementation The City of Hesperia has continued to implement the goals and objectives of the H.E. The following data represents implementation for the 08-09 fiscal year
<p><b>Housing Programs Progress Report – Government Code Section 65583.</b> <b>Describe progress of all programs including progress in removing regulatory barriers as identified in the Housing Element</b></p>	<p><b>DEVELOP AND IMPLEMENT HOUSING PROGRAMS TO ASSIST PERSONS OR FAMILIES OF LOW AND MODERATE INCOMES WITH FIRST-TIME HOMEBUYER PROGRAMS.</b></p>	<p>Assist thirty-seven (37) low and moderate-income first-time homebuyers by the year 2005.</p> <p>Implement federal HOME funds (via State HCD) as awarded, and annually apply for additional funding for homeowner assistance programs through the year 2005.</p> <p>Promote programs that will increase the level of home ownership in Hesperia reducing the number of foreclosed, vacant and HUD owned homes by a minimum of 10% by the year 2004.</p>	<p>2004 &amp; 2005</p>	<p>During fiscal year 2008-2009 the City had an Agency-funded a Down Payment Assistance Program (DAP) that offered a 30-year, zero percent interest loan with payments deferred for thirty years. During this fiscal year the City did not fund any DAP loans.</p> <p>The City continued to support the County of San Bernardino through a Cooperative Agreement that manages a Single-family Mortgage Bond Proceed Program that assists homeowners in the City of Hesperia, as well as homeowners county-wide.</p>
<p><b>PROVIDE RENTAL ASSISTANCE THROUGH RENTAL SUBSIDIES TO REDUCE THE COST OF HOUSING FOR VERY LOW AND LOW-INCOME FAMILIES.</b></p>	<p>Provide Section 8 rental assistance through the County of San Bernardino Housing Authority to one hundred-fifty (150) very-low and low-income people by the year 2005.</p>	<p>The San Bernardino County Housing Authority (SBCHA) administers the Section 8 Housing Assistance Payment Program for the City and maintains several small, scattered public housing units. The primary objective of SBCHA is to provide affordable housing for extremely low income families within San Bernardino County. The Section 8 Housing Assistance Payment Program provides rental subsidies to low income (50 percent of the County MFI) households that spend more than 50 percent of their gross income on housing costs. The Program pays the difference between the excess of 30 percent of the recipient's monthly income and the federally approved Fair Market Rents (FMRs).</p> <p>Section 8 rental assistance is typically issued as vouchers. The voucher system allows the voucher holder to choose housing that rents at levels higher than the FMRs but up to the SBCHA-</p>	<p>2005</p>	<p>The San Bernardino County Housing Authority (SBCHA) administers the Section 8 Housing Assistance Payment Program for the City and maintains several small, scattered public housing units. The primary objective of SBCHA is to provide affordable housing for extremely low income families within San Bernardino County. The Section 8 Housing Assistance Payment Program provides rental subsidies to low income (50 percent of the County MFI) households that spend more than 50 percent of their gross income on housing costs. The Program pays the difference between the excess of 30 percent of the recipient's monthly income and the federally approved Fair Market Rents (FMRs).</p> <p>Section 8 rental assistance is typically issued as vouchers. The voucher system allows the voucher holder to choose housing that rents at levels higher than the FMRs but up to the SBCHA-</p>

<p>established payment standard. The voucher holders must make up the difference between the FMR and the actual rents. The intent of the voucher system is to provide greater mobility and location choices for the recipients. However, the escalating rents have made vouchers a not-so-attractive offer to most landlords. It has become increasingly difficult for many voucher holders to find places where the vouchers may be accepted.</p> <p>According to SBCHA, 219 Section 8 recipients were residing in Hesperia as of June 2005. Of these, 81 were disabled households and 35 were elderly. Among all recipients, the majority were African American (40 percent), followed by White households (36 percent) and Hispanic (29 percent). Approximately one percent were Asian.</p> <p>In comparison to the overall ethnic makeup of the City, Hispanic households are slightly underrepresented among Section 8 recipients and African American residents are over-represented. This may indicate that additional outreach and education are necessary to increase participation among Hispanic residents.</p> <p>As of June 2007, over 13,500 applicants were on the Countywide Section 8 waiting list. The average waiting period ranges from three to five years, depending on the waiting list preference. For the distribution of Section 8 assistance, the Housing Authority has one preference: veterans and veteran families. During the 2008-2009 program year, 219 participants received Section 8 rental assistance expending approximately \$1,286,000</p>			<p>established payment standard. The voucher holders must make up the difference between the FMR and the actual rents. The intent of the voucher system is to provide greater mobility and location choices for the recipients. However, the escalating rents have made vouchers a not-so-attractive offer to most landlords. It has become increasingly difficult for many voucher holders to find places where the vouchers may be accepted.</p> <p>According to SBCHA, 219 Section 8 recipients were residing in Hesperia as of June 2005. Of these, 81 were disabled households and 35 were elderly. Among all recipients, the majority were African American (40 percent), followed by White households (36 percent) and Hispanic (29 percent). Approximately one percent were Asian.</p> <p>In comparison to the overall ethnic makeup of the City, Hispanic households are slightly underrepresented among Section 8 recipients and African American residents are over-represented. This may indicate that additional outreach and education are necessary to increase participation among Hispanic residents.</p> <p>As of June 2007, over 13,500 applicants were on the Countywide Section 8 waiting list. The average waiting period ranges from three to five years, depending on the waiting list preference. For the distribution of Section 8 assistance, the Housing Authority has one preference: veterans and veteran families. During the 2008-2009 program year, 219 participants received Section 8 rental assistance expending approximately \$1,286,000</p>
<p>The Code Enforcement Program provided services for the elimination and abatement of public nuisances in low income designated target areas. Also, code enforcement increased City efforts to improve existing housing stock and eliminate blighted structures. Approximately 36 households benefited.</p> <p>Neighborhood Police Services has proven to be successful in reducing illegal activities in creating a suitable living environment for the residents in CDBG eligible areas. Approximately 7,347 individuals were assisted.</p> <p>The Graffiti Removal Program provided services for the elimination of blight utilizing City general funds.</p> <p>The CDBG Housing Rehabilitation Loan program (HRLP) was available to provide loans and grants of up to \$20,000 for low-income homeowners for housing repairs including electrical, plumbing, and roofing. During this fiscal year the City did not fund any CDBG-HRLP loans.</p> <p>In addition to the CDBG-HRLP, the City has an Agency-funded HRLP offering a 30-year, zero percent interest loan with payments deferred for thirty years. During this fiscal year the City did not fund any Agency HRLP loans.</p>	<p>2005</p>	<p>For a limited time, provide financial support for a 65 member volunteer group to promote neighborhood pride and improve the appearance of areas within designated enhancement areas. (Adopt-a-block)</p> <p>Provide 2,050 code enforcement hours to two hundred (200) households within the designated low-income enhancement areas to eliminate slum and blight by the year 2005.</p> <p>Provide twenty-five (25) rehabilitation loans to assist low and moderate-income households by the year 2005.</p> <p>Provide sixty-five (65) rehabilitation loans for rental housing units by the year 2005.</p> <p>Provide Code Enforcement assistance to twenty-five (25) low-income households by the year 2005.</p>	<p><b>PROVIDE CODE ENFORCEMENT TO ASSIST IN ELIMINATING SLUM AND BLIGHT IN LOW AND MODERATE-INCOME AREAS.</b></p>
<p>The Code Enforcement Program provided services for the elimination and abatement of public nuisances in low income designated target areas. Also, code enforcement increased City efforts to improve existing housing stock and eliminate blighted structures. Approximately 36 households benefited.</p> <p>Neighborhood Police Services has proven to be successful in reducing illegal activities in creating a suitable living environment for the residents in CDBG eligible areas. Approximately 7,347 individuals were assisted.</p> <p>The Graffiti Removal Program provided services for the elimination of blight utilizing City general funds.</p> <p>The CDBG Housing Rehabilitation Loan program (HRLP) was available to provide loans and grants of up to \$20,000 for low-income homeowners for housing repairs including electrical, plumbing, and roofing. During this fiscal year the City did not fund any CDBG-HRLP loans.</p> <p>In addition to the CDBG-HRLP, the City has an Agency-funded HRLP offering a 30-year, zero percent interest loan with payments deferred for thirty years. During this fiscal year the City did not fund any Agency HRLP loans.</p>	<p>2005</p>	<p>For a limited time, provide financial support for a 65 member volunteer group to promote neighborhood pride and improve the appearance of areas within designated enhancement areas. (Adopt-a-block)</p> <p>Provide 2,050 code enforcement hours to two hundred (200) households within the designated low-income enhancement areas to eliminate slum and blight by the year 2005.</p> <p>Provide twenty-five (25) rehabilitation loans to assist low and moderate-income households by the year 2005.</p> <p>Provide sixty-five (65) rehabilitation loans for rental housing units by the year 2005.</p> <p>Provide Code Enforcement assistance to twenty-five (25) low-income households by the year 2005.</p>	<p><b>PRESERVE AND IMPROVE THE EXISTING SINGLE-FAMILY HOUSING STOCK THROUGH REHABILITATION WITH SPECIAL ATTENTION TO LEAD PAINT EDUCATION, INSPECTION, TESTING AND ABATEMENT AS NECESSARY.</b></p>

<p>Provide a Graffiti abatement program to eradicate graffiti in targeted areas.</p> <p>Provide Lead-Based Paint Education/Outreach Efforts to one hundred-twenty (120) low and moderate-income households by the year 2005.</p> <p>Provide lead-based paint testing as needed by the year 2005.</p>	<p>The Code Enforcement Program provided services for the elimination and abatement of public nuisances in low income designated target areas. Also, code enforcement increased City efforts to improve existing housing stock and eliminate blighted structures. Approximately 36 households benefited.</p> <p>The Graffiti Removal Program provided services for the elimination of blight utilizing City general funds.</p> <p>The Development Services Department (Economic Development and the Community Development) oversees the City's efforts to evaluate and reduce lead-based paint hazards. The City provided all contractors completing work in the City, and all households that are using the City's housing loan and grant programs written information on lead based paint hazards. Lead-based paint is rare but if found, the City monitored its removal, cleanup, and disposal.</p> <p>As mentioned above, the City has implemented the Rental Housing Registration program. Rental properties are inspected and granted a certificate provided they pass inspection for trash, debris and maintenance items. The City has inspected over 2,000 properties since 2008.</p>	<p>2005</p>	<p>The Inland Fair Housing and Mediation Board provided fair housing services, including, landlord/tenant mediation, and discrimination complaint counseling. IFHMB also provided fair housing education and outreach services to residents of Hesperia.</p> <p>The Inland Fair Housing and Mediation Board assisted 212 households.</p> <p>The CDBG Housing Rehabilitation Loan program (HRLP) was available to provide loans and grants of up to \$20,000 for low-income homeowners for housing repairs including electrical, plumbing, and roofing. During this fiscal year the City did not fund any CDBG-HRLP loans.</p> <p>In addition to the CDBG-HRLP, the City has an Agency-funded HRLP offering a 30-year, zero percent interest loan with payments deferred for thirty years. During this fiscal year the City did not fund any Agency HRLP loans.</p>
<p>PROVIDE FAIR HOUSING SUPPORT AND SERVICES.</p>	<p>Provide fair housing education and outreach services to assist five hundred (500) residents by the year 2005.</p> <p>Provide ten (10) outreach meetings to assist renters with fair housing problems by the year 2005.</p>	<p>Ongoing</p>	<p>During this program year, the City utilized CDBG funds that provided homeless assistance services, emergency shelter, transitional shelter, and supportive housing for homeless persons, and persons at-risk of becoming homeless.</p> <p>High Desert Homeless Services provided 24-hour residential shelter and services such as baby food, formula, clothing, diapers, laundry facilities, education, job readiness training, and</p>
<p>PROVIDE FOR THE PRESERVATION AND REHABILITATION OF EXISTING SINGLE AND MULTI-FAMILY UNITS.</p>	<p>Provide rehabilitation assistance to property owners and residents to preserve existing single-family and multi-family units.</p>	<p>2005</p>	<p>High Desert Homeless Services provided 24-hour residential shelter and services such as baby food, formula, clothing, diapers, laundry facilities, education, job readiness training, and</p>
<p>PROVIDE SERVICES AND/OR HOUSING ASSISTANCE FOR HOMELESS PERSONS OR PERSONS AT-RISK OF BECOMING HOMELESS.</p>	<p>Provide homeless assistance services, emergency shelter, transitional shelter, and supportive housing for fifty (50) homeless persons, and persons at-risk of becoming homeless by the year 2005.</p>	<p>2005</p>	<p>High Desert Homeless Services provided 24-hour residential shelter and services such as baby food, formula, clothing, diapers, laundry facilities, education, job readiness training, and</p>

HESPERIA GENERAL PLAN  
2009 ANNUAL REPORT

		<p>independent living skills. They assisted 20 individuals during the 2008-2009 fiscal year.</p> <p>High Desert Domestic Violence program provided outreach services and counseling, legal advocacy, crisis hotline, and referrals for victims of domestic violence.</p> <p>Victor Valley Domestic Violence: A Better Way provided outreach services and counseling concerning crisis intervention for victims of domestic violence. This program assisted 98 individuals.</p> <p>Moses House Ministries provided housing and family services to pregnant teens, single mothers and children including mentoring, life skills education and social skill training and baby supplies. This program assisted 242 individuals.</p>	<p>2004 &amp; 2005</p>	<p>For program year 2008-2009, Meals on Wheels provided meals to 29 homebound seniors.</p> <p>The Hesperia Community Redevelopment Agency continues to seek out opportunities with developers that are interested in building affordable senior housing and has entered into negotiations with KDF Communities, LLC for Phase II of the Village at Hesperia senior apartment complex.</p> <p>There is a High need for services and housing for low-income elderly persons due to increasing longevity, and to the high cost of long-term care for the elderly. The City continued to support meal and other nutrition services to elderly and frail elderly persons so that they can live independently and safely in their homes, and provide nutrition services in dining rooms where seniors can socialize.</p>
<p><b>SUPPORT THE FRAIL ELDERLY THROUGH OUTREACH SERVICES AND SUPPORT TO IMPROVE THEIR WELL-BEING AND ENABLE THEM TO MAINTAIN THEIR INDEPENDENCE.</b></p>	<p>Provide services to one hundred twenty (120) elderly by the year 2005.</p> <p>Expand case management programs by offering volunteer peer counseling services, daily activities, and support groups, counseling and seminars for adult children of aged parents by the year 2004.</p>		<p>2005</p>	<p>For program year 2008-2009, Meals on Wheels provided meals to 29 homebound seniors.</p> <p>The Hesperia Community Redevelopment Agency continues to seek out opportunities with developers that are interested in building affordable senior housing and has entered into negotiations with KDF Communities, LLC for Phase II of the Village at Hesperia senior apartment complex.</p> <p>There is a High need for services and housing for low-income elderly persons due to increasing longevity, and to the high cost of long-term care for the elderly. The City continued to support meal and other nutrition services to elderly and frail elderly persons so that they can live independently and safely in their homes, and provide nutrition services in dining rooms where seniors can socialize.</p>
<p><b>ENSURE THAT AGING CITIZENS HAVE QUALITY HUMAN SERVICES AND A SAFE AND DECENT LIVING ENVIRONMENT.</b></p>	<p>Provide two hundred (200) elderly with social services, education, and recreation activities to promote a spirit of dignity and limitless potential for and enriched life for seniors by the year 2005.</p>		<p>2005</p>	<p>For program year 2008-2009, Meals on Wheels provided meals to 29 homebound seniors.</p> <p>The Hesperia Community Redevelopment Agency continues to seek out opportunities with developers that are interested in building affordable senior housing and has entered into negotiations with KDF Communities, LLC for Phase II of the Village at Hesperia senior apartment complex.</p> <p>There were no ADA projects budgeted during this program year due to the limitation on available funds.</p>
<p><b>ENSURE AND ENHANCE THE SAFETY AND ACCESSIBILITY FOR PERSONS</b></p>	<p>Provide support and service to sixty (60) disabled persons by the year 2005.</p>		<p>2005</p>	

<p><b>WITH DISABILITIES.</b></p>	<p>Complete eight (8) accessibility projects for the benefit of low and moderate households by the year 2005.</p> <p>Provide twelve (12) services in the rehabilitation, conversion, or accessibility modifications to public facilities, single-family units, and parks for persons with disabilities and/or HIV/AIDS by the year 2005.</p>	
<p><b>ENSURE THE CITY'S LAND USE CONTROLS, BUILDING STANDARDS AND PERMIT PROCESSING DO NOT POSE A CONSTRAINT TO THE DEVELOPMENT, IMPROVEMENT OR MAINTENANCE OF HOUSING FOR PERSONS WITH DISABILITIES.</b></p>	<p>Analyze and determine whether the City's zoning, building standards and/or permit processing procedures constrain housing for persons with disabilities, consistent with Senate Bill 520 (Chesbro), 2001. If the analysis demonstrates constraints to the development, improvement or maintenance of housing for persons with disabilities, the City will make the necessary changes to its zoning ordinance, building standards, and permit processing procedures to mitigate or otherwise remove identified constraints by November 2003.</p>	<p>Ongoing</p>
<p><b>PROVIDE PUBLIC SERVICE ACTIVITIES FOR LOW AND MODERATE-INCOME PERSONS, AND PERSONS WITH SPECIAL NEEDS.</b></p>	<p>Provide public services for two hundred (200) handicapped individuals and the homeless by the year 2005.</p>	<p>2005</p> <p>The City enforces applicable California Title 24 disabled access regulations on all new development. This includes the public right-of-way as well as on-site and within the building. Plan check on these plans or improvements is conducted in conjunction with the remainder of the building and public improvement plans and does not pose a constraint. Accommodations are also made for the retrofit of existing buildings to permit their use in special circumstances.</p>
<p><b>PROVIDE SUPPORT SERVICES TO LOW AND MODERATE INCOME YOUTH AND YOUTH AT-RISK.</b></p>	<p>Provide two hundred (200) youth with counseling/gang prevention, after school programs, and childcare by the year 2005.</p>	<p>2005</p> <p>The City assisted persons with special needs including, sign language interpretation, pregnancy education, and literacy services.</p> <p>High Desert Domestic Violence program provided outreach services and counseling, legal advocacy, crisis hotline and intervention, and referrals for victims of domestic violence.</p> <p>Victor Valley Domestic Violence, Inc./A Better Way assisted domestic violence victims and their children by providing shelter, intervention, prevention, education, and community awareness. This program assisted 98 individuals.</p> <p>Call for Life Pregnancy provided individual and group counseling to pregnant teen girls, assisting 104 individuals in 2008-2009. City assisted youth with counseling and gang prevention services, after school programs, and childcare. The following activities address those needs for program year 2008-2009. Moses House Ministries provided housing and family services to pregnant teens, single mothers and children including mentoring, life skills education and social skill training and baby supplies. Moses House Ministries assisted 242 people. Call for Life Pregnancy provided individual and group counseling to pregnant teen girls and assisted 104 people.</p>

HESPERIA GENERAL PLAN  
2009 ANNUAL REPORT

<p><b>IMPROVE PUBLIC FACILITIES TO MEET THE COMMUNITY NEEDS FOR RECREATION, EDUCATION, AND SAFETY BY IMPROVING PUBLIC FACILITIES FOR THE SPECIAL NEEDS POPULATION.</b></p>	<p>Improve two (2) public facilities to senior recreation centers, youth centers, neighborhood facilities, childcare centers, park and recreational and library facilities by the year 2004.</p>	<p>2004</p>	<p>During fiscal year 2008-2009 the City embarked on the construction of a new police station as well as a County Government Center, adjacent to City Hall. These facilities will open in September and October of 2010, respectively.</p> <p>The City, in conjunction with the County completed Fire Station #305, to serve the west side of the City and sphere of influence.</p> <p>CDBG funding provided \$7,500 for the rehabilitation of the High Desert Homeless Shelter facility including bathroom and shower renovation.</p>
<p><b>PROVIDE INFRASTRUCTURE IMPROVEMENTS TO BENEFIT LOW AND MODERATE-INCOME RESIDENTS WITH IMPROVED, SAFER AND MORE ACCESSIBLE NEIGHBORHOODS.</b></p>	<p>Implement the Antelope Valley Wash Flood control system project by the year 2004.</p> <p>Implement seven (7) infrastructure projects to include the repair or installation of; roads, signage, signalization, curb, gutter, and sidewalks, drain, flood, and sewage projects, and alley improvements in CDBG target areas by the year 2005.</p>	<p>2004 &amp; 2005</p>	<p>The City's original township (one square mile) had fallen on challenging times and suffered from significant disinvestment, high crime rates, gang activity and graffiti, failing infrastructure, and abnormally high number of vacant homes. The increasing cost of law enforcement in this area resulted in the City dedicating one full time officer to implement community-based policing. This aggressive stance resulted in a significant drop in crime rates which started a trend towards neighborhood recovery. The City and Agency realized that direct investment in the Township Area was necessary if revitalization efforts were to be successful. As a result, in fiscal year 2007-2008 the City and Agency embarked upon an effort to assess the physical infrastructure problems in the area. In addition the residents were engaged through public outreach. Special financing programs were established to help homeowners and landlords improve their properties. The first phase (Spruce and Smoke Tree Streets) includes new water and sewer lines, curb, gutter, sidewalk, landscaping, street lighting, fencing, etc. These streets will be completed by June 2010. The City will design two additional streets a year and build them in alternate years until the project is completed. This area is classified as a Community Development Block Grant (CDBG) Target Area because of the preponderance of low income residents. However, the successful transformation of the Township will encourage the residents to take pride in their homes, increase investment, and seek self-actualization through obtaining gainful employment in positions created by new Enterprise Zone businesses.</p>
<p><b>PROVIDE FOR A FULL TIME GRANT WRITER POSITION TO ENABLE THE CITY TO PURSUE SUPPLEMENTAL FUNDING FOR HOUSING RELATED PROGRAMS.</b></p>	<p>Establish a position within the City staff by the year 2003.</p>	<p>2003</p>	<p>The City does not have a full-time grant writer but does have a Senior Management Analyst in the Economic Development Department that is committed to the financing and production of affordable housing in the City. The position manages the HOME new construction grants for affordable housing and pursues additional financing sources for affordable projects, in addition to underwriting for the Agency.</p>

<p><b>ESTABLISH MIXED USE ZONING AND DEVELOPMENT STANDARDS TO ENHANCE THE AVAILABILITY OF SITES AND FACILITATE THE LOCATION OF AFFORDABLE AND SPECIAL NEEDS HOUSING NEAR COMMERCIAL AND CIVIC SERVICES.</b></p>	<p>In the City's Development Code, adopt mixed-use standards for allowing new development to include attached and detached units adjacent to or within commercial or institutional uses by the year 2003.</p>	<p>2003</p>	<p>The City amended the Development Code to permit second dwelling units as permitted uses in residential zones, subject to issuance of a building permit. The units need only meet the criteria set forth in the Code and no public notice is required. The City also adopted the Main Street and Freeway Corridor Specific Plan. This plan incorporates design standards and establishes mixed use and higher density residential zoning in commuter-friendly locations along the City's two principal thoroughfares. The plan also places higher density residential in proximity to the City new Civic Plaza and pedestrian commercial zoning along Main Street to create a walkable downtown area. The City's ongoing General Plan Update will also include provisions to reinforce mixed use zoning, affordable housing and higher densities within multiple family areas.</p>
<p><b>MAXIMIZE USE OF AVAILABLE RESOURCES TO ASSIST IN PROVISION OF NEW AFFORDABLE HOUSING UNITS BY UTILIZING LOCAL, COUNTY, STATE AND FEDERAL ASSISTANCE PROGRAMS.</b></p>	<p>Provide financial and non-financial housing development incentives, seek financing for needed on and off site improvement through assessment districts or Community Facilities Districts, assist private developers who propose construction of low or moderately priced housing units, coordinate City efforts with available County programs, incorporating State and federal funds, as available.</p>	<p>Ongoing</p>	<p>The City's Redevelopment Agency provides assistance with its Low to Moderate Income Housing Set-Aside funds by providing low interest and/or deferred loan programs that will provide a future revenue source and allow the reuse of funds. In Fiscal Year 2008-2009, one new affordable housing project, San Remo I, opened providing the City with an additional 64 affordable units. San Remo I utilized funds from the Agency, and received 9%. The Agency also entered into an Owner Participation Agreement for the development of the Horizons at Olive Street affordable apartment development. Horizons at Olive Street will provide an additional 65 units of affordable multi-family living.</p>
<p><b>MAINTAIN THE CITY'S GENERAL PLAN LAND USE MAP AND ZONING ORDINANCE TO PERMIT THE FULL RANGE OF RESIDENTIAL DENSITIES WITHIN THE CITY BOUNDARIES.</b></p>	<p>Provide for necessary updates to the City's General Plan, zoning map and development standards to reduce to the extent possible any regulatory constraints to the provision of housing.</p>	<p>Ongoing</p>	<p>The City's original General Plan (1991) accommodated residential densities from homes on 2.5 acre lots, to multi-family complexes of up to 15 units to the acre. In addition, density bonuses have always been available to attain even higher densities. In 2008, the Main Street and Freeway Corridor Specific Plan added two new land use designations and increased the highest density to 25 units per acre. The City's ongoing General Plan Update will also include provisions to reinforce mixed use zoning, affordable housing and higher densities within multiple family areas.</p>
<p><b>CONTINUE TO IMPLEMENT THE CITY'S DENSITY BONUS PROGRAM TO INCLUDE INCREASED DENSITIES, FINANCIAL INCENTIVES, DESIGN CONCESSIONS AND PRIORITY PROCESSING.</b></p>	<p>Provide for the necessary staff to expeditiously process housing proposals and density bonus applications within the time frames established by the City.</p>	<p>Ongoing</p>	<p>The City offers density bonuses, design concessions and financial assistance to projects that commit units to affordable rents or sales levels as well as to seniors. To date, the City has deed restricted provisions in effect on 6 projects, totaling 469 units. An additional three projects consisting of 153 units are under construction. The City has five projects under negotiation for an additional 303 units. In addition, the City's ongoing General Plan Update will also include within the Housing Element provisions to reinforce mixed use zoning, affordable housing and higher densities within multiple family areas.</p>

# 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, MARCH 3, 2010

### A. PROPOSALS:

#### 1. 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:** Administratively Approved