

# PLANNING COMMISSION AGENDA

## ***SPECIAL MEETING***

**Date: August 5, 2010**

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

### COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Joline Bell Hahn, Commissioner

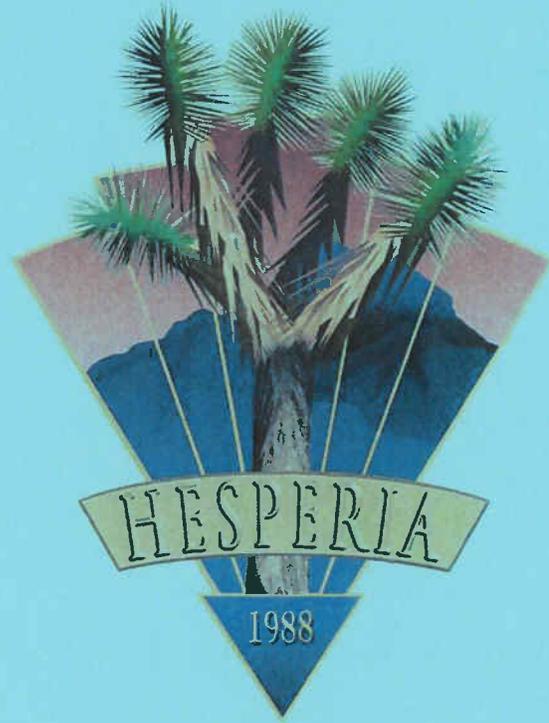
Stephen James, Commissioner

Julie Jensen, Commissioner

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Dave Reno, Principal Planner

Jeff M. Malawy, 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.

August 5, 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: July 8, 2010 Planning Commission Meeting Draft Minutes.

-1-

**PUBLIC HEARINGS**

- 1. Consideration of the 2010 General Plan Update, (GPA10-10185) including certification of an Environmental Impact Report, adoption of a Statement of Overriding Considerations, adoption of a Mitigation Monitoring and Reporting Program and adoption of a Climate Action Plan (Applicant: City of Hesperia/Citywide).

1-1

**PRINCIPAL PLANNER'S REPORT**

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

- F. DRC Comments
- G. Major Project Update

2-1

**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, July 29, 2010 at 5:30 p.m. pursuant to California Government Code §54954.2.



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

HESPERIA PLANNING COMMISSION  
REGULAR MEETING  
July 8, 2010  
MINUTES

DRAFT

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  
Julie Jensen  
William Muller

**JOINT PUBLIC COMMENTS**

Chris Elvert Opened Public Comments: 6:31 PM

No Comments to Consider.

Chair Elvert Closed Public Comments: 6:31 PM

**CONSENT CALENDAR**

D. Approval of Minutes: June 10, 2010 Planning Commission Meeting Draft Minutes.

**Motion by Stephen James to the Planning Commission Meeting Minutes for the June 10, 2010 meeting. , Seconded by Joline Bell Hahn, passed with the following roll call vote:**

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

E. Minutes: June 17, 2010 and June 24, 2010 Planning Commission General Plan Workshop Minutes.

**PUBLIC HEARING**

1. [Consideration of Conditional Use Permit CUP10-10142, to establish the sale of beer and wine for on-site consumption and allow an entertainment venue within an existing restaurant at 17376 Main Street \(Applicant: Jose Magana, Inc.; APN: 0410-135-50\) \(Staff Member: Lisette Sanchez-Mendoza\).](#)

**Assistant Planner, Lisette Sanchez-Mendoza** gave a brief staff report. She also introduced a green sheet item (See Attachment 1).

**Commissioner Hahn** questioned the census track for the area.

**Assistant Planner, Lisette Sanchez-Mendoza** reviewed the census tract for the area.

**Chair Elvert** questioned the maximum capacity of the restaurant.

**Assistant Planner, Lisette Sanchez-Mendoza** stated that Fire would set the guidelines for maximum capacity at the site, based upon square footage, and the open area available for seating. She also stated that plans had not been submitted for any improvements; therefore, no new capacity guidelines had been set for the site.

**Senior Planner, Daniel Alcayaga** stated that the applicant would be able to answer the question regarding capacity; however, fire was the department that would condition for the capacity of the site.

**Vice Chair Muller** questioned the current capacity of the site.

**Senior Planner, Daniel Alcayaga** stated that Fire sets capacity guidelines according to the square footage of the site; he further reviewed general information relating to maximum capacity.

**Chair Elvert opened the Public Hearing: 6:40 PM**

**Jose Alfredo Magana, Applicant** stated that his business would like to offer on-site sales and consumption of alcohol to customers during business and live entertainment. He stated that with an approved project his business would be able to hire additional staff for servicing patrons.

**Chair Elvert** questioned the capacity of the building.

**Jose Alfredo Magana, Applicant** stated that the capacity was approximately 150.

**Chair Elvert** questioned if there would be private security on-site during scheduled events.

**Jose Alfredo Magana, Applicant** stated that he was planning on having private security during scheduled events.

**Commissioner Hahn** questioned the amount of nights per week that there would be live entertainment.

**Jose Alfredo Magana, Applicant** reviewed some of the entertainment venue with the Commission.

**Commissioner Hahn** questioned the number of tables would be available for food service.

**Jose Alfredo Magana, Applicant** stated that the entire restaurant would be open for food service. He also stated that it was not the intent to have a night club; it was their intent to have a restaurant where people can eat great food and enjoy live entertainment.

**Commissioner Jensen** questioned if the Applicant had planned to acquire a full liquor license.

**Jose Alfredo Magana** stated that there were no plans for a full liquor license at that time.

**Commissioner James** questioned seating and stage arrangements.

**Jose Alfredo Magana, Applicant** reviewed the seating arrangement and possible modifications.

**Ivan Hernandez, Applicant** stated that he was available for any questions.

**Chair Elvert** mentioned some general concerns regarding the ABC Licenses and clarified that with a Conditional Use Permit (CUP), the Applicant needed to be aware that the City would be able to monitor the site for conformance to the CUP.

**Ivan Hernandez, Applicant** stated that private security was an issue and would be implemented in order to minimize any problems.

**Chair Elvert Closed the Public Hearing: 6:47 PM**

**Motion by Stephen James to adopt Resolution No. PC-2010-14, as amended, approving Conditional Use Permit CUP10-10142, Seconded by Julie Jensen, passed with the following roll call vote:**

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

**Assistant Planner, Lisette Sanchez-Mendoza** verified that it was the intent of the Commission to approve the Conditional Use Permit with the amendment to the Conditions of Approval as presented on the green sheeted item.

**PRINCIPAL PLANNER'S REPORT**

**Senior Planner, Daniel Alcayaga** gave a brief report to the Commission regarding DRC Comments and the General Plan Update.

F. DRC Comments

G. Major Project Update

**PLANNING COMMISSION BUSINESS OR REPORTS**

**Chair Elvert** requested and update regarding the Water Line for the R-Cubed Project.

**ADJOURNMENT**

**Chair Elvert Adjourned the Meeting: 6:50 PM**

Chair Elvert

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By: Eva Heter,  
Commission Secretary

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# ATTACHMENT 1

List of Conditions  
Conditional Use Permit (CUP10-10142)  
Page 2 of 2

- \_\_\_\_\_ 4.     **Employee Age.** All employees of the applicant serving alcohol must be at least 21 years of age. (P)
  
- \_\_\_\_\_ 5.     **ABC Requirements.** The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. (P)
  
- \_\_\_\_\_ 6.     **ABC License.** The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises. (P)
  
- \_\_\_\_\_ 7.     **Sale of Alcohol.** The sale of alcoholic beverages shall be permitted only between the hours of 10:00 AM to 1:00 AM (P)
  
- \_\_\_\_\_ 8.     **Alcohol Consumption.** No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee. This includes sidewalks and parking lot. (P)
  
- \_\_\_\_\_ 9.     **Entertainment Hours of Operation.** The entertainment component featuring dancing of the conditional use permit shall be limited to only two days a week (Friday and Saturday) from 9:30 PM – 1:00 AM. (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

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City of Hesperia  
STAFF REPORT



**DATE:** August 5, 2010  
**TO:** Planning Commission  
**FROM:** Dave Reno, AICP, Principal Planner  
**BY:** Thomas K. Harp, Deputy Director, Development Services, C/D (Retired)  
**SUBJECT:** 2010 General Plan Update

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### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolutions Nos. PC-2010-15, PC-2010-16 and PC-2010-17, recommending that the City Council: 1) Certify the Environmental Impact Report as being complete in compliance with the California Environmental Quality Act, adopt facts, findings and a statement of overriding considerations, as well as a mitigation monitoring and reporting program; 2) Adopt the 2010 General Plan Update and; 3) Adopt a Climate Action Plan.

### BACKGROUND

The City Council adopted Hesperia's original General Plan on May 15, 1991. Since that time, numerous amendments have been made to the Land Use Map, and the Housing Element and Circulation Element were most recently updated in 2002. A comprehensive update of the entire plan has not been completed; moreover, the Environmental Impact Report (EIR) has not been updated since that time (1991).

With the passage of nearly 20 years and numerous changes to the City's size, population and regulatory environment, it became necessary to update the plan. In 2006, the City engaged Hogle-Ireland, Inc. to begin the process of preparing the new General Plan and EIR.

The City has conducted several public meetings and workshops in preparation of the update. In 2009, three workshops were held by the Planning Commission. The Commission discussed all seven of the elements as well as the EIR. Stakeholder groups were also invited to comment on the Housing Element, as required by law. In 2010, the Commission held two additional workshops to discuss the goals and policies of the draft plan.

The EIR was circulated for public review for 45 days beginning on May 26, 2010, and ending on July 9, 2010. A total of eleven letters were received from public agencies, Native American tribes and the public. Responses to these comments were returned to each commenter on July 26, 2010 and are included in the Final EIR (FEIR).

### ISSUES/ANALYSIS

The General Plan is the City's "Constitution" and guide for development, outlining what the City is and how it will develop in the future. All decisions made by the City, from the annual budget and capital improvement program, to the issuance of building permits, must be consistent with the General Plan.

The City's population, size and composition have changed considerably in the last 19 years. The City has grown from about 50,000 residents to almost 90,000 and is now 75 square miles compared to 50 square miles at incorporation. Another 36 square miles of unincorporated land is in the City's Sphere of influence. As this is an area that bears direct relationship to the City's planning, the State requires that Hesperia's General Plan include this area as well. The update must also address new laws, regulations and circumstances that did not exist when the original plan was adopted. For example, the State has enacted several laws addressing climate change that will require cities to take actions that reduce carbon emissions. There are also new mandates regarding endangered species, housing and sustainable communities. Finally, the updated General Plan includes the Main Street and Freeway Corridor Specific Plan, as adopted in 2008.

### **General Plan Goals:**

In addition to addressing the current circumstances of the City as described above, the overall goals of the General Plan Update are as follows:

- Preserve existing neighborhoods;
- Enhance the quality of residential areas in a variety of densities, with landscaping and architectural standards;
- Reinforce efforts to build a local job base and establish sales tax-producing businesses along Bear Valley Road, Main Street and the Freeway Corridor;
- Preserve lot sizes and prevent premature subdivision of land;
- Enhance the quality of life in higher residential density developments with paseos, parks and other amenities;
- Establish a circulation system of arterial and connector streets to carry traffic efficiently within and across the City;
- Support the urban design framework, which has two new greenways to link the freeway corridor with the downtown area;
- Dedicate housing units for senior citizens as well as for all income levels;
- Permit mixed-use developments in the downtown area and along the freeway corridor.

In addition, the General Plan Update must address climate change issues as mandated by Assembly Bill 32 and Senate Bill 375. The General Plan text identifies each implementation measure that specifically mitigates impacts to the production of greenhouse gasses. The Climate Action Plan is to be adopted as a special program to be implemented that outlines requirements for new development, as well as feasible measures the City will take to address global climate change.

### **General Plan Elements:**

The General Plan consists of seven chapters, or elements. These elements address the seven subjects required by state law. A summary of each element and the associated issues are as follows:

**Land Use:** The most frequently referenced part of the General Plan is the Land Use Map. This map shows the location of residential, commercial, industrial uses, as well as schools and parks. The map also shows other features such as railroads, the airport and the California Aqueduct. Residential uses are classified by density in dwelling units per acre. The proposed land use map will supersede and ultimately replace both the current land use plan as well as the zoning map. Therefore, the City will have a one-map system. This will eliminate any inconsistencies between the two current maps.

Staff completed a comparison of all of the parcels where the General Plan designation was inconsistent with the Zoning map. In every case, staff revised either the General Plan or zoning designation to support the preservation of residential lot sizes and the predominant land use in the neighborhood. The proposed Land Use map also incorporates the Main Street and Freeway Corridor Specific Plan, adopted in 2008. Therefore, the differences between the current land use plan and the proposed map are limited.

The new map also consolidates and reduces the six residential General Plan designations and six zoning districts to a total of 11 designations based principally on lot size. Adoption of the General Plan Update does not repeal or revise any part of the Development Code, and therefore, no changes to development standards or entitlements will be made at this time. After the General Plan Update is completed, the Development Code will be revised to directly address the new General Plan designations. Animal quantities and uses, as well as other development standards, will be addressed at that time. In the meantime, animal uses will remain as currently permitted by the Development Code.

The text of the Land Use Element includes a description of the City's existing land uses, infrastructure and public services. Residential, commercial and industrial uses are described as well as the City's three specific plans. All of the proposed land use designations are listed and described. The implementation measures to address these issues include:

- Improving the quality of life in residential areas;
- Promoting balanced, efficient commercial development to generate sales taxes;
- Providing for industrial development to increase opportunities for local employment;
- Designate and protect land for public and open space uses;
- Sustainable development measures, including water conservation, energy efficient design and Leadership in Energy Efficient Design (LEED) building certification.

**Circulation:** The Circulation Element classifies and defines the City's system of arterial roadways. The Transportation Plan maps their locations and shows the right-of way width as well as the curb-to-curb width. The plan also shows where special street-sections will be used, such as within the Township area. As the Circulation Element also addresses other

transportation modes, the Non-Motorized Transportation Plan shows the City's system of bike paths. Most of the City's streets include room for bike paths to encourage their use. Finally, the Urban Design Framework map shows how the City's bike paths, bus routes, equestrian trails and greenways link the City's parks and schools. This supports the goal of providing alternatives to the automobile.

The text addresses the challenges the City faces, including the current need for more freeway interchanges and more crossings at the railroad and the Mojave River. Intersections operating below acceptable levels are identified. Each street cross-section is illustrated and described. Implementation measures include:

- Require road dedications in accordance with the Transportation Plan;
- Increasing the number of railroad grade separations;
- Expand park-and-ride facilities, rail spurs and bus routes;
- Construct the bike path system;
- Collect Development Impact Fees to fund construction of the transportation system;

The Transportation Plan does show portions of 10 streets where the right-of-way requirements will be increased from the current plan. These streets include:

- Maple Avenue, Eucalyptus Street to Bear Valley Road, 80 to 100 feet;
- Cottonwood Avenue, Main Street to Bear Valley Road, 80 to 100 feet;
- Eleventh Avenue, Main Street to Bear Valley Road, 80 to 100 feet;
- Rancho Road, 100 to 120 feet (Baldy Mesa Road to I-15) 120 to 140 feet (I-15 to Danbury Avenue);
- Mariposa Road, Bear Valley Road to Eucalyptus Street, 80 to 120 feet;
- Seventh Avenue, Bear Valley Road to Rancho Road, 80 to 100 feet;
- Third Avenue, Bear Valley Road to Mauna Loa Street, 80 to 100 feet, Mauna Loa Street to Main, 60 to 100 feet;
- Farmington Street, Lassen Road to Maple Avenue, 60 to 80 feet;
- C Avenue, Live Oak Street to Main Street, 60 to 100 feet;
- E Avenue, Sultana Street to Lime Street, 60 to 100 feet.

Right-of-way will be dedicated upon new development of the previously undeveloped parcels or upon any subdivision. Construction of these streets would not occur unless and until the City identifies the street on its Capital Improvement Program. Any necessary right-of-way not yet acquired will have to be purchased by the City.

**Housing:** The Housing Element addresses the requirement for the City to assure that housing is provided for all economic segments of the community. The Element satisfies the State's goals and includes the current Regional Housing Needs Assessment (RHNA). The Housing Element is the only element that requires approval by the State's Department of Housing and Community Development (HCD) as part of its adoption.

The Housing Element contains a complete demographic profile of the City, including income, ethnicity, employment and age. The type and age of the City's housing stock is described. An inventory of land available for multi-family housing is included. This shows that the City has an abundant amount of land to meet its RHNA without zoning any additional land for multi-family units. The Element reviews the City's past accomplishments and discusses affordable projects completed or in the planning process. The progress towards the RHNA's required number of units for each income category is shown. Finally, the City is required to report to the State the annual progress made towards meeting these goals.

The Element describes the City's program to support construction of new housing and outlines the City's Housing Plan. The Plan consists of 5 goals and 20 programs to achieve the City's objectives. These include:

- Density bonuses and/or design concessions to encourage the development of affordable projects;
- The Main Street and Freeway Corridor Specific Plan includes two zones where development may occur at above 15-units per acre. The high density residential zone allows up to 20 units per acre and the Regional Commercial zone allows up to 25 units per acre;
- Other programs include down-payment assistance, or other financial assistance for financing or infrastructure, including the township program;
- The Hesperia Community Redevelopment Agency is required to set-aside 20 percent of its tax increment to assist in the development of affordable housing. These funds may be used to provide direct assistance to qualified projects or to build roads, water or sewer lines that benefit an affordable project;
- Community Development Block Grant (CDBG) funds are used to rehabilitate lower-income households.

**Open Space:** The Open Space Element details the City's plans to preserve natural areas and resources and to provide parks, recreational facilities and trails for its residents. Natural resources include habitat for endangered or threatened species. The City is in the historical range of the Desert Tortoise and the Mojave Ground Squirrel. Arroyo Toads have been found in portions of the West Fork of the Mojave River. The City is also required to survey for the Burrowing Owl before any ground-disturbing activity. Finally, Joshua Trees and other native plants are protected by City ordinance. As part of the development review process, surveys are required for these species and plants. Should any occur on the site, appropriate action is taken, depending on the species found and the associated regulations applicable to that animal or plant.

Open space also includes scenic areas, such as the Mojave River or the mountains to the south of the City. The Oro Grande Wash also provides visual separation from the freeway corridor and Oak Hills. Other wash areas include the unnamed wash on the west side of the freeway, the Antelope Valley Wash, and the area known as Honda Valley. Three limited open space areas are identified for preservation due to their relatively undisturbed condition. To the extent possible, they are to remain in their natural state. The remaining areas are to be developed over time with recreational trails. One new approach to implementing the proposed Open

Space is a Transfer of Development Rights (TDR) program. This program will be implemented to enable compensation for areas affected by slopes and/or drainage. The ultimate goals for these areas are to retain the natural desert environment with minimal intrusion in the form of unpaved trails and parking areas. The properties will be purchased, either directly by the City, or by a program transferring development. The TDR property remains undeveloped while the density permitted is transferred to an adjacent or nearby property. This compensates the property owner for the loss of the land. Transferred development rights can be sold or purchased and utilized on similar or nearby properties.

The Open Space element also addresses agricultural land, water and mineral resources. These resources are discussed in conjunction with the Conservation Element.

The City's park and recreation areas are described. The Hesperia Recreation and Park District's 2006 Master Plan includes regional, community and local parks. These include Hesperia Lake Park and Hesperia Community Park. The District also recently assumed operation of the Hesperia Golf and Country Club, which is owned by the City. The City or Water District also owns several other parcels managed by the District, including Civic Plaza Park, located west of City Hall.

The Element discusses the City's requirements to acquire and develop new park land. The City requires dedication of three acres of land for every 1,000 persons. In addition to this, the City requires 2 acres of open space for 1,000 persons. Based on this standard, at projected build out within both the City and Park District (which is larger than the City) there will be an abundance of open space for current and future use. Finally, the Element describes the City's system of bike paths and equestrian trails, consistent with the Circulation Element. Implementation measures are consistent with the Circulation Element to support development of this trail system.

**Noise:** The Noise Element is a comprehensive program to include noise control in the planning and development process. Noise at excessive levels can affect our environment and quality of life.

The Element discusses sources of noise, including roads, railroads and industrial areas. Land uses sensitive to noise, such as residential areas, schools, libraries and parks are mentioned. The Element includes compatibility standards based on state and federal standards as well as accepted methodologies. The City's noise ordinance is also discussed and is not proposed to be modified.

Implementation measures to control noise include:

- Requiring acoustical analysis for all residential structures near noise sources such as the railroad, airport or major roads;
- Requiring enhanced construction methods to limit interior noise within residences adjacent to noise sources;
- Locating or screening loading docks and other site features to protect sensitive areas or uses;
- Limiting delivery hours to commercial or industrial uses near residential areas.

**Conservation:** The Conservation Element establishes the City's priorities as they relate to natural, historical and paleontological resources and outlines the means for their preservation. This element is most closely tied to Open Space and Safety, as many of these areas identified for their value as visual amenities or drainage courses are also ideal for conservation.

Implementation measures include:

- Require use of water conserving plants and native vegetation in landscaped areas and use low-water consumption fixtures in homes and businesses;
- Coordinate activities with the VVWRA to develop sub-regional treatment facilities and encourage and provide for use of reclaimed water for irrigation;
- Preserve pristine areas for habitat and open space uses;
- Coordinate with the County Museum to research records, perform additional research and preserve any artifacts that may be found;
- Contact Native American representatives to comply with all requirements concerning monitoring and preservation of Native American artifacts and places;
- Implement the green building program and encourage LEED, or similar certification of buildings;
- Coordinate with other San Bernardino County cities to develop a greenhouse gas inventory;
- Promote the use of alternative, renewable energy sources;

**Safety:** The Safety Element describes the City's hazards, including:

- Seismic Hazards from ground shaking, including potential for liquefaction and slope failure;
- Geologic hazards not related to earthquakes, including slope instability and subsidence;
- Flood hazards;
- Fire hazards, including structure and wildland fires;
- Hazardous materials including waste sites.

The Element also discusses emergency plans, evacuation routes and emergency shelters. Maps showing these areas and routes are included.

Implementation measures to address these issues include:

- Require geo-technical and soil reports to assure proper grading and compaction of soils;

- New construction to adhere to current building codes, including provisions for lateral forces;
- Encourage assessment of for older structures and conduct seismic retrofits as necessary;
- Require that new development retain addition runoff from rooftops parking lots and driveways;
- Restrict development in floodways and FEMA defined flood areas;
- Support recycling and disposal of hazardous materials;
- Maintain mutual aid agreements with neighboring cities and the County.

**Environmental Impact Report:**

The Environmental Impact Report (EIR) is a program level EIR that has been prepared to evaluate the potential impacts of the General Plan Update. The purpose of the EIR is to fulfill the central goal of the California Environmental Quality Act (CEQA), to disclose to the public and to the City’s decision makers, the potential impacts of the project before a decision is made.

The proposed project will result in a small incremental increase in development potential from the update. This incremental increase represents the future development that is permitted under the proposed General Plan compared to the existing General Plan (including the Main Street and Freeway Corridor Specific Plan). Differences in population, employment and residential dwellings between the existing and proposed general plans at buildout are all extremely small, less than one percent (see the following table).

**Comparison of Buildout Conditions for Existing and Proposed General Plan**

Land Use	Existing General Plan	Proposed General Plan	Difference
Population	242,460	243,465	+1,005
Employment	76,844	76,149	-695
Dwellings	79,648	79,855	+207
Industrial/Office	815.6 Acres	771.3 Acres	-44,3 Acres
Commercial	548.6 Acres	825.3 Acres	+276.7

The following table shows the difference between the proposed General Plan and existing conditions. The most significant difference from the 1991 General Plan focuses upon the development along the freeway corridor. As mentioned above, this area was addressed by the Main Street and Freeway Corridor Specific Plan, which is incorporated as part of the General Plan Update.

**Comparison of Existing Conditions and Project Buildout**

Land Use	Current Conditions	Proposed General Plan Buildout	Incremental Increase
Population	102,600	243,465	140,865
Labor Force/Employment	31,600	76,149	44,549
Dwellings	34,550	79,855	45,305
Industrial/Office	277 Acres	771.3 Acres	494.3
Commercial	247 Acres	825.3 Acres	578.3

**EIR Process:**

A Notice of Preparation (NOP) was circulated on January 6, 2010 to February 5, 2010. The NOP described the proposed project and the range of issues to be addressed in the Draft EIR (DEIR). The NOP was sent to the State Clearinghouse, responsible agencies and other interested parties for a 30-day public review period. The comment letters received are included in Appendix A to the DEIR. The completed DEIR was circulated for a 45-day public review period from May 26, 2010 to July 9, 2010. A total of eleven letters were received from public agencies, Native American tribes and the public. Responses to these comments were returned to each commenter on July 26, 2010 and are included in the Final EIR (FEIR).

**Conclusions and Significant Impacts:**

CEQA requires that the DEIR identify the impacts of a project and propose mitigation measures to reduce those impacts. CEQA also requires disclosure of any impacts that cannot be mitigated to a non-significant level, even if all feasible mitigations are required. The DEIR contains a summary of all the issues examined and the potential impacts regarding each issue. The issues where impacts cannot be mitigated to a non-significant level include:

- Air Quality - Construction of individual development projects could exceed the Mojave Desert Air Quality Management District's (MDAQMD) thresholds;
- Air Quality - Operational emissions from development will exceed MDAQMD daily and annual thresholds. The project will result in a net and cumulatively considerable increase in emissions for Volatile Organic Compounds (VOC), CO, PM 10 and PM 2.5;
- Noise - Development will result in a permanent increase in ambient noise levels;
- Traffic – Several intersections (nine intersections in the morning peak hours, eight in the evening peak hours), will function at level of service F at buildout. Most of these intersections are located along Main Street and Bear Valley Road.

The EIR can be certified with the understanding that the benefits of the General Plan outweigh the significant impacts listed above. A statement of overriding considerations is included with the resolution to certify the EIR. This is not unusual or irregular for any project of this scale. In fact, the City's 1991 General Plan EIR contains similar findings. CEQA does allow for the impacts of building a city.

### **Climate Action Plan:**

The Climate Action Plan (CAP) is the City's primary strategy to insure that the implementation of the General Plan will not conflict with the Global Warming Solutions Act of 2006 (AB 32). The CAP is designed to reduce community-related and City operations-related emissions of green house gasses. The CAP outlines a course of action for City government and the community to reduce per-capita emissions of greenhouse gasses 29 percent below business as usual by 2020. The CAP sets out an implementation framework to monitor its strategies.

The CAP includes an emissions inventory and lists business as usual emissions for 2009, 2020 and at buildout. Transportation contributes 39 percent of greenhouse gas emissions. The concept behind the CAP is that the design, density, and pattern of land uses impact the amount people drive and the options available for using less polluting and energy-consuming modes of transportation such as walking, bicycling, and transit. The CAP also promotes energy efficiency in buildings, government operations, and through more efficient water use. Implementation of these plans helps to ensure that the City will be developed in ways that produces fewer greenhouse gas emissions. This CAP demonstrates that the General Plan Update policies and CAP strategies would reduce emissions to the reduction target. The CAP includes strategies in the following categories:

- |                                |                                 |
|--------------------------------|---------------------------------|
| ⊕ CEQA compliance              | ⊕ Parking measures              |
| ⊕ Mixed use development        | ⊕ Energy efficiency             |
| ⊕ Transit oriented development | ⊕ Water conservation and reuse  |
| ⊕ Compact development          | ⊕ Waste reduction and recycling |
| ⊕ Pedestrian connections       | ⊕ Regional cooperation          |
| ⊕ Bicycle infrastructure       | ⊕ Government operations         |
| ⊕ Traffic calming              | ⊕ Climate change adaptation     |

The CAP is included as Appendix K to the DEIR but is being adopted as a stand-alone document. The City is coordinating with San Bernardino Associated Governments (SANBAG) and Southern California Association of Governments (SCAG) to develop a Sustainable Community Strategy (SCS) to comply with the requirements of SB 375. Amendments to the CAP may be necessary to maintain consistency with the SCS. Development of the SCS is scheduled to be completed in 2012.

### **CONCLUSION**

Adoption of the General Plan Update will bring the City's primary policy document into compliance with CEQA, other new state laws and mandates. The update will also address the changes the City has experienced in the previous 19 years since the original General Plan was adopted. The update will provide guidance to the City's decision makers and staff to carry out the overall vision for the City of Hesperia. The updated EIR substantiates the City's requirements for right-of way, infrastructure and development impact fees.

Therefore, staff recommends that the Planning Commission forward the 2010 General Plan Update, FEIR and Climate Action Plan to the City Council for adoption. The attached resolutions contain the necessary findings for the Planning Commission to make a recommendation on the project.

#### **ALTERNATIVE**

1. Provide alternative direction to staff.

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

1. Resolution PC-2010-15 (Certification of the EIR)
2. Resolution PC-2010-16 (Adoption of the 2010 General Plan Update)
3. Resolution PC-2010-17 (Adoption of the Climate Action Plan)

The Final EIR, including the Facts, Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program are included with this staff report. The General Plan, Draft EIR and Climate Action Plan have been previously provided under separate cover. All of these documents are available on the City's website, [www.cityofhesperia.us](http://www.cityofhesperia.us).

# ATTACHMENT 1

## RESOLUTION NO. PC-2010-15

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH 2010011011), AND ADOPT A MITIGATION MONITORING AND REPORTING PLAN FOR THE 2010 GENERAL PLAN UPDATE (GPA10-10185)**

**WHEREAS**, the City has undertaken a comprehensive update of the General Plan to reflect the growth that has occurred in the City since the adoption of the 1991 General Plan, as well as anticipated long-term growth. The General Plan Update (the "Project") addresses the seven state mandated general plan elements (land use, housing, circulation, safety, open space, conservation, and noise); and

**WHEREAS**, the City of Hesperia has caused the preparation of a Final EIR to address the environmental impacts associated with implementation of the Project, attached to this Resolution as Exhibit A, which is incorporated herein as if set forth in full ; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) (Public Res. Code, §21000 et seq.) and the State CEQA Guidelines (14 CCR §15000 et seq.), the City Council of the City of Hesperia ("City Council" or "Council") is the Lead Agency for the Project, as the public agency with general governmental powers; and

**WHEREAS**, the City of Hesperia, as lead agency, initially concluded that an Environmental Impact Report ("EIR") should be prepared pursuant to CEQA in order to analyze all adverse environmental impacts of the General Plan Update and an initial study was not necessary to be prepared for the Project pursuant to CEQA Guidelines Section 15063(a); and

**WHEREAS**, the City of Hesperia issued a Notice of Preparation of a Draft EIR for a period of 30 days beginning on January 6, 2010 pursuant to CEQA Guidelines Section 15082; and

**WHEREAS**, the City of Hesperia held a scoping meeting for Responsible Agencies, Trustee Agencies and other agencies, as well as the general public, on January 27, 2010 pursuant to CEQA Guidelines Section 15083; and

**WHEREAS**, the City of Hesperia issued a Notice of Completion to the State Clearinghouse, along with the Draft EIR on May 26, 2010; and

**WHEREAS**, the City of Hesperia issued the Draft EIR for a 45-day public review period beginning on May 26, 2010 and ending on July 9, 2010; and

**WHEREAS**, the City of Hesperia held a public meeting regarding the Draft EIR to hear any additional public comments on June 24, 2010; and

**WHEREAS**, the City of Hesperia received eleven letters of comments from State agencies, Native American tribes and the public during the review period who reviewed the draft Environmental Impact Report and those comments were responded to in writing as required by Public Resources Code Section 21092.5 and CEQA Guidelines Section 15088; and

**WHEREAS**, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

**WHEREAS**, all the requirements of CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines have been satisfied in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

**WHEREAS**, the EIR prepared in connection with the Project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines; and

**WHEREAS**, in accordance with the requirements of CEQA, Findings and Findings of Fact have been prepared for the EIR attached to this Resolution as Exhibit B which is incorporated herein as if set forth in full; and

**WHEREAS**, the Project involves potentially significant adverse impacts that cannot be mitigated and, therefore a Statement of Overriding Considerations has been prepared, is included as Attachment "A" of Exhibit B, which is incorporated herein as if set forth in full; and

**WHEREAS**, in accordance with the requirements of CEQA, a Mitigation Monitoring and Reporting Program has been prepared for the EIR attached to this Resolution as Exhibit C, which is incorporated herein as if set forth in full; and

**WHEREAS**, all of the findings and conclusions made by the City pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this resolution; and

**WHEREAS**, prior to taking action, the City has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the Final EIR, and all oral and written evidence presented to it during all meetings and hearings; and

**WHEREAS**, the Final EIR reflects the independent judgment of the Planning Commission of the City of Hesperia and is deemed adequate for purposes of making decisions on the merits of the Project; and

**WHEREAS**, no comments made in the public hearings conducted by the City or any additional information submitted to the City have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines Section 15088.5; and

**WHEREAS**, on August 5, 2010, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Project, and concluded said hearing on August 5, 2010; 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 City of Hesperia Planning Commission Recommends that the City Council certify the Final Environmental Impact Report for the City of Hesperia General Plan Update (SCH #2010011011) attached hereto as Exhibit A.

**Section 2:** Based upon the findings and conclusions set forth in this Resolution, the Planning Commission finds that the proposed City of Hesperia General Plan Update will have a significant effect on the environment and recommends that the City Council adopt the CEQA Findings and Finding of Fact attached hereto as Exhibit B and adopt a Statement of Overriding Considerations attached hereto as Attachment A to Exhibit B.

**Section 3:** Pursuant to Public Resources Code Section 21081.6, the Planning Commission hereby recommends adoption of the Mitigation Monitoring and Reporting Plan attached hereto as Exhibit C. In the event of inconsistencies between the mitigation measures set forth herein and the Mitigation Monitoring and Compliance Program, the Mitigation Monitoring and Compliance Program shall control.

The Secretary shall certify to the adoption of this Resolution.

**ADOPTED AND APPROVED** on this 5<sup>th</sup> day of August 2010

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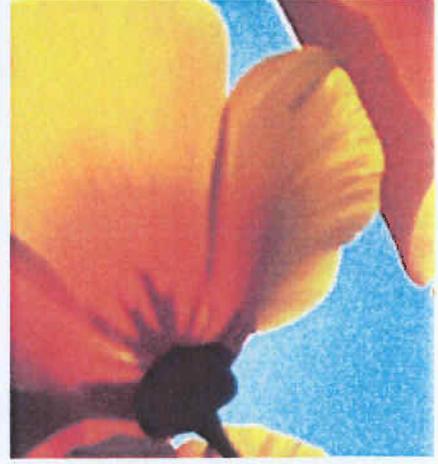
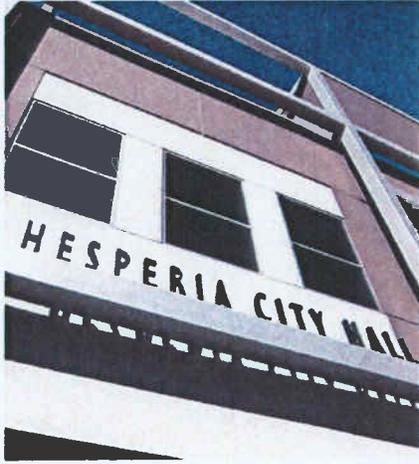
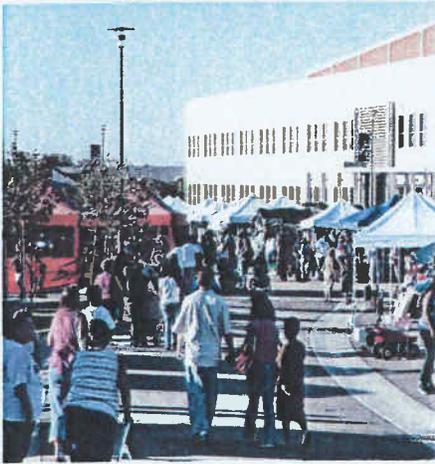
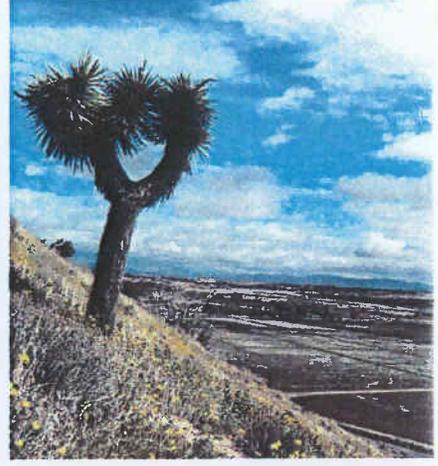
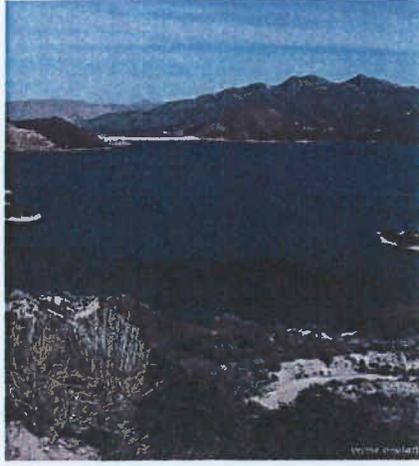
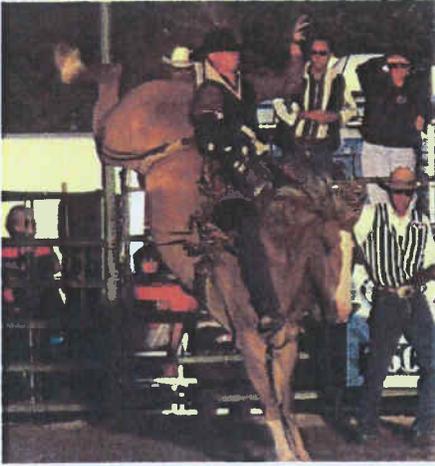
Chris Elvert, Chair, Planning Commission

ATTEST:

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Eva Heter, Secretary, Planning Commission

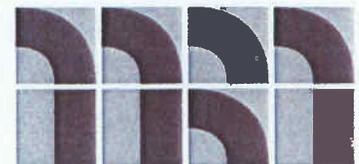
# EXHIBIT A



## Final Environmental Impact Report for the City of Hesperia General Plan Update



City of Hesperia ■ July 27, 2010



Michael Brandman Associates  
621 E. Carnegie Drive, Suite 100  
San Bernardino, CA 92408 1-15  
PLANNING COMMISSION



**Final Environmental Impact Report  
City of Hesperia General Plan Update  
City of Hesperia, San Bernardino County, California  
State Clearinghouse # 2010011011**

Prepared for:

**City of Hesperia**  
9700 Seventh Avenue  
Hesperia, CA 92345  
760.947.1253

Contact: Dave Reno, AICP, Principal Planner

Prepared by:

**Michael Brandman Associates**  
621 E. Carnegie Drive, Suite 100  
San Bernardino, CA 92408  
909.884.2255

Contact: Frank Coyle, Branch Manager



Michael Brandman Associates

July 27, 2010



**Table of Contents**

**Section 1: Introduction to the Final EIR..... 1-1**

**Section 2: List of Commentors..... 2-1**

    2.1 - Introduction.....2-1

    2.2 - List of Commentors .....2-1

**Section 3: Responses to Comments..... 3-1**

    3.1 - Introduction.....3-1

    3.2 - Comment Letters and Responses.....3-1

**Section 4: Summary of Changes and Additions to the Draft EIR ..... 4-1**

    4.1 - Introduction.....4-1

    4.2 - Changes and Additions .....4-1

        4.2.1 - Global Change .....4-1

        4.2.2 - Individual Changes .....4-1

**List of Appendices**

- Appendix A: Green House Gas Section (Section 3.17 of the Draft EIR)**
- Appendix B: Climate Action Plan (June 2010)**
- Appendix C: Traffic Impact Analysis**
- Appendix D: Cultural Resources Assessment**



## SECTION 1: INTRODUCTION TO THE FINAL EIR

The Draft Environmental Impact Report (Draft EIR) for the Hesperia General Plan Update was circulated for public review and comment beginning on May 26, 2010 and ending on July 9, 2010. In accordance with Section 15088 of the State of California Environmental Quality Act (CEQA) Guidelines, the City of Hesperia (City), as the lead agency, has evaluated comments on environmental issues raised by persons who have reviewed the Draft EIR, and has prepared written responses to all such comments received during the noticed comment period. Consistent with Section 15132 of the CEQA Guidelines, the Draft EIR with this Response to Comments/Final EIR volume together comprise the Final EIR for the Hesperia General Plan Update. This document is organized as follows:

- **Section 1 - Introduction to the Final EIR.**
- **Section 2 - List of Agencies and Interested Parties Commenting on the Draft EIR.** Provides a list of the agencies, organizations, and individuals that commented on the Draft EIR.
- **Section 3 - Responses to Comments on the Draft EIR.** Includes a copy of all of the letters received and provides responses to comments on environmental issues describing the disposition of the issues, explaining the EIR analysis, supporting the EIR conclusions, and/or providing information or corrections as appropriate. This section is organized with a copy of the comment letter followed with the corresponding responses.
- **Section 4 - List of Revisions to the Draft EIR.** Summarizes changes, additions or clarifications to the Draft EIR, which are described in Section 3 and have been incorporated with this Final EIR.

A Mitigation Monitoring Reporting Program (MMRP) consistent with provisions of CEQA Guidelines 15097, and incorporating the mitigation measures set forth in the Draft EIR as modified by this Response to Comments/Final EIR document, will be adopted at the time of certification of the Final EIR.



**SECTION 2: LIST OF COMMENTORS**

**2.1 - Introduction**

The City of Hesperia, acting as the lead agency under the California Environmental Quality Act (CEQA) prepared a Draft Environmental Impact Report (EIR) for the Hesperia General Plan Update (State Clearinghouse No. 2010011011) in accordance with Section 15088 of the State CEQA Guidelines.

The City used several methods to obtain comments on the Draft EIR. Copies of both the Notice of Preparation (NOP) and the Draft EIR were distributed to state agencies through the Governor’s Office of Planning and Research (OPR), State Clearinghouse; a Notice of Availability (NOA) of the Draft EIR was distributed to federal agencies, local agencies, individuals, and organizations indicating that copies of the Draft EIR could be obtained or reviewed at the City of Hesperia Planning office.

The Draft EIR circulated for public review for a period of 45 days. The comment period started May 26, 2010 and ended July 9, 2010. Eleven (11) comment letters were received and are responded to as included in this section. The City evaluated comments received on the Draft EIR, and prepared responses. Comment Letters are bracketed to identify individual comments provided. Individual comments are labeled by an acronym followed by a numeric identifier. For example, the first comment in Letter OPR (Governors Office of Planning and Research) is identified as comment OPR-1.

Several comments resulted in revisions to the text of the Draft EIR. The Draft EIR is referenced within this Final EIR. Text additions to the Draft EIR are underlined and text deletions are shown in ~~strike through~~. All corrections, clarifications, and refinements are outlined in the Section 4 of this document. This document, together with the Draft EIR, as revised herein, constitute the Final EIR.

**2.2 - List of Commentors**

Acronym	Sender	Date
OPR	Governors Office of Planning and Research	July 12, 2010
DTSC	California Department of Toxic Substance Control	July 1, 2010
DWR	California Department of Water Resources	June 24, 2010
RWQCB	California Regional Water Quality Control Board	July 7, 2010
DPW	County of San Bernardino Department of Public Works	July 6, 2010
EDISON	Southern California Edison	July 9, 2010
MDAQMD	Mojave Desert Air Quality Management District	June 2, 2010
SCAG	Southern California Association of Governments	July 9, 2010
MORONGO	Morongo Band of Mission Indians	May 26, 2010

Acronym	Sender	Date
SAN MANUEL	San Manuel Band of Mission Indians	July 8, 2010
VOGLER	Al Vogler	June 24, 2010

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## **SECTION 3: RESPONSES TO COMMENTS**

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### **3.1 - Introduction**

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This section includes letters and written communications received during the public review period on the Hesperia General Plan Update Draft Environmental Impact Report (Draft EIR), followed by responses to the comments in the letters that were received. Each letter has been assigned an acronym consistent with the agency or individual (e.g. DTSC for Department of Toxic Substance Control), and comments within each letter have been assigned a numerical designation (DTSC-1, DTSC-2, DTSC-3, etc.) corresponding with individual responses that follow.

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### **3.2 - Comment Letters and Responses**

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The comment letters are reproduced on the following pages. Responses are provided following each letter. Where a comment results in a change to the Draft EIR, the specific change is documented in Section 4, *Summary of Changes and Additions to the Draft EIR*.





OPR



STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER  
GOVERNOR

CYNTHIA BRYANT  
DIRECTOR

July 12, 2010

Dave Reno  
City of Hesperia  
9700 Seventh Avenue  
Hesperia, CA 92345

Subject: Hesperia General Plan Update  
SCH#: 2010011011

Dear Dave Reno:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 9, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

OPR-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Acting Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2010011011  
**Project Title** Hesperia General Plan Update  
**Lead Agency** Hesperia, City of

**Type** EIR Draft EIR

**Description** The Project is a comprehensive update of the 1991 City of Hesperia General Plan and applies to all properties within the City of Hesperia and its adjoining Sphere of Influence (SOI). The General Plan update addresses the seven state-mandated general plan elements (Land Use, Housing, Circulation, Safety, Open Space, Conservation, and Noise). The updated General Plan establishes an overall development capacity for the City and its SOI, and serves as a policy guide for determining the appropriate physical development and character of the City. The City has undertaken a comprehensive update of the General plan to reflect the growth that has occurred in the City since the adoption of the 1991 General Plan, as well as anticipated growth towards build-out of the City.

**Lead Agency Contact**

**Name** Dave Reno  
**Agency** City of Hesperia  
**Phone** (760) 947-1253 **Fax**  
**email**  
**Address** 9700 Seventh Avenue  
**City** Hesperia **State** CA **Zip** 92345

**Project Location**

**County** San Bernardino  
**City** Hesperia  
**Region**  
**Lat / Long** 34° 25' 35.1" N / 117° 18' 03.1" W  
**Cross Streets** Situated north of the Cajon Pass, and east and west of Interstate 15 (I-15)  
**Parcel No.**  
**Township** 3,4N **Range** 3,4,5W **Section** var **Base** various

OPR-1

**Proximity to:**

**Highways** I-15; SR-173, 138; US-395  
**Airports** Hesperia  
**Railways** BNSF, UP, SANTA FE  
**Waterways** Mojave River, Mojave River Watershed  
**Schools** various  
**Land Use** The General Plan update applies to all Land Use, Zoning and GP Designation within the City of Hesperia and its adjoining Sphere of Influence.

**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Toxic/Hazardous

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 8; Department of Housing and Community Development; Regional Water Quality Control Bd., Region 6 (Victorville); Department of Toxic Substances Control; Native American Heritage Commission

**Document Details Report  
State Clearinghouse Data Base**

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*Date Received* 05/26/2010      *Start of Review* 05/26/2010      *End of Review* 07/09/2010





**Response to Comment Letter OPR – Governors Office of Planning and Research,  
Dated 07/12/2010**

*Response to Comment OPR-1*

The comment letter is the standard form letter issued by the Governors Office of Planning and Research (OPR), State Clearinghouse and Planning Unit confirming that the Draft EIR was distributed to various state agencies, and that the City of Hesperia has complied with statutory noticing obligations. No further response is necessary.





Linda S. Adams  
Secretary for  
Environmental Protection



DTSC

Department of Toxic Substances Control

Maziar Movassaghi, Acting Director  
5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

July 1, 2010

Mr. Dave Reno  
AICP, Principal Planner  
City of Hesperia  
9700 Seventh Avenue  
Hesperia, California 92345

NOTICE OF AVAILABILITY OF A DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR HESPERIA GENERAL PLAN UPDATE PROJECT (SCH # 2010011011), SAN BERNARDINO COUNTY

Dear Mr. Reno:

The Department of Toxic Substances Control (DTSC) has received your submitted draft Program Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "The Hesperia General Plan Update (Project) is a comprehensive update of the 1991 City of Hesperia General Plan. The proposed Project will result in an incremental increase in development resulting from the update of the Hesperia general Plan. The updated General Plan establishes an overall development capacity for the City and Sphere of Influence (SOI) and serves as policy guide for determining the appropriate physical development and character of the City of Hesperia and SOI. The incremental increase in development represents the future development that is permitted under the proposed General Plan compared to the existing general Plan".

DTSC-1

DTSC provided comments on the project Notice of Preparation (NOP) of the original draft EIR on January 27, 2010, some of those comments have been addressed in the draft Program Environmental Impact Report. Please ensure that the following comments will be addressed in the final EIR when and if any hazardous wastes are generated or contamination is found.

- 1) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection

DTSC-2

Mr. Dave Reno  
June 30, 2010  
Page 2

Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

DTSC-2

- 2) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see [www.dtsc.ca.gov/SiteCleanup/Brownfields](http://www.dtsc.ca.gov/SiteCleanup/Brownfields), or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

DTSC-3

- 3) Also, in future CEQA documents, please provide your e-mail address, so DTSC can send you the comments both electronically and by mail

DTSC-4

If you have any questions regarding this letter, please contact Mr. Rafiq Ahmed, Project Manager, at [rahmed@dtsc.ca.gov](mailto:rahmed@dtsc.ca.gov) or by phone at (714) 484-5491.

DTSC-5

Sincerely,



Greg Holmes  
Unit Chief  
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

CEQA Tracking Center  
Department of Toxic Substances Control  
Office of Environmental Planning and Analysis  
1001 I Street, 22nd Floor, M.S. 22-2  
Sacramento, California 95814  
[ADelacr1@dtsc.ca.gov](mailto:ADelacr1@dtsc.ca.gov)

CEQA # 2949

**Response to Comment Letter DTSC – Department of Toxic Substance Control, Dated 07/01/2010**

*Response to Comment DTSC-1*

The author provides comments to preface the letter. No response is necessary.

*Response to Comment DTSC -2*

Conditions related to project level specifics such as site plan configurations and building design are unknown at present and cannot be known until specific development proposals are submitted in the future. However, any development within the Planning Area will be subject to all federal State and local laws pertaining to the management of hazardous wastes. Consistency with federal, state and local regulations will avoid significant adverse impacts from hazardous waste generated within the Planning Area.

*Response to Comment DTSC -3*

This statement offers guidance for cleanup oversight by DTSC and no response is necessary.

*Response to Comment DTSC -4*

This statement requested the City to place an email address on future documents and no response is necessary.

*Response to Comment DTSC -5*

The author provided concluding remarks to close the letter. No response is necessary.



DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



JUN 24 2010

Mr. Dave Reno  
City of Hesperia  
9700 Seventh Avenue  
Hesperia, California 92345

Draft Environmental Impact Report, City of Hesperia General Plan Update, California Aqueduct East Branch, Approximate Milepost 380 to 410, Southern Field Division, San Bernardino County, SCH2010011011

Dear Mr. Reno:

Thank you for the opportunity to review and comment on the City of Hesperia General Plan Draft Environmental Impact Report (EIR). The notice illustrates the proposal by the City of Hesperia to establish an overall development capacity for the City of Hesperia and sphere of influence. The new plan will also account for the growth and change that has occurred since the 1991 General Plan update. The proposed general plan indicates a significant expansion of development, which utilizes cross-drainage structures of the Department of Water Resources' (DWR) East Branch Aqueduct of the California Aqueduct (East Branch).

DWR-1

Any development in the vicinity of the Aqueduct should accommodate existing and future surface-runoff patterns both upslope and downslope of the DWR Right of Way (ROW). Development that could have potential impact to DWR ROW should also address flows which are channeled through DWR's cross drainage facilities in this area. Due to the increased development within this general area, development of the property shall conform to the San Bernardino County Master Plan for Drainage.

DWR-2

The City of Hesperia General Plan Draft Environmental Impact Report indicates potential development near DWR's East Branch in multiple areas. Any development that affects DWR ROW will require an Encroachment Permit from DWR prior to the start of construction. Information on obtaining an encroachment permit from DWR can be viewed at:

DWR-3

[http://www.doe.water.ca.gov/Services/Real Estate/Encroach\\_Rel/index.cfm](http://www.doe.water.ca.gov/Services/Real Estate/Encroach_Rel/index.cfm)

Please provide DWR with a copy of any subsequent environmental documentation when it becomes available for public review. Any future correspondence relating to this project should be sent to:

DWR-4



Mr. Dave Reno  
JUN 24 2010  
Page 2

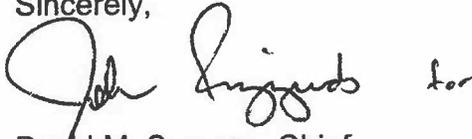
Leroy Ellinghouse, Chief  
SWP Encroachments Section  
Division of Operations and Maintenance  
Department of Water Resources  
1416 Ninth Street, Room 641-1  
Sacramento, California 95814

DWR-4

In addition, please continue to keep DWR informed of any future actions with respect to the City of Hesperia General Plan Update.

If you have any questions, please contact Leroy Ellinghouse, Chief of the SWP Encroachments Section, at (916) 659-7168 or Mike Anderson at (916) 653-6664.

Sincerely,



David M. Samson, Chief  
State Water Project Operations Support Office  
Division of Operations and Maintenance

cc: State Clearinghouse  
Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, California 95814

**Response to Comment Letter DWR – Department of Water Resources, Dated 07/06/2010**

*Response to Comment DWR -1*

The author provides comments to preface the letter. No response is necessary.

*Response to Comment DWR -2*

As stated within the City of Hesperia General Plan Update, individual projects are conditioned to manage their runoff from the project site to ensure that contaminants do not impact the groundwater basins. Additionally, individual, project-level development proposals and, if required, associated environmental documentation would necessarily evaluate consistency with applicable federal, state, and local regulations consequently avoiding surface-runoff impacts to the DWR Rights-of-way and cross drainage facilities.

In addition, currently, in collaboration with other surrounding cities in the Mojave Basin, the City of Hesperia has established a Construction Site Stormwater Runoff Control Program to reduce pollutants from construction activities that result in a land disturbance of greater than or equal to one acre.

Further, the Regional Water Quality Control Board requires post-construction best management practices (BMPs) to be implemented for new development and significant redevelopment, for both private and public agency projects. Stormwater BMP's for construction activities are also required, and construction activities are regulated by the statewide General Permit for Storm Water Discharges from Construction Activity. The San Bernardino Stormwater Program has established guidelines for permittees to develop a Water Quality Management Plan (WQMP) consistent with these requirements. The regulations and guidelines provide for the minimization of the detrimental effects of urbanization on the beneficial uses of receiving waters, including effects caused by increased pollutant loads and changes in hydrology. These effects are minimized through the implementation of site designs that reduce runoff and pollutant transport by minimizing impervious surfaces and maximizing onsite infiltration, source control BMPs, on-site structural treatment controls, or participation in regional watershed-based structural treatment control BMPs.

Moreover, the San Bernardino County Department of Public Works Flood Control District is responsible for providing flood control and related services throughout the County, including the incorporated areas within cities. The San Bernardino Flood Control District has planned a system of facilities including dams, conservation basins, channels, and storm drains (including the San Bernardino County Master Plan for Drainage) which has been designed to avoid run-off and flooding impacts to the California Aqueduct. Development within the Planning Area will comply with the San Bernardino County Master Plan for Drainage.

*Response to Comment DWR -3*

The City understands that development activities, which could affect DWR Right-of-way, will require encroachment permits, and the City will continue to advise builders, developer and the





**California Regional Water Quality Control Board  
Lahontan Region**



RWQCB

**Linda S. Adams**  
Secretary for  
Environmental Protection

**Victorville Office**  
14440 Civic Drive, Suite 200, Victorville, California 92392  
(760) 241-6583 • Fax (760) 241-7308  
<http://www.waterboards.ca.gov/lahontan>

**Arnold Schwarzenegger**  
Governor

July 7, 2010

File: Environmental Doc Review  
San Bernardino County

Dave Reno, Principal Planner  
City of Hesperia Community Development,  
Planning Division  
9700 Seventh Avenue  
Hesperia, CA 92345

**COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR HESPERIA  
GENERAL PLAN UPDATE, SAN BERNARDINO COUNTY, STATE CLEARINGHOUSE,  
NO. 2010011011**

Please refer to the items checked for staff comments on the above-referenced project:

**[X]** The site plan for this project does not specifically identify features for the post-construction period that will control stormwater on-site or prevent pollutants from non-point sources from entering and degrading surface or ground waters. The foremost method of reducing impacts to watersheds from urban development is "Low Impact Development" (LID), the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of nonpoint source pollutants. LID results in less surface runoff and less pollution routed receiving waters. Principles of LID include:

- Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge,
- Reducing the impervious cover created by development and the associated transportation network, and
- Managing runoff as close to the source as possible.

We understand that LID development practices that would maintain aquatic values could also reduce local infrastructure requirements and could benefit energy conservation, air quality, open space, and habitat. Many planning tools exist to implement the above principles, and a number of recent reports and manuals provide specific guidance regarding LID. We request you require these principles to be incorporated into the proposed project designs. We request natural drainage patterns be maintained to the extent feasible.

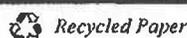
**[X]** Other

- We appreciate the goal of preserving the functions of washes and other surface waters in the open space and conservation sections of the General Plan and Summary of Goals. Such preservation of washes and other surface waters also

RWQCB-1

RWQCB-2

**California Environmental Protection Agency**



preserves beneficial uses such as infiltration of storm water, attenuation of storm water flows, fresh water replenishment, and groundwater recharge. Maintaining the functions of surface waters is particularly critical to sustainable development in desert communities such as Hesperia. While we applaud the goals in the General Plan Update to preserve and protect the quality and beneficial uses of both surface waters and groundwaters, we recommend inclusion of a more in-depth discussion of compliance with Low Impact Development (LID) compliance in the Final Environmental Impact Report (EIR).

RWQCB-2

- Please specifically evaluate the General Plan update for compliance with LID goals for maintaining a watershed landscape that is functionally equivalent to predevelopment hydrologic conditions and produces minimal generation of nonpoint source pollutants. We recommend that the following to be added: (1.) Please explicitly address how loss of infiltration will be mitigated as dirt roads and unpaved road shoulders are converted to paved roads with curbs and gutters; (2.) Please require that landscaping be designed to infiltrate stormwater and runoff from impervious surfaces; and (3.) Please clearly state in the land use, housing, and circulation element requirements for post-construction BMPs for storm water infiltration, storm water quality treatment and storm water erosion controls to be included in subdivision master plans, commercial development plans, and industrial development plans.

RWQCB-3

- Some sections of the Draft EIR clearly explain the jurisdiction of the Lahontan Regional Water Quality Control Board over surface waters and groundwaters within the region. However, other sections need clarification to avoid confusion on the part of project proponents, including: Biological Resources Section 3.4.2 - Existing Conditions, Jurisdictional Waters; and Biological Resources Section 3.4.3 - Regulatory Framework. Please clearly state that waters of the state include perennial, ephemeral and intermittent water bodies such as rivers, streams, washes, drainages, swales, vernal pools, seasonal ponds, and playas in all sections of the Draft EIR where surface waters and alteration of surface waters are discussed.

RWQCB-4

- Please clearly discuss the potential impacts of constricting flows from hydromodification such as dredge and fill activities, bank stabilizations, channelizations, and undersized surface water crossings.

RWQCB-5

- Please require that flood control measures and surface water crossings first consider avoiding and minimizing constriction of flows, and that these be evaluated in an alternatives analysis for applicable projects, as appropriate.

RWQCB-6

- Please require project proponents to contact our office regarding potential necessary approvals prior to construction.

RWQCB-7

Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required.

RWQCB-8

Thank you for the opportunity to comment on your project. If you have any questions regarding this letter, please contact me at (760) 241-7365 ([mdellavalle@waterboards.ca.gov](mailto:mdellavalle@waterboards.ca.gov)) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 ([pcopeland@waterboards.ca.gov](mailto:pcopeland@waterboards.ca.gov)).



RWQCB-8

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary Dellavalle', is written over a horizontal line.

Mary Dellavalle  
Environmental Scientist

cc: Tonya Moore, Department of Fish and Game  
Dave Smith / Wetlands Regulatory Office (WTR-8), US EPA, Region 9  
Gerry Salas / U.S. Army Corps of Engineers, Los Angeles District  
Bill Orme / SWRCB, Division of Water Quality

u:rp/MD/Hesperia DEIR.doc





**Response to Comment Letter RWQCB – California Regional Water Quality Control Board, Lahontan Region, Dated 07/07/2010**

*Response to Comment RWQCB-1*

The General Plan Update and EIR is a programmatic document and does not authorize any individual development project. In addition, the City is not aware of any federal or State requirements to incorporate Low Impact Development (LID) principles into development design. However, as stated within the City of Hesperia General Plan Update, individual projects are conditioned to manage their runoff from the project site to ensure that contaminants do not impact the groundwater basins. Additionally, individual, project-level development proposals and, if required, associated environmental documentation would necessarily evaluate consistency with applicable federal, state, and local regulations, consequently avoiding water quality impacts within the Planning Area.

In addition, as outlined within the Draft EIR (See Section 3.8, Page 3.8-27), the Regional Water Quality Control Board requires post-construction best management practices (BMPs) to be implemented for new development and significant redevelopment, for both private and public agency projects. Stormwater BMPs for construction activities are also required, and construction activities are regulated by the statewide General Permit for Storm Water Discharges from Construction Activity. The San Bernardino Stormwater Program has established guidelines for permittees to develop a WQMP consistent with these requirements. The regulations and guidelines provide for the minimization of the detrimental effects of urbanization on the beneficial uses of receiving waters, including effects caused by increased pollutant loads and changes in hydrology. These effects are minimized through the implementation of site designs that reduce runoff and pollutant transport by minimizing impervious surfaces and maximizing onsite infiltration, source control BMPs, on-site structural treatment controls, or participation in regional watershed-based structural treatment control BMPs.

Appropriate BMPs are determined on a project specific basis and selected based on the potential “pollutants of concern” identified in the project specific WQMP. The discharge of any listed pollutant to an impaired water body on the CWA 303(d) list shall require an offset (e.g., no net loading) for any additional loading from the proposed project to ensure no further degradation of the impaired water body.

Programs to mitigate impacts that might degrade water quality are also identified in the City’s MS-4 General Permit. Elements include:

- **Public Education and Outreach:** Distribution of literature addressing both residential and non-residential sources of pollution. Pollution prevention presentations at local elementary schools. Develop educational education outreach programs with local home improvement stores and pet stores to alert customers to contaminants from household chemicals and pets.

- **Public Involvement and Participation:** Public participation in multiple watershed wide meetings to obtain community input and involvement. Implement recycling programs and household chemical collection programs.
- **Illicit Discharge Detection and Elimination:** Identify and limit illicit discharges resulting from post-construction BMPs infiltrating urban and stormwater runoff onsite.
- **Construction Site Stormwater Runoff Control:** Establish effective relationships with builders to quickly resolve deficient construction site BMPs and enforcement actions.
- **Post-Construction Stormwater Management in New Development and Redevelopment:** Completion of comprehensive stormwater training programs for illicit discharge detection and elimination, construction site stormwater runoff controls, post-construction stormwater management in new development and redevelopment.
- **Pollution Prevention and Good Housekeeping for Municipal Operations.**
- **Training of Plan Reviewers in Low Impact Development strategies.**

Furthermore, the Hesperia General Plan Update contains Goals and Policies similar to the LID principles outlined by the author. As stated within the Hesperia General Plan Update, the City will conserve water resources within the Upper Mojave River Groundwater Basin through implementation of the following policies:

Implementation Policy: CN-1.1 Promote the use of desert vegetation with low water usage and drought tolerant materials in landscaped areas.

Implementation Policy: CN-1.2 Educate residents on water conservation methods with best practices and tips.

Implementation Policy: CN-1.3 Promote reduced use of high nitrate fertilizers, herbicides, pesticides and other chemicals in landscaping areas that can contaminate the quality of the groundwater.

Implementation Policy: CN-1.4 Limit the disturbance of natural water hydrology by minimizing the creation of impervious surface area and continued utilization underground retention/detention facilities to recharge groundwater.

Implementation Policy: CN-1.5 Work with local agencies and jurisdictions to provide a coordinated effort to ensure a safe and constant water supply for the region.

Implementation Policy: CN-1.6 Encourage the use of low-water consumption fixtures in homes and businesses.

Implementation Policy: CN-1.7 Require new development to use new technology, features, equipment and other methods to reduce water consumption.

Additionally, as part of the project's Climate Action Plan (CAP), development within the General Plan Update may incorporate low-impact development techniques in new development to infiltrate and store runoff (see Strategy CAP-14.4 within Appendix K of the DEIR). Low-impact development technique as outlined within the CAP will be an option for development within the Hesperia General Plan.

***Response to Comment RWCQB-2***

The City is not aware of any federal or State requirements to incorporate LID principles into development design. However, see Response to Comment Regional Water Quality Control Board (RWQCB-1) for Hesperia General Plan Goals and Policies contained within the Draft EIR related to LIDs principles as outlined by the author.

***Response to Comment RWCQB-3***

The City is not aware of any federal or State requirements to incorporate LID principles into development design. However, the Hesperia General Plan Update contains Goals and Policies similar to the LID principles outlined by the author. See Response to Comment RWQCB-1 for Hesperia General Plan Goals and Policies (including federal, State and local regulations) related to LIDs principles as outlined by the author.

***Response to Comment RWCQB-4***

As requested, the Final EIR will include language to clarify that waters of the state include perennial, ephemeral and intermittent water bodies such as rivers, streams, washes, drainages, swales, vernal pools, seasonal ponds, and playas. Please see Section 4 of this Final EIR for updated language.

***Response to Comment RWCQB-5***

Conditions related to project level specifics such as dredge and fill activities, bank stabilizations, channelizations, and undersized surface water crossings are unknown at present and cannot be known until specific development proposals are submitted in the future. However, consistency with Implementation Policy SF-2.2 for future development within the Planning Area will avoid impacts from constricting flows from hydromodification. According to Implementation Policy SF-2.2, the City will require that new discretionary development proposals include, as a condition of approval, hydrological studies prepared by a State-certified engineer that assess the impact that the new development will have on flooding potential of existing development down-gradient. The studies shall provide mitigation measures to reduce this impact to an acceptable level.

***Response to Comment RWCQB-6***

Implementation Policy SF-2.1 states that the City shall continue enforcing the City's Municipal Code provisions for flood hazard reduction (Title 8: Safety, Chapter 8.28: Flood Hazard Protection and Regulations). According to Title 8: Safety, Chapter 8.28: (C), the Statement of Purpose is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. Individual, project-level development proposals and, if required, associated environmental documentation would necessarily evaluate consistency with this policy as



# DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL • LAND DEVELOPMENT & CONSTRUCTION  
SOLID WASTE MANAGEMENT • SURVEYOR • TRANSPORTATION

DPW

COUNTY OF SAN BERNARDINO



825 East Third Street • San Bernardino, CA 92415-0835 • (909) 387-8104  
Fax (909) 387-8130

GRANVILLE M. "BOW" BOWMAN, P.E., P.L.S.  
Director of Public Works

July 6, 2010

File: 10(ENV)-4.01

City of Hesperia  
Community Development, Planning Division  
Attn: Dave Reno, Principal Planner  
9700 Seventh Avenue  
Hesperia, CA 92345

**RE: NOTICE OF AVAILABILITY OF THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF HESPERIA GENERAL PLAN UPDATE (SCH #2010011011)**

Dear Mr. Reno:

DPW-1

Thank you for giving the San Bernardino County Department of Public Works and Flood Control District the opportunity to comment on the above-referenced project. We have reviewed the documents and provide the following comments:

**Flood Control Planning Division (Harold Zamora, P.E., Public Works Engineer III, (909) 387-8120)**

DPW-2

1. Any change in the General Plan's Land Use, may require a review/update to the City of Hesperia Master Plan of Drainage.

**Water Resources Division (Mary Lou Mermilliod, Public Works Engineer II, (909) 387-8213)**

DPW-3

According to the most recent FEMA Flood Insurance Rate Map, Panels 6480H, 6485H, 6490H\*\*, 6495H, 6505H, 7185H\*\*, 7225H, 7230H\*, dated August 28, 2008, portions of the project lie within Zone A, AE, D, X (unshaded) and the Regulatory Floodway. Also, in May 1996, Williamson & Schmid, Huitt-Zollars, on behalf of the San Bernardino County Flood Control District, prepared a Master Plan of Drainage for the City of Hesperia.

We have reviewed the Draft Program EIR and our comments are as follows:

DPW-4

1. In general, it appears that the Draft has identified the major concerns of the District. However, the District's recommendations are most often made for site specific conditions. Consequently, the recommendations made here are general in nature until such time as more detailed plans become available.
2. Prior to any activity on District right-of-way, a permit shall be obtained from the District's Flood Control Operations Division, Permit Section. Other off-site or on-site improvements may be required which cannot be determined at this time.

DPW-5

3. One of the benefits of the Master Plan of Drainage is to identify the alignment of future drainage and flood control facilities. It is hoped that the City will continue to use this document to protect the alignment of future facilities. There may be some flexibility at this time regarding the alignment of these facilities. We recommend that you contact the District's Planning Division at (909) 387-8120. DPW-6
4. Other federal or state approvals may be also required. Information regarding this item can be obtained from the District's Operations Division, Permit Section. DPW-7
5. We recommend that the local jurisdiction establish adequate provisions for intercepting and conducting the accumulated drainage around or through all construction sites in a manner which will not adversely affect adjacent or downstream properties. DPW-8
6. We recommend that the most current FEMA regulations, for development within established floodplains, be enforced by the City. DPW-9

**Traffic Division (Ed Petre, P.E., Public Works Engineer III, (909) 387-8239)**

1. Escondido Avenue at Ranchero Road: This intersection is an all-way stop control. Also, the existing analysis worksheets in the Appendices have incorrect volumes. DPW-10
2. For the County of San Bernardino maintained roadways and intersections, the acceptable Level of Service is C for the Desert areas. Mitigations must be addressed to maintain this minimum level of service. DPW-11
3. The analysis worksheets in the Appendices for the intersection of Baldy Mesa at Phelan Road: The volumes are incorrect for the existing conditions. Recheck the volumes for the buildout conditions; for instance, the WB left volume is less than the existing volume. Some of the analysis show permissive left turns at this intersection. All four left turn movements shall be protected. DPW-12

**Environmental Management Division (Elias Severo, Engineering Tech IV, (909) 387-8109)**

On page 2-11 under section 2.4 – **Intended Uses of This Draft EIR, Responsible Agencies, and Approvals Needed**, it states the following;

**State of California, Regional Water Quality Control Board Lahontan Region:** Pursuant to the Federal CWA (Section 402[g]) and regulations governing State General Construction Activity Storm Water Permits, a National Pollution Discharge Elimination System Permit (NPDES) would be required for individual projects resulting in the disturbance of more than 5 acres. Pursuant to Section 401(a)(1) of the CWA, a Section 401 water quality certification or waiver would be required for the project before any Federal permit can be issued. DPW-13

Section B under RATIONALE of The NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, NPDES No. CAS000002 part of which hereby attached below, state that Construction activity that results in a land disturbance of equal to or greater than one acre are subject to this General Permit, **not** more than 5 acres as stated above.

## B. Construction Activities Covered

### 1. Construction activity subject to this General Permit:

Any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one acre.

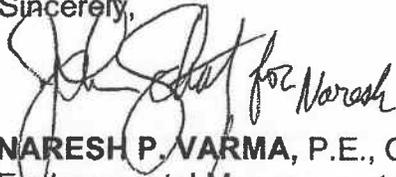
Construction activity that results in land surface disturbances of less than one acre if the construction activity is part of a larger common plan of development or sale of one or more acres of disturbed land surface.

DPW-13

If you have any questions or require additional information, please contact the specific individuals that have provided that comment, as listed above.

DPW-14

Sincerely,



**NARESH P. VARMA, P.E.**, Chief  
Environmental Management Division

NPV:MP:mb/CEQA - Comments Hesperia General Plan Update.doc

cc: Nancy Sansonetti  
GMB/ARI Reading File



**Response to Comment Letter DPW – Department of Public Works, Dated 07/06/2010**

*Response to Comment DPW-1*

The author provides comments to preface the letter. No response is necessary.

*Response to Comment DPW -2*

The City will continue to coordinate with the County regarding any changes to land uses that will require an update to the Hesperia Master Plan of Drainage.

*Response to Comment DPW -3*

The author provides comments to preface the letter. No response is necessary.

*Response to Comment DPW -4*

The author provides comments to preface the letter and notes that the DEIR identifies the major concerns of the Water Resources Division. No response is necessary.

*Response to Comment DPW -5*

Conditions related to project level specifics such as site plan configurations and building design are unknown at present and cannot be known until specific development proposals are submitted in the future. However, projects within the Planning Area are required to abide by all federal, State and local regulations related to right-of-way activity and may be required to obtain requisite DWP permits or other applicable permits.

*Response to Comment DPW -6*

The author provides contact information in regards to the alignment of future facilities. The City will continue coordinate with the County to provide for drainage improvements and facilities that are in accordance with the Master Plan of Drainage for Hesperia.

*Response to Comment DPW -7*

This statement offers a location of where to obtain other necessary federal or State approvals and no response is necessary.

*Response to Comment DPW -8*

According to Implementation Policy SF-2.1, the City shall continue enforcing the City's Municipal Code provisions for flood hazard reduction (Title 8: Safety, Chapter 8.28: Flood Hazard Protection and Regulations). This code, which applies to new construction and existing projects undergoing substantial improvements, provides construction standards that address the major causes of flood damage, and includes provisions for anchoring, placement of utilities, raising floor elevations, using flood-resistant construction materials, and other methods to reduce flood damage.

In addition, consistency with Implementation Policy SF-2.2 will require that new discretionary development proposals include, as a condition of approval, hydrological studies prepared by a State-certified engineer that assess the impact that the new development will have on flooding potential of

existing development down-gradient and, when necessary, require mitigation to alleviate such flooding potential.

*Response to Comment DPW -9*

As stated in Implementation Policy SF-2.7, the City will continue to require compliance with current FEMA regulations.

*Response to Comment DPW -10*

The intersection of Escondido Avenue at Ranchero Road reflects the stop control in effect when the turning movement count was performed for the base year analysis in 2006, which was a two-way stop control on Escondido. A comparison of the volumes in the traffic count worksheets (Appendix A) with those used in the Synchro Analysis Worksheets (Appendix B) indicate that the correct AM and PM peak hour volumes from the counts were used in the analysis. Future Build-out Analysis assumes the intersection will be signalized.

*Response to Comment DPW -11*

The City of Hesperia's Sphere of Influence (SOI) contains roadways and intersections located within unincorporated areas of the County of San Bernardino. The Hesperia General Plan Update Transportation Technical Report prepared for the project conducted its traffic impact analysis as well as recommended improvements, based on buildout of land uses within the current City boundaries and the SOI. Since the SOI is required to be included in the analysis as it bears a relationship to the City's planning, City LOS standards were applied to the entire Planning Area. In addition, for citywide transportation planning and improvement programming purposes it is necessary to use City criteria.

It should be noted that subsequent, project-level traffic studies that may be warranted for individual development proposals would still be required to evaluate impacts on intersections and road segments in neighboring jurisdictions (either the County or neighboring Cities) based on the LOS standards of such jurisdictions. An important distinction here is that if a development proposal includes annexation into the City of Hesperia, then it would be appropriate to evaluate intersections and road segments that would be annexed to the City based on City LOS standards.

*Response to Comment DPW -12*

A comparison of the volumes for the intersection of Baldy Mesa at Phelan Road in the traffic count worksheets with those used in the Synchro Analysis Worksheets (See Appendix C of this Final EIR for Worksheets) indicate that the correct AM and PM peak hour volumes from the counts were used in the analysis.

At present, Baldy Mesa is one of the very few paved roads south of Phelan Road and is signalized, therefore attracting a lot of traffic desiring to make left turns from Phelan Road to go south. In Build-out, the traffic model recognized that more roads will be paved and intersections will be signalized,

providing alternatives for motorists traveling south, and therefore traffic patterns adjust accordingly. The forecasted turning movement volumes undergo “Post-Processing” in which the difference between the future validated base year model and the Build-out forecast volumes are added to the existing count. If the Build-out forecast reflects fewer turning movements than the validated base year model, then the post-processing will result in a reduction to the existing volume.

The analysis for this intersection assumed protected signal operation on all four left-turn movements for the Existing and the Preferred General Plan scenarios. Permissive operation was assumed for the General Plan, and the two High-Intensity alternatives. These scenarios were re-run with protected operation and the resulting AM/PM levels of service for each scenario are as follows:

Scenario	Permissive	Protected
General Plan	B/B	C/B
High-Intensity, with New Corridors	F/F	F/E
High-Intensity, No New Corridors	F/F	F/F

The results, findings, and mitigation will not change with this operational modification. Copies of the revised Synchro analysis worksheets are provided within Appendix C of this Final EIR.

*Response to Comment DPW -13*

The author states that on page 2-11 under section 2.4 - Intended Uses of This Draft EIR, Responsible Agencies, and Approvals Needed, it states:

**State of California, Regional Water Quality Control Board Lahotan Region:** Pursuant to the Federal CWA (Section 402[g]) and regulations governing State General Construction Activity Storm Water Permits, a National Pollution Discharge Elimination System Permit (NPDES) would be required for individual projects resulting in the disturbance of more than 5 acres. Pursuant to Section 401(a)(1) of the CWA, a Section 401 water quality certification or waiver would be required for the project before any Federal permit can be issued.

Construction activity that results in a land disturbance of equal to or greater than one acre are subject to this General Permit, **not** more than 5 acres as stated above.

Therefore, the Final EIR will incorporate the revised language and will be located within Section 4, *Errata*.

*Response to Comment DPW -14*

The author provided concluding remarks to close the letter. No response is necessary.





**Susan K. Peterson**  
 Region Manager  
 Local Public Affairs

July 9, 2010

Mr. Dave Reno, Principal Planner  
 City of Hesperia  
 9700 Seventh Avenue  
 Hesperia, CA 92345

RE: City of Hesperia Comprehensive General Plan Update (GPU)

Dear Mr. Reno:

The Southern California Edison Company (SCE) appreciates the opportunity to review and provide comment on the GPU for the City of Hesperia. As the provider of electricity for the City, we look forward to planning to serve the growth envisioned by the GPU and assisting the City with its efforts to conserve energy and build a more sustainable community.

SCE will be investing approximately \$21.5 billion over the next five years to expand and strengthen its essential electric distribution and transmission grids. Improvements will include repairing or replacing transmission and distribution poles, wires and circuits; building new transmission lines and substations, and installing new technologically advanced meters. These investments are necessary to make the power grid more reliable, greener and smarter within our 50,000-square-mile service territory.

In November of 2008, the Governor signed Executive Order #S-14-08 requiring retail sellers of electricity to deliver 33% of its energy from renewable energy sources by the year 2020. SCE currently leads the nation in delivering renewable energy. In 2009, SCE delivered approximately 13.6 billion kilowatt-hours of renewable energy to its customers, representing 17 percent of the total energy delivered that year. In addition, SCE has entered into contracts to secure additional sources of renewable energy, that when delivered, will increase SCE's renewable portfolio to 20%.

EDISON-1

Renewable energy, for example, energy generated at solar and wind farms, is most often generated in remote areas. Increasing the use of renewable energy to 33% by the year 2020 may necessitate the construction of new transmission lines to transport the renewable energy to the electric grid for distribution. SCE looks forward to working closely with the City of Hesperia and the surrounding San Bernardino County community should we need to interconnect renewable generators that are locating within your communities or increase the capacity of the electric grid to carry renewable energy.

SCE's Comments on Proposed General Plan Discussions and Policies:

**1. City of Hesperia 2008-2014 Housing Element  
Draft January 2010**

**4.4 Opportunities for Energy Conservation, Pg. 67-68**

Energy-related housing costs can directly impact the affordability of housing. While state building code standards contain mandatory energy efficiency requirements for new development, the City and utility providers are also important resources to encourage and facilitate energy conservation and to help residents minimize energy-related expenses.

EDISON-2

**4.4.2 Utility Providers Programs, Pg. 68**

Southern California Edison participates in the California Alternate Rates for Energy (CARE) program, which offers income-qualified customers a discount of 20 percent or more on their monthly electric bill. The 2007 Residential Multifamily Energy Efficiency Rebate Program offers property owners and managers incentives on a broad list of energy efficiency improvements in lighting, HVAC, insulation, and

1-57

EDISON

window categories. These improvements are to be used to retrofit existing multi-family properties of two or more units. Edison also operates the Energy Management Assistance (EMA) program, which helps income-qualified households conserve energy and reduce their electricity costs. Southern California Edison pays all the costs of purchasing and installing energy-efficient appliances and equipment, which are free to eligible customers. Services include weatherization, energy efficient lighting and cooling, and refrigerator replacement. And, finally, Edison has an Energy Assistance Fund (EAF), also known as the Rate Relief Assistance Program, in place designed to help low income customers pay their electric bills.

EDISON-2

1. Comment: SCE considers itself to be the City of Hesperia's hometown electricity provider and appreciates the City making reference to our income qualified programs, so the residents of the City of Hesperia have the opportunity to receive the economic relief they provide. We suggest you make reference to the SCE website at <http://www.sce.com> in the event income qualifying programs are updated/changed, or new programs are added to assist the public during the life of the Housing Element.

## **2. CONSERVATION ELEMENT**

### **ENERGY, Pg. CN 40-42**

Electricity for the City is provided by Southern California Edison (SCE). Currently sixteen percent of the total energy produced by the company comes from renewable resources. The remaining sources include natural gas, fossil fuels and nuclear energy. Natural gas is provided for the City by Southwest Gas Corporation (SGC). SGC purchases its natural gas from a variety of sources and distributes and sells it throughout California, Nevada and Arizona. Both SCE and SGC have established numerous programs and incentives to encourage and assist their customers in the efficient use of energy resources to help preserve and conserve the natural resources each uses in the production of their product.

While local, state and federal agencies work with energy producers to regulate the consumption of natural resources, it is the responsibility of the City to conserve these resources by managing energy consumption.

Establishing conservation methods, including the use of "green" building principles provides the City with opportunities to create well developed and designed structures that conserve resources, and are consistent with the state laws regulating greenhouse gas emissions.

### **CONSERVATION**

EDISON-3

Green building principles provide guidelines for efficient design. These principles affect different elements of design, including site layout, natural light usage, window location, energy consumption, water efficiency, construction materials, education programs and many other aspects of design. The end result is an efficient building that reduces energy consumption and that people enjoy using. Examples of sustainable greenbuilding principles are projects such as the High Desert Government Center and the Hesperia Police Station. Both are located in the downtown Civic Center and were designed and constructed to exhibit sustainable green building principles, including solar energy collectors integrated onto both buildings and carport roofs. Both buildings will be certified under the LEED (Leadership in Energy and Environmental Design) program. Conserving energy and resources that generate electricity are important aspects of sustainable development. Sustainability is a planning concept that impacts all types of development through promoting responsible development utilizing "green" building principles. Green building principles contribute to reductions in electricity consumption, greenhouse gas emissions, raw materials use, landfill waste and potable water consumption. In order to reduce the consumption of valuable resources, a green building program should be adopted. The program should promote conservation and sustainability while educating the development community. While there are several types of programs available, the City can create a program that works best for the environmental setting and development community. In 2010, the City adopted an ordinance to permit the widespread use of wind and solar technology in homes, businesses and industry.

Some additional measures the City could take in reducing energy consumption involve recycling. The City currently has in place an efficient recycling program, utilizing a material recovering facility. Pursuing ways to improve the efficiency, such as separating paper waste to eliminate contamination, would further contribute to resource conservation.

The following Goal and Implementation Policies will further assist the residents and businesses within the city in the efficient use of energy resources:

**Goal: CN-7**

**Provide programs and incentives to encourage residents, businesses and developers to reduce consumption and efficiently use energy resources.**

Implementation Policy: CN-7.1 Develop a green building program in the City to educate the development community and promote the conservation of natural resources.

Implementation Policy: CN-7.2 Encourage the use of green building standards and Leadership in Energy and Environmental Design (LEED) or similar programs in both private and public projects.

Implementation Policy: CN-7.3 Provide incentives like technical assistance and low interest loans for projects that are energy efficient and contain energy conservation measures

Implementation Policy: CN-7.4 Educate the public about energy conservation techniques.

Implementation Policy: CN-7.5 Coordinate with the local energy provider in developing policies and procedures to reduce energy consumption in existing and future developments.

Implementation Policy: CN-7.6 Encourage residents and businesses to utilize the incentives provided by the local energy providers to retrofit their buildings and businesses for energy efficiency and conservation

Implementation Policy: CN-7.7 Continue the existing recycling program and utilization of the material recovery facility program while exploring additional methods of reducing waste.

EDISON-3

2. Comment: SCE has one of the most successful energy efficiency programs in the nation. During the past five years, SCE customers have saved more than five billion kilowatt-hours of energy – enough energy to power 725,000 homes for an entire year. This translated into reducing greenhouse gas (GHG) emissions by more than 2 million metric tons – the equivalent of removing 350,000 cars from the road.

SCE offers green building and energy efficiency programs to developers, which can assist the City of Hesperia with meeting its proposed Sustainable Building Practices and Energy Conservation goals and policies. For example, residential builders have the opportunity to participate in SCE's California New Homes Program, a program awarding a limited number of financial incentives to homebuilders who construct homes exceeding California's energy efficiency standards for new residential development (Title 24). In addition, SCE offers the Sustainable Communities Program, an innovative pilot program targeting developers of large mixed-use, multi-family or multiple building construction projects that are willing to commit to aggressive energy efficiency and sustainable design goals. Financial incentives are available to off-set the cost of energy efficiency measures.

Nonresidential developers can participate in the Savings By Design Program, a program sponsored by four of California's largest utilities, including SCE, under the auspices of the California Public Utilities Commission (CPUC). This program offers builders and their design team a wide range of services, including design assistance to maximize energy efficiency, incentives to offset the cost of energy efficient buildings, and design rewards for design teams that meet ambitious energy efficiency targets.

In order to support your currently proposed GPU policies promoting sustainable design, the City of Hesperia may want to consider a General Plan policy encouraging developers of large residential and nonresidential development, mixed-use and specific plans to contact SCE and other energy providers early in the planning process to determine any additional energy efficiency measures that can be incorporated into a project's design. For more information on these programs, please refer the public again to SCE's website at <http://www.sce.com/>.

**3. SUMMARY OF GOALS, Pg. XXXI**

Implementation Policy CI-1.14 - Coordinate with San Bernardino County Flood Control District and Southern California Edison Company to promote utilization of easements for the trail system.

3. Comment: SCE appreciates the City of Hesperia's desire to find new locations to connect and enhance the City's existing trail systems within the community and the region. Please note, however, SCE transmission corridors may not always be compatible land uses for active trails and parks due to SCE's Operations and Maintenance (O&M) requirements for its facilities, and because once these uses are established in corridors, they may become unavailable to the public for extended periods of time during SCE system construction and/or maintenance. In addition, any proposed use cannot be in conflict with the rights owned by SCE and its operational requirements; however, SCE will work with the City to

EDISON-4

help design a use that is compatible for both parties. Due to the nature of the rights purchased by SCE to operate its system, each proposal needs to be reviewed and approved on a case-by-case basis.

#### 4. PUBLIC LAND USES

The public land use designations are intended to identify land which is or will be utilized for public facilities or uses including community facilities, schools, parks, libraries, utility easements and substations, water and sewage facilities, hospitals, emergency services, fire stations, municipal buildings, and other uses serving a public interest. These designations are especially appropriate for land that is under ownership by a public agency.

EDISON-4

Use of such publicly designated land shall be governed by the public entity controlling the land with approval of a public facility review for new construction or uses, pursuant to the Municipal Code, Title 16: Development Code, or the Main Street and Freeway Corridor Specific Plan, Public Institutional Overlay zone.

Pg. LU-63

#### P-PARK/REC (PUBLIC –PARK/RECREATION)

**Intensity** None

**Intent** The Public-Park/Recreation (P-Park/Rec) designation is intended to encompass properties owned by the Hesperia Recreation and Park District.

**Uses** The P-Park/Rec designation includes properties such as Hesperia Recreation and Park District's office, public parks, recreational facilities, and trails. Some trails exist within utility corridors.

Pg. LU 64

EDISON-5

4. Comment: SCE purchases its property rights at fair market value with ratepayer funds, including both fee-owned property and highly exclusive easements. Because SCE is a state-regulated utility company, California Public Utilities Code section 851 prohibits any additional encumbrances that would reduce the value of any land asset, reduce the integrity (terms and conditions) of the asset, or could result in negatively impacting service and operational reliability that are not approved by the CPUC. Therefore, we request to be notified if the proposed General Plan Land Use Map recommends land use designation changes for any SCE facilities, lands or easements. We appreciate your understanding in this matter.

#### General SCE Comments:

SCE appreciates the City of Hesperia's commitment to working with utility providers to ensure resources and infrastructures are present to support the City's continued growth. SCE respectfully requests the City consider General Plan policies encouraging developers to contact SCE early in the planning process, especially for large-scale residential and non-residential development or specific plans to ensure the projected electric loads for these projects are factored into SCE's load forecasts for the community and region, and for developers to work closely with SCE to determine electrical service and infrastructure needs for individual projects. In addition, SCE appreciates specific plans including a general discussion of electricity service within their infrastructure/utility or circulation plans.

EDISON-6

Please note, when development plans result in the need to build new or relocate existing SCE electrical facilities operating at or above 50 kilovolts (kV), the resulting SCE construction may have environmental impacts that could be subject to review pursuant to the California Environmental Quality Act (CEQA). If the SCE facilities are not adequately addressed in local agency CEQA review for the larger development project, and CEQA review of the relocated or new electric facilities is required, the CEQA review would be carried out later by the CPUC, which is the presumptive lead agency for environmental review of projects involving SCE facilities. This permit process and separate CEQA review could delay approval of the SCE power line portion of the project for two years or longer.

EDISON-7

In addition, it is also important for developers to contact SCE early when project sites include SCE utility lands or infrastructure, or when the project has the potential to impact existing or planned future SCE facilities. Developers should be directed to provide SCE with detailed project development plans and depict on the plans SCE facilities, rights-of-way and land rights in relationship to the proposed projects. Any impacts to SCE utility lands and/or infrastructure must be satisfactorily addressed between the developer, the City and SCE, and consented to by SCE prior to finalizing the plan of development. Conducting this process early with SCE ensures that a proposed project can be designed to meet the developer's and City's needs while being compatible with SCE's operating requirements. Early

EDISON-8

1-60

PLANNING COMMISSION

consultation minimizes the risk of the developer or the City experiencing costly delays attributed to potential conflicts with SCE facilities. Early dialogue also ensures SCE has the time to respond and plan for any changes necessary to maintain a safe and reliable operating system to meet the City of Hesperia's electrical needs. General Plan policies supporting these concerns can greatly aid the City and developers to meet their development goals and allow SCE the opportunity to serve the City and the development community as timely as possible.

EDISON-8

SCE recognizes new development may require environmental mitigation, including the creation of new habitat or restoration of degraded habitat. When environmental mitigation is proposed that is adjacent to or would include SCE operating property, such as transmission, telecommunication, or distribution line corridors, substation land and other utility lands, SCE's ability to continue to provide safe and reliable electricity service through the operation, maintenance, modification or upgrading of facilities may be seriously compromised. For example, legally protected habitat that grows on an SCE transmission corridor could inhibit SCE from performing necessary repairs to existing facilities or upgrading existing facilities to serve increase customer demand for electricity.

EDISON-9

We respectfully request the General Plan include language clearly indicating utility lands, including rights of way, are not compatible as locations for environmental mitigation, unless there are specific unique circumstances that have been addressed between the City, SCE and the project proponent. Where environmental mitigation in proximity to SCE's utility land is unavoidable, we further request any proposed mitigation be subject to early joint review between the City and SCE, so that SCE can ensure its ability to conduct O&M on its facilities is maintained and any approved mitigation is compatible with SCE's operating requirements. SCE appreciates the City of Hesperia's consideration in this matter.

In closing, we would like to state again that SCE looks forward to assisting the City, its businesses and residents with building a more sustainable community through our many energy efficiency and conservation programs. We also look forward to planning cooperatively with the city to meet its electricity needs through the sharing of planning and development information affecting the City. We wish the City of Hesperia much success in planning and fulfilling its general plan goals and policies and we at SCE are ready to do our part as the provider of electricity for your city. If you have any questions regarding this letter, do not hesitate to contact me at (760) 951-3281.

EDISON-10

Sincerely,



Susan Peterson  
Local Public Affairs Region Manager  
Southern California Edison Company



**Response to Comment Letter SCE – Southern California Edison, Dated 07/09/2010**

*Response to Comment SCE-1*

The author states that California Edison Company (SCE) is the provider of electricity for the City and will be investing approximately \$21.5 billion over the next five years to expand and strengthen its essential electric distribution and transmission grids. In 2009, SCE delivered approximately 13.6 billion kilowatt-hours of renewable energy to its customers, representing 17 percent of the total energy delivered that year. Further, SCE has entered into contracts to secure additional sources of renewable energy, that when delivered, will increase SCE's renewable portfolio to 20 percent. The comment further indicates SCE looks forward to working closely with the City of Hesperia and the surrounding San Bernardino County community in providing for future energy needs.

No additional response is necessary, as this comment does not raise issues with respect to the DEIR.

*Response to Comment SCE -2*

The author provides comments on the Proposed General Plan Discussions and Policies, including Opportunities for Energy Conservation and Utility Providers Programs. The author states that SCE considers itself to be the City of Hesperia's hometown electricity provider and appreciates the City making reference to SCE's income qualified programs, so the residents of the City of Hesperia have the opportunity to receive the economic relief they provide. SCE suggested to make reference to the SCE website at <http://www.sce.com> in the event income qualifying programs are updated/changed, or new programs are added to assist the public during the life of the Housing Element. The City may consider adding SCE's website in order to reference SCE's income qualified programs, as a part of the final approval process of the General Plan Update. In addition, the referenced website will be added to Section 4, *Errata*, of this Final EIR.

*Response to Comment SCE -3*

The author provides comments in regards to the Conservation Element located within the General Plan Update and Draft EIR. Additionally, the author lists Goal and Implementation Policies included in the update that further assist residents and businesses within the city in the efficient use of energy resources, to create well developed and designed structures that conserve resources, and are consistent with the state laws regulating greenhouse gas emissions.

The author also identifies some additional measures the City could take in reducing energy consumption involving recycling. The City currently has in place an efficient recycling program, utilizing a material recovering facility. Pursuing ways to improve efficiency, such as separating paper waste to eliminate contamination, would further contribute to resource conservation.

The Climate Action Plan (CAP) conducted for the Hesperia General Plan Update analyzes ways to improve resource conservation efficiency within the City of Hesperia. As outlined within the CAP (see Implementation Policy LU-6.3), the City will support sustainable building practices that encourage the use of recycled or other building materials that promote environmental quality, economic vitality, and social benefits. In addition, construction, and operational practices that limit

impacts to the environment are supported in the CAP. Consequently, Implementation Policy LU-6.3 provides resource conservation measures involving recycling and ultimately promoting environmental quality, economic vitality, and social benefits within the Planning Area.

In addition, as outlined within Response to Comment SCE -2, the City will place the SCE's website within the Final EIR, which may help to inform developers of any additional energy efficiency measures that can be incorporated into a project's design early within the planning process.

Further, the City may consider pursuing ways to improve the efficiency, such as separating paper waste to eliminate contamination as a part of the final approval process of the General Plan Update.

*Response to Comment SCE -4*

SCE notes that transmission corridors may not always be compatible land uses for active trails and parks due to SCE's Operations and Maintenance (O&M) requirements for its facilities, and because once these uses are established in corridors, they may become unavailable to the public for extended periods of time during SCE system construction and/or maintenance. This comment further notes that any proposed use cannot be in conflict with the rights owned by SCE and its operational requirements; however, SCE will work with the City to help design a use that is compatible for both parties. Due to the nature of the rights purchased by SCE to operate its system, each proposal needs to be reviewed and approved on a case-by-case basis.

The city will continue to work with SCE to ensure that the future design of trails, parks and other uses do not conflict with SCE functions and observe SCE's property rights.

*Response to Comment SCE -5*

The City will notify SCE if the proposed General Plan Land Use Map recommends land use designation changes for any SCE facilities, lands or easements.

*Response to Comment SCE -6*

As outline within Implementation Policy: CN-7.5, the City will coordinate with the local energy provider in developing policies and procedures to reduce energy consumption in existing and future developments. Consequently, the City will work with SCE in encouraging developers to contact SCE early in the planning process. Further, as outlined within Response to Comment SCE -2, the City will place the SCE's website within the Final EIR, which may help to inform developers of any additional energy efficiency measures that can be incorporated into a project's design early within the planning process.

*Response to Comment SCE -7*

Conditions related to project level specifics such as site plan configurations and building design are unknown at present and cannot be known until specific development proposals are submitted in the future. The City understands that the review/permit process under CPUC could be lengthy if it is necessary for a given development proposal.

***Response to Comment SCE -8***

The City will work with SCE in encouraging developers to contact SCE early in the planning process. See Response to Comment SCE -6.

***Response to Comment SCE -9***

As outlined within Response to Comment SCE-7, conditions related to project level specifics such as site plan configurations and building design are unknown at present and cannot be known until specific development proposals are submitted in the future. Consistent with the City's current practice, all property rights established for SCE easements, fee simple ownership or other SCE property rights will be observed.

***Response to Comment SCE -10***

The author provided concluding remarks to close the letter. No response is necessary.





Mojave Desert Air Quality Management District
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • fax 760.245.2699
Visit our web site: http://www.mdaqmd.ca.gov
Eldon Heaston, Executive Director

June 2, 2010

Dave Reno, Principal Planner
City of Hesperia Community Development, Planning Division
9700 Seventh Avenue
Hesperia, CA 92345

Re: Draft Program Environmental Impact Report Hesperia General Plan Update

Dear Mr. Reno:

The Mojave Desert Air Quality Management District (MDAQMD) has reviewed the Draft Program Environmental Impact Report Hesperia General Plan Update. The Hesperia General Plan Update (Project) is a comprehensive update of the 1991 City of Hesperia General Plan. The General Plan update addresses the seven state mandated general plan elements (land use, housing, circulation, safety, open space, conservation and noise). The proposed General Plan is intended to achieve the land use, circulation, and other goals of the City in order to reflect the community's current values for growth over the long-term. The project includes limited changes in land use designations, and updates the circulation system as well as the policies and programs within the City's General Plan.

MDAQMD-1

Based on the information provided in the Draft Program Environmental Impact Report, the District concurs with the Air Quality Impact Analysis and findings in Section 3.3. The MDAQMD also supports the implementation policies that would reduce air pollutant emissions and reduce exposure of air pollution within the Circulation Element, the Land Use Element, the Open Spaces Element, the Conservation Element, and the Climate Action Plan; such policies are expected to produce commensurate regional environmental and air quality benefits.

MDAQMD-2

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 6726, or Tracy Walters at extension 6122.

Sincerely,

[Handwritten signature of Alan De Salvio]

Alan De Salvio
Supervising Air Quality Engineer

AJD/tw Hesperia DPEIR GP Update.doc



**Response to Comment Letter MDAQMD – Mojave Desert Air Quality Management District, Dated 06/02/2010**

*Response to Comment MDAQMD-1*

The author provides comments to preface the letter. No response is necessary.

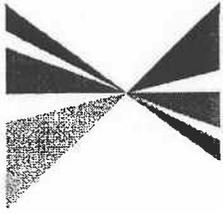
*Response to Comment MDAQMD -2*

The MDAQMD concurs with the Air Quality Impact Analysis and findings in Section 3.3 of the Draft EIR. The MDAQMD also supports the implementation policies that would reduce air pollutant emissions and reduce exposure of air pollution within the Circulation Element, the Land Use Element, the Open Spaces Element, the Conservation Element, and the Climate Action Plan; such policies are expected to produce commensurate regional environmental and air quality benefits. No additional response is necessary.





SOUTHERN CALIFORNIA



ASSOCIATION of GOVERNMENTS

July 9, 2010

Mr. Dave Reno
Principal Planner
City of Hesperia
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RE: SCAG Comments on the Draft Program Environmental Impact Report for the City of Hesperia General Plan Update [SCAG No. I20100232]

Dear Mr. Reno,

Thank you for submitting the Draft Program Environmental Impact Report for the City of Hesperia General Plan Update [SCAG No. I20100232] to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review of Programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12372 (replacing A-95 Review). Additionally, pursuant to Public Resources Code Section 21083(d) SCAG reviews Environmental Impacts Reports of projects of regional significance for consistency with regional plans per the California Environmental Quality Act Guidelines, Sections 15125(d) and 15206(a)(1). SCAG is also the designated Regional Transportation Planning Agency and as such is responsible for both preparation of the Regional Transportation Plan (RTP) and Federal Transportation Improvement Program (FTIP) under California Government Code Section 65080 and 65082. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

SCAG staff has reviewed this project and determined that the proposed project is regionally significant per California Environmental Quality Act (CEQA) Guidelines, Sections 15125 and/or 15206. The proposed project is a comprehensive update of the 1991 City of Hesperia General Plan, which addresses the seven state mandated general plan elements (land use, housing, circulation, safety, open space, conservation, and noise).

We have evaluated this project based on the policies of SCAG's Regional Transportation Plan (RTP) and Compass Growth Vision (CGV) that may be applicable to your project. The RTP and CGV can be found on the SCAG web site at: http://scag.ca.gov/igr. The attached detailed comments are meant to provide guidance for considering the proposed project within the context of our regional goals and policies. We also encourage the use of the SCAG List of Mitigation Measures extracted from the RTP to aid with demonstrating consistency with regional plans and policies. Please send a copy of the Final Environmental Impact Report (FEIR) ONLY to SCAG's main office in Los Angeles for our review. If you have any questions regarding the attached comments, please contact Bernard Lee at (213) 236-1895. Thank you.

Sincerely,

[Handwritten signature]

Huasha Liu, Director
Land Use and Environmental Planning

SCAG-1



DOCS# 157886

**COMMENTS ON THE DRAFT PROGRAM ENVIRONMENTAL IMPACT  
REPORT FOR THE CITY OF HESPERIA GENERAL PLAN UPDATE  
[SCAG NO. I20100232]**

**PROJECT LOCATION**

The City of Hesperia (City) is located in the southwestern portion of San Bernardino County, situated north of the Cajon Pass, and transected by the Interstate 15 (I-15) Freeway. The City of Hesperia and its unincorporated Sphere of Influence (SOI) is surrounded by the Cities of Adelanto and Victorville to the north, the City of Apple Valley to the east, the unincorporated community of Phelan to the west, and the San Bernardino National Forest to the south. The Planning Area is approximately 118 square miles in size, and includes the incorporated area of the City as well as its SOI.

**PROJECT DESCRIPTION**

The Hesperia General Plan Update (Project) is a comprehensive update of the 1991 City of Hesperia General Plan. The General Plan update addresses the seven state mandated general plan elements (land use, housing, circulation, safety, open space, conservation, and noise). The updated General Plan establishes an overall development capacity for the City and SOI and serves as a policy guide for determining the appropriate physical development and character of the City of Hesperia and SOI. The City has undertaken a comprehensive update of the General Plan to reflect the growth and change that has occurred in the City since the adoption of the 1991 General Plan, as well as to anticipate growth towards build-out of the City.

In addition, the Project has coordinated the General Plan Land Use Designations and the Zoning Districts identified on the Zoning map and within the Development Code to create a single General Plan/Zoning Map. The combined General Plan/Zoning map was developed through careful analysis of the Zoning Map and General Plan map designations and comparison with existing land uses. The resulting General Plan/Zoning map was guided by the City's goal to create as few as possible non-conforming uses. Overlays have also been utilized to identify areas that should receive special attention, such as the area including and surrounding the airport, floodplain and dam inundation areas, and open space/drainage areas.

The proposed General Plan update is intended to achieve the land use, circulation, and other goals of the City in order to reflect the community's current values for growth over the long-term. The Project includes limited changes in land use designations, and updates to the circulation system as well as the policies and programs within the City's General Plan.

The Program EIR is intended to serve as the primary environmental document for the approval of the proposed changes to the existing General Plan. It will also provide a baseline for subsequent, more detailed environmental documentation at the project level. Other future approvals by the City will be required for Project implementation. Such discretionary actions include, but are not limited to the processing of zoning and specific plans, tentative tract maps, site design plans, conditional use permits, and building and grading permits, and plans to construct public infrastructure, facilities and other capital improvements.

SCAG-1

**CONSISTENCY WITH REGIONAL TRANSPORTATION PLAN**

**Regional Growth Forecasts**

The Draft Program Environmental Impact Report (DPEIR) should reflect the most current SCAG forecasts, which are the 2008 RTP (May 2008) Population, Household and Employment forecasts. The forecasts for your region, subregion, and city are as follows:

**Adopted SCAG Regionwide Forecasts<sup>1</sup>**

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	19,418,344	20,465,830	21,468,948	22,395,121	23,255,377	24,057,286
Households	6,086,986	6,474,074	6,840,328	7,156,645	7,449,484	7,710,722
Employment	8,349,453	8,811,406	9,183,029	9,546,773	9,913,376	10,287,125

**Adopted SANBAG Subregion Forecasts<sup>1</sup>**

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	2,182,049	2,385,761	2,582,773	2,773,938	2,957,754	3,133,797
Households	637,252	718,601	787,138	852,994	914,575	972,565
Employment	810,232	897,493	965,781	1,045,471	1,134,964	1,254,752

SCAG-2

**Adopted City of Hesperia Forecasts<sup>1</sup>**

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	102,896	126,456	148,751	170,384	191,186	211,109
Households	28,870	36,345	43,238	49,861	56,054	61,886
Employment	21,052	25,705	28,958	32,787	37,277	47,999

1. The 2008 RTP growth forecast at the regional, subregional, and city level was adopted by the Regional Council in May 2008. City of Menifee growth forecast figures are not available because Menifee incorporated after the 2008 RTP growth forecast was adopted.

**SCAG Staff Comments:**

Although not explicitly referenced, page 3.3-17 of the DPEIR indicates that "The City's growth forecasts are included in SCAG's forecasts and the city is consistent with the RTP."

The 2008 Regional Transportation Plan (RTP) also has goals and policies that are pertinent to this proposed project. This RTP links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations. The RTP continues to support all applicable federal and state laws in implementing the proposed project. Among the relevant goals and policies of the RTP are the following:

SCAG-3

**Regional Transportation Plan Goals:**

- RTP G1 *Maximize mobility and accessibility for all people and goods in the region.*
- RTP G2 *Ensure travel safety and reliability for all people and goods in the region.*
- RTP G3 *Preserve and ensure a sustainable regional transportation system.*
- RTP G4 *Maximize the productivity of our transportation system.*
- RTP G5 *Protect the environment, improve air quality and promote energy efficiency.*

- RTP G6** *Encourage land use and growth patterns that complement our transportation investments.*  
**RTP G7** *Maximize the security of our transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies.*

**SCAG Staff Comments:**

SCAG staff finds that the proposed project partially meets consistency with RTP G1, G4, G5, and G6. RTP G2, G3, and G7 are not applicable to this project since it is not a transportation project.

The proposed project partially meets consistency with RTP G1. Mobility pertains to the speed at which one may travel and the delay, or difference between the actual travel time and travel time that would be experienced if a person traveled at the legal speed limit. The proposed project may impact regional mobility. Per page 3.15-36, "The City will continue to work in conjunction with regional agencies to address regional traffic issues, but will not be able to ensure that adequate facilities will in place to accommodate regional growth as the timing, financing and construction of such facilities are not within the control of the City." Accessibility measures how well the transportation system provides people access to opportunities, such as jobs, education, shopping, recreation, and medical care. The proposed project offers regional auto access via Interstate 15. Access from the south is provided by State Route (SR) 138 and east-west access is provided by several routes including Bear Valley Road, Main Street and Rancho Road. The Victor Valley Transit Authority operates five bus routes in Hesperia offering connections between shopping centers and the Mall of Victor Valley, hospitals, schools and colleges, and residential areas.

With regard to RTP G4, the proposed project partially meets consistency. Productivity is a system efficiency measure that reflects the degree to which the transportation system performs during peak demand conditions. Per page 3.15-31, "the forecasted morning and afternoon peak hour LOS for the study intersections with recommended improvements are projected to have significant impacts at nine (9) study intersections during the AM peak hour period and eight (8) study intersections during the PM peak hour period upon buildout of the proposed General Plan.

The proposed project partially meets consistency with RTP G5. As indicated by Tables 3.3-4 and 3.3-5, the net changes in emission levels substantially exceed the significance thresholds, with the exception of the daily NOx emissions and the annual NOx and CO emissions. Chapter 3.17 discusses several measures that the proposed project would take to protect the environment and promote energy efficiency.

With regard to RTP G6, the proposed project meets partial consistency. Per page 3.9-14, highways that provide regional access will require expansion to support buildout of the proposed project.

**GROWTH VISIONING**

The fundamental goal of the **Compass Growth Visioning** effort is to make the SCAG region a better place to live, work and play for all residents regardless of race, ethnicity or income class. Thus, decisions regarding growth, transportation, land use, and economic development should be made to promote and sustain for future generations the region's mobility, livability and prosperity. The following "Regional Growth Principles" are proposed to provide a framework for local and regional decision making that improves the quality of life for all SCAG residents. Each principle is followed by a specific set of strategies intended to achieve this goal.

SCAG-3

SCAG-4

**Principle 1: Improve mobility for all residents.**

- GV P1.1** *Encourage transportation investments and land use decisions that are mutually supportive.*
- GV P1.2** *Locate new housing near existing jobs and new jobs near existing housing.*
- GV P1.3** *Encourage transit-oriented development.*
- GV P1.4** *Promote a variety of travel choices*

**SCAG Staff Comments:**

SCAG staff finds that the proposed project partially meets consistency with Principle 1.

The proposed project meets partial consistency with GV P1.1. As mentioned previously, the proposed project would require expansion of highways that provide regional access.

With regard to GV P1.2, SCAG staff cannot determine consistency. Per SCAG 2008 RTP growth forecasts, the city's 2010 and projected 2035 jobs/housing balance is substantially lower than the jobs/housing balance of the SANBAG subregion.

The proposed project meets consistency with GV P1.3. Implementation actions CAP-3.1 to CAP-3.3 specifically deal with encouraging transit-oriented development.

With regard to GV P1.4, the proposed project meets consistency. Implementation Policies CI-1.12 and CI-5.1 deal with encouraging non-automotive modes.

SCAG-4

**Principle 2: Foster livability in all communities.**

- GV P2.1** *Promote infill development and redevelopment to revitalize existing communities.*
- GV P2.2** *Promote developments, which provide a mix of uses.*
- GV P2.3** *Promote "people scaled," walkable communities.*
- GV P2.4** *Support the preservation of stable, single-family neighborhoods.*

**SCAG Staff Comments:**

SCAG staff finds that the proposed project meets consistency with Principle 2.

SCAG staff finds that the project is consistent with GV P2.1. Strategy CAP-4 encourages infill and redevelopment of underutilized parcels in urban areas.

With regard to GV P2.2, the proposed project meets consistency as Strategy CAP-2 encourages mixed-use development in new development and redevelopment areas.

The proposed project meets consistency with GV P2.3. Strategy CAP-5 would pedestrian connections in new and existing development to improve pedestrian mobility and accessibility.

With regard to GV P2.4, the proposed project meets consistency. Per page 3.12-6, "An important goal of the City's Housing Element is to preserve the character of existing single-family residential neighborhoods..."

SCAG-5

**Principle 3: Enable prosperity for all people.**

- GV P3.1 *Provide, in each community, a variety of housing types to meet the housing needs of all income levels.*
- GV P3.2 *Support educational opportunities that promote balanced growth.*
- GV P3.3 *Ensure environmental justice regardless of race, ethnicity or income class.*
- GV P3.4 *Support local and state fiscal policies that encourage balanced growth*
- GV P3.5 *Encourage civic engagement.*

**SCAG Staff Comments:**

Where SCAG staff is able to assess in the DEIR, the proposed project meets consistency with Principle 3. SCAG staff is unable to assess GV P3.2, P3.3, and P3.5.

The proposed project meets with GV P3.1. General Plan Goal 1.0 would assist in the provision of housing that meets the needs of all economic segments.

With regard to GV P3.4, the proposed project meets consistency. General Plan Goal LU-8, described on page 3.9-10, deals with providing a fiscally sound and balanced mixed of land uses.

SCAG-6

**Principle 4: Promote sustainability for future generations.**

- GV P4.1 *Preserve rural, agricultural, recreational, and environmentally sensitive areas*
- GV P4.2 *Focus development in urban centers and existing cities.*
- GV P4.3 *Develop strategies to accommodate growth that uses resources efficiently, eliminate pollution and significantly reduce waste.*
- GV P4.4 *Utilize "green" development techniques*

**SCAG Staff Comments:**

SCAG staff finds that the project is consistent with Principle 4.

The proposed project meets consistency with GV P4.1. Goal OS-2, described on page 3.1-4, deals with identifying and preserving natural open space to protect sensitive environments and preserve amenities.

With regard to GV P4.2, SCAG staff finds that the project meets consistency. The proposed project would take place in an incorporated city.

The proposed project meets consistency with GV P4.3 and GV P4.4. CAP implementation actions, described on pages 3.17-26 to 3.17-31, would promote more efficient use of resources, reduction of waste and pollution, and utilization of green development techniques.

SCAG-7

July 9, 2010  
Mr. Reno

SCAG No. I20100232

**CONCLUSION**

Where applicable, the proposed project partially meets consistency with SCAG Regional Transportation Plan Goals and meets consistency with Compass Growth Visioning Principles.

All feasible measures needed to mitigate any potentially negative regional impacts associated with the proposed project should be implemented and monitored, as required by CEQA. We recommend that you review the SCAG List of Mitigation Measures for additional guidance, and encourage you to follow them, where applicable to your project. The SCAG List of Mitigation Measures may be found here:  
[http://www.scag.ca.gov/igr/documents/SCAG\\_IGRMMRP\\_2008.pdf](http://www.scag.ca.gov/igr/documents/SCAG_IGRMMRP_2008.pdf)

SCAG-8

When a project is of statewide, regional, or areawide significance, transportation information generated by a required monitoring or reporting program shall be submitted to SCAG as such information becomes reasonably available, in accordance with CEQA, Public Resource Code Section 21081.7, and CEQA Guidelines Section 15097 (g).



**Response to Comment Letter SCAG – Southern California Association of Governments, Dated 07/09/2010**

*Response to Comment SCAG-1*

The author provides comments to preface the letter. No response is necessary.

*Response to Comment SCAG -2*

SCAG indicates that “The City's growth forecasts are included in SCAG's forecasts and the city is consistent with the RTP.” No response is necessary.

*Response to Comment SCAG -3*

The author states that the proposed project partially meets consistency with RTP G1, G4, G5, and G6 and that the proposed project may impact regional mobility. The author states that per page 3.15-31, “the forecasted morning and afternoon peak hour LOS for the study intersections with recommended improvements are projected to have significant impacts at nine (9) study intersections during the AM peak hour period and eight (8) study intersections during the PM peak hour period upon buildout of the proposed General Plan. In addition, as indicated by Tables 3.3-4 and 3.3-5, the net changes in emission levels substantially exceed the significance thresholds, with the exception of the daily NO<sub>x</sub> emissions and the annual NO<sub>x</sub> and CO emissions. Moreover, highways that provide regional access will require expansion to support buildout of the proposed project.

As stated by the author, accessibility measures how well the transportation system provides people access to opportunities, such as jobs, education, shopping, recreation, and medical care. The proposed project offers regional auto access via Interstate 15. Access from the south is provided by State Route (SR) 138 and east-west access is provided by several routes including Bear Valley Road, Main Street and Rancho Road. The Victor Valley Transit Authority operates five bus routes in Hesperia offering connections between shopping centers and the Mall of Victor Valley, hospitals, schools and colleges, and residential areas.

Although the author states that the proposed project may impact regional mobility, implementation of the proposed circulation element will continue to improve local and regional mobility and will therefore be consistent with Southern California Association of Governments (SCAG's) Regional Transportation Plan Goals.

SCAG staff also finds that RTP G2, G3, and G7 are not applicable to this project since it is not a transportation project. No response is necessary.

*Response to Comment SCAG -4*

The author states that the proposed project meets partial consistency with GV P1.1 and that the proposed project would require expansion of highways that provide regional access.

Although the author states that the proposed project would require expansion of highways that provide regional access, implementation of the circulation element will provide a transportation



*Response to Comment SCAG -6*

Where SCAG staff is able to assess in the DEIR, the proposed project meets consistency with Principle 3. SCAG staff is unable to assess GV P3.2, P3.3, and P3.5. SCAG staff finds that the proposed project meets consistency with Principle 2. No response is necessary.

*Response to Comment SCAG -7*

SCAG staff finds that the project is consistent with Principle 4. No response is necessary.

*Response to Comment SCAG -8*

The City agrees that all feasible measures needed to mitigate any potentially negative regional impacts associated with the proposed project will be implemented and monitored, as required by CEQA. The City reviewed the SCAG List of Mitigation Measures and incorporated elements of them into the Hesperia General Plan Update as appropriate.

Additionally, the City will provide SCAG the monitoring or reporting program as such information becomes reasonably available, in accordance with CEQA, Public Resource Code Section 21081.7, and CEQA Guidelines Section 15097 (g).



RECEIVED  
5/29/10

MORONGO  
BAND OF  
MISSION  
INDIANS



A SOVEREIGN NATION

May 26, 2010

Michael Brandman Associates  
621 Carnegie Drive, Suite 200  
San Bernardino, CA 92408  
Atten: Frank Coyle, Branch Manager

**SUBJECT: Notice of Availability  
Draft program Environmental Impact Report  
Hesperia General Plan Update**

Dear Mr. Coyle:

Thank you for contacting the Morongo Band of Mission Indians regarding the above referenced project. The Tribe greatly appreciates the opportunity to review the project and, respectfully, offer the following comments.

The project is outside of the Tribe's current reservation boundaries but within an area that may be considered a traditional use area or one in which the Tribe has cultural ties (e.g. Cahuilla/Serrano territory). Because the project involves an update to the City of Hesperia General Plan the Morongo Band of Mission Indians asks that you impose specific conditions regarding cultural and/or archaeological resources and buried cultural materials on any development plans or entitlement applications as follows:

MORONGO-1

- If human remains are encountered during grading and other construction excavation, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5.

MORONGO-2

- In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity of the find shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the overall project may continue during this assessment period.

MORONGO-3

If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or his archaeologist shall contact the Morongo Band of Mission Indians

MORONGO-4

("Tribe")<sup>1</sup>. If requested by the Tribe, the developer or the project archaeologist shall, in good faith, consult on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.).

MORONGO-4

If I may be of further assistance with regard to this matter, please do not hesitate to contact me at your convenience.

MORONGO BAND OF MISSION INDIANS



Franklin A. Dancy, Director of Planning

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<sup>1</sup> The Morongo Band of Mission Indians realizes that there may be additional tribes claiming cultural affiliation to the area; however, Morongo can only speak for itself. The Tribe has no objection if the archaeologist wishes to consult with other tribes and if the city wishes to revise the condition to recognize other tribes.

MORONGO  
BAND OF  
MISSION  
INDIANS



12700 PUMARRA ROAD  
BANNING, CA 92220



02 1M  
000 42671 81 MAY 26 2010  
MAILED FROM ZIP CODE 92220



Michael Brandman Associates  
621 Carnegie Drive, Suite 200  
San Bernardino, CA 92408  
Attn: Frank Coyle, Branch Manager

92408335513





**Response to Comment Letter MORONGO – Morongo Band of Mission Indians, Dated 05/26/2010**

*Response to Comment MORONGO-1*

The author provides comments to preface the letter. No response is necessary.

*Response to Comment MORONGO -2*

The author cites State Health and Safety Code 7050.5 as a necessary reaction to the discovery of human remains during developmental projects overseen and authorized by the City of Hesperia.

As described in Page 3.5-21 of the Draft EIR, there is always the small possibility that ground-disturbing activities during construction may uncover previously unknown buried human remains. If this occurs, Health and Safety Code Section 7050.5 dictates that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to CEQA Guidelines and Public Resource Code Section 5097.98. Because this statutory process is required when any human remains are known for a project site or are inadvertently uncovered during a developmental project, fulfillment of the statutory process will mitigate for direct impacts to human remains.

*Response to Comment MORONGO -3*

The author indicates that should Native American cultural resources be uncovered during a developmental project overseen and authorized by the City of Hesperia, a qualified archaeologist should be hired to assess the find while work continues unaffected parts of the site.

As described in the CR-1 (Historic) and CR-2 (Prehistoric) impact analyses of the Draft EIR, there is always the possibility that a developmental project overseen by the City of Hesperia will uncover buried historic and/or prehistoric cultural resources once a development is undertaken, as well as historic and/or prehistoric cultural resources that are exposed on the modern ground surface in the developmental area. The City recognizes that there is the potential for impacts to known and unknown cultural resources during developmental projects, and mitigation measures CR-1a, CR-1b, CR-1c, CR-1d, CR-2a and CR-2b will be applied to all developmental projects as described in the measures. These mitigation measures will adequately mitigate for potential effects to cultural resources as recognized by the author.

*Response to Comment MORONGO -4*

The author indicates that some of the cultural resources uncovered by development, as discussed in his letter (MORONGO-3), may be considered significant (MORONGO-4). The author indicates that if such resources are detected and a Treatment Plan prepared, the developer or his archaeologist shall contact the Morongo Band of Mission Indians and consult with the Tribe on the discovery and disposition of the cultural resources.

The City recognizes that there is a process where, under certain circumstances, employees or official agents for the City must consult with Native American Tribes named by the Native American

Heritage Commission (NAHC): the “SB18” process (aka California Government Codes 65092; 65351; 65352; 65352.3; 65352.4; 65352.5 and 65560). The previous City of Hesperia General Plan does not, nor does any aspect of the CEQA Guidelines, force the City to require developers or professional archaeologists to consult with certain named Native American tribes when significant finds are made. As discussed in the Draft EIR, impacts to known cultural resource or previously unknown cultural resources during a development under City of Hesperia guidance will be mitigated through implementation of mitigation measures CR-1a, CR-1b, CR-1c, CR-1d, CR-2a and CR-2b.

With regard to consultations with Tribal Governments, the “SB18” process requires city and county governments to consult, if such consultation is requested, with California Native American tribes before individual site-specific, project-level land use decisions are made. In particular, this process applies to General Plan Amendments and adoptions of Specific Plans. The intent of this legislation is to provide all tribes, whether federally recognized or not, an opportunity to consult with local governments for the purpose of preserving and protecting their sacred places.

# San Manuel Band of Mission Indians

July 8, 2010

Mr. Dave Reno, AICP  
Principal Planner  
City of Hesperia  
9700 Seventh Avenue  
Hesperia, CA 92345

Mr. Frank Coyle,  
Branch Manager  
Michael Brandman Associates  
621 E. Carnegie Drive, Suite 100  
San Bernardino, CA 92408

**Re: Native American Consultation for the Notice of Availability Draft Program  
Environmental Impact Report/Hesperia General Plan Update City of Hesperia  
Community Development, Planning Division**

Dear Mr. Reno and Mr. Coyle:

The San Manuel Band of Serrano Mission Indians (hereinafter, "Tribe"), a federally recognized Indian Tribe, is in receipt of letter on May 27, 2010, from Michael Brandman Associates. The Tribe formally requests and evokes a government-to-government consultation as part of the Senate Bill 18 ("SB-18") consultation planning process, pursuant to Government Code §65352.3 and requests to meet with the City, either at the City offices or the Tribal government offices; it is prudent that this meeting take place prior to the August 5, 2010 Planning Commission meeting.

Per SB 18, it states "prior to the adoption of any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code §65352.3)"

In addition, the Tribe responds to comment on the Notice of Availability Draft Program Environmental Impact Report ("DEIR") and the Hesperia General Plan Update, City of Hesperia Community Development, Planning Division.

These are the Tribes general comments and requests described below and upon meeting with the City, specific and confidential information will be forthcoming:

1. The Tribe is formally requesting, pursuant to the California Environmental Quality Act ("CEQA") Statutes, Public Resources Codes §21091, §21092, §21092.1, and §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the preparation of the City of Hesperia General Plan Update,

# San Manuel Band of Mission Indians

in addition to formally requesting SB18 consultation for the General Plan Update and DEIR.

**2. The Government-to-Government Relationship.** The Tribe has worked in earnest and cooperatively to develop and foster effective working relationships with federal agencies, local jurisdictions and private landowners to ensure that these traditional rights are not intruded upon. It is therefore, in the spirit of this cooperative relationship that we aim to assist the City of Hesperia in structuring the draft objectives and policies to meet the needs of the local jurisdiction, private landowners and the Tribe.

SAN MANUEL-1

**3. San Manuel Tribe is culturally affiliated with land within the City's Jurisdiction and Sphere of Influence (SOI).** Since time immemorial, the Serrano people are indigenous to the areas now known as the City of Hesperia and the SOI. Many areas of these lands were/are utilized by the Serrano to maintain traditional ways of life, including traditional plant gathering, religious practices and cultural activities. These traditional practices have continued throughout the course of history, and, for the Serrano, are the foundations of their unique spiritual and cultural beliefs. These practices may also adhere to traditional medical principles and day-to-day sustenance. The Tribes knowledge of our ancestral boundaries is based on oral tradition passed down to us from our elders; published academic works in the areas of anthropology, history and ethno-history. The Tribe would welcome the opportunity to meet with the City to further explain and provide documentation concerning our cultural affiliation to lands within your jurisdiction.

SAN MANUEL-2

**4. The Tribe has a strong interest in the protection and preservation of the invaluable Serrano cultural resources which may/will be impacted as a result of the policies and objectives set forth in the City's proposed General Plan Update.** Unique and significant Serrano cultural resources have been identified within the City and Sphere of Influence (SOI).

- a. Especially surrounding the Serrano Heritage Preserve, several major village sites (e.g. Village of Guapiabit) are located within the City and SOI; as well as in addition to numerous archaeological pre-historic and historic sites. To be identified in our government-to-government consultation meeting with the City.
- b. A ceremonial site. To be identified in our government-to-government consultation meeting with the City.
- c. Numerous sites ranging from seasonal habitation sites, resource processing and procurement sites, and a reburial location of human remains and associated grave goods.

SAN MANUEL-3

**5. Adequate mitigation measures to protect Serrano cultural resources must be included and pursuant to Public Resource Code §21083.2 and §21083.3. The Tribe understands that this general plan update and DEIR could have a significant effect on Serrano cultural resources. As part of those mitigation measures under the Executive Summary Matrix, Hesperia General Plan Update-DEIR<sup>ii</sup> Section 4.5 Cultural Resources, CR-1 through CR-4, the Tribe requests the following:**

- a. A certified Native American Monitor must oversee the project prior to and during any ground disturbance along the professional archaeological monitor. The Tribe has an approved Native American Monitor list that is available upon request. These monitors are essential to assisting Project employees with identifying cultural features that may be discovered throughout the Project.**
- b. The Tribe requests further clarification for each mitigation measure; in addition to meeting with the City.**

SAN MANUEL-4

**6. Adequate Objectives and Policies within the General Plan Update.**

- a. While the City has apparently made an effort to address Native American cultural resource with the objectives and policies for its General Plan Update, the objectives and policies are currently drafted do not seem to acknowledge either the need for adequate consultation with the Tribe during all phases of investigation and evaluation of cultural resource, nor does it acknowledge the Tribes perceptive regarding oral tradition and history.<sup>iii</sup>**
- b. The Tribe requests further clarification for each objective and policy goal as listed in the General Plan Update; in addition to meeting with the City.**

SAN MANUEL-5

**7. The Tribe has concerns regarding confidential and propriety information which includes Archaeological Survey reports, sensitive cultural resource maps, photos and oral reports from Tribe must be addressed.**

SAN MANUEL-6

**8. The Tribe will work with the City to develop a treatment plan that satisfactorily addresses issues regarding discovery, reburial and identification of cultural resources. To mitigate the unique and significant impacts of this general plan update, we strongly recommend the development of a treatment plan:**

- a. The Tribe is available to develop an appropriate plan for the treatment of inadvertent discoveries, such as Native American human remains, cremations and objects of cultural patrimony, which should be created in advance to avoid undue delays on the proposed project and to give the Tribe the earliest possible opportunity to ensure the proper care and treatment of these discoveries**

SAN MANUEL-7

- b. A treatment plan would take into account the City's and applicant/developer's obligations under the Health and Safety Code §7050.5, Public Resources Code §5097.98, §5097.9 and §5097.991, any/all federal laws governing the treatment of Native American human remains and/or cremations, funerary objects and objects of cultural patrimony, which would minimize the impact caused by any inadvertent discoveries.
- c. The treatment plan would also identify the name and address of an approved curation facility and archaeological artifacts in the event of an inadvertent discovery.
- d. The treatment plan would also secure the confidentiality of proprietary information concerning cultural places to protect the specific identity, location, character, use of the cultural places.
- e. The City of Hesperia is required to maintain a current inventory of archaeological resources/sites and Sacred Lands file search from the Archaeological Information Center and the Native American Heritage Commission.
- f. The City of Hesperia should avoid further activities, as set forth in California Environmental Quality Act ("CEQA") Guidelines §15370 when significant cultural resources are discovered during the course of this project.

SAN MANUEL-7

The Tribe believes that a treatment plan developed in advance will address any obligations regarding the treat of cultural resources, and will avoid any unnecessary cost and delay to the developer, the City and the Tribe. It is a cost-effective measure designed to ensure that activities are minimally impacted when there are inadvertent discoveries.

The Tribe recognizes the importance of maintaining and fostering the government-to-to-government relationship and looks forward to meeting with the City and continuing the ongoing tribal consultation throughout the CEQA process. Please contact the Policy and Cultural Resources Department, (909) 864.8933 or email Anthony Madrigal at [amadrigal@sanmanuel-nsn.gov](mailto:amadrigal@sanmanuel-nsn.gov).

Respectfully,

**SAN MANUEL BAND OF SERRANO MISSION INDIANS**

  
Anthony Madrigal, Director  
Policy and Cultural Resources Management

Cc: San Manuel Business Committee  
Larry Meyers, Executive Secretary,  
Native American Heritage Commission  
Ann Brierty, Field Manager-SMBMI

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<sup>i</sup> *State of California Tribal Consultation Guidelines Supplement to General Plan Guidelines; Governor's Office of Planning and Research, November 14, 2005*

<sup>ii</sup> *Draft Environmental Impact Report City of Hesperia General Plan Update City of Hesperia, San Bernardino County, California, State Clearing House # 2010011011; Michael Brandman Associates, May 26, 2010*

<sup>iii</sup> *City of Hesperia General Plan 2010*



**Response to Comment Letter SAN MANUEL – San Manuel Band of Mission Indians,  
Dated 07/08/2010**

The letter from the San Manuel Band of Mission Indians (the Tribe) both provides comment on the Draft EIR and is a confirmation request for Government-to-Government consultations following the “SB18” process (aka CGC 65092; 65351; 65352; 65352.3; 65352.4; 65352.5 and 65560). The discussion herein must focus upon pertinent Draft EIR comments, only. The City acknowledges its obligation to engage in consultation with the Tribe following “SB18” guidelines and has, at the time of the release of this document, been in the process of scheduling an “SB18” consultation meeting with representatives of the Tribe. Currently, the City has attentively scheduled a consultation meeting with representatives of the Tribe on July 27, 2010.

*Response to Comment SAN MANUEL-1*

The author of the letter indicates that the Tribe is formally requesting that Tribal staff be notified and involved in the environmental review process following PRC Section 21091, 21092, 21092.1 and 1092.2 (Letter Section 1). The City recognizes that these sections of the PRC are associated with formal Notices to certain Agencies (including the Tribe) and the public and the Notices are requirements associated with the EIR adoption process. The author also indicates that a government-to-government relationship has been in the view of the Tribe very effective (letter section 2).

The City has undertaken the Notification process following CEQA Guidelines, therefore, no further comment on this subject is required (See Appendix D of this Final EIR for Notification Letter).

*Response to Comment SAN MANUEL-2*

The author indicates that the location of the Project is on lands that were used by the ancestors of the Tribe and that current cultural practices and beliefs by Tribal members are inherently tied to that historical use.

As part of the development of the Draft EIR, the document is supported by a Cultural Resource Assessment (Appendix D of the Draft EIR). This assessment reviews the history of the City of Hesperia and acknowledges that the Serrano Indians were living upon and utilizing the lands with the City of Hesperia before the Spanish arrived in southern California. The City agrees that many descendants of the Tribe are Serrano and that ties to the land are significant culturally and spiritually. Further discussion of this aspect of City of Hesperia history can be undertaken during the “SB18” consultation.

*Response to Comment SAN MANUEL -3*

The author indicates that invaluable cultural resources of Serrano heritage are located in and near the City of Hesperia.

However, the City has undertaken "SB18" consultations in the past with the Serrano Band when specific developmental projects have been brought to the City. In addition, as discussed in the Draft EIR, impacts to known cultural resource or previously unknown cultural resources during a



*Response to Comment SAN MANUEL -6*

The author indicates that the Tribe has concerns regarding confidential information that may be generated as cultural resource assessments are made in the City. Discussions regarding the sensitive nature of cultural resource analyses in the City will be undertaken during the “SB18” consultation.

*Response to Comment SAN MANUEL 7*

The author indicates that the City should create a [Objective and] Policy in the General Plan Update for developmental Treatment Plans. The Tribe feels that a Treatment Plan with six recommended parameters should be applied to all future developmental projects overseen and approved by the City of Hesperia and that the Tribe will discuss these aspects of the proposed Treatment Plan with the City, presumably during the “SB18” consultation.

As discussed in the Draft EIR, impacts to known cultural resource or previously unknown cultural resources during a development overseen and authorized by the City of Hesperia will be mitigated through mitigation measures CR-1a, CR-1b, CR-1c, CR-1d, CR-2a and CR-2b. If human remains are uncovered, the process described under Impact CR-4 shall be followed. The City is not required under any legal mandate identified at the State or Local (Hesperia General Plan) level to add Treatment Plans to any development project overseen or approved by the City before the environmental analysis of the proposed development takes place. Should a qualified archaeologist or historian make this type of recommendation, the City will take that type of recommendation under advisement on a case-by-case basis.



# ATTACHMENT 2

VOGLER

Hesperia Planning Commission  
2010 General Plan  
Workshop Meeting

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF HESPERIA

2010 JUN 24 PM 2: 05  
June 24, 2010

The following suggestions are intended to benefit the city of Hesperia and they do not necessarily coincide with the vision of staff but it is believed that full-time Hesperia residents will most fully benefit.

VOGLER-1

1. Main Street circulation should follow a safe, efficient, convenient and as congestion free plan as possible. Considering the above, the City of Hesperia should not plan to implement a raised median divider system between Peach St. and Maple Ave. It seems clear that the intent is to slow, even further, Main St. traffic flow through the use of the raised median divider device, which it would do. Turn pockets will accomplish this. Landscaped raised median dividers will prohibit the flow of safety vehicles as well as access to businesses. This has been shown in the areas where dividers exist. It can be argued that a Rancho Rd. underpass will lessen Main St. traffic but that may be only a temporary artifact. Hesperia has spent millions of dollars on it's road plan implementation but very little on Main St. Full time residents use Main St. several times per day as do people who drive through our city regularly. They have carried the burden of excessive traffic congestion for years with nothing to show for continuous promises which have been made. It is time to improve Main St. traffic flow by implementing a ten year old promise to synchronize Main St. traffic signals from Peach St. through Topaz. The money has been available and is available. It has been proposed in the 2010-2011 City of Hesperia budget that no money be spent on the cities road development plan. The timing for Main St. signal synchronization would seem to be perfect despite budget constraints. The issue is important enough that the list of CIP projects could be modified and the synchronization issue receive the priority it deserves. There has always been a reason not to accomplish synchronization. The most important reason of all, the safety and convenience of the taxpayers, has been ignored. As currently designed, Main St. will have to carry the increasing and encouraged burden of truck traffic coming particularly from north of Main St. off of C, E, G, and I Avenues. New businesses being encouraged in this area is very inefficient particularly as trucks turn onto and from the side streets with a very narrow turn radius. This additionally highlights the need for increased and improved traffic safety and flow along Main St.

VOGLER-2

2. Land use- The issue of constructing gas stations not only in rural areas but adjacent to the Mojave River bed and underground aquifer requires a general plan review and implementation of zoning or other appropriate measure preventing such developments. Underground gasoline storage tanks leak. There is no financially

VOGLER-3

affordable fool proof system preventing such. Additionally, run-off waters from gasoline stations contain a variety of contaminants. Therefore, I propose that no gasoline stations be permitted within one mile, or so, of the center line of the Mojave River bed, the source of some of the highest quality water in the Victor Valley. The water table along the river bed is as close as twenty feet under the river bed surface. Far too close to potential contamination by leaking gasoline and petroleum products. Rock Springs Rd. is an example of, but not limited to, an area which requires a safe and proactive approach to problem solving.

VOGLER-3

3. Land Use- In an advertisement placed in a local newspaper by the City of Hesperia, for the purposes of legally advertising the General Plan workshop meetings, one item particularly caught my attention. To paraphrase, the item stated "...to prevent the premature development of property..." This matter requires specific definition. Does this mean, for instance, that zoning or other preventative measures will be taken to prevent property owners from dividing their property for future sale, at the whim of the city? If not, what is intended? Goal number 4 under the housing element, "Removal of governmental constraints" appears on the surface to be contradictory.

VOGLER-4

4. A stated goal in the workshop public summary packet is to "Enhance the Quality of Life." Exactly what is quality of life and for whose purposes? Does the definition cater to high density developers and the creation of taxes at any cost or to the residents of Hesperia who have moved here to escape the pressures of high density development and commercialization?

VOGLER-5

Sincerely,

Al Vogler  
Hesperia resident and  
Taxpayer

**Response to Comment Letter VOGLER – Al Vogler, Dated 06/24/2010**

*Response to Comment VOGLER-1*

The author provides comments to preface the letter. No response is necessary.

*Response to Comment VOGLER-2*

The author recommends that the City should not plan to implement the raised median divider system between Peach Street and Maple Avenue. The author believes the raised median divider will cause greater congestion along Main Street. Additionally, the author recommends synchronizing the traffic signals along Main Street from Peach Street through Topaz. Further, the author states that, as currently designed, Main Street will have to carry the “increasing and encouraged burden of truck traffic” coming particularly from north of Main St. off of C, E, G, and I Avenues”. The author also states that new businesses being encouraged in this area is very inefficient particularly as trucks turn onto and from the side streets with a very narrow turn radius.

Descriptions and analyses in the Draft EIR are based on information contained in the Hesperia General Plan Update Transportation Technical Report, prepared in September 21, 2009 by Kimley-Horn and Associates, Inc. and included in the Draft EIR as Appendix I. In addition, descriptions and analyses were based on the information contained in the proposed Hesperia General Plan Circulation Element, prepared as part of the General Plan Update.

The Transportation Technical Report (2009) provided a recommended circulation plan for accommodating future growth and addressing future transportation issues upon build-out of the proposed General Plan. The recommended circulation plan provides strategies and approaches for addressing future transportation issues and opportunities, which include raised medians. Raised medians are most useful on high-volume streets, such as Main Street, because they provide a safe refuge for pedestrians crossing a busy street. In addition, raised medians restrict turning movements, which improves safety and traffic efficiency along the street. Therefore, traffic impacts from the raised median divider system between Peach Street and Maple Avenue were analyzed within the Transportation Technical Report (2009) and minimized to the furthest extent practicable.

The General Plan Update and Climate Action Plan both refer to the synchronization of traffic signalization systems to minimize traffic delays (See Implementation Policy CI-2.6). In addition, in 2006, the City hired the traffic consultant to conduct a signal coordination and timing study along the Main Street corridor. The study was completed in 2007 and the recommended signal timing was incorporated into the timing of all the signals. This effectively coordinated the signal timing along Main Street. Since traffic volumes have changed little along Main Street since 2007, and will more than likely change once the Ranchero Undercrossing opens in two years, there would be no benefit to conducting another study at this time. Several other recommendations were made as part of the report, chief among them was to upgrade the signal controllers at the majority of the intersections. The City has been making these upgrades and to date have upgraded the intersections at Third Avenue and Seventh Avenue. The City currently has a contract to upgrade the controller at C Avenue, which will

leave just a few signals in need of controller upgrades. Once all the controllers are upgraded (pending funding), an additional level of real time signal coordination will be available to the City. It is unreasonable to expect this to make much of a difference however, as Main Street is at its maximum vehicle capacity. Additional signal coordination will have little impact to traffic flow at peak demand. The real answer is additional east-west transportation corridors, such as Ranchero Road. This is clearly outlined in the traffic study, as growth will be accommodated by other roadways outside of Main Street.

Further, conditions related to future, project level specifics such as, driveway locations, site plan configurations and building design along Main Street are unknown at present and cannot be known until specific development proposals are submitted. Potential traffic impacts of such projects will be reviewed by the City on a case-by-case basis to ensure that traffic impacts along Main Street will be minimized to the furthest extent practicable.

*Response to Comment VOGLER-3*

The author noted concerns with the potential of gasoline stations near the Mojave River bed and is requesting that this type of land use should not be permitted within a mile or so of the centerline of the Mojave River bed.

Based on review of the proposed General Plan Land Use Map (Figure 5-1) the majority of the land uses designated along the Mojave River within the City of Hesperia consist of Agricultural, Rural Residential, Public Park and Recreation, and the Rancho Las Flores Specific Plan (SP-89-01). These land use designations do not permit gasoline stations. However, there is property located along the south side of Bear Valley Road at the northeastern corner of the City adjacent to the Mojave River that is designated as C-2, General Commercial. The C-2 designation allows gasoline service stations. Thus, there is a potential that this type of use may be constructed near the Mojave River.

As previously stated, conditions related to project level specifics such as site plan configurations and building design within the Planning Area are unknown at present and cannot be known until specific site development proposals are submitted to the City for review and approval in the future. If a gasoline station is proposed within the C-2 designation, the applicant will be required to submit improvement plans to the City as well as applicable State agencies. The California State Water Resources Control Board (SWRCB) implements underground storage tank (UST) regulations (Title 23, California Code of Regulations, Chapter 16). The purpose of this chapter is to regulate the design, construction of a UST, and to require annual monitoring, and corrective action if a UST has been red tagged as a potential problem.

In addition, potential contaminants from run-off from would be controlled by federal, state and local requirements for addressing such contaminants. A new gas station and, for that matter new development in general, would be required to prepare a WQMP that specifies methods for controlling waterborne contaminants from leaving a project site or entering groundwater through the

implementation of BMP's. BMP's included measures that would be incorporated into the design of a project as well as measures restricting operations.

Therefore, potential impacts of contaminants from gas stations near the Mojave River would be addressed without applying location restrictions. In addition, individual proposals for gas stations would be reviewed to ensure that there are not site-specific conditions that could result in groundwater contamination.

***Response to Comment VOGLER-4***

It is not clear what the commenter is specifically referencing but the term "to prevent premature development of property" in the context of a general plan usually is cited in conjunction with consideration of the need to provide for the timely, efficient and orderly development of a community. An example of premature development would be a proposal of an urban density residential project that cannot be served by paved roads or sewage conveyance and treatment facilities. The General Plan contains the City's goals and policies on character and design, land use, circulation, open space and the natural environment, economic development, community services, and growth issues. The General Plan is used by the City's Planning Commission and the City Council to evaluate future development to ensure consistency with the General Plan's goals and policies. The General Plan provides the basis for the city's development regulations avoiding "premature development of property". Property owners are allowed to subdivide and build on their properties, subject to the regulations of the General Plan.

***Response to Comment VOGLER-5***

Although the author's comments does not pertain to environmental issues analyzed within the Draft EIR or associated Appendices, it should be noted that the City has held numerous workshops in order to seek input from citizens regarding their vision of what "quality of life" means for Hesperia. Essentially this vision of quality of life is embodied in the goals, policies and implementation actions of the proposed General Plan update, which reflects the input of Hesperia's citizens. As noted above, the purpose of the General Plan is used to regulate and evaluate future development to ensure consistency with the goals and policies that are contained within the General Plan.



## SECTION 4: SUMMARY OF CHANGES AND ADDITIONS TO THE DRAFT EIR

### 4.1 - Introduction

Changes and additions to the Draft Environmental Impact Report (Draft EIR) in response to comments received during the public review period are included in this section. These revisions pertain to locations in the Draft EIR by corresponding page, table, or exhibit numbers. All additions to the Draft EIR are indicated by underlined text (underlined) and deletions are indicated by stricken text (~~strikethrough~~). These revisions are clarifications and minor modifications to the document that do not result in any new significant environmental impacts of the project, or substantial increases in the severity of any environmental impact identified in the Draft EIR.

### 4.2 - Changes and Additions

#### 4.2.1 - Global Change

MBA discovered a slight miscalculation in the nitrous oxide (NO<sub>x</sub>) estimations for mobile emissions in the inventory for the Climate Action Plan (CAP) and the EIR. This edit has been made in the Transportation emissions in the corresponding tables. MBA also found that natural gas emissions from fireplaces were double counted; they are already included within the natural gas sector of the inventory. Therefore, natural gas emissions from fireplaces were removed from the fireplace sector since they are included within the natural gas sector. These changes have been made to in the corresponding tables in the EIR and the CAP. These changes account for less than 0.4 percent of the total community emissions inventory. These edits result in no changes to the significance findings in the EIR or in the CAP. Changes and additions to the Green House Gas Section (Section 3.17) are located within Appendix A of this Final EIR and the changes and additions made to the CAP are contained within the Appendix B of this Final EIR.

#### 4.2.2 - Individual Changes

##### Section 2, Project Description

##### **Section 2.4, Page 2-11 under - Intended Uses of This Draft EIR, Responsible Agencies, and Approvals Needed**

A typographical error has been corrected in regards to the total acreage of disturbance requiring a National Pollution Discharge Elimination System Permit.

**State of California, Regional Water Quality Control Board Lahotan Region:** Pursuant to the Federal CWA (Section 402[g]) and regulations governing State General Construction Activity Storm Water Permits, a National Pollution Discharge Elimination System Permit (NPDES) would be required for individual projects resulting in the disturbance of ~~more than 5~~ equal to or greater than 1 acres. Pursuant to Section 401(a)(1) of the CWA, a Section 401 water quality certification or waiver would be required for the project before any Federal permit can be issued.

### **Section 3.4, Biological Resources**

#### **Section 3.4.2 - Existing Conditions, Jurisdictional Waters; and Biological Resources Section 3.4.3 - Regulatory Framework.**

The following language is included to clarify that waters of the state include perennial, ephemeral and intermittent water bodies such as rivers, streams, washes, drainages, swales, vernal pools, seasonal ponds, and playas.

The jurisdiction of the Lahontan Regional Water Quality Control Board is over surface waters and groundwaters, including perennial, ephemeral and intermittent water bodies such as rivers, streams, washes, drainages, swales, vernal pools, seasonal ponds, and playas within the region.

### **Section 3.16, Utilities and Service Systems**

#### **Section 3.16-2, Existing Conditions, Page 3.16-9 under - Electricity**

The following is additional information supporting income-qualified programs located within Southern California Edison (SCE's) website.

Electrical power is provided by Southern California (SCE), located at 12353 Hesperia Road, Victorville. Economic Development rates are available to qualified industrial users. Currently, 16 percent of the total energy produced by the company comes from renewable sources. The remaining sources include natural gas, fossil fuels, and nuclear energy.

Additionally, SCE currently contains income-qualified programs for residents of the City of Hesperia, providing the opportunity to receive economic relief. Information regarding SCE's income qualified programs is located within SCE website at <http://www.sce.com>.

# EXHIBIT B

**CEQA Findings, Findings of Fact  
City of Hesperia General Plan Update  
City of Hesperia, San Bernardino County, California  
State Clearing House # 2010011011**

**City of Hesperia**  
9700 Seventh Avenue  
Hesperia, CA 92345  
760.947.1253

Contact: Dave Reno, AICP Principal Planner



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Michael Brandman Associates

July 28, 2010



**TABLE OF CONTENTS**

**Section 1: Introduction..... 1-1**

- 1.1 - Background ..... 1-1
- 1.2 - Custodian and Location of Records ..... 1-2
- 1.3 - Project Description ..... 1-3
- 1.4 - Project Objectives ..... 1-3
- 1.5 - Record of Proceedings ..... 1-4
- 1.6 - Environmental Review and Public Participation ..... 1-5
- 1.7 - General Findings ..... 1-6

**Section 2: Findings for Potentially Significant Project-Level and Cumulative Adverse Impacts ..... 2-1**

- 2.1 - Summary Heading of Impact ..... 2-2
- 2.2 - Air Quality ..... 2-3
- 2.3 - Biological Resources ..... 2-6
- 2.4 - Cultural Resources ..... 2-8
- 2.5 - Noise ..... 2-14

**Section 3: Significant and Unavoidable Adverse Impacts ..... 3-1**

- 3.1 - Air Quality ..... 3-1
- 3.2 - Noise ..... 3-10
- 3.3 - Transportation ..... 3-12

**Section 4: Feasibility of Project Alternatives ..... 4-1**

- 4.1 - Alternative 1 - Project/Development in Accordance with Existing General Plan Land Use Designations ..... 4-3
- 4.2 - Alternative 2 - High Intensity Buildout with new Corridors ..... 4-4
- 4.3 - Alternative 3 - High Intensity Buildout no new Corridors ..... 4-5
- 4.4 - Alternative 4: Increased Density Buildout within Sphere of Influence (SOI) ..... 4-7

**LIST OF TABLES**

Table 3.1-1: Comparison of 2009 and Existing General Plan Daily Emissions .....3-5  
Table 3.1-2: Comparison of 2009 and Existing General Plan Annual Emissions .....3-5  
Table 3.1-3: Comparison of 2009 Existing and Proposed General Plan Update Daily Emissions .....3-6  
Table 3.1-4: Comparison of 2009 Existing and Proposed General Plan Update Annual Emissions ..3-6

## SECTION 1: INTRODUCTION

### 1.1 - Background

In compliance with the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City of Hesperia (City) has conducted an environmental review of the proposed Hesperia General Plan Update (project). A Notice of Preparation (NOP) was released for public review from January 6, 2010 through February 4, 2010 (30 day review period). The Draft Environmental Impact Report (EIR) was circulated for public review for a period of 45 days. The comment period started May 26, 2010 and ended July 9, 2010. After receiving public comments on the Draft EIR, the City prepared a document entitled Final Environmental Impact Report, City of Hesperia General Plan Update, City of Hesperia, San Bernardino County, California, State Clearinghouse # 2010011011. The Final EIR document includes the verbatim comments received on the Draft EIR, the comment letter, and the City's responses to comment (RTC) on the significant environmental points raised. These Findings are based upon the information contained in the record of proceedings, including the Final EIR which references the Draft EIR and technical appendices, the RTC, comment letters and all of the materials set forth in the Record of Proceedings.

Under CEQA Public Resources Code (PRC) Section 21000 et seq., states that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]" (CEQA Section 21002; emphasis added.) The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects" (CEQA Section 21002; emphasis added).

CEQA provides that a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and, in particular, the goals of providing employment opportunities for highly trained workers, and providing a satisfying living environment for every Californian. (PRC Section 21081; CEQA Guidelines, 14 Cal. Code of Regulations, Section 15021(d)) CEQA also provides that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof." CEQA requires decision-makers to balance the benefits of a proposed project against its significant unavoidable adverse environmental impacts, and, if the benefits of a proposed project outweigh the significant unavoidable adverse environmental impacts, the unavoidable adverse environmental impacts may be considered "acceptable" by adopting a "Statement of Overriding Considerations." (CEQA Guidelines, 14 California Code of Regulations (CCR), Section 15093). The Statement of Overriding Considerations must set forth the project benefits or reasons why the Lead Agency is in favor of approving the

project and must weigh these benefits against the project's adverse environmental impacts identified in the Final EIR that cannot be mitigated to a less-than-significant level.

CEQA's mandates and principles are implemented, in part, through the requirement that agencies adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three conclusions: (1) that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR," (2) "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding [and] [s]uch changes have been adopted by such other agency or can and should be adopted by such other agency," or (3) "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR." (PRC Section 21081; CEQA Guidelines, 14 CCR Section 15091) CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, environmental, social and technological factors." (PRC Section 21061.1; CEQA Guidelines, 14 CCR Section 15364)

Because the Hesperia General Plan Update Draft EIR identified significant effects that may occur as a result of the project, and in accordance with the provisions of CEQA and the CEQA Guidelines, the City of Hesperia City Council hereby adopts these Findings, Findings of Fact and Statement of Overriding Considerations. For each of the significant effects identified in Section 2, as set forth in greater detail in these Findings below, the City of Hesperia City Council makes the Finding under Public Resources Code Section 21081(a)(1) and/or (a)(2). For each of the significant effects identified in Section 3, as set forth in greater detail in these Findings below, the Hesperia City Council makes the Finding under PRC Section 21081(a)(3).

In accordance with the provisions of CEQA and the CEQA Guidelines, the City of Hesperia City Council has independently reviewed the record of proceedings and based on the evidence in the Record of Proceedings adopts these Findings of Fact and Statement of Overriding Considerations (See Attachment A).

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## **1.2 - Custodian and Location of Records**

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The documents and other materials which constitute the administrative record for the City's actions related to the project are located at the City of Hesperia Community Development Department, Planning Division, located at 9700 Seventh Avenue, Hesperia, CA 92345. In addition, copies of the Draft EIR are available at the San Bernardino County Hesperia Branch Library, located at 9650 7th Ave, Hesperia, CA. The City of Hesperia Community Development Department, Planning Division is the custodian of the record of proceedings for the project. Copies of these documents, which

constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the office of the City of Hesperia Community Development Department, Planning Division. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guideline Section 15091(e).

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### **1.3 - Project Description**

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The Project is a comprehensive update of the 1991 City of Hesperia General Plan. The General Plan update addresses the seven state mandated general plan elements (land use, housing, circulation, safety, open space, conservation, and noise). The updated General Plan establishes an overall development capacity for the City and Sphere of Influence (SOI) and serves as a policy guide for determining the appropriate physical development and character of the City of Hesperia and SOI. The City has undertaken a comprehensive update of the General Plan to reflect the growth and change that has occurred in the City since the adoption of the 1991 General Plan, as well as to anticipate growth towards build-out of the City.

In addition, the project has coordinated the General Plan Land Use Designations and the Zoning Districts identified on the Zoning map and within the Development Code to create a single General Plan/Zoning Map. The combined General Plan/Zoning map was developed through careful analysis of the Zoning Map and General Plan map designations and comparison with existing land uses. The resulting General Plan/Zoning map was guided by the City's goal to create as few as possible non-conforming uses. Overlays have also been utilized to identify areas that should receive special attention, such as the area including and surrounding the airport, floodplain and dam inundation areas, and open space/drainage areas.

The proposed General Plan update is intended to achieve the land use, circulation, and other goals of the City in order to reflect the community's current values for growth over the long-term. The project includes limited changes in land use designations, and updates to the circulation system as well as the policies and programs within the City's General Plan.

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### **1.4 - Project Objectives**

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Project objectives of the City of Hesperia are as follows:

- Promote and support economic development to provide jobs in concert with future population growth;
- 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;

- Regulate development so that the density of residential development and the intensity of non-residential development are appropriate to the property and to surrounding properties and neighborhood;
- Protect and enhance the quality of life by ensuring residential development is visually pleasing and compatible with existing uses and neighborhoods as well as the natural desert environment;
- Designate and protect land for public uses to serve the needs of the community for schools, parks, community facilities, open space, utilities and infrastructure;
- Promote sustainable development and building practices in all facets of Project development through completion of construction;
- Provide a guide for City recommendations to San Bernardino County regarding development proposals within the sphere of influence; and
- Provide the land use and policy framework for pre-zoning, infrastructure master planning to facilitate the orderly annexation of sphere areas into the corporate boundaries of the City.

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### **1.5 - Record of Proceedings**

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For purposes of CEQA and these Findings, the Record of Proceedings for the project consists of the following documents and other evidence, at a minimum:

- The NOP and all other public notices issued by the City in connection with the project;
- The Final Environmental Report for the project (Final EIR) which consists of the Draft EIR and Technical Appendices and incorporates the RTC;
- The Draft EIR;
- The Hesperia General Plan Update and Zoning Ordinance;
- All written comments submitted by agencies and members of the public during the public review comment period on the Draft EIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- A Mitigation, Monitoring and Reporting Program (MMRP);
- The documents, reports and technical memoranda included or referenced in the technical appendices on the Final EIR and/or referenced in the Final EIR;
- All documents, studies, EIRs or other materials incorporated by reference in the Draft EIR or Final EIR and/or referenced in the Draft EIR or Final EIR;

- The ordinances and resolutions adopted by the City in connection with the project, all documents incorporated by reference therein;
- Matters of common knowledge to the City, including but not limited to, federal, State and local laws and regulations and policy documents;
- Written correspondence submitted to the City in connection with the project;
- All documents, City staff reports, City studies, and all written or oral testimony provided to the City in connection with the project and City' responses to any letters received after the close of the public review period, if any;
- Any documents expressly cited in these Findings;
- All testimony and deliberations received or held in connection with the project in a public meeting; and
- Any other relevant materials required to be in the record of proceedings by PRC Section 21167.6(e) excluding any and all privileged materials.

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## **1.6 - Environmental Review and Public Participation**

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The City determined that the project may have significant affects on the environment and that an EIR should be prepared to analyze the potential impacts associated with approval and implementation of the project. On January 6, 2010 through February 4, 2010 (30 day review period), in accordance with Section 15082 of the CEQA Guidelines, the City distributed a NOP of an environmental impact report to the State Clearinghouse, local and regional responsible agencies and other interested parties. The NOP provided: (i) information regarding the proposed project and (ii) an opportunity for public input regarding project issues that should be addressed in the Draft EIR.

A total of seven (7) agencies responded to the NOP. A copy of the NOP and the Comment Letters received during the 30-day public review period are contained in Appendix A of the Draft EIR.

The Draft EIR was then prepared for the proposed project and circulated for review and comment by the public, agencies and organizations for a 45-day public review period that began on May 26, 2010 and ended July 9, 2010. A Notice of Availability (NOA) of the Draft EIR for review was mailed to approximately 62 agencies and interested parties who requested notification regarding the project EIR issues. During the public review period, eleven (11) comment letters on the Draft EIR were received. All the comments received on the Draft EIR were responded to in writing. The Response to Comments (RTC) which is a component of the Final EIR was distributed to commentors on July 27, 2010, in accordance with Section 15088(b) of the CEQA Guidelines and was also made available for public review at the City of Hesperia Community Development Department, Planning Division, located at 9700 Seventh Avenue, Hesperia, CA 92345.

**Introduction**

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Additionally, there have been numerous opportunities for public review and comment concerning the proposed project and the environmental documents prepared for, including the public forum set forth below:

- City of Hesperia Planning Commission Public Hearing (August 5, 2010); and
- City of Hesperia City Council Public Hearing

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**1.7 - General Findings**

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The City hereby finds as follows:

- The City of Hesperia is the “lead agency” for the proposed project evaluated in the Final EIR;
- The Draft EIR and the Final EIR were prepared in compliance with CEQA and the CEQA Guidelines;
- The City has undertaken an independent review to analyze the Draft EIR and the Final EIR, and these documents reflect the independent judgment of the Hesperia City Council;
- A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared requiring mitigation measures and/or the changes to the proposed project, which the City has adopted and made a condition of approval of the proposed project. The MMRP is incorporated herein by reference and is considered a part of the Record of Proceedings for the proposed project;
- The MMRP designates responsibility and anticipated timing for the implementation of mitigation;
- The City will serve as MMRP coordinator;
- In determining whether the proposed project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Section 21081.5 and 21082.2;
- The impacts of the proposed project have been fully analyzed to the extent feasible at the time of certification of the Final EIR;
- The City reviewed the comments received on the Draft EIR and the responses thereto and has determined that neither the comments received nor the responses of such comments add significant information regarding environmental impacts of the Draft EIR. The City has based its actions on full appraisal of all view points, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the Final EIR;
- The responses to the comments in the Draft EIR, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR;

- Having reviewed the information contained in the Draft EIR, Final EIR, and the Record of Proceedings, as well as the requirements of CEQA and the guidelines regarding recirculation of Draft EIRs, and having analyzed the changes in the Draft EIR which have occurred since the close of the respective public review periods, the City finds that there is no new significant information in the Final EIR and finds that recirculation is not required;
- The City has independently analyzed the EIR prepared for the project, and has independently considered the imposition of mitigation measures and all other matters related thereto; and
- Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the City of Hesperia Community Development Department, Planning Division, located at 9700 Seventh Avenue, Hesperia, CA 92345.

Having received, reviewed and considered all information and documents on the record, the City hereby conditions the proposed project as set forth in the Conditions of Approval, the Mitigation Monitoring and Reporting Program and finds as stated in these Findings of Fact and Statement of Overriding Considerations.



## SECTION 2: FINDINGS FOR POTENTIALLY SIGNIFICANT PROJECT-LEVEL AND CUMULATIVE ADVERSE IMPACTS

The Final Environmental Impact Report (Final EIR) for the Hesperia General Plan Update identifies less than significant project-level and cumulative adverse impacts of the proposed project. The Hesperia City Council finds, based on the facts set forth in the record, that the project would have less than significant impacts regarding the following issues:

- Aesthetics;
- Agriculture;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Planning;
- Mineral Resources;
- Population and Housing;
- Public Services;
- Recreation;
- Utilities; and
- Climate Change.

These findings have been prepared and considered in accordance with California Environmental Quality Act (CEQA) Guideline 15091.

The Final Environmental Impact Report (Final EIR) for the Hesperia General Plan Update identifies significant project-level and cumulative adverse impacts of the proposed project and proposed mitigation measures to avoid or lessen impacts to less than significant.

The project has the potential to cause significant environmental impacts in the following categories:

- Air Quality;
- Biological Resources;
- Cultural Resources; and
- Noise.

Those impacts and mitigation measures are identified in the following sections. The Hesperia City Council finds, based on the facts set forth in the record, which include but are not limited to the facts as set forth below, that the incorporation of the identified mitigation measures will mitigate the identified significant project-level and cumulative adverse impacts to a level that is considered less than significant. These findings have been prepared and considered in accordance with California Environmental Quality Act (CEQA) Guideline 15091.

## **Format Used for Impacts and Mitigation Measures**

The format adopted in this Findings of Fact to present the evaluation of impacts is outlined in the following example:

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### **2.1 - Summary Heading of Impact**

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**Impact AQ-1** An impact summary heading appears immediately preceding the impact description (Summary Heading of Impact in this example).

The impact and abbreviation identifies the issue threshold (AQ for Air Quality in the example) from the CEQA Checklist. To the right of the impact abbreviation is the impact number, which identifies the specific section of the report (1 in the example).

Beneath the impact statement is the cited issue name and threshold number from the CEQA Checklist [CEQA *Environmental Issue Name* Threshold X(x)].

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#### **Potentially Significant Impact**

*A summary of potential impacts follows the impact statement.*

#### **Findings**

Findings pursuant to CEQA Guidelines Section 15091 (a)(1) are stated in regards to the significant environmental effect as identified in the Final EIR.

#### **Facts in Support of Findings**

Facts in support of the findings are stated in regards to the elimination or lessening of impacts to a level that is less than significant by virtue of mitigation measures as identified in the Final EIR.

#### **Mitigation Measures**

Following the impact discussion, project-specific mitigation measures are offset with a summary heading and described using the format presented below:

**AQ-1** Project-specific mitigation is identified that would reduce the impact to the lowest degree feasible. The mitigation number links the particular mitigation to the environmental issue area it is associated with (AQ for Air Quality in this example); the number identifies the sequential order of that mitigation for that impact (1 in this example).

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## 2.2 - Air Quality

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**Impact AQ-5** Implementation of the proposed General Plan Update would not expose sensitive receptors to substantial pollutant concentrations.

[CEQA Air Quality Threshold 3(d)]

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### Potentially Significant Impact

*There may be developments that could be planned near or adjacent to a major source of toxic air contaminants, potentially impacting sensitive receptors from sources of toxic air contaminants.*

Both the Air Resource Board (ARB) and Mojave Desert Air Quality Management District (MDAQMD) have adopted guidelines and rules for minimizing potential exposures to toxic air contaminants from land use development projects. The ARB has published its “Air Quality and Land Use Handbook: A Community Health Perspective,” which is intended to serve as a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. The guide provides ARB recommendations regarding the siting of new sensitive land uses near freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities. A key air pollutant common to many of these sources is particulate matter from diesel engines (DPM). DPM is a carcinogen identified by ARB as a toxic air contaminant and contributes to particulate pollution statewide. The guide’s primary focus is on the proximity issue that is, highlighting the potential health impacts associated with proximity to sources of toxic air contaminants. The guide provides minimum siting distances between a source of toxic air contaminant emissions and a sensitive receptor for the various types of emission sources identified above. The MDAQMD CEQA Guidelines also identify sources of toxic air contaminants and siting proximity distances that would require an analysis of potential health impacts from siting such emission sources in proximity to sensitive receptors.

Within the land uses established under the Existing General Plan and the Proposed General Plan, there may be developments that could be planned near or adjacent to a major source of toxic air contaminants such as adjacent to a distribution center, major road, freeway, or rail line. Without taking a careful consideration of potential exposures of sensitive receptors to sources of toxic air contaminants, this represents a potentially significant impact.

### Findings

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

### Facts in Support of Findings

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

**AQ-4** The City shall consult with the Mojave Desert Air Quality Management District regarding the siting of project types within a specified distance of existing or planned (zoned) sensitive receptor land uses:

- a. 1,000 feet of a major transportation project (50,000 or more vehicles per day);
- b. 1,000 feet of a distribution center (that accommodates more than 40 trucks per day);
- c. 1,000 feet of any industrial project; and
- d. 500 feet of any dry cleaning operation using perchloroethylene.

**AQ-5** The City shall implement the following measures to minimize exposure of sensitive receptors and sites to health risks related to air pollution:

1. Encourage site plan designs to provide the appropriate setbacks and/or design features that reduce toxic air contaminants at the source.
2. Encourage the applicants for sensitive land uses to incorporate design features (e.g., pollution prevention, pollution reduction, barriers, landscaping, ventilation systems, or other measures) in the planning process to minimize the potential impacts of air pollution on sensitive receptors.
3. Actively participate in decisions on the siting or expansion of facilities or land uses (e.g., freeway expansions), to ensure the inclusion of air quality mitigation measures.
4. Where decisions on land use may result in emissions of air contaminants that pose significant health risks, consider options, including possible relocation, recycling, redevelopment, rezoning, and incentive programs.
5. Activities involving idling trucks shall be oriented as far away from and downwind of existing or proposed sensitive receptors as feasible.
6. Strategies shall be incorporated to reduce the idling time of main propulsion engines through alternative technologies such as IdleAire, electrification of truck parking, and alternative energy sources for Transport Refrigeration Units to allow diesel engines to be completely turned off.

Without proper mitigation to regulate developments planned near or adjacent to a major source of toxic air contaminants, impacts to sensitive receptors would remain potentially significant. The implementation of Mitigation Measure AQ-4 and AQ-5 will reduce the impact from toxic air contaminants to a level of less than significant.

Reference: Section 3.3 of the DEIR.

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**Impact AQ-6** Implementation of the proposed General Plan Update would not create objectionable odors that could affect a substantial number of people.  
[CEQA Air Quality Threshold 3(e)]

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### **Potentially Significant Impact**

*Implementation of the General Plan Update may produce sources of odor that are potentially significant from wastewater treatment and pumping facilities, transfer station, sanitary landfill, composting facility, asphalt batch plant, green waste and recycling operations, and painting/coating operations, among others.*

Construction activities occurring under the proposed General Plan Update would generate airborne odors associated with the operation of construction vehicles (i.e., diesel exhaust) and the application of architectural coatings. However, these odors are not generally considered to be especially offensive. Emissions would occur during daytime hours only and would be isolated to the immediate vicinity of the construction site and activity. As such, they would not affect a substantial number of people, as impacts related to these odors are limited to the number of people living and working nearby the source. However, due to the types of odors that would occur in the City, the exposure of substantial people to the source would not constitute an impact.

Potential operational airborne odors could result from cooking activities associated with the new residential and restaurant uses within the City. These odors would be similar to existing housing and food service uses throughout the City and would be confined to the immediate vicinity of the new buildings. Restaurants are also typically required to have ventilation systems that avoid substantial adverse odor impacts. The other potential source of odors would be new trash receptacles within the community. The receptacles would be stored in areas and in containers as required by City and Health Department regulations, and be emptied on a regular basis, before potentially substantial odors have a chance to develop. Other sources of odor that are potentially significant include wastewater treatment and pumping facilities, transfer station, sanitary landfill, composting facility, asphalt batch plant, green waste and recycling operations, and painting/coating operations, among others.

### **Findings**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

### **Facts in Support of Findings**

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

**AQ-6** The City shall review discretionary land use applications for residential uses for potential odor impacts for proposals within the following areas:

- a. 2 miles of a wastewater treatment plant;
- b. 1 mile of a wastewater pumping facility;
- c. 2 miles of a sanitary landfill;
- d. 1 mile of a transfer station;
- e. 1 mile of a composting facility;
- f. 2 miles of an asphalt batch plant;
- g. 1 mile of a painting/coating operation; and
- h. 1 mile of a green waste and recycling center.

If it is determined that odors from such areas have the potential to expose such residential uses to objectionable odors, an Odor Analysis shall be prepared to assess such impacts and recommended methods to limit exposure to such objectionable odors.

Without proper mitigation to regulate potential sources of odor within the General Plan Update, impacts would remain potentially significant. The implementation of Mitigation Measure AQ-6 will reduce the impact from odors to a level of less than significant.

Reference: Section 3.3 of the DEIR.

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## 2.3 - Biological Resources

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**Impact BR-1** **Would the Project 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 CDFG or USFWS? [CEQA Biological Resources Threshold 4(a)]**

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### **Potentially Significant Impact**

*Individual development proposals within the General Plan Update have the potential to impact candidate, sensitive and special status species.*

The City's current operating procedures with respect to biological resources are designed to evaluate the individual impacts of discretionary development proposals on: 1) endangered species including the Desert Tortoise, and Mohave ground squirrel (MGS); 2) Special status species, such as the beavertail cactus or the Burrowing Owl (BUOW); and 3) plants protected by the City's Development Code (plant protection ordinance), such as the Joshua Tree. All non-infill sites that have substantially undisturbed area, or sites that have protected plant or animal species, must submit a survey from a qualified biologist. In the case of the desert tortoise, federal survey protocols must be followed. The biologist will also evaluate the site for the presence and/or suitability of the site for other species. This information is required to be submitted with the application and is included in the initial study

prepared for the project if required by CEQA. Following approval of the project, time may pass before development may commence. Since the BUOW may inhabit existing burrows or man-made excavations, another survey for the BUOW is required no more than 30 days prior to grading. Should the owl be found during either the initial survey or prior to grading, occupied burrows may be avoided or the owl relocated in accordance with California Department of Fish and Game (CDFG) protocols. Plants protected under the City's Development Code must be evaluated by a qualified biologist or arborist. The plants or trees are inspected and tagged, indicating that the plant or tree can be transplanted, must remain in place, or can be removed.

The implementation of the General Plan Goal 4 (CN-4) and specifically Implementation Policies CN 4.4 and CN-4.5 which require the assessment of impacts to sensitive species and appropriate mitigation, along with the existing state and federal regulations will reduce the impacts to less than significant. These goals and policies provide the framework for protecting endangered and threatened species. However, without project level consideration/evaluation of individual development proposals, impacts to candidate, sensitive and special status species could occur.

### **Findings**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

### **Facts in Support of Findings**

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

**BR-1:** Biological surveys, prepared by a qualified biologist, shall be required for discretionary projects located in non-infill sites that have substantially undisturbed areas, or sites that have protected plant or animal species. The specific requirements and nature of such surveys (i.e. general site reconnaissance, focused surveys, etc.) shall be determined by the Development Services Director at the time that a development proposal is submitted to the City for processing. If such surveys determine that the discretionary project in question could have a potentially significant impact on candidate, sensitive or special status species, feasible mitigation shall be recommended as part of the survey. The preparation of such surveys and, if necessary, implementation of mitigation, shall be in accordance with applicable federal, state and local protocols, guidelines and requirements, and shall be to the Satisfaction of the Development Services Director.

Implementation of the biological resource mitigation measure BR-1 will reduce any significant impacts to biological resources to less than significant levels.

Reference: Section 3.4 of the DEIR.

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## 2.4 - Cultural Resources

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**Impact CR-1**      **Would the project causes a substantial adverse change in the significance of a historical resource as defined in CEQA §15064.5?**  
**[CEQA Cultural Resources Threshold 5(a)]**

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### **Potentially Significant Impact**

*It is possible that any one portion of the Planning Area may exhibit buried historic cultural resources that may become exposed once a development is undertaken, as well as historic cultural resources that are exposed on the modern ground surface.*

Research has shown that certain areas of the City will be more sensitive than others for both recorded and unknown cultural resources, and unrecorded paleontological resources. Establishment of procedures that account for this possibility is crucial toward appropriate CEQA compliance. It is the policy of the City that, if an AIC (Archaeological Information Center at the San Bernardino County Museum) Planning Review report indicates that the potential for impacts to cultural resources is good in any one Planning Area; additional field research in the form of a field survey must be undertaken. The City will require an AIC Planning Review on all projects 1 acre in size and greater in the Medium and High sensitivity areas of the City, while in the Low sensitivity areas an AIC Planning Review must be undertaken on all projects five (5) acres in size and greater.

The recommended cultural resource mitigation measures noted herein shall be applied programmatically to each developmental project that could possibly undergo CEQA-related review. Adoption of these measures will allow the City to effectively comply with cultural resource-related CEQA Guidelines and avoid legal challenges that are often expensive and time-consuming.

If a Planning Area is located in an area of “Low” sensitivity and has been determined exempt from consideration because of size, previous development, AIC recommendation or other considerations, the City need not have a field survey performed following Mitigation Measure CR-1. In parts of the City that exhibit “Low” cultural resource sensitivity, the City shall make certain that a AIC planning review records search is undertaken for projects that are five acres in size or more. In parts of the City that have been determined to have “Medium or “High” sensitivity, the City shall make certain that a planning review through the AIC has been undertaken before a field survey takes place. Under certain conditions, a cultural resources field survey may not be required following Mitigation Measure CR-2. In those areas of the City that exhibits “High” cultural resource sensitivity, CR-3 states that cultural resource monitoring shall occur unless the Planning Area has been graded previously. Therefore, impacts to historical resources are considered potentially significant unless mitigation measure CR-1a through CR-1d are implemented.

## **Findings**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

## **Facts in Support of Findings**

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

**CR-1a** Areas of the City have been determined to exhibit “Low” cultural resource sensitivity in the technical report supporting the General Plan Update EIR. Prior to exempting a project in Low sensitivity areas from further cultural resource fieldwork, the AIC shall perform a planning review of the Planning Area and report the results of the review to the City. If, in addition, the particular project is located in a region deemed “Low” and exhibits the following three qualities, no further cultural resource research is necessary if:

1. The AIC determines that a field survey is not necessary or,
2. The Planning Area has been mass graded for modern construction purposes in the recent past or,
3. The Planning Area is less than 5 acres in size.

**CR-1b** In those areas of the City that exhibit “Medium” or “High” cultural resource sensitivity, a qualified Cultural Resource Management professional must undertake a Phase 1 cultural resource survey of the Planning Area as part of the CEQA environmental compliance process if and only if the AIC determines through its planning review that this must occur. The survey must be conducted following the SHPO-recommended ARMR research and reporting format. A cultural resource survey in the Medium and High sensitivity areas need not take place if the AIC planning review shows that:

1. The Planning Area has been surveyed by a qualified professional in the last ten years with negative results or,
2. The property has been mass graded for modern construction purposes in the recent past

**CR-1c** If the Phase I field survey shows that there are historical cultural resources in the developmental Planning Area, the City must require that those cultural resource(s) be tested for historical significance by a qualified Cultural Resource Management

professional following modern guidelines unless a previous significance determination study has shown that the resource is not significant under CEQA Section 15064(a). If the Phase I survey report recommends that the City require cultural resource monitoring during construction of the project, the City shall require that the monitoring specialist present his/her credentials to the City for review and approval.

- CR-1d** If the City determines that a significant historical cultural resource will be directly impacted by a proposed development such that the qualities that make the resource significant will be lost during the development, the significant cultural resource must be either avoided, or Phase III data collected by a qualified Cultural Resource Management professional following guidelines established for this type of research by the California SHPO. If the Phase II testing report recommends that the City require cultural resource monitoring during construction, the City shall require that the monitoring specialist present his/her credentials to the City for review and approval.

Incorporation of mitigation measure CR-1a through CR-1d would provide monitoring of the project; as a result, reducing impacts to buried prehistoric deposits within the Planning Area to a level of less than significant.

Reference: Section 3.5 of the DEIR.

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**Impact CR-2** Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA §15064.5?  
[CEQA Cultural Resources Threshold 5(b)]

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**Potentially Significant Impact**

*It is possible that any one portion of the Planning Area may exhibit buried archaeological resources that may become exposed once a development is undertaken, as well as archaeological resources that are exposed on the modern ground surface.*

Archaeological resources are prehistoric resources that had been developed before 1769. Most of the prehistoric sites in the Planning Area consist of lithic scatters of various size and material types, as well as quarrying sites. However, there are also several sizable village or habitation sites, several bedrock-milling sites, and a single recorded human burial. A “lithic scatter” consists of remnants of a stone tool production process, and can represent very early stages to very late stages in the production process as well as representative of areas where existing stone tools are modified, sharpened or repaired. Observable artifacts can include various sizes and shapes of stone flakes or chips, which can vary in color depending on material type, such as quartz, quartzite, chalcedony or obsidian.

Lithic scatters differ from “lithic quarry” sites. A lithic quarry is a location where raw stone material used for the production of tools and other artifacts is quarried. The tools and artifacts found therein typically exhibit a high proportion of the early stage represented in the stone tool production process.

Lithic quarry sites in the Planning Area exhibit a raw material resource, which is generally a quartzite material, as well as tested cobbles or stones that have been chipped to evaluate their fracture patterns and quality. Flakes are usually found in these quarry locations, but are generally larger (primary and secondary flakes) and contain the exterior of the stone (cortex). These flakes or stone chips represent the early phases of stone tool production, before the stone is further refined to create a tool.

Village and habitation sites represent a discrete area where groups of prehistoric peoples lived. These sites may represent seasonal habitats, which are short-term use areas inhabited based on seasonal needs, such as the availability of water or food. These sites may be reused several times, based on a seasonal rotation. Several sites within the Planning Area exhibited soil depressions, or house-pits that have been interpreted to imply habitation areas. Bedrock milling sites consist of an exposed rock outcrop, generally a weathered granitic material that exhibit evidence of milling activity. Milling activity is observable due to the presence of milling slicks, or smoothed surfaces, as well as various forms of mortars cut into the outcrop. These sites generally represent processing activities, where food or pigments can be ground for various other uses. Therefore, impacts to archaeological resources are considered potentially significant unless mitigation measure CR-2a through CR-2b are implemented.

### **Findings**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

### **Facts in Support of Findings**

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

Mitigation measure CR-1a and CR-1b shall be applied to all developmental projects located in the Planning Area. If it is determined that the developmental project exhibits archaeological resources alone or in addition to any historical resources in the developmental Planning Area, mitigation measure CR-2a and CR-2b must apply.

**CR-2a** If the Phase 1 field survey shows that there are archaeological cultural resources in the developmental Planning Area, the City must require that those cultural resource(s) be tested for historical significance by a qualified Cultural Resource Management professional following modern guidelines unless a previous

significance determination study has shown that the resource is not significant under CEQA Section 15064(a). If the Phase I survey report recommends that the City require cultural resource monitoring during construction, the City shall require that the monitoring specialist present his/her credentials to the City for review and approval.

- CR-2b** If the City determines that a significant historical cultural resource will be directly impacted by a proposed development such that the qualities that make the resource significant will be lost during the development, the significant cultural resource must be either avoided, or Phase III data collected by a qualified Cultural Resource Management professional following guidelines established for this type of research by the California SHPO. If the Phase II testing report recommends that the City require cultural resource monitoring during construction, the City shall require that the monitoring specialist present his/her credentials to the City for review and approval.

Implementation of the cultural resource mitigation measure CR-2a and CR-2b will reduce any significant impacts to cultural resources to less than significant levels.

Reference: Section 3.5 of the DEIR.

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**Impact CR-3** **Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**  
**[CEQA Cultural Resources Threshold 5(c)]**

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**Potentially Significant Impact**

*It is possible that any one portion of the Planning Area may exhibit unique paleontological resources or unique geologic features that may be impacted upon development within the Planning Area.*

Based upon the geologic or rock units and the types present in the Planning Area and the type of fossils recovered from these and similar rock units in the general vicinity, levels of sensitivity have been developed in the supporting Technical Report and serve as a guide for the planning process. Project-specific paleontological sensitivity shall be determined with site-specific review, as recommendations will differ depending on the presence or absence of exposed fossiliferous sediments, depositional lithology and depth of the proposed developmental project.

Research has shown that certain areas of the City will be more sensitive than others for paleontological resources. Establishment of procedures that account for this possibility is crucial toward appropriate CEQA compliance. It is the policy of the City that, if an San Bernardino County Museum (SBCM) Paleontological Planning Review report indicates that the potential for impacts to fossil resources is good in any one Planning Area, paleontological monitoring shall be required if the SBCM Planning Review report recommends it.

## Findings

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

## Facts in Support of Findings

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

**CR-3a** Areas of the City have been determined to exhibit “Low” paleontological resource sensitivity in the technical report written in support of the General Plan Update EIR. If the particular project is located in a region deemed Low and exhibits the following qualities, no further paleontological research is necessary if:

1. The property has been surveyed by a qualified professional in the last five years, or,
2. The property has been mass graded for modern construction purposes in the recent past or,
3. The property is less than five acres in size.

**CR-3b** In those areas of the City that exhibit “Medium” paleontological resource sensitivity, a qualified paleontologist as part of the planning process must undertake a formal record search of the project at a local museum. A paleontological records search need not take place if City Planning determines that:

1. The property has been previously evaluated by a qualified paleontological professional, or,
2. The property has been mass graded for modern construction purposes in the recent past.

A qualified paleontologist shall monitor areas exhibiting Medium resource sensitivity during construction-related earthmoving if and only if the records search shows that there is some potential for impacts to paleontological resources at the specific site.

**CR-3c** In those areas of the City that exhibit “High” paleontological resource sensitivity, a qualified paleontologist must undertake a records search and a field survey of the Planning Area. A survey in the High sensitivity areas need not take place if research shows that:

1. The property has been previously evaluated by a qualified paleontological professional, or,
2. The property has been mass graded for modern construction purposes in the recent past.

A qualified paleontologist shall monitor areas exhibiting High resource sensitivity during construction-related earthmoving in all cases.

Implementation of the cultural resource mitigation measure CR-3a through CR-3c will reduce any significant impacts to paleontological resources or unique geologic features to less than significant levels.

Reference: Section 3.5 of the DEIR.

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## **2.5 - Noise**

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<b>Impact N-1</b>	<b>Would the project expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</b> <b>[CEQA Noise Threshold 11(a)]</b>
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### **Potentially Significant Impact**

*Development of the proposed project has the potential to exceed the County's Noise Ordinance for short-term and long-term durations.*

Future developments within the Planning Area, according to their nature, have the potential to impose significant construction noise impacts above current noise standards and therefore the noise impacts relating to construction may be potentially significant without mitigation measures. Consequently, projects within the Planning Area will implement Mitigation Measure N-1 to reduce noise impacts from future development. Implementation of Mitigation Measure N-1 and consistency with the Hesperia Municipal Code and proposed Hesperia General Plan will avoid short-term construction impacts.

Additionally, complete buildout of the Planning Area would create noise levels ranging from 58 to 78 dBA CNEL. Roadway segments outlined within the Draft EIR that exceed the City Standards of 65 dBA could expose future residences and other noise sensitive uses to potentially significant noise impacts.

Implementation of the General Plan's proposed Policy NO-1.3 will enforce the California Noise Insulation Standards (California Code of Regulations, Title 24) for development within the Planning Area. Title 24 requires that an acoustical analysis be performed for all new multi-family residences in

areas where the exterior sound level exceeds 60 dBA CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 dBA CNEL or below.

In addition, implementation of the General Plan Update will require the design and construction of commercial and mixed-use structures with noise attenuation methods to minimize excessive noise at residential and other noise sensitive land uses (see Policy NO-1.5). Furthermore, implementation of the proposed General Plan Update will ensure that noise sensitive land uses are not subjected to inappropriate noise levels resulting from transportation systems (see Policy NO-1.7).

Although implementation of the proposed General Plan Update will reduce impacts in excess of the City of Hesperia noise standards, conditions related to project level specifics such as, location to sensitive receptors, lot layouts, site plan configurations and building design are unknown at present and cannot be known until specific development proposals are submitted to the City in the future. Therefore, mitigation will be implemented to address project specific noise impacts above City noise standards and, if necessary, to require noise attenuation measures for individual projects if significant noise impacts should occur. Consequently, implementation of mitigation measure N-1 will reduce impacts in regards to noise levels in excess of standards to a level of less than significant.

### **Findings**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

### **Facts in Support of Findings**

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

- N-1** To ensure that potential noise generated from individual, discretionary, site-specific development proposals within the Planning Area will not result in short-term or long-term noise levels in excess of City standards, the Community Development Director shall review such proposals at the time of application submittal to determine if a project level noise study shall be required in order to evaluate project level impacts. If it is determined that noise generated from such proposal would cause short-term or long-term noise levels in excess of City standards, the project proponent shall provide mitigation, if necessary to reduce the short-term or long-term noise impacts to within the City noise level standards, as determined by the Community Development Director. Such mitigation shall be provided in proportion to an individual project's impacts on noise and to the satisfaction of the Community Development Director.

Without proper mitigation to regulate short-term and long-term noise impacts from development within the Planning Area, impacts would remain potentially significant. The implementation of mitigation measures N-1 will reduce noise levels below the City's Noise Ordinance significant noise threshold.

Reference: Section 3.11 of the DEIR.

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<b>Impact N-2</b>	<b>Would the project expose persons to or generate excessive groundborne vibration or groundborne noise levels?</b> <b>[CEQA Noise Threshold 11(b)]</b>
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**Potentially Significant Impact**

*Development within the Planning Area may expose persons to or generate excessive levels of groundborne vibration.*

Groundborne vibration in the Planning area would be influenced by construction activity in the short term. Construction activities can produce vibration that may be felt by adjacent uses. These vibrations pose not only a nuisance, but also a risk to proximate structures.

As an example of a worst-case scenario, an impact pile driver has been reported to produce a vibration level of 100,000 micro inches (0.1 inch) per second or 0.049g (Defense Nuclear Agency, 1981). This level is above the Hesperia Municipal Code Section 16.20.130 level at which continuous vibrations begins to annoy people (see Section 3.11-6). According to the Hesperia Municipal Code Section 16.20.130, "no ground vibration shall be allowed which can be felt without the aid of instruments at or beyond the lot line; nor will any vibration be permitted which produces a particle velocity greater than or equal to 0.2 inches per second measured at or beyond the lot line." However, the Municipal Code provides an exemption for construction related vibration when performed between the hours of 7:00 a.m. and 7:00 p.m., except Sundays and federal holidays.

Although consistency with Municipal Code Section 16.20.130 exempts groundborne vibration impacts, conditions related to project level specifics such as location to sensitive receptors, lot layouts, site plan configurations and building design are unknown at present and cannot be known until specific development proposals are submitted in the future. Therefore, mitigation will be implemented to address project specific groundborne vibration impacts and, if necessary, to require groundborne vibration attenuation measures for individual projects if significant groundborne vibration impacts should occur. Consistency with Municipal Code Section 16.20.130 and implementation of mitigation measure N-2 will avoid excessive groundborne vibration impacts within the Planning Area.

In addition, the BNSF and UP railroads will continue to operate on existing tracks in the future. Future daily operations on both BNSF and UP lines are projected to increase. In the year 2025, daily operations are estimated to be approximately 187 freight trains on the BNSF line and 9 freight trains

on the UP line (Southern California Association of Governments 2005). Although the daily operations of the BNSF and UP railroads will increase in the future, the location of future railroad operations would remain unchanged from the current condition. Consequently, according to the Noise Analysis (2009), less than significant vibration impacts to residential uses and other sensitive receptors would occur since there are no undeveloped residentially designated land uses along the existing rail lines.

### **Findings**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

### **Facts in Support of Findings**

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

**N-2** To ensure that groundborne vibration generated from individual, discretionary, site-specific development proposals within the Planning Area will not result in excess of City standards, the Community Development Director shall review such proposals at the time of application submittal. If necessary, a project level groundborne vibration study may be required, as determined by the Community Development Director, in order to evaluate project level impacts. If it is determined that groundborne vibration generated from such proposal would cause groundborne vibration levels in excess of City standards, the project proponent shall provide attenuation measures, if necessary to reduce groundborne vibration impacts to within the City standards, as determined by the Community Development Director. Such attenuation measures shall be provided in proportion to an individual project's impacts on groundborne vibration and to the satisfaction of the Community Development Director.

Without proper mitigation to ensure that groundborne vibration generated from individual, discretionary, site-specific development proposals within the Planning Area will not result in excess of City standards, impacts to would remain potentially significant. The implementation of mitigation measures N-2 will reduce groundborne vibration impacts to a level of less than significant.

Reference: Section 3.11 of the DEIR.

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**Impact N-4**      **Would the project create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**  
**[CEQA Noise Threshold 11(d)]**

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**Potentially Significant Impact**

*Development within the Planning Area may create a temporary or periodic increase in ambient noise levels associated with site preparation, grading, and construction of proposed land uses.*

Temporary or periodic increase in ambient noise levels are impacts associated with site preparation, grading, and construction of proposed land uses. The construction-related short-term noise levels would be higher than the existing or ambient noise levels in a project area today, but would no longer occur once build-out of the project area is complete. In addition, construction is performed in discrete steps, each of which has its own mix of equipment, and, consequently, its own noise characteristics. However, despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Table 3.11-8 (see Impact N-1) lists typical construction equipment noise levels recommended for noise impact assessments as based on a distance of 50 feet between the equipment and a noise receptor.

Typically, construction noise for commercial and industrial development can generate approximately 89 dBA Leq when measured at a distance of 50 feet from the construction effort (USEPA December 31, 1971). Residential development is slightly quieter with a composite noise level of approximately 88 dBA Leq, again when measured at a distance of 50 feet from the construction effort. These values take into account both the number of pieces and spacing of the heavy equipment used in the construction effort. In later phases during building assembly, noise levels are typically reduced from these values and the physical structures further break up line-of-sight noise.

Based on the 89 dBA Leq value and assuming that construction were to occur for 8 hours a day, the CNEL is calculated at 84 dBA at 50 feet (83 dBA CNEL for residential construction). The 65-dBA CNEL contour would fall at a distance of about 446 feet (397 feet for residential construction). In actuality, the City recognizes that construction noise is difficult to control and places allowable hours for this intrusion. Section 16.20.125 E (3) of the City of Hesperia Municipal Code provides for these exemptions and allows for noise from the construction and repair work as long as these activities are limited to between the hours of 7:00 a.m. and 7:00 p.m. except Sundays and federal holidays.

However, future developments within the Planning Area, according to their nature, have the potential to impose an increase in temporary construction noise impacts above levels existing without the Project. Therefore, Measure N-1 will be implemented to reduce future developments temporary noise impacts to a level of less than significant (see Impact Analysis N-1 for Mitigation Measure N-1).

In addition, the proposed General Plan Update will implement policies to further avoid temporary construction impacts, including ensuring adequate noise control measures at construction sites by

requiring that construction equipment be fitted with manufacturer-recommended mufflers and ensuring physical separation of machinery maintenance and laydown areas from adjacent residential areas (see Policy NO-1.13), and by incorporating noise reduction features during site planning to mitigate anticipated noise impacts on affected noise sensitive land uses (Policy NO-1.1). Consequently, implementation of Mitigation Measure N-1 and consistency with the proposed General Plan Update policies NO-1.13, NO-1.1 and Municipal Code Section 16.20.125 E (3) will avoid temporary or periodic increase in ambient noise levels in excess of City standards.

### **Findings**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

### **Facts in Support of Findings**

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

- N-1** To ensure that potential noise generated from individual, discretionary, site-specific development proposals within the Planning Area will not result in short-term or long-term noise levels in excess of City standards, the Community Development Director shall review such proposals at the time of application submittal to determine if a project level noise study shall be required in order to evaluate project level impacts. If it is determined that noise generated from such proposal would cause short-term or long-term noise levels in excess of City standards, the project proponent shall provide mitigation, if necessary to reduce the short-term or long-term noise impacts to within the City noise level standards, as determined by the Community Development Director. Such mitigation shall be provided in proportion to an individual project's impacts on noise and to the satisfaction of the Community Development Director.

Without proper mitigation to regulate short-term noise impacts from development within the Planning Area, impacts would remain potentially significant. The implementation of mitigation measures N-1 will further avoid temporary construction impacts to a level of less than significant.

Reference: Section 3.11 of the DEIR.



### SECTION 3: SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS

The Final Environmental Impact Report (EIR) identified the following impacts of the proposed project that can not be mitigated to a level that is less than significant: impacts to Air Quality, which include: exceeding the Mojave Desert Air Quality Management District (MDAQMD) thresholds; violation of an ambient air quality standard, and contribute to cumulatively considerable air quality impacts. In addition, the proposed Project will result in significant effects after the implementation of feasible mitigation measures for noise impacts, which includes permanent increase in ambient noise levels and cumulative increase in ambient noise levels. Further, the proposed Project will result in significant effects after the implementation of feasible mitigation measures for traffic, which includes exceeding LOS thresholds and cumulatively exceeding Level of Service (LOS) thresholds.

The Hesperia City Council finds, based on the facts set forth in the record, which include but are not limited to the facts as set forth below, those facts contained in the Final EIR, and any other facts set forth in materials prepared by the City and/or City consultants, that there are no feasible mitigation measures, beyond those contained within the Final EIR, that can mitigate the identified project-specific and cumulative impacts identified above, to a level of less than significant. Therefore, as outlined in Public Resources Code (PRC) section 21081(b) and California Environmental Quality Act (CEQA) Guidelines section 15093, the project will require a Statement of Overriding Considerations for impacts to Air Quality, which include exceeding the Mojave Desert Air Quality Management District (MDAQMD) thresholds; violation of an ambient air quality standard; and contribute to cumulatively considerable air quality impacts. In addition, the proposed Project will result in significant effects after the implementation of feasible mitigation measures for noise impacts, which includes permanent increase in ambient noise levels and cumulative increase in ambient noise levels. Further, the proposed project will result in significant effects after the implementation of feasible mitigation measures for traffic, which includes exceeding LOS thresholds and cumulatively exceeding Level of Service (LOS) thresholds. (See Attachment A).

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#### 3.1 - Air Quality

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**Impact AQ-2:** Implementation of the proposed General Plan Update would result in construction emissions that would contribute substantially to an existing or projected air quality violation.  
[CEQA Air Quality Threshold 3(b)]

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#### **Significant and Unavoidable Project Specific and Cumulative Impacts**

*Implementation of the proposed General Plan Update would result in construction emissions that would contribute substantially to an existing or projected air quality violation.*

The thresholds of significance recommended by the Mojave Desert Air Quality Management District (MDAQMD) for new emissions were developed for individual development projects. Under the proposed General Plan Update, varying amounts of construction would likely occur every year until

build out of the proposed General Plan Update. Many of the individual projects would be small and generate construction emissions that would not exceed the MDAQMD's recommended thresholds of significance. Although the City would not consider small projects to cause a potentially significant air quality impact, it would require each project to implement the proposed General Plan Update policies that address air quality in order to minimize emissions. Other projects would be large enough to generate construction emissions that exceed these thresholds. Through the environmental review process for individual projects, additional mitigation may also be required to further reduce emissions and potential impacts; however, even with mitigation it may not be possible to mitigate all air quality impacts to a less-than-significant level.

In the case of the proposed General Plan Update, it is expected that a number of construction projects could occur every year. It would be difficult, if not impossible, to quantify the emissions related to construction activities under the proposed General Plan Update as the amount and timing of each construction event are not known at this time. Because it is assumed that some of the projects that would be implemented under the proposed General Plan Update could individually exceed the MDAQMD thresholds, the total amount of construction within the Planning Area under the proposed General Plan Update could also exceed the MDAQMD's recommended thresholds of significance, and this impact would be significant.

The City has a number of policies within the General Plan Update that are designed to reduce overall emissions and, therefore, airborne air pollution from development. The City also has Climate Action Plan Strategies within its Climate Action Plan, which will reduce air pollution from new and existing development. The following mitigation measures will help to reduce impacts, but not to a less than significant level.

**AQ-1** The City shall implement the following measures to reduce the amount of fugitive dust that is re-entrained into the atmosphere from unpaved areas, parking lots, and construction sites:

1. Require the following measures to be taken during the construction of all projects to reduce the amount of dust and other sources of PM10 in accordance with MDAQMD Rule 403:
  - a. Dust suppression at construction sites using vegetation, surfactants, and other chemical stabilizers;
  - b. Wheel washers for construction equipment;
  - c. Watering down of all construction areas;
  - d. Limit speeds at construction sites to 15 miles per hour; and
  - e. Covering of aggregate or similar material during transportation of material.

2. Adopt incentives, regulations, and/or procedures to reduce paved road dust emissions through targeted street sweeping of roads subject to high traffic levels and silt loadings.

**AQ-2**

The City shall require each project applicant, as a condition of project approval, to implement the following measures to reduce exhaust emissions from construction equipment:

1. Commercial electric power (i.e. temporary power pole) shall be provided, to the extent feasible, to the project site in adequate capacity to avoid or minimize the use of portable diesel-powered electric generators and equipment.
2. Where feasible, equipment requiring the use of fossil fuels (e.g., diesel) shall be replaced or substituted with electrically driven equivalents (provided that they are not run via a portable generator set).
3. To the extent feasible, alternative fuels and emission controls shall be used to further reduce exhaust emissions.
4. On-site equipment shall be turned off when not in use and shall not idle for more than 5 minutes.
5. Staging areas for heavy-duty construction equipment shall be located as far as possible from sensitive receptors.
6. Encourage project applicants to perform a review of new technology, in consultation with the Mojave Desert Air Quality Management District, as it relates to heavy-duty equipment, to determine what advances in emissions reductions are available for use and are economically feasible.

**Findings**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the Final EIR.

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the Final EIR.

There are no feasible mitigation measures which can mitigate this impact to a level below significance. Pursuant to CEQA Guidelines Section 15093, therefore, the City has balanced the

benefits of the project against its unavoidable environmental risks and has determined that this impact is acceptable for the reason stated in the Statement of Overriding Considerations in Attachment A.

**Facts in Support of Findings**

All feasible mitigation measures to address air quality impacts related to construction emissions will be imposed upon the project by the Final EIR. Due to the size and nature of the project the total amount of construction within the Planning Area under the proposed General Plan Update would exceed the MDAQMD’s recommended thresholds of significance. Additionally, reducing the buildout intensity of the Planning Area to lower emissions to a level of less than significant is not feasible because it would prevent the attainment of key project objectives. Further, emissions from on-road mobile sources are regulated at the state and federal levels and, therefore, are outside of the control of local agencies such as the City of Hesperia and the MDAQMD. This fact makes the contemplation of any local restrictions on emission from vehicles infeasible and unenforceable.

Reference: Section 3.3 of the DEIR.

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<b>Impact AQ-3:</b>	<b>Would implementation of the proposed General Plan Update result in operational emissions that would contribute substantially to an existing or projected air quality violation?</b>
	<b>[CEQA Air Quality Threshold 3(b)]</b>

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**Significant and Unavoidable Project Specific and Cumulative Impacts**

*In both the comparisons between the 2009-year emissions and the General Plan scenarios, the exceedances of the MDAQMD significance thresholds for VOC, CO, PM10, and PM2.5 result in a significant impact and will result in or contribute to the violation of an ambient air quality standard.*

Both the Existing General Plan and the Proposed General Plan Update refer to the planned development within the Planning Area well into the future. The rate of development until the General Plan is completely built out (all land uses fully developed) depends on a number of factors. These factors relate to economic forces that drive the demand for new housing and commercial and industrial development. For analysis purposes, estimates of future General Plan emissions for both the Existing General Plan and the Proposed General Plan Update assumed a target buildout year of 2030 for analysis purposes. This provides a very conservative worst-case estimate of emissions at buildout since emissions from motor vehicles and other major sources are expected to continue to decline beyond 2030 as emissions standards become more stringent. In addition, most likely the Project Area will not be completely built out by the year 2030.

The operational emissions associated with the current emissions estimated for the year 2009 and the Existing General Plan are summarized in Table 3.1-1 for the daily emissions and in Table 3.1-2 for the annual emissions, Also shown are the net changes in emissions between 2009 and the Existing General Plan as well as the MDAQMD’s significance thresholds. As shown therein, with the exception of the daily NO<sub>x</sub> emissions and the annual NO<sub>x</sub> and CO emissions, the net change in emission levels substantially exceed the significance thresholds. The emissions of NO<sub>x</sub>, in particular

and CO to a lesser extent, are estimated to decline in the future despite of growth in the City as a result of the implementation of emission controls on transportation sources which are set to take effect over the next decade. Details regarding the emissions inventory are included in the Air Quality Analysis Report (Appendix B).

Table 3.3-6 and Table 3.3-7 provide a comparison between the daily and annual 2009 year emissions and emissions in the Proposed General Plan Update along with the net changes in emissions and the MDAQMD emission significance thresholds. This comparison shows similar results to the comparison of 2009-year emissions and the Existing General Plan emissions. In both the comparisons between the 2009-year emissions and the General Plan scenarios, the exceedances of the MDAQMD significance thresholds result in a significant impact and could result in or contribute to the violation of an ambient air quality standard.

Finally, the relative differences in emissions between 2009 and the two General Plan scenarios as shown in the above tables are comparable indicating that each General Plan scenario would have a comparable air quality impact.

**Table 3.1-1: Comparison of 2009 and Existing General Plan Daily Emissions**

Pollutant	Maximum Daily Emissions (pounds per day)			
	Existing 2009	Existing General Plan	Net Change	MDAQMD Significance Threshold
VOC	52,627	116,853	+64,2265	137
NOx	13,731	8,246	-5,485	137
CO	82,520	145,725	+63,205	548
PM <sub>10</sub>	9,957	20,789	+10,833	82
PM <sub>2.5</sub>	8,484	18,407	+9,923	82

Source: Michael Brandman Associates, Air Quality Analysis Report, Appendix B.

**Table 3.1-2: Comparison of 2009 and Existing General Plan Annual Emissions**

Pollutant	Annual Emissions (tons per year)			
	Existing 2009	Existing General Plan	Net change	MDAQMD Significance Threshold
VOC	1,508	2,660	+1,151	25
NOx	2,377	1,210	-1,167	25
CO	5,359	4,231	-1,127	100

Pollutant	Annual Emissions (tons per year)			MDAQMD Significance Threshold
	Existing 2009	Existing General Plan	Net change	
PM <sub>10</sub>	465	678	+214	15
PM <sub>2.5</sub>	247	360	+113	15

Source: Michael Brandman Associates, Air Quality Analysis Report, Appendix B

**Table 3.1-3: Comparison of 2009 Existing and Proposed General Plan Update Daily Emissions**

Pollutant	Maximum Daily Emissions (pounds per day)			MDAQMD Significance Threshold
	Existing 2009	Proposed General Plan Update	Net Change	
VOC	52,627	117,089	+64,226	137
NO <sub>x</sub>	13,731	8,184	-5,485	137
CO	82,520	146,018	+63,205	548
PM <sub>10</sub>	9,957	20,836	+10,833	82
PM <sub>2.5</sub>	8,484	18,453	+9,923	82

Source: Michael Brandman Associates, Air Quality Analysis Report, Appendix B

**Table 3.1-4: Comparison of 2009 Existing and Proposed General Plan Update Annual Emissions**

Pollutant	Emissions (tons per year)			MDAQMD Significance Threshold
	Existing 2009	Proposed General Plan Update	Net Change	
VOC	1,508	2,655	+1,147	25
NO <sub>x</sub>	2,377	1,198	-1,179	25
CO	5,359	4,226	-1,132	100
PM <sub>10</sub>	465	679	+215	15
PM <sub>2.5</sub>	247	361	+114	15

Source: Michael Brandman Associates, Air Quality Analysis Report, Appendix B

It is useful to note that the major emission sources for VOC, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> in the Planning Area are hearth-related sources such as wood fireplaces and stoves which make substantial contributions to the total emission burden in the city. The major NOx emission sources are transportation sources such as on road motor vehicles.

Therefore, the Draft EIR implemented Mitigation Measure AQ-3 to work with the MDAQMD and the San Bernardino Associated Governments to implement the federal ozone and PM<sub>10</sub> non-attainment plans and meet all federal and state air quality standards for pollutants. See Mitigation AQ-3, below.

**AQ-3** The City shall work with the MDAQMD and the San Bernardino Associated Governments to implement the federal ozone and PM<sub>10</sub> non-attainment plans and meet all federal and state air quality standards for pollutants. The City shall participate in any future amendments and updates to the non-attainment plans. The City shall also implement, review, and interpret the General Plan and future discretionary projects in a manner consistent with the non-attainment plans to meet standards and reduce overall emissions from mobile and stationary sources.

### Findings

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the Final EIR.

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the Final EIR.

There are no feasible mitigation measures which can mitigate this impact to a level below significance. Pursuant to CEQA Guidelines Section 15093, therefore, the City has balanced the benefits of the project against its unavoidable environmental risks and has determined that this impact is acceptable for the reason stated in the Statement of Overriding Considerations in Attachment A.

### Facts in Support of Findings

Although Mitigation Measure AQ-3 has been identified as well as the Climate Action Plan policies related to reducing air quality and greenhouse gases, the emission reductions from these measures would not be sufficient to reduce the impacts of the proposed project to less than significance.

Reference: Section 3.3 of the DEIR.

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<b>Impact AQ-4:</b>	<p><b>Would the project 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?</b></p> <p><b>[CEQA Air Quality Threshold 3(c)]</b></p>
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#### **Significant and Unavoidable Project Specific and Cumulative Impacts**

*The project would result in cumulatively considerable net increase of criteria pollutants for which the project region is nonattainment for State and/or federal air quality standards.*

The MDAQMD, where the project is located, is designated as a federal and/or State nonattainment area for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>, which means that background levels of these air pollutants are at times higher than the ambient air quality standards. Therefore, increases in emissions of VOC and NO<sub>x</sub> (both precursors to the formation of ozone), PM<sub>10</sub>, and PM<sub>2.5</sub> beyond the MDAQMD emission significance thresholds resulting from the project would result in a cumulatively considerable impact on air quality. Although the proposed Project would result in daily operational emissions of CO that would exceed the MDAQMD's significance threshold for CO, the Planning Area is currently in attainment of the federal and State CO standards. As discussed in response to Impact 3.3-5 below, the CO emissions from the proposed Project would not result in an exceedance of any federal or State CO ambient air quality standard.

Criteria pollutant emissions were estimated for the existing condition of 2009 as well as for two General Plan scenarios, the Existing General Plan and the Proposed General Plan Update. As noted in the discussion of Impact 3.3-2, the project has the potential to generate construction emissions that could exceed the MDAQMD's emission significance thresholds at least for large construction projects such as distribution centers, industrial parks, and regional commercial and retail centers. Further, the emission estimations from the operation of the project are shown to result in increases in emissions from current levels that would exceed the MDAQMD's emission significance thresholds for VOC, PM<sub>10</sub>, and PM<sub>2.5</sub> all of which are nonattainment pollutants. Therefore, the project would result in cumulatively considerable net increase of criteria pollutants for which the project region is nonattainment for State and/or federal air quality standards.

The air quality standards were set to protect public health, including the health of sensitive individuals (i.e., elderly, children, and the sick). Therefore, when the concentration of those pollutants exceeds the standard, it is likely that some sensitive individuals in the population will experience health effects as summarized in the Draft EIR. However, the health effects are a factor of the dose-response curve. This means that a concentration of the pollutant in the air (dose), the length of time exposed, and the response of the individual are factors involved in the severity and nature of health impacts. If a significant health impact results from Proposed Project emissions, it does not mean that 100 percent of the population would experience health effects.

The analysis of construction impacts concluded that depending on the timing and intensity of development during the course of the General Plan build out, there is likelihood that the construction emissions from a large project such as a distribution center or major commercial/retail center could exceed the MDAQMD's emission significance thresholds. Further, the increases in operational emissions from the 2009 existing levels to the General Plan build out would exceed the MDAQMD's emission significance thresholds as well for VOC, PM<sub>10</sub>, and PM<sub>2.5</sub>. VOC is a precursor to the formation of ozone. Because ozone is a secondary pollutant (it is not emitted directly but formed by chemical reactions in the air), it can be formed miles downwind of the Planning Area. Proposed Project emissions of VOC may combine with ambient NO<sub>x</sub> levels to contribute to the background concentration of ozone and cumulatively cause health effects. Health impacts may or may not include the following: (a) Pulmonary function decrements and localized lung edema in humans and animals; (b) Risk to public health implied by alterations in pulmonary morphology and host defense in animals; (c) Increased mortality risk; (d) Risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans. Short-term exposure can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes. Children who live in high ozone communities and who participate in multiple sports have been observed to have a higher asthma risk. This is a significant cumulative health impact associated with ground-level ozone concentrations.

Additionally, during operation or implementation of the General Plan Update, the Planning Area could result in a significant cumulative contribution to PM<sub>2.5</sub> and PM<sub>10</sub>. Sensitive individuals may experience health impacts when concentrations of those pollutants exceed the ambient air quality standards. Health impacts from particulate matter may include the following: (a) exacerbation of symptoms in sensitive patients with respiratory or cardiovascular disease; (b) declines in pulmonary function growth in children; (c) and/or increased risk of premature death from heart or lung diseases in the elderly.

### **Findings**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the Final EIR.

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the Final EIR.

There are no feasible mitigation measures which can mitigate this impact to a level below significance. Pursuant to CEQA Guidelines Section 15093, therefore, the City has balanced the benefits of the project against its unavoidable environmental risks and has determined that this impact is acceptable for the reason stated in the Statement of Overriding Considerations in Attachment A.

**Facts in Support of Findings**

The City has adopted a number of policies within the General Plan Update and Climate Action Plan that are designed to reduce overall emissions and, therefore, airborne air pollution from development. In addition, mitigation measures identified as AQ-1 to AQ-5 would also reduce emission levels from development projects. However, the application of mitigation would not be sufficient to reduce impacts to less than significant.

Reference: Section 3.3 of the DEIR.

**3.2 - Noise**

**Impact N-3: Will the project create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

**Significant and Unavoidable Project Specific and Cumulative Impacts**

*Various residences are located near roadways that will increase more than 3 dBA and where the sound level exceeds 65 dBA CNEL and will be significantly impacted upon buildout of the General Plan Update.*

The definition of an intersection deficiency has been obtained from the proposed City of Hesperia General Plan Noise Element. The General Plan Noise Element states that any land uses producing above 65 CNEL (exterior) will be considered deficient and any residential or institutional land uses producing above 45 CNEL (interior) or commercial/industrial producing above 45 through 65 CNEL (interior) will be considered deficient.

In addition, an increase of less than 3 dBA is not perceptible by the average human ear. However, areas of frequent outdoor use, such as rear yards, patios, child play areas, at existing and new noise sensitive land uses in areas where the sound level exceeds 65 dBA CNEL along these roadways may be significantly impacted. Therefore, an increase in excess of 3 dBA and where the sound levels exceed 65 dBA CNEL will be significantly impacted.

A comparison of existing traffic noise levels and traffic noise levels with implementation of the proposed General Plan Update is located within the Draft EIR, which shows that traffic resulting from implementation of the General Plan Update would cause noise level changes ranging from a reduction of 4 dBA CNEL to an increase of 23 dBA CNEL. Additionally, as outlined within the Draft EIR, various residences are located near roadways that will increase more than 3 dBA and where the sound level exceeds 65 dBA CNEL. An increase of less than 3 dBA is not perceptible by the average human ear; however, areas of frequent outdoor use, such as rear yards, patios, child play areas, at existing and new noise sensitive land uses in areas where the sound level exceeds 65 dBA CNEL along these roadways may be significantly impacted. Therefore, residences located within areas of more than 3 dBA and where the sound level exceeds 65 dBA CNEL will be significantly impacted.

Implementation of the General Plan Update will require the design and construction of commercial and mixed-use structures with noise attenuation methods to minimize excessive noise at residential and other noise sensitive land uses (see Policy NO-1.5). Furthermore, implementation of the proposed General Plan Update will ensure that noise sensitive land uses are not subjected to inappropriate noise levels resulting from transportation systems (see Policy NO-1.7).

In addition, conditions related to project level specifics such as, location to sensitive receptors, lot layouts, site plan configurations and building design are unknown at present and cannot be known until specific development proposals are submitted in the future. Therefore, mitigation measure N-1 will be implemented to address project specific noise impacts and, if necessary, to require noise attenuation measures for individual projects if significant noise impacts should occur (see Mitigation Measure N-1).

### **Findings**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the Final EIR.

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the Final EIR.

There are no feasible mitigation measures which can mitigate this impact to a level below significance. Pursuant to CEQA Guidelines Section 15093, therefore, the City has balanced the benefits of the project against its unavoidable environmental risks and has determined that this impact is acceptable for the reason stated in the Statement of Overriding Considerations in Attachment A.

### **Facts in Support of Findings**

Although implementation of the proposed General Plan Update and mitigation measure will avoid impacts to proposed residences and sensitive receptors within the Planning Area, existing residences and sensitive receptors located in areas in excess of 3 dBA where the sound level exceeds 65 dBA CNEL will be significantly impacted. The proposed General Plan Update will implement mitigation measures N-1 to reduce impacts to proposed residences and sensitive receptors in areas in excess of 3 dBA where the sound level exceeds 65 dBA CNEL. However, no mitigation is feasible to reduce noise impacts to existing residences and sensitive receptors located in these areas to a level of less than significant. Consequently, impacts to existing residences and sensitive receptors in areas in excess of 3 dBA where the sound level exceeds 65 dBA CNEL upon buildout of the proposed General Plan Update will remain significant and unavoidable.

Reference: Section 3.11 of the DEIR.

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### 3.3 - Transportation

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Impact T-1	<p>Would the Project 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)?</p> <p>[CEQA Transportation Threshold 15(a)]</p>
Impact T-2	<p>Would the Project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</p> <p>[CEQA Transportation Threshold 15(b)]</p>

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#### Significant and Unavoidable Project Specific and Cumulative Impacts

*Development of the land uses permitted within the proposed Planning Area will result in additional traffic volume on roadways within the City of Hesperia and Sphere of Influence (SOI) and in some cases, the addition of traffic will result in operating conditions that exceed City Level of Service (LOS) thresholds.*

The Project-related traffic was analyzed in the Transportation Technical Report prepared by Kimley-Horn and Associates, Inc. (2009) included in Appendix I of the Draft EIR. The Transportation Technical Report (2009) provided a recommended circulation plan for accommodating future growth and addressing future transportation issues upon build-out of the proposed General Plan. The recommended circulation plan provides strategies and approaches for addressing future transportation issues and opportunities. It envisions a system that serves future circulation needs for people and goods using multiple modes of travel.

Implementation of the proposed General Plan will be consistent with the recommended circulation plan by implementing proposed Goals and Policies. Additionally, the proposed circulation plan recommends the following improvements:

#### **Roadway Plan**

The proposed circulation plan recommends that Hesperia's future street system serve multiple roles and functions:

- Provide convenient property access to residences and businesses;
- Move traffic efficiently – facilitating convenient intra-city travel and providing access to regional transportation facilities in a manner that minimizes traffic congestion and delay;
- Accommodate multiple travel modes on the surface (autos, trucks, transit, bicycles, equine, and pedestrians) as well as underground utilities;
- Provide a safe environment for circulation; and
- Contribute to the aesthetics of the city with attractive landscaping, signing, and gateways.

Implementation of the proposed General Plan Update will be consistent with the aforementioned recommendations by developing 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 the current and future development requirements within the planning area (See Goal CI-1).

***Goods Movement***

The proposed circulation plan recommends that industrial and warehousing land uses (those that generate greater volumes of trucking activity) be congregated in industrial areas of the City. In addition, the barrier to circulation caused by the Burlington Northern Santa Fe (BNSF) freight rail line can be mitigated by constructing additional grade separated rail crossings at the locations identified in the roadway plan.

Implementation of the proposed General Plan will be consistent with the aforementioned recommendations by requiring the separation or buffering of residential areas from industrial businesses, which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, and other techniques (see Implementation Policy LU-3.5). In addition, implementation of the proposed General Plan Update will coordinate with the BNSF Railroad, the Union Pacific Railroad and appropriate funding agencies to ensure the timely development of needed railroad grade separations (see Implementation Policy CI-3.3).

***Transit***

The proposed circulation plan recommends that developments be designed in a manner that provides convenient access to bus stops with comfortable waiting areas at the bus stops. In addition, the proposed circulation plan recommends that the City provide Victor Valley Transit Authority with input and information that can help them to provide service in the areas that best meet the needs of Hesperia's citizens.

Implementation of the proposed General Plan will be consistent with the aforementioned recommendations by continuing to participate with the Victor Valley Transit Authority to ensure there are adequate routes to provide efficient, adequate, and safe service for the community (see Implementation Policy CI -5.3). In addition, implementation of the proposed General Plan Update will continue to work with and support the Victor Valley Transit Authority in providing transit facilities for elderly and handicapped residents (see Implementation Policy CI -5.4).

***Non-motorized Transportation***

The proposed circulation plan recommends that areas developed with a mix of land use types be planned to include walkways and bicycle facilities that facilitate non-motorized travel for short trips. Implementation of the proposed General Plan will be consistent with the aforementioned recommendations by officially establishing Class One, Class Two, and Class Three bicycle trails in

the Non Motorized Transportation Plan, and an equestrian trail established by the Hesperia Park and Recreation District.

***Regional Transportation***

The highways that currently provide regional access for Hesperia (i.e. I-15, US-395, and SR-138) will be inadequate to serve the future regional transportation needs of the Victor Valley, which is projected to exceed a population of 1.2 million when the local land use plans are built out. These roadways will need additional future capacity, which includes that Interstate 15 (I-15) be widened; a new highway alignment for US-395 in addition to a six-lane arterial on the present alignment, and SR-138 be developed as a major six-lane highway between I-15 and Summit Valley Road. Without these improvements, regional traffic will spill over onto the City's system of arterial streets, creating substantial congestion and inhibiting efficient circulation for Hesperia residents, employees, and customers. To maximize efficient circulation in Hesperia, the circulation plan recommends that the City become a proactive player in the process to identify and develop specific solutions to these corridor improvement needs through cooperative regional and subregional planning efforts.

Implementation of the proposed General Plan Update will be consistent with the aforementioned recommendations by coordinating with the California Department of Transportation (Caltrans) and other regional transportation agencies concerning the improvement and construction of needed freeway interchanges and other barrier crossings to relieve traffic congestion to improve circulation, and improve the coordination of traffic signals at existing freeway interchanges with those on City streets (see Implementation Policy CI-3.2). In addition, implementation of the proposed General Plan will provide a circulation system that facilitates the movement of goods and services throughout the City while protecting residences, sensitive land uses, and pedestrians from activities along rail and truck corridors (see Goal CI-4).

Consequently, implementation of the proposed Goals and Policies of the Hesperia General Plan will be consistent with recommendations provided in the Transportation Technical Report (2009).

***Proposed General Plan Level of Service at Intersections with Improvements***

Based upon General Plan Implementation Policy CI-2.1, roadways and intersections operating at Level of Service (LOS) E and F will be considered deficient, except through freeway interchanges and major corridors (Bear Valley, Main Street/Phelan Road, Highway 395), in which case LOS F will be considered deficient, the forecasted morning and afternoon peak hour LOS for the study intersections with recommended improvements are projected to have significant impacts at nine (9) study intersections during the AM peak hour period and eight (8) study intersections during the PM peak hour period upon buildout of the proposed General Plan.

***Existing and Proposed General Plan Build-out Comparison***

In comparison to the existing General Plan build-out, implementation of the proposed General Plan will increase LOS for the study intersections over the existing General Plan to LOS E or F at seven

(7) of the study intersections during the AM peak hour period and are projected to operate at LOS E or F at five (5) study intersections during the PM peak hour period. However, implementation of the proposed General Plan will produce LOS for the study intersections over the existing General Plan to LOS E or F at three (3) of the study intersections during the AM peak hour period and are projected to operate at LOS E or F at twelve (12) study intersections during the PM peak hour period.

The General Plan's proposed Goals and Policies will systematically improve the public roadway system to meet existing and future demands within the planning area by annually adopting a multi-year Capital Improvement Program (CIP) and budget to ensure the organized financing and construction of roadway improvements. Moreover, implementation of the proposed General Plan Update will establish a Development Impact Fee (DIF) program for future development, which includes improvements to roadways, which may have their Levels of Service (LOS) classification reduced as a result of the impact of new development (see Implementation Policy CI -1.1, CI -1.7 and CI-2.6).

Although the Hesperia General Plan's proposed Goals and Policies are consistent with the recommendations provided within the Transportation Technical Report, upon implementation of the General Plan's proposed Goals and Policies roadways and intersections operating at Level of Service E to F, respectively, will be considered deficient unless located on freeway interchanges and major corridors (Bear Valley, Main Street/Phelan Road, Highway 395) then roadway segments and intersections located within freeway interchanges and major corridors operating at Level of Service F will therefore be considered deficient. The forecasted morning and afternoon peak hour LOS for the study intersections with recommended improvements are projected to have significant impacts at nine (9) study intersections during the AM peak hour period and eight (8) study intersections during the PM peak hour period. Therefore, implementation of the Project will have a significant impact to LOS upon build-out of the proposed General Plan Update.

In order to address needed improvements to I-15 , SR 395 and other regional transportation facilities, the proposed General Plan Update contains several implementation policies addressing the planning, coordination and financing of such facilities with CALTRANS and regional agencies (see in particular Implementation policies CI 1.1, 1.2, 1.7, 1.8 and 3.2). The City will continue to work in conjunction with regional agencies to address regional traffic issues, but will not be able to ensure that adequate facilities will in place to accommodate regional growth as the timing, financing and construction of such facilities are not within the control of the City. In addition, impacts to some local roadways will be significant, adverse and unavoidable due to physical constraints that prevent the feasible implementation of improvements that would allow for the attainment of City LOS thresholds. Therefore, impacts to the identified roadway segments and intersections within the City will remain significantly adverse and unavoidable.

In addition, the timing and location of improvements to intersections and roadway segments that, with full development of the circulation improvements identified in the Circulation Element of the

proposed General Plan Update would otherwise have acceptable LOS, may result in unacceptable LOS if improvements are not in place at the time that a given development project is constructed. Accordingly, mitigation measure TIA-1 will be implemented to address whether improvements in the circulation plan are in place within a timely manner to adequately address project level impacts.

**MM TIA-1** To ensure that traffic generated from individual, discretionary, site-specific development proposals within the Planning Area will not result in inadequate LOS for project intersections, the Development Services Director shall review such proposals at the time of application submittal. If necessary, a project level traffic study may be required, as determined by the Development Services Director, in order to evaluate project level impacts. If it is determined that traffic generated from such proposal would cause LOS failure, the project proponent shall provide, either through construction of improvements and/or monetary contribution, for improvements necessary to maintain an acceptable LOS, as determined by the Development Services Director. Such improvements and/or monetary contribution shall be provided in proportion to an individual project's impacts on traffic and to the satisfaction of the Development Services Director. Mitigation required herein shall not require improvements to reduce LOS for those intersections and segments for which this EIR has determined that impacts are significant, adverse, and unavoidable, beyond those improvements identified in the Circulation Element of the updated General Plan.

**Findings**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the Final EIR.

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the Final EIR.

There are no feasible mitigation measures which can mitigate this impact to a level below significance. Pursuant to CEQA Guidelines Section 15093, therefore, the City has balanced the benefits of the project against its unavoidable environmental risks and has determined that this impact is acceptable for the reason stated in the Statement of Overriding Considerations in Attachment A.

**Facts in Support of Findings**

Development of the land uses permitted within the proposed Planning Area will result in additional traffic volume on roadways within the City of Hesperia and SOI. In some cases, the addition of traffic will result in operating conditions that exceed City LOS thresholds. The City will work with regional agencies to mitigate the traffic impacts of growth for regional facilities, but is unable to

ensure the mitigation of traffic impacts within the City of Hesperia and SOI. Therefore, these impacts remain significant, adverse and unavoidable. In addition, impacts to some local roadways will be significant, adverse and unavoidable due to physical constraints that prevent the feasible implementation of improvements that would allow for the attainment of City LOS thresholds.

Reference: Section 3.15 of the DEIR.



## SECTION 4: FEASIBILITY OF PROJECT ALTERNATIVES

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to a level of insignificance solely by the adoption of mitigation measures, the lead agency has no obligation in drafting its findings to consider the feasibility of environmental superior alternatives, even if their impacts would be less severe than those of the project as mitigated. Accordingly, in adopting the findings concerning alternatives for the proposed project, the City of Hesperia considers only those significant environmental impacts that cannot be avoided or substantially lessened through mitigation.

Where, as here, a project will result in some unavoidable significant environmental impacts even after application of all feasible mitigation measures identified in the Final Environmental Impact Report (EIR), the lead agency must consider the feasibility of alternatives to the project which could avoid or substantially lessen the unavoidable significant environmental impacts. "Feasible" means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social and technological factors California Environmental Quality Act (CEQA Guidelines Section 15364).

If there are no feasible project alternatives, the lead agency must adopt a Statement of Overriding Considerations with regard to the project pursuant to State CEQA Guidelines Section 15093. If there is a feasible alternative to the project, the lead agency must consider in detail only those alternatives which could feasibly attain most of the basic objectives of the project; however, the lead agency must consider alternatives capable of eliminating significant environmental impacts even if these alternatives would impede to some degree the attainment of the project objectives (CEQA Guidelines Section 15126(d)).

These findings contrast and compare the alternatives where appropriate in order to demonstrate that the selection of the proposed project, while still resulting in certain unavoidable significant environmental impacts, has substantial planning, fiscal and other benefits. In rejecting certain alternatives, the City has examined the project objectives and weighed the ability of the various alternatives to meet the objectives. The City believes that there is no alternative to the proposed project that is both environmentally superior to the proposed project and achieves the project objectives. The objectives of the proposed project that have been considered by the City are:

1. Promote and support economic development to provide jobs in concert with future population growth.
2. 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.
3. Regulate development so that the density of residential development and the intensity of non-residential development are appropriate to the property and to surrounding properties and neighborhood.
  4. Protect and enhance the quality of life by ensuring residential development is visually pleasing and compatible with existing uses and neighborhoods as well as the natural desert environment.
  5. Designate and protect land for public uses to serve the needs of the community for schools, parks, community facilities, open space, utilities and infrastructure.
  6. Promote sustainable development and building practices in all facets of Project development through completion of construction.
  7. Provide a guide for City recommendations to San Bernardino County regarding development proposals within the sphere of influence.
  8. Provide the land use and policy framework for pre-zoning, infrastructure master planning to facilitate the orderly annexation of sphere areas into the corporate boundaries of the City.

The Final EIR examined a reasonable range of alternatives to the proposed project to determine whether any alternative could meet the project's objectives while avoiding or substantially lessening one or more of the project's significant unavoidable impacts. These findings examine each alternative to determine feasibility. In determining the feasibility of alternatives, the lead agency may take into account factors such as whether the alternative could be accomplished in a successful manner within a reasonable period of time in light of economic, environmental, legal, social and technological factors.

The Final EIR has concluded that after adherence to all applicable regulatory requirements, inclusion of design features and incorporation of all feasible mitigation measures, the project will nevertheless have five (5) remaining significant adverse environmental impacts: impacts to Air Quality, which include exceeding the Mojave Desert Air Quality Management District (MDAQMD) thresholds; violation of an ambient air quality standard; and contribute to cumulatively considerable air quality impacts. In addition, the proposed Project will result in significant effects after the implementation of feasible mitigation measures for noise impacts, which includes permanent increase in ambient noise levels and cumulative increase in ambient noise levels. Additionally, the proposed Project will result in significant effects after the implementation of feasible mitigation measures for traffic, which includes exceeding LOS thresholds and cumulatively exceeding Level of Service (LOS) thresholds.

Accordingly, the Final EIR analyzed four (4) alternatives to the proposed project. The alternatives, which are analyzed in Section 6 of the EIR, include:

- Alternative 1: No Project/Development in Accordance with Existing General Plan Land Use Designations;
- Alternative 2: High Intensity Buildout with new Corridors;
- Alternative 3: High Intensity Buildout no new Corridors; and
- Alternative 4: Increase Density Buildout within the Sphere of Influence (SOI).

The following summarizes the feasibility of these alternatives as a means to reduce or avoid the significant unmitigated impacts associated with the project.

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#### **4.1 - Alternative 1 - Project/Development in Accordance with Existing General Plan Land Use Designations**

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Under the No Project Alternative/Current General Plan Buildout, the Planning Area would be developed according to the existing General Plan designations. The No Project Alternative/Current General Plan Buildout assumes full buildout of land uses envisioned in the City's current General Plan and assumes that potential regional highway corridor improvements in the Victor Valley will be constructed.

Since this alternative leaves everything as is, impacts in nine of the environmental issues would be equivalent to the Project, including Aesthetics, Agricultural Resources, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning and Mineral Resources. In addition, eight (8) of the environmental issues would be marginally less than the Project, including Air Quality, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, Utilities and Service Systems, and Climate Change. None of the significant, adverse and unavoidable impacts associate with the Proposed Project would be eliminated under the No Project/Current General Plan Alternative.

Although the No Project Alternative/Current General Plan Buildout alternative would produce equivalent or less impact over the Project, according to the Transportation Technical Report, under the Current General Plan, 76 out of the 118 roadway segments are projected to operate at LOS D or better. The forecast further indicated that five (5) of the study intersections are projected to operate at LOS E or F during the AM peak hour and 21 study intersections are projected to operate at LOS E or F during the PM peak hour. In comparison to the No Project Alternative/Current General Plan Buildout alternative, implementation of the Project will increase LOS for the study intersections over the alternative at seven (7) of the study intersections during the AM peak hour period and five (5) study intersections during the PM peak hour period. However, implementation of the proposed General Plan will reduce LOS for the study intersections over the existing General Plan at three (3) of

the study intersections during the AM peak hour period and twelve (12) study intersections during the PM peak hour period.

In addition, as proposed in the General Plan Update, the potential new alignment as outlined of US Route-395 would substantially reduce future traffic on the two continuous north-south arterials, located west of the I-15 Freeway. Consequently, the resulting average daily trips (ADT) would be 20,000 to 25,000 ADT lower on the six-lane arterial in the current 395 alignment, and over 30,000 lower on Baldy Mesa Road. If a realigned 395 is not built, those roadways can be expected to experience severe congestion in the future for both the proposed Project and the No Project alternative.

Consequently, the No Project Alternative/Current General Plan Buildout alternative would not meet Project Objective Number 6 regarding transportation compatibility as it would continue to significantly impact LOS levels at three (3) of the study intersections during the AM peak hour period and twelve (12) study intersections during the PM peak hour period and overall traffic impacts would be more severe than the Project. Moreover, the No Project Alternative/Current General Plan Buildout alternative would not implement the new alignment for 395 and Baldy Mesa Road and would continue to significantly impact these intersections.

Therefore, for the potential significant impacts which cannot be mitigated to a level below significance, the City adopts the Statement of Overriding Considerations located in Attachment A of this document pursuant to CEQA Guidelines Section 15093.

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#### **4.2 - Alternative 2 - High Intensity Buildout with new Corridors**

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Under the High Intensity Buildout with new Corridors, the total population would increase to 257,008 (a one percent increase over the Project), the total dwelling units would increase to 85,505 (a four percent increase over the Project), the total employment would increase to 148,181 (a 50 percent increase over the Project), and the total school enrollment would increase to 70,951 (a 4 percent increase over the Project). In addition, this alternative would implement new corridors to accommodate an additional general purpose lane and a high occupancy vehicle (HOV) lane in each direction between US-395 and the Mojave River.

Implementation of Alternative 2 would produce impacts that are same as the Project with respect to Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials and Mineral Resources. However, under the High Intensity Buildout with new Corridors, land uses within the Planning area would increase in terms of density and intensity of uses, resulting in greater impacts over the Project in 12 of the environmental issues, including each issue, which has significant, adverse environmental impacts. These 12 issue areas comprise aesthetics, agricultural resources, air quality, hydrology and water quality, land use and planning, noise, population and

housing, public services, recreation, transportation/traffic, utilities and service systems, and climate change.

Due to increased intensity/density of land uses within the Planning Area, traffic will substantially increase in turn producing an increase in noise, air emissions and green house gasses within the Project area. In addition, population and housing will increase within the Planning Area in turn producing a higher demand on utilities and service systems, hydrology and water quality, public services and recreational facilities, although these affects would be somewhat offset by increased payment of development impact fees, taxes and user fees. Moreover, a higher intensity of residential uses within the Planning Area will reduce the availability of agricultural land uses and will degrade the aesthetically appealing open space within the Planning Area.

In addition, the Transportation Technical Study analyzed traffic impacts upon buildout of the High Intensity Buildout with new Corridors alternative and concluded that 69 out of the 118 roadway segments are projected to operate at LOS D or better. Consequently, 19 of the study intersections are projected to operate at LOS E or F during the AM peak hour period and 35 study intersections are projected to operate at LOS E or F during the PM peak hour period. In comparison to the Project, implementation of the High Intensity Buildout with new Corridors alternative will increase LOS levels for the study intersections over the Project at ten (10) of the study intersections during the AM peak hour period and 27 study intersections during the PM peak hour period. Therefore, the High Intensity Buildout with new Corridors alternative would produce greater transportation impacts over the Project.

Moreover, this alternative would meet five (5) of the Project objectives: OBJ-1 (Promote and support economic development), OBJ-5 (Designate and protect land for public uses), OBJ-6 (Promote sustainable development and building practices in all facets of project development through completion of construction), OBJ-7 (Provide a guide for City recommendations to San Bernardino County regarding development proposals within the sphere of influence), and OBJ-8 (Provide the land use and policy framework for pre-zoning, infrastructure master planning to facilitate the orderly annexation of sphere areas into the corporate boundaries of the City). However, this alternative would not meet three (3) of the Project objectives, including OBJ-2, OBJ-3, and OBJ-4 due to non-efficient, transportation system throughout the community.

Therefore, for the potential significant impacts which cannot be mitigated to a level below significance, the City adopts the Statement of Overriding Considerations located in Attachment A of this document pursuant to CEQA Guidelines Section 15093.

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### **4.3 - Alternative 3 - High Intensity Buildout no new Corridors**

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Under the High Intensity Buildout with no new Corridors, the total population would increase to 257,008 (a one percent increase over the Project), the total dwelling units would increase to 85,505 (a

four percent increase over the Project), the total employment would increase to 148,181 (a 50 percent increase over the Project), and the total school enrollment would increase to 70,951 (a 4 percent increase over the Project). These increases are identical to those outlined under Alternative 2, above. However, this alternative would not implement new corridors to accommodate an additional general purpose lane and a high occupancy vehicle (HOV) lane in each direction between US-395 and the Mojave River.

Implementation of Alternative 3 would produce impacts that are same as the Project with respect to Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials and Mineral Resources. However, under the High Intensity Buildout without new Corridors, land uses within the Planning area would increase in terms of density and intensity of uses, resulting in greater impacts over the Project in 12 of the environmental issues, including each issue which has significant, adverse environmental impacts (similar to Alternative 2). These 12 issue areas comprise aesthetics, agricultural resources, air quality, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation/traffic, utilities and service systems, and climate change.

Due to increased intensity/density of land uses within the Planning Area, traffic will substantially increase in turn producing an increase in noise, air emissions and green house gasses within the Project area. In addition, population and housing will increase within the Planning Area in turn producing a higher demand on utilities and service systems, hydrology and water quality, public services and recreational facilities, although these affects would be somewhat offset by increased payment of development impact fees, taxes and user fees. Moreover, a higher intensity of residential uses within the Planning Area will reduce the availability of agricultural land uses and will degrade the aesthetically appealing open space within the Planning Area.

In addition, the Transportation Technical Study analyzed traffic impacts upon buildout of the High Intensity Buildout with no new Corridors alternative and concluded that 54 out of the 118 roadway segments are projected to operate at LOS D or better. Consequently, 19 of the study intersections are projected to operate at LOS E or F during the AM peak hour period and 31 study intersections are projected to operate at LOS E or F during the PM peak hour period. In comparison to the Project, implementation of the High Intensity Buildout with no new Corridors alternative will increase LOS for the study intersections over the Project at ten (10) of the study intersections during the AM peak hour period and 23 study intersections during the PM peak hour period. In addition, this alternative would not implement new corridors to accommodate an additional general-purpose lane and a HOV lane in each direction between US-395 and the Mojave River. Therefore, the High Intensity Buildout with new Corridors alternative would produce greater transportation impacts over the Project.

Moreover, this alternative would be similar to alternative No. 2 in that it would meet five (5) of the Project objectives: OBJ-1 (Promote and support economic development), OBJ-5 (Designate and protect land for public uses), OBJ-6 (Promote sustainable development and building practices in all

facets of project development through completion of construction), OBJ-7 (Provide a guide for City recommendations to San Bernardino County regarding development proposals within the sphere of influence), and OBJ-8 (Provide the land use and policy framework for pre-zoning, infrastructure master planning to facilitate the orderly annexation of sphere areas into the corporate boundaries of the City). However, this alternative would not meet three (3) of the Project objectives, including OBJ-2, OBJ-3, and OBJ-4 due the elimination of new corridors to accommodate an additional general purpose lane and a HOV lane in each direction between US-395 and the Mojave River, consequently producing a non-efficient transportation system throughout the community.

Therefore, for the potential significant impacts which cannot be mitigated to a level below significance, the City adopts the Statement of Overriding Considerations located in Attachment A of this document pursuant to CEQA Guidelines Section 15093.

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#### **4.4 - Alternative 4: Increased Density Buildout within Sphere of Influence (SOI)**

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Under the Increased Density Buildout within SOI Alternative, the City of Hesperia would be developed with land uses and a circulation system identical to the proposed General Plan land use designations with the existing boundaries of the City. However, the residential densities within Rural Residential Land Uses designations with the SOI (RR-2 ½, RR (SD), RR-1, and RR-20000) would be increased to have an average residential density of 2 homes per acre. The total area within these land use designations is approximately 28,253 acres that, under the Project/Proposed General plan would yield approximately 16,711 homes. Under this Alternative, this portion of the Project area would yield 56,506 homes. When considered in the context of the entire Project the number of homes developed would be 119,650 as compare to 79,855 under the Project/Proposed General Plan, or a 66.7 percent increase.

Implementation of Alternative 4 will produce equivalent impacts to the Project with respect to Agricultural Resources, Biological Resources, Cultural Resources, Geology and Soils, and Mineral Resources in comparison to the Project. However, the substantially greater number of homes that would be developed under this alternative would result in substantially greater: traffic; air pollution; greenhouse emissions; noise; and water quality degradation. It would also place additional stress on public services and utility systems, and would also expose a greater number of persons to potential hazards. Due to increased land uses within the SOI, transportation will significantly increase in turn producing an increase in noise, air emissions and green house gasses within the SOI. In addition, population and housing will increase within the SOI in turn producing a higher demand on utilities and service systems, public services and recreational facilities. Moreover, a higher intensity of residential uses within the SOI increase hazardous impacts from fires from being located within the foothill areas of the local mountains (these areas are prone to seasonal fires, consequently impacting residences who may reside within these areas). The increased densities would also have the potential create land use compatibility problems within the more rural portions of the project area within the

Oak Hills Community Plan and would greatly exacerbate the current imbalance between the provision of jobs and housing with the Project Area.

This alternative would meet only three (3) of the Project objectives: OBJ-5 (Designate and protect land for public uses), OBJ-7 (Provide a guide for City recommendations to San Bernardino County regarding development proposals within the sphere of influence), and OBJ-8 (Provide the land use and policy framework for pre-zoning, infrastructure master planning to facilitate the orderly annexation of sphere areas into the corporate boundaries of the City). This alternative would not meet Objective 1 due to the jobs/housing imbalance it will create. It would not meet Objective 2 because the additional traffic created would be likely to overwhelm the transportation system that could reasonably be provided to support the alternative. It would not meet Objective 3 because of the potential to create land use conflicts with less intense rural land uses. Finally, it is not likely to support the sustainable development called for under Objective 6 as it would create an inherently unsustainable pattern of land use that would be inefficient to adequately serve in terms of public services and utilities.

Therefore, for the potential significant impacts which cannot be mitigated to a level below significance, the City adopts the Statement of Overriding Considerations located in Attachment A of this document pursuant to CEQA Guidelines Section 15093.

**Attachment A:  
Statement of Overriding Considerations**

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## Statement of Overriding Considerations

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The California Environmental Quality Act (CEQA) requires the lead agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project.

The City of Hesperia (City) proposes to approve the Hesperia General Plan Update (project) although significant and unavoidable adverse impacts are expected to occur related to Air Quality, which include exceeding the Mojave Desert Air Quality Management District (MDAQMD) thresholds for VOC, PM<sub>10</sub>, and PM<sub>2.5</sub>; violation of an ambient air quality standard; and contribute to cumulatively considerable air quality impacts. In addition, the proposed project will result in significant effects after the implementation of feasible mitigation measures for noise impacts, which includes permanent increase in ambient noise levels and cumulative increase in ambient noise levels. Additionally, the proposed Project will result in significant effects after the implementation of feasible mitigation measures for traffic, which includes exceeding LOS thresholds and cumulatively exceeding Level of Service (LOS) thresholds.

These significant adverse unavoidable impacts have been identified and evaluated in the Final Environmental Impact Report (EIR). Even though these adverse impacts are not reduced to a level considered less than significant, the City finds, after balancing these impacts with the benefits of the project, that those impacts are outweighed by the benefits of the project. Further, the alternatives which were identified in the Final EIR to the same extent as the proposed project would not meet either in part or in whole the project objectives.

Pursuant to Public Resources Code (PRC) Section 21081(b) and the California Environmental Quality Act (CEQA) Guidelines Section 15093, the City has balanced the benefits of the proposed project against these unavoidable adverse impacts associated with the proposed project and has adopted all feasible mitigation measures with respect to the air quality, noise, traffic and climate change.

The City also has examined alternatives to the proposed project, none of which both meet the project objectives and is environmentally preferable to the proposed project. The City, after balancing the specific economic, legal, social, technological, and other benefits of the proposed project, has determined that the unavoidable adverse environmental impacts identified above may be considered “acceptable” due to the following specific considerations which outweigh the unavoidable, adverse environmental impacts of the proposed project. Each of the separate benefits of the proposed project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these Findings. The City Council and City Planning Commission have independently verified the existence of all facts stated below to justify the Statement of Overriding Considerations.

- Implementation of the General Plan Update will comply with State requirements and, more importantly, will provide the City, its residents, land owners and businesses, staff and policy makers and all stakeholders with a comprehensive, long-range policy guideline for future development.
- Implementation of the General Plan Update will serve as a foundation in making land use decisions based on goals and policies related to land use, transportation routes, population growth and distribution, development, open space, resource preservation and utilization, air and water quality, noise impacts, safety issues and other related physical, social, and economic development factors.
- Implementation of the General Plan Update will address the continuing change, growth, and development of the City of Hesperia over the next two decades and will provide a public policy framework for the future of the city.
- Implementation of the General Plan Update will comply with the State of California requirement that all counties and cities “adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning” (Government Code Section 65300).
- Implementation of the General Plan Update will create a safe, efficient and balanced transportation network, improve environmental quality, encourage healthier lifestyles, and support economic development. The General Plan Update will 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.
- Implementation of the General Plan Update will preserve the character of existing single-family residential neighborhoods and continue to improve the higher density neighborhoods. Diversity in the types of housing in the city is necessary to accommodate a population with varying socioeconomic needs.
- Implementation of the General Plan Update will identify resources that should be preserved, and set the foundation for preservation of these resources by utilizing a variety of tools that will promote the sustainability and environmental integrity of the City of Hesperia. The General Plan Update will establish the City’s priorities as they relate to natural, historical and paleontological resources and outline the means for their preservation.
- Implementation of the General Plan Update will preserve existing open space and other undeveloped natural resources and to identify specific criteria in the future selection of open

space and recreational facilities. The General Plan Update will help mitigate the conflict between development and construction with the preservation and use of natural resources, a conflict which has challenged the City to better preserve and manage its natural resources as the city continues to grow.

- Implementation of the General Plan Update will promote and support economic development to provide jobs in concert with future population growth.
- Implementation of the General Plan Update will regulate development so that the density of residential development and the intensity of non-residential development are appropriate to the property and to surrounding properties and neighborhood.
- Implementation of the General Plan Update will protect and enhance the quality of life by ensuring residential development is visually pleasing and compatible with existing uses and neighborhoods as well as the natural desert environment.
- Implementation of the General Plan Update will provide a guide for City recommendations to San Bernardino County regarding development proposals within the sphere of influence.
- Implementation of the General Plan Update will provide the land use and policy framework for pre-zoning, infrastructure master planning to facilitate the orderly annexation of sphere areas into the corporate boundaries of the City.

# EXHIBIT C

**Mitigation Monitoring and Reporting Program  
for  
City of Hesperia General Plan Update  
City of Hesperia, San Bernardino County, California  
State Clearing House # 2010011011 Prepared for:**

Prepared for:

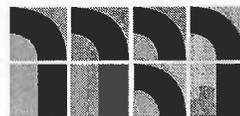
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July XX, 2010

**TABLE OF CONTENTS**

**Section 1: Mitigation Monitoring and Reporting Plan** ..... 1-1  
1.1 - Introduction ..... 1-1  
1.2 - Mitigation Monitoring and Reporting Plan ..... 1-1

**LIST OF TABLES**

Table 1.2-1: Mitigation Monitoring and Reporting Plan ..... 1-2

## SECTION 1: MITIGATION MONITORING AND REPORTING PLAN

### 1.1 - Introduction

The following mitigation monitoring and reporting plan (MMRP) will help assure that the mitigation measures contained in the Draft Environmental Impact Report (Draft EIR), and as modified in this Final EIR, are properly implemented according to State law. This MMRP identifies measures incorporated into the project that reduce its potential environmental impacts, the entities responsible for implementation and monitoring of mitigation measures, and the appropriate timing for implementation of mitigation measures. As described in Section 15097 of the State California Environmental Quality Act (CEQA) Guidelines, this MMRP employs both reporting on and monitoring of Project mitigation measures.

The objectives of the MMRP are to:

- Assign responsibility for, and ensure proper implementation of, mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of compliance with mitigation measures; and
- Provide the mechanism to identify areas of non-compliance and the need for enforcement action before irreversible environmental damage occurs.

The MMRP for the project is presented in the following Section (Section 1.2). Specific mitigation measures identified in the Final EIR, mitigation timing, and implementation and reporting/monitoring responsibilities are presented in this section in Table 1.2-1.

### 1.2 - Mitigation Monitoring and Reporting Plan

As the Lead Agency, the City of Hesperia (City) is responsible for ensuring full compliance with the mitigation measures adopted for the project. The City will monitor and report on all mitigation activities. If, during the course of project implementation, any of the mitigation measures identified cannot be successfully implemented, the City shall immediately inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required, and/or whether alternative mitigation is appropriate.

Table 1.2-1 presents the implementation plans for the proposed mitigation measures for the Hesperia General Plan Update.

Table 1.2-1: Mitigation Monitoring and Reporting Plan

#	Mitigation Measure	Method of Verification	Timing of Verification	Responsible for Verification	Verification Record	
					Date	Comments
<b>AIR QUALITY</b>						
	<p><b>MM AQ-1:</b> The City shall implement the following measures to reduce the amount of fugitive dust that is re-entrained into the atmosphere from unpaved areas, parking lots, and construction sites:</p> <ol style="list-style-type: none"> <li>1. Require the following measures to be taken during the construction of all projects to reduce the amount of dust and other sources of PM10 in accordance with MDAQMD Rule 403:                             <ol style="list-style-type: none"> <li>a. Dust suppression at construction sites using vegetation, surfactants, and other chemical stabilizers;</li> <li>b. Wheel washers for construction equipment;</li> <li>c. Watering down of all construction areas;</li> <li>d. Limit speeds at construction sites to 15 miles per hour; and</li> <li>e. Covering of aggregate or similar material during transportation of material.</li> </ol> </li> <li>2. Adopt incentives, regulations, and/or procedures to reduce paved road dust emissions through targeted street sweeping of roads subject to high traffic levels and silt loadings.</li> </ol>	Direct observations, site inspections	Prior to approval of discretionary land use applications  Ongoing throughout grading and construction	Community Development Services Director or Designee		

Table 1.2-1: Mitigation Monitoring and Reporting Plan (Cont.)

#	Mitigation Measure	Method of Verification	Timing of Verification	Responsible for Verification	Verification Record		
					Date	Comments	Initials
	<p><b>MM AQ-2:</b> The City shall require each project applicant, as a condition of project approval, to implement the following measures to reduce exhaust emissions from construction equipment:</p> <ol style="list-style-type: none"> <li>1. Commercial electric power (i.e. temporary power pole) shall be provided, to the extent feasible, to the project site in adequate capacity to avoid or minimize the use of portable diesel-powered electric generators and equipment.</li> <li>2. Where feasible, equipment requiring the use of fossil fuels (e.g., diesel) shall be replaced or substituted with electrically driven equivalents (provided that they are not run via a portable generator set).</li> <li>3. To the extent feasible, alternative fuels and emission controls shall be used to further reduce exhaust emissions.</li> <li>4. On-site equipment shall be turned off when not in use and shall not idle for more than 5 minutes.</li> <li>5. Staging areas for heavy-duty construction equipment shall be located as far as possible from sensitive receptors.</li> <li>6. Encourage project applicants to perform a review of new technology, in consultation with the Mojave Desert Air Quality Management District, as it relates to heavy-duty equipment, to determine what advances in emissions reductions are available for use and are economically feasible.</li> </ol>	<p>Onsite inspection and direct observation/written evidence of measures to reduce exhaust emissions from construction equipment</p>	<p>Prior to approval of discretionary land use applications</p>	<p>Community Development Services Director or Designee</p>			

Table 1.2-1: Mitigation Monitoring and Reporting Plan (Cont.)

#	Mitigation Measure	Method of Verification	Timing of Verification	Responsible for Verification	Verification Record		
					Date	Comments	Initials
	<p><b>MM AQ-3:</b> The City shall work with the MDAQMD and the San Bernardino Associated Governments to implement the federal ozone and PM10 non-attainment plans and meet all federal and state air quality standards for pollutants. The City shall participate in any future amendments and updates to the non-attainment plans. The City shall also implement, review, and interpret the General Plan and future discretionary projects in a manner consistent with the non-attainment plans to meet standards and reduce overall emissions from mobile and stationary sources.</p>	<p>Review and written certification of compliance with MDAQMD and the San Bernardino Associated Governments to meet all federal and state standards</p> <p>Review and written certification of compliance with the General Plan and future discretionary projects in a manner consistent with the non-attainment plans</p>	<p>Prior to approval of discretionary land use applications</p>	<p>Community Development Services Director or Designee</p>			
	<p><b>MM AQ-4:</b> The City shall consult with the Mojave Desert Air Quality Management District regarding the siting of project types within a specified distance of existing or planned (zoned) sensitive receptor land uses:</p> <ul style="list-style-type: none"> <li>a. 1,000 feet of a major transportation project (50,000 or more vehicles per day);</li> <li>b. 1,000 feet of a distribution center (that accommodates more than 40 trucks per day);</li> <li>c. 1,000 feet of any industrial project; and</li> <li>d. 500 feet of any dry cleaning operation using perchloroethylene.</li> </ul>	<p>Review and written certification of compliance with the Mojave Desert Air Quality Management District regarding the siting of project types</p>	<p>Prior to approval of discretionary land use applications</p>	<p>Community Development Services Director or Designee</p>			

Table 1.2-1: Mitigation Monitoring and Reporting Plan (Cont.)

#	Mitigation Measure	Method of Verification	Timing of Verification	Responsible for Verification	Verification Record		
					Date	Comments	Initials
	<p><b>MM AQ-5:</b> The City shall implement the following measures to minimize exposure of sensitive receptors and sites to health risks related to air pollution:</p> <ol style="list-style-type: none"> <li>1. Encourage site plan designs to provide the appropriate setbacks and/or design features that reduce toxic air contaminants at the source.</li> <li>2. Encourage the applicants for sensitive land uses to incorporate design features (e.g., pollution prevention, pollution reduction, barriers, landscaping, ventilation systems, or other measures) in the planning process to minimize the potential impacts of air pollution on sensitive receptors.</li> <li>3. Actively participate in decisions on the siting or expansion of facilities or land uses (e.g., freeway expansions), to ensure the inclusion of air quality mitigation measures.</li> <li>4. Where decisions on land use may result in emissions of air contaminants that pose significant health risks, consider options, including possible relocation, recycling, redevelopment, rezoning, and incentive programs.</li> <li>5. Activities involving idling trucks shall be oriented as far away from and downwind of existing or proposed sensitive receptors as feasible.</li> <li>6. Strategies shall be incorporated to reduce the idling time of main propulsion engines through</li> </ol>	<p>Review and written certification of compliance with recommended measures to minimize exposure of sensitive receptors and sites to health risks related to air pollution</p>	<p>Prior to approval of discretionary land use applications</p>	<p>Community Development Services Director or Designee</p>			

Table 1.2-1: Mitigation Monitoring and Reporting Plan (Cont.)

#	Mitigation Measure	Method of Verification	Timing of Verification	Responsible for Verification	Verification Record		
					Date	Comments	Initials
	<p>alternative technologies such as IdleAire, electrification of truck parking, and alternative energy sources for Transport Refrigeration Units to allow diesel engines to be completely turned off.</p> <p><b>MM AQ-6:</b> The City shall review discretionary land use applications for residential uses for potential odor impacts for proposals within the following areas:</p> <ul style="list-style-type: none"> <li>a. 2 miles of a wastewater treatment plant;</li> <li>b. 1 mile of a wastewater pumping facility;</li> <li>c. 2 miles of a sanitary landfill;</li> <li>d. 1 mile of a transfer station;</li> <li>e. 1 mile of a composting facility;</li> <li>f. 2 miles of an asphalt batch plant;</li> <li>g. 1 mile of a painting/coating operation; and</li> <li>h. 1 mile of a green waste and recycling center.</li> </ul> <p>If it is determined that odors from such areas have the potential to expose such residential uses to objectionable odors, an Odor Analysis shall be prepared to assess such impacts and recommended methods to limit exposure to such objectionable odors.</p>	<p>Review of discretionary land use applications for residential uses located within referenced areas for potential odor impacts</p> <p>If discretionary land use applications contain potential odor impacts then review of Odor Analysis and written certification of compliance with recommended measures to limit exposure to such objectionable odors</p>	<p>Prior to approval of discretionary land use applications</p>	<p>Community Development Services Director or Designee</p>			

Table 1.2-1: Mitigation Monitoring and Reporting Plan (Cont.)

#	Mitigation Measure	Method of Verification	Timing of Verification	Responsible for Verification	Date	Verification Record	Initials
<b>BIOLOGICAL RESOURCES</b>							
	<p><b>MM BR-1:</b> Biological surveys, prepared by a qualified biologist, shall be required for discretionary projects located in non-infill sites that have substantially undisturbed areas, or sites that have protected plant or animal species. The specific requirements and nature of such surveys (i.e. general site reconnaissance, focused surveys, etc.) shall be determined by the Community Development Services Director at the time that a development proposal is submitted to the City for processing. If such surveys determine that the discretionary project in question could have a potentially significant impact on candidate, sensitive or special status species, feasible mitigation shall be recommended as part of the survey. The preparation of such surveys and, if necessary, implementation of mitigation, shall be in accordance with applicable federal, state and local protocols, guidelines and requirements, and shall be to the Satisfaction of the Community Development Services Director.</p>	<p>Review and approval of biological surveys, prepared by a qualified biologist</p> <p>If determine that the discretionary project could have a potentially significant impact on candidate, sensitive or special status species then review and written certification of compliance with recommended measures in applicable federal, state and local protocols, guidelines and requirements</p>	<p>Prior to approval of discretionary projects located in non-infill sites that have substantially undisturbed areas, or sites that have protected plant or animal species</p>	<p>Community Development Services Director or Designee</p>			
<b>CULTURAL RESOURCES</b>							
PLANNING COMMISSION	<p><b>MM CR-1a:</b> Areas of the City have been determined to exhibit "Low" cultural resource sensitivity in the technical report supporting the General Plan Update EIR. Prior to exempting a project in Low sensitivity areas from further cultural resource fieldwork, the AIC shall perform a planning review of the Planning Area and report</p>	<p>Review and written certification of AIC's planning review of the Planning Area and compliance with the results</p>	<p>Prior to exempting a project in Low sensitivity areas from further cultural resource fieldwork</p>	<p>Community Development Services Director or Designee</p>			

Table 1.2-1: Mitigation Monitoring and Reporting Plan (Cont.)

#	Mitigation Measure	Method of Verification	Timing of Verification	Responsible for Verification	Verification Record	
					Date	Comments Initials
	<p>the results of the review to the City. If, in addition, the particular project is located in a region deemed "Low" and exhibits the following three qualities, no further cultural resource research is necessary if:</p> <ol style="list-style-type: none"> <li>1. The AIC determines that a field survey is not necessary or,</li> <li>2. The Planning Area has been mass graded for modern construction purposes in the recent past or,</li> <li>3. The Planning Area is less than 5 acres in size.</li> </ol>					
	<p><b>MM CR-1b:</b> In those areas of the City that exhibit "Medium" or "High" cultural resource sensitivity, a qualified Cultural Resource Management professional must undertake a Phase 1 cultural resource survey of the Planning Area as part of the CEQA environmental compliance process if and only if the AIC determines through its planning review that this must occur. The survey must be conducted following the SHPO-recommended ARMR research and reporting format. A cultural resource survey in the Medium and High sensitivity areas need not take place if the AIC planning review shows that:</p> <ol style="list-style-type: none"> <li>1. The Planning Area has been surveyed by a qualified professional in the last ten years with negative results or,</li> <li>2. The property has been mass graded for modern construction purposes in the recent past.</li> </ol>	<p>Review and written certification of Phase 1 cultural resource survey in compliance with SHPO-recommended ARMR research and reporting format by a qualified Cultural Resource Management professional</p>	<p>Prior to approval of discretionary projects in areas of the City that exhibit "Medium" or "High" cultural resource sensitivity</p>	<p>Community Development Services Director or Designee</p>		

Table 1.2-1: Mitigation Monitoring and Reporting Plan (Cont.)

#	Mitigation Measure	Method of Verification	Timing of Verification	Responsible for Verification	Verification Record		
					Date	Comments	Initials
	<p><b>MM CR-1c:</b> If the Phase I field survey shows that there are historical cultural resources in the developmental Planning Area, the City must require that those cultural resource(s) be tested for historical significance by a qualified Cultural Resource Management professional following modern guidelines unless a previous significance determination study has shown that the resource is not significant under CEQA Section 15064(a). If the Phase I survey report recommends that the City require cultural resource monitoring during construction of the project, the City shall require that the monitoring specialist present his/her credentials to the City for review and approval.</p>	<p>Review and written certification of tested cultural resource(s) by a qualified Cultural Resource Management professional</p> <p>If Phase I survey report recommends cultural resource monitoring during construction of the project then direct observations, site inspections by a monitoring specialist present and review and approval of his/her credentials</p>	<p>Prior to approval of discretionary projects in areas where the Phase I field survey shows that there are historical cultural resources in the developmental Planning Area</p>	<p>Community Development Services Director or Designee</p>			

Table 1.2-1: Mitigation Monitoring and Reporting Plan (Cont.)

#	Mitigation Measure	Method of Verification	Timing of Verification	Responsible for Verification	Verification Record		
					Date	Comments	Initials
	<p><b>MM CR-1d</b> If the City determines that a significant historical cultural resource will be directly impacted by a proposed development such that the qualities that make the resource significant will be lost during the development, the significant cultural resource must be either avoided, or Phase III data collected by a qualified Cultural Resource Management professional following guidelines established for this type of research by the California SHPO. If the Phase II testing report recommends that the City require cultural resource monitoring during construction, the City shall require that the monitoring specialist present his/her credentials to the City for review and approval.</p>	<p>Review and written certification of either avoided, or Phase III data collected by a qualified Cultural Resource Management professional following guidelines established for this type of research by the California SHPO</p> <p>If Phase II survey report recommends cultural resource monitoring during construction of the project then direct observations, site inspections by a monitoring specialist present and review and approval of his/her credentials</p>	<p>Prior to approval of discretionary projects in areas where significant historical cultural resource will be directly impacted by a proposed development</p>	<p>Community Development Services Director or Designee</p>			

Table 1.2-1: Mitigation Monitoring and Reporting Plan (Cont.)

#	Mitigation Measure	Method of Verification	Timing of Verification	Responsible for Verification	Verification Record	
					Date	Initials
	<p><b>MM CR-2a</b> If the Phase I field survey shows that there are archaeological cultural resources in the developmental Planning Area, the City must require that those cultural resource(s) be tested for historical significance by a qualified Cultural Resource Management professional following modern guidelines unless a previous significance determination study has shown that the resource is not significant under CEQA Section 15064(a). If the Phase I survey report recommends that the City require cultural resource monitoring during construction, the City shall require that the monitoring specialist present his/her credentials to the City for review and approval.</p>	<p>Review and written certification of tested cultural resource(s) by a qualified Cultural Resource Management professional</p> <p>If the Phase I survey report recommends monitoring during construction then direct observations, site inspections by a monitoring specialist present and review and approval of his/her credentials</p>	<p>Prior to approval of discretionary projects in areas where the Phase I field survey shows that there are archaeological cultural resources in the developmental Planning Area</p>	<p>Community Development Services Director or Designee</p>		
	<p><b>MM CR-2b</b> If the City determines that a significant historical cultural resource will be directly impacted by a proposed development such that the qualities that make the resource significant will be lost during the development, the significant cultural resource must be either avoided, or Phase III data collected by a qualified Cultural Resource Management professional following guidelines established for this type of research by the California SHPO. If the Phase II testing report recommends that the City require cultural resource monitoring during construction, the City shall require that the monitoring specialist present his/her credentials to the City for review and approval.</p>	<p>Review and written certification of either avoided, or Phase III data collected by a qualified Cultural Resource Management professional following guidelines established for this type of research by the California SHPO</p>	<p>Prior to approval of discretionary projects in areas where significant historical cultural resource will be directly impacted by a proposed development</p>	<p>Community Development Services Director or Designee</p>		

Table 1.2-1: Mitigation Monitoring and Reporting Plan (Cont.)

#	Mitigation Measure	Method of Verification	Timing of Verification	Responsible for Verification	Verification Record		
					Date	Comments	Initials
		If Phase II survey report recommends cultural resource monitoring during construction of the project then direct observations, site inspections by a monitoring specialist present and review and approval of his/her credentials					
	<p><b>MM CR-3a</b> Areas of the City have been determined to exhibit “Low” paleontological resource sensitivity in the technical report written in support of the General Plan Update EIR. If the particular project is located in a region deemed Low and exhibits the following qualities, no further paleontological research is necessary if:</p> <ol style="list-style-type: none"> <li>1. The property has been surveyed by a qualified professional in the last five years, or,</li> <li>2. The property has been mass graded for modern construction purposes in the recent past or,</li> <li>3. The property is less than five acres in size.</li> </ol>	Review and written certification that the particular project is located in a region deemed Low paleontological resource sensitivity and exhibits no referenced qualities	Prior to exempting a project in Low paleontological resource sensitivity	Community Development Services Director or Designee			
	<p><b>MM CR-3b</b> In those areas of the City that exhibit “Medium” paleontological resource sensitivity, a qualified paleontologist as part of the planning process must undertake a formal record search of</p>	Review and written certification of paleontological records search by a qualified	Prior to approval of discretionary projects in areas of the City that	Community Development Services Director or			

Table 1.2-1: Mitigation Monitoring and Reporting Plan (Cont.)

#	Mitigation Measure	Method of Verification	Timing of Verification	Responsible for Verification	Verification Record		
					Date	Comments	Initials
	<p>the project at a local museum. A paleontological records search need not take place if City Planning determines that:</p> <ol style="list-style-type: none"> <li>1. The property has been previously evaluated by a qualified paleontological professional, or,</li> <li>2. The property has been mass graded for modern construction purposes in the recent past.</li> </ol> <p>A qualified paleontologist shall monitor areas exhibiting Medium resource sensitivity during construction-related earthmoving, if and only if the records search shows that there is some potential for impacts to paleontological resources at the specific site.</p>	<p>paleontologist</p> <p>If the records search shows potential impacts to paleontological resources then monitoring is required by a qualified paleontologist during construction-related earthmoving</p>	<p>exhibit “Medium” paleontological resource sensitivity</p>	<p>Designee</p>			
	<p><b>MM CR-3c</b> In those areas of the City that exhibit “High” paleontological resource sensitivity, a qualified paleontologist must undertake a records search and a field survey of the Planning Area. A survey in the High sensitivity areas need not take place if research shows that:</p> <ol style="list-style-type: none"> <li>1. The property has been previously evaluated by a qualified paleontological professional, or,</li> <li>2. The property has been mass graded for modern construction purposes in the recent past.</li> </ol> <p>A qualified paleontologist shall monitor areas exhibiting High resource sensitivity during construction-related earthmoving in all cases.</p>	<p>Review and written certification of records search and a field survey of the Planning Area by a qualified paleontologist</p> <p>If the records search shows potential impacts to paleontological resources then monitoring is required by a qualified paleontologist during</p>	<p>Prior to approval of discretionary projects in areas exhibiting “High” paleontological resource sensitivity</p>	<p>Community Development Services Director or Designee</p>			

Table 1.2-1: Mitigation Monitoring and Reporting Plan (Cont.)

#	Mitigation Measure	Method of Verification	Timing of Verification	Responsible for Verification	Verification Record	
					Date	Comments
<b>NOISE</b>						
	<p>MIM N-1 To ensure that potential noise generated from individual, discretionary, site-specific development proposals within the Planning Area will not result in short-term or long-term noise levels in excess of City standards, the Community Development Director shall review such proposals at the time of application submittal to determine if a project level noise study shall be required in order to evaluate project level impacts. If it is determined that noise generated from such proposal would cause short-term or long-term noise levels in excess of City standards, the project proponent shall provide mitigation, if necessary to reduce the short-term or long-term noise impacts to within the City noise level standards, as determined by the Community Development Director. Such mitigation shall be provided in proportion to an individual project's impacts on noise and to the satisfaction of the Community Development Director.</p>	<p>construction-related earthmoving</p>	<p>Prior to approval of discretionary projects</p>	<p>Community Development Services Director or Designee</p>		

Table 1.2-1: Mitigation Monitoring and Reporting Plan (Cont.)

#	Mitigation Measure	Method of Verification	Timing of Verification	Responsible for Verification	Verification Record	
					Date	Comments
	<p><b>MM N-2</b> To ensure that groundborne vibration generated from individual, discretionary, site-specific development proposals within the Planning Area will not result in excess of City standards, the Community Development Director shall review such proposals at the time of application submittal. If necessary, a project level groundborne vibration study may be required, as determined by the Community Development Director, in order to evaluate project level impacts. If it is determined that groundborne vibration generated from such proposal would cause groundborne vibration levels in excess of City standards, the project proponent shall provide attenuation measures, if necessary to reduce groundborne vibration impacts to within the City standards, as determined by the Community Development Director. Such attenuation measures shall be provided in proportion to an individual project's impacts on groundborne vibration and to the satisfaction of the Community Development Director.</p>	<p>Review of individual, discretionary, site-specific development proposals to determine if a groundborne vibration study may be required</p> <p>If it is determined such proposal would cause short-term or long-term groundborne vibration levels in excess of City standards, review and approval of mitigation, if necessary to reduce impacts to within the City groundborne vibration level standards</p>	<p>Prior to approval of discretionary projects</p>	<p>Community Development Services Director or Designee</p>		
<b>TRANSPORTATION AND CIRCULATION</b>						
	<p><b>MM TIA-1</b> To ensure that traffic generated from individual, discretionary, site-specific development proposals within the Planning Area will not result in inadequate LOS for project intersections, the Development Services Director</p>	<p>Review of individual, discretionary, site-specific development</p>	<p>Prior to approval of discretionary projects</p>	<p>Community Development Services Director or Designee</p>		

Table 1.2-1: Mitigation Monitoring and Reporting Plan (Cont.)

#	Mitigation Measure	Method of Verification	Timing of Verification	Responsible for Verification	Verification Record	
					Date	Comments
					Initials	
	<p>shall review such proposals at the time of application submittal. If necessary, a project level traffic study may be required, as determined by the Development Services Director, in order to evaluate project level impacts. If it is determined that traffic generated from such proposal would cause LOS failure, the project proponent shall provide, either through construction of improvements and/or monetary contribution, for improvements necessary to maintain an acceptable LOS, as determined by the Development Services Director. Such improvements and/or monetary contribution shall be provided in proportion to an individual project's impacts on traffic and to the satisfaction of the Development Services Director. Mitigation required herein shall not require improvements to reduce LOS for those intersections and segments for which this EIR has determined that impacts are significant, adverse, and unavoidable, beyond those improvements identified in the Circulation Element of the updated General Plan.</p>	<p>proposals to determine if a traffic study may be required</p> <p>If it is determined such proposal would cause LOS failure, review and approval of improvements necessary to maintain an acceptable LOS, if necessary</p>				

# ATTACHMENT 2

## RESOLUTION NO. PC-2010-16

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT THE 2010 GENERAL PLAN UPDATE (GPA10-10185)

**WHEREAS**, on May 15, 1991, the City Council of the City of Hesperia adopted the City's General Plan, currently applicable in regards to development within the City; and

**WHEREAS**, almost 20 years has passed since the City of Hesperia adopted its original General Plan and changes to the City's size, population and other circumstances requires an update to the General Plan described herein (hereinafter referred to as "General Plan Update" or "Project"); and

**WHEREAS**, the General Plan Update establishes the City's overall policy to guide development framework for the City to help realize the community's vision to the year 2030 planning horizon; and

**WHEREAS**, the General Plan Update is a comprehensive update to the seven mandatory element required by the State of California, including land use, circulation, housing, open space, noise, conservation and safety; and

**WHEREAS**, the City of Hesperia, as lead agency, prepared an Environmental Impact Report ("EIR") pursuant to CEQA in order to analyze all adverse environmental impacts of the Project; and

**WHEREAS**, a Climate Action Plan has been prepared to address the mandates required by AB 32 and SB 375 to address the impacts of climate change; and

**WHEREAS**, the Planning Commission held five workshops on July 15, 2009, July, 28, 2009 August 20, 2009, June 17, 2010 and June 24, 2010 to review the project; and

**WHEREAS**, on August 5, 2010, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed General Plan Update 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 August 5, 2010 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon the EIR, the Planning Commission finds that the proposed General Plan Update will have a significant effect on the environment. Facts, Findings and a Statement of Overriding Considerations have been prepared in accordance with CEQA.
- (b) Adoption of the General Plan Update will achieve the following goals:
  - Preserve existing neighborhoods;
  - Enhance the quality of residential areas in a variety of densities, with landscaping and architectural standards;
  - Reinforce efforts to build a local job base and establish sales tax-producing businesses along Bear Valley Road, Main Street and the Freeway Corridor;
  - Preserve lot sizes and prevent premature subdivision of land;
  - Enhance the quality of life in higher residential density developments with paseos, parks and other amenities;
  - Establish a circulation system of arterial and connector streets to carry traffic efficiently within and across the City;
  - Support the urban design framework, which has two new greenways to link the freeway corridor with the downtown area;
  - Dedicate housing units for senior citizens as well as for all income levels;
  - Permit mixed-use developments in the downtown area and along the freeway corridor.

Section 3. The Planning Commission hereby recommends that the City Council certify the EIR prepared for the Project as being complete and adopt the facts, findings and a statement of overriding considerations, pursuant to Resolution No. PC-2010-15.

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends approval of General Plan Update, attached hereto as Exhibit "A" and incorporated herein by this reference.

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

**ADOPTED AND APPROVED** on this 5<sup>th</sup> day of August 2010

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Chris Elvert, Chair, Planning Commission

ATTEST:

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Eva Heter, Secretary, Planning Commission

# ATTACHMENT 3

## RESOLUTION NO. PC-2010-17

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A CLIMATE ACTION PLAN ASSOCIATED WITH THE 2010 GENERAL PLAN UPDATE (GPA10-10185)

**WHEREAS**, on May 15, 1991, the City Council of the City of Hesperia adopted the City's General Plan, currently applicable in regards to development within the City; and

**WHEREAS**, almost 20 years has passed since the City of Hesperia adopted its original General Plan and changes to the City's size, population and other circumstances requires an update to the General Plan described herein (hereinafter referred to as "General Plan Update" or "Project"); and

**WHEREAS**, the General Plan Update establishes the City's overall policy to guide development framework for the City to help realize the community's vision to the year 2030 planning horizon; and

**WHEREAS**, the General Plan Update is a comprehensive update to the seven mandatory element required by the State of California, including land use, circulation, housing, open space, noise, conservation and safety; and

**WHEREAS**, the City of Hesperia, as lead agency, determined that an Environmental Impact Report ("EIR") should be prepared pursuant to CEQA in order to analyze all adverse environmental impacts of the Project; and

**WHEREAS**, a Climate Action Plan is the City's primary strategy to insure that the implementation of the General Plan will not conflict with the Global Warming Solutions Act of 2006 (AB 32) and has been prepared to address the impacts of climate change; and

**WHEREAS**, on August 5, 2010, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed General Plan Update and associated Climate Action Plan 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 August 5, 2010 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon the EIR, the Planning Commission finds that the proposed General Plan Update will have a significant effect on the environment. Facts, findings and a Statement of Overriding Considerations have been prepared in accordance with CEQA.
- (b) The Climate Action Plan outlines a course of action for City government and the community to reduce per-capita emissions of greenhouse gasses 29 percent below "business as usual" by 2020.
- (c) This CAP demonstrates that the General Plan Update policies and CAP strategies would reduce emissions to the reduction target.

Section 3. The Planning Commission hereby finds that the proposed Climate Action Plan supports the goals of the City and is consistent with the General Plan Update.

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends approval of the Climate Action Plan, attached hereto as Exhibit "A" and incorporated herein by this reference.

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

**ADOPTED AND APPROVED** on this 5<sup>th</sup> day of August 2010

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Chris Elvert, Chair, Planning Commission

ATTEST:

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Eva Heter, Secretary, Planning Commission

# 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, JULY 21, 2010

### A. PROPOSALS:

#### 1. Mojave Water Agency (TPM10-10173/PM-19265)

**Proposal:** Consideration of Tentative Parcel Map (TPM10-10173/PM-19265), to create 5 parcels and a remainder for five production well sites as part of the Mojave Water Agency's R-cubed project on 102.7 gross acres zoned A2 and FW.

**Location:** Located south of Lemon Street between Choiceana Avenue and the Mojave River.

**Planner:** Daniel Alcayaga

**Action:** Administrative Approval

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