

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: November 9, 2010

Time: 6:30 P.M.

COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Joline Bell Hahn, Commissioner

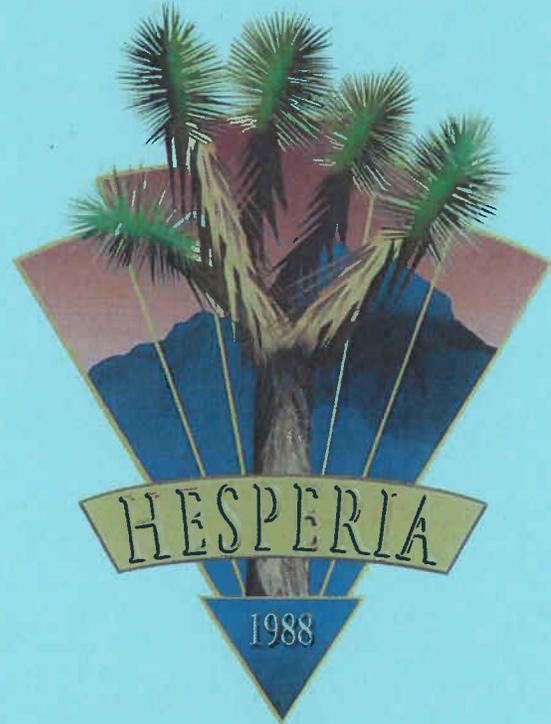
Stephen James, Commissioner

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.

November 9, 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: October 14, 2010 Planning Commission Meeting Draft Minutes.

-1-

PUBLIC HEARINGS

- 1. Consideration of Conditional Use Permit CUP10-10119, to construct a multi-tenant vehicle salvage and dismantling facility on 6.5 gross acres zoned I-2 located on the northeast corner of Mesa Street and Santa Fe Avenue. (Applicant: George Andreasian; APNs: 0415-211-21 & 22)

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.

- E. DRC Comments
- F. 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, Kathy Stine, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Tuesday, November 2, 2010 at 5:30 p.m. pursuant to California Government Code §54954.2.


Kathy Stine
Planning Commission Secretary

**HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
October 14, 2010
MINUTES**

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

CALL TO ORDER 6:30 p.m.

A. Pledge of Allegiance to the Flag

B. Invocation

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

Present: Chris Elvert
William Muller
Joline Bell Hahn

Motion by Joline Bell Hahn to excuse the absence of Commissioner Stephen James and Commissioner Julie Jensen. Seconded by Chris Elvert and passed with the following roll call vote:

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

JOINT PUBLIC COMMENTS

Chair Elvert opened Public Comments at 6:34 p.m.

No comments to consider.

Chair Elvert closed Public Comments at 6:34 p.m.

CONSENT CALENDAR

D. Approval of Minutes: September 9, 2010 Planning Commission Meeting Draft Minutes.

Motion by Joline Bell Hahn to approve the Draft Minutes of September 9, 2010. Seconded by Chris Elvert and passed with the following roll call vote:

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

PUBLIC HEARING

1. Consideration of Development Code Amendment (DCA10-10197) and Specific Plan Amendment (SPL10-10198), restricting motion picture theatres to the Pedestrian Commercial zone district. (Applicant: City of Hesperia; Area Affected: Citywide) (Staff Person: Stan Liudahl).

Senior Planner, Stan Liudahl gave a PowerPoint Presentation explaining the restriction of Motion Picture Theaters.

Vice Chair Muller had questions regarding parking spaces.

Stan Liudahl responded that the submission of plans will go through the regular Site Plan Review.

Chair Elvert asked whether this is the only area that we are going to restrict theaters.

Jeff Malawy, Assistant City Attorney, responded that this is the only area that theaters will be allowed at this time and continued to explain the legalities.

Chair Elvert asked if this Amendment had a 10 year limitation on new theaters.

Rod Yahnke, Economic Development Management Analyst for the City of Hesperia, responded and explained the agreement with Cinema West.

Chair Elvert opened the Public Hearing at 6:55 p.m.

No comments to consider.

Chair Elvert closed Public Hearing at 6:55

Motion by William Muller to adopt Resolution No. PC-2010-20, as presented, recommending that the City Council introduce and place on first reading an ordinance approving DCA10-10197 and SPL10-10198. Seconded by Chris Elvert and passed with the following roll call vote:

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

2. A Conditional Use Permit application (CUP10-10193), to install a 62-foot high wireless communications facility on an existing 125-foot high Southern California Edison electric transmission tower located south of Dartmouth Street and west of Topaz Avenue (Applicant: T-Mobile; APN: 3057-191-21) (Staff Person: Stan Liudahl).

Stan Liudahl presented a PowerPoint Presentation for CUP10-10193.

Chair Elvert opened the Public Hearing at 7:04 p.m.

Michael Boysen, representative from T-Mobile stated that he appreciated the forum and procedure and was there to answer questions the Commission may have.

Chair Elvert closed the Public Hearing at 7:07

Motion by Joline Bell Hahn to adopt Resolution No. PC-2010-21, as presented, approving conditional use permit CUP10-10193. Seconded by Chris Elvert and passed with the following roll call vote:

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

PRINCIPAL PLANNER'S REPORT

E. DRC Comments

F. Major Project Update

Principal Planner, Dave Reno AICP updated the Commission on the Rancho Road Underpass.

PLANNING COMMISSION BUSINESS OR REPORTS

No comments to consider.

ADJOURNMENT

Chair Elvert closed the meeting at 7:10 p.m.

Chris Elvert
Chair

By: Kathy Stine,
Commission Secretary



DATE: November 9, 2010
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: SL Stan Liudahl, AICP, Senior Planner
SUBJECT: Conditional Use Permit CUP10-10119; Applicant: George Andreasian; APNs: 0415-211-21 & 22

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2010-22, approving Conditional Use Permit CUP10-10119.

BACKGROUND

Proposal: A Conditional Use Permit to construct a multi-tenant vehicle salvage and dismantling facility on 6.5 gross acres (Attachment 1).

Location: The property is located on the northeast corner of Mesa Street and Santa Fe Avenue.

Current General Plan, Zoning and Land Uses: The site is within the General Manufacturing (I-2) General Plan Land Use designation and zone district. The surrounding land is designated and zoned as noted on Attachment 2. The site is currently vacant, has been impacted by drainage across its northern portion, and has been partially disturbed by off-road vehicle use and other activities. The site is bounded to the south and east by vacant properties. The property to the west contains the Burlington Northern and Santa Fe (BNSF) railroad and the properties to the north are occupied by two dismantling yards (Attachment 3).

ISSUES/ANALYSIS

This application will allow for construction of four vehicle salvage and dismantling yards in two phases located on the northeast corner of Mesa Street and Santa Fe Avenue (Attachment 1). Each phase includes a minimum 3,000 square foot area partially covered by a metal canopy used for storing hazardous materials and a 320 square foot commercial office trailer with an attached patio (Attachments 4 and 5). All fluids and hazardous materials such as motor oils, axle, brake, power steering, transmission, and windshield washer fluids, freon and or refrigerants, antifreeze, fuels, solvents and degreasers shall be drained and stored in sealed containers with the batteries beneath the canopy prior to vehicles being moved to the storage area.

Each phase contains a retention facility. Vehicle impounding is not permitted due to water quality issues, since the vehicle storage areas are composed of compacted class two base instead of hard-surface pavement. This pervious surface would allow hazardous fluids to penetrate the surface of the storage area without being filtered by the retention facilities. This application is consistent with past approvals allowing use of compacted base within vehicle

storage areas instead of pavement. These areas shall be watered as needed to ensure that operations do not cause a nuisance.

Each vehicle storage yard is screened by eight-foot high fencing. A decorative vinyl, equivalent decorative metal fence, or an approved decorative wall shall be provided within 50 feet of the property line along Mesa Street and Santa Fe Avenue East. The balance of the storage areas will be screened by eight-foot high chain link fencing with view-obscuring slats, consistent with past approvals.

The proposed use complies with all Development Code regulations, including the minimum number of parking spaces, building setback, and architectural standards. The patio attached to each modular office shall be increased to four feet in width to provide accessibility in accordance with state regulations.

Drainage: The northern portion of the site contains drainage identified by the Hesperia Master Plan of Drainage as H-03-01. This wash conveys storm water northeast from properties to the southwest. The retention facilities required by the City will ensure that no additional storm water runoff impacts the wash.

Water and Sewer: The site is served by 12-inch water lines in both Mesa Street and Santa Fe Avenue. Two fire hydrants exist along the project frontage on the south side of Mesa Street. Sewer improvements are unnecessary, as sewer is unavailable and the four modular buildings can be served by a septic system.

Street Improvements: Mesa Street shall be built to a 70-foot and Santa Fe Avenue shall be constructed to a 66-foot roadway standard. Curb, gutter, and sidewalk improvements shall be constructed within the northern half of Mesa Street and the eastern half of Santa Fe Avenue, along the project frontage.

Environmental: Approval of this project requires adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study (Attachment 6) prepared for this project concludes that there are no significant adverse impacts resulting from development of the project with the mitigation measures provided.

Conclusion: The project conforms to the policies of the City's General Plan and meets the applicable standards of the Development Code. Further, use of compacted base instead of pavement for vehicle storage areas is consistent with past approvals.

FISCAL IMPACT

None.

ALTERNATIVES

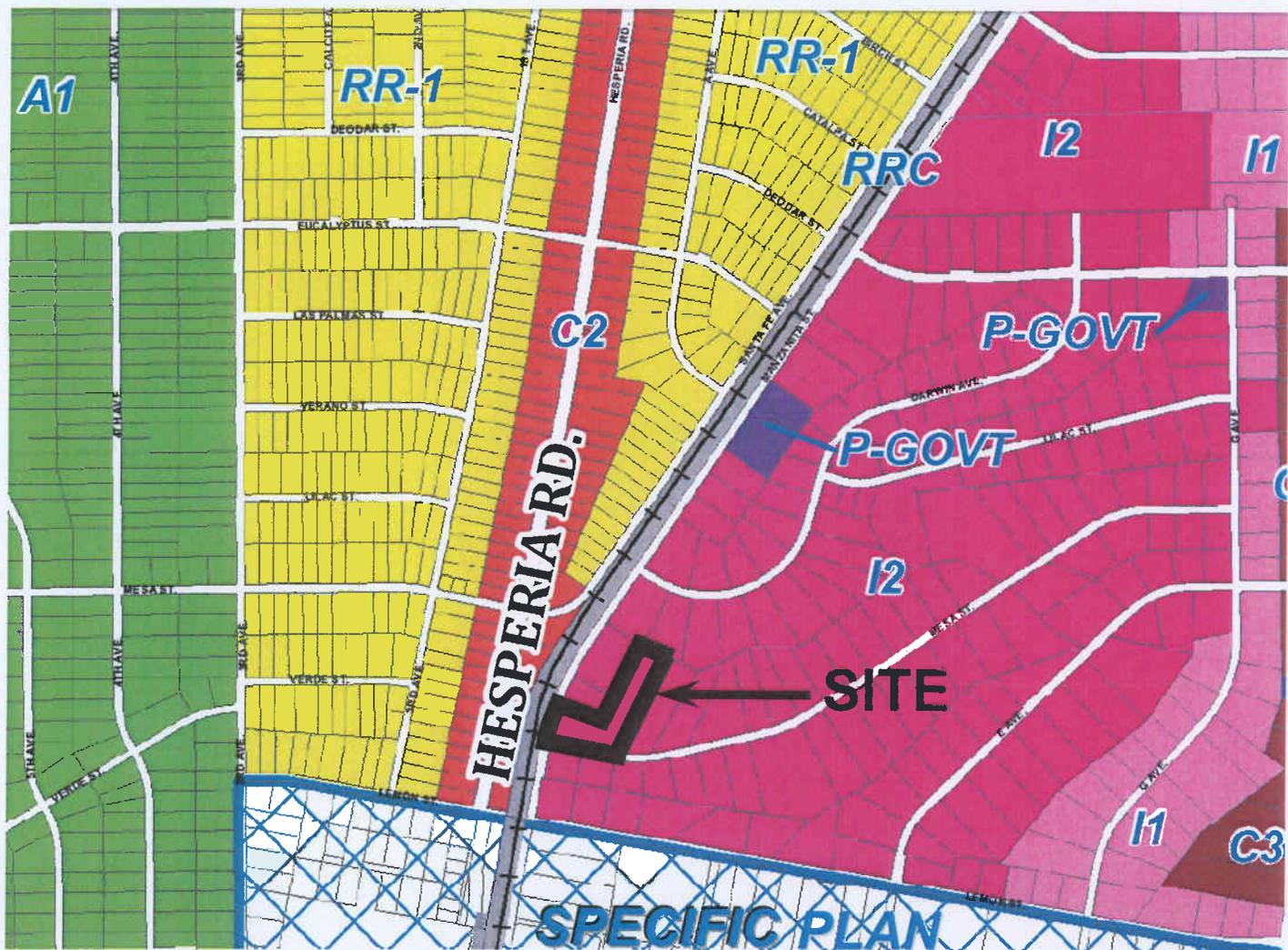
1. The Commission could decide to require that the vehicle storage areas be paved. This would provide the operators the option of impounding vehicles. This would create a comparative cost disadvantage inconsistent with past approved automotive salvage/dismantling facilities.

2. Provide alternative direction to staff.

ATTACHMENTS

1. Site plan
2. General Plan land use and zoning map
3. Aerial photo
4. Floor plan
5. Building elevations
6. Negative declaration ND-2010-04 and initial study for CUP10-10119
7. Resolution No. PC-2010-22, with list of conditions

ATTACHMENT 2



APPLICANT(S):
GEORGE ANDREASIAN

FILE NO(S):
CUP10-10119

LOCATION:
NORTHEAST CORNER OF MESA STREET AND SANTA FE AVENUE

APN(S):
0415-211-21 & 22

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A MULTI-TENANT VEHICLE SALVAGE AND DISMANTLING FACILITY ON 6.5 GROSS ACRES ZONED I-2



GENERAL PLAN LAND USE AND ZONING MAP

ATTACHMENT 3



APPLICANT(S):
GEORGE ANDREASIAN

FILE NO(S):
CUP10-10119

LOCATION:
NORTHEAST CORNER OF MESA STREET AND SANTA FE AVENUE

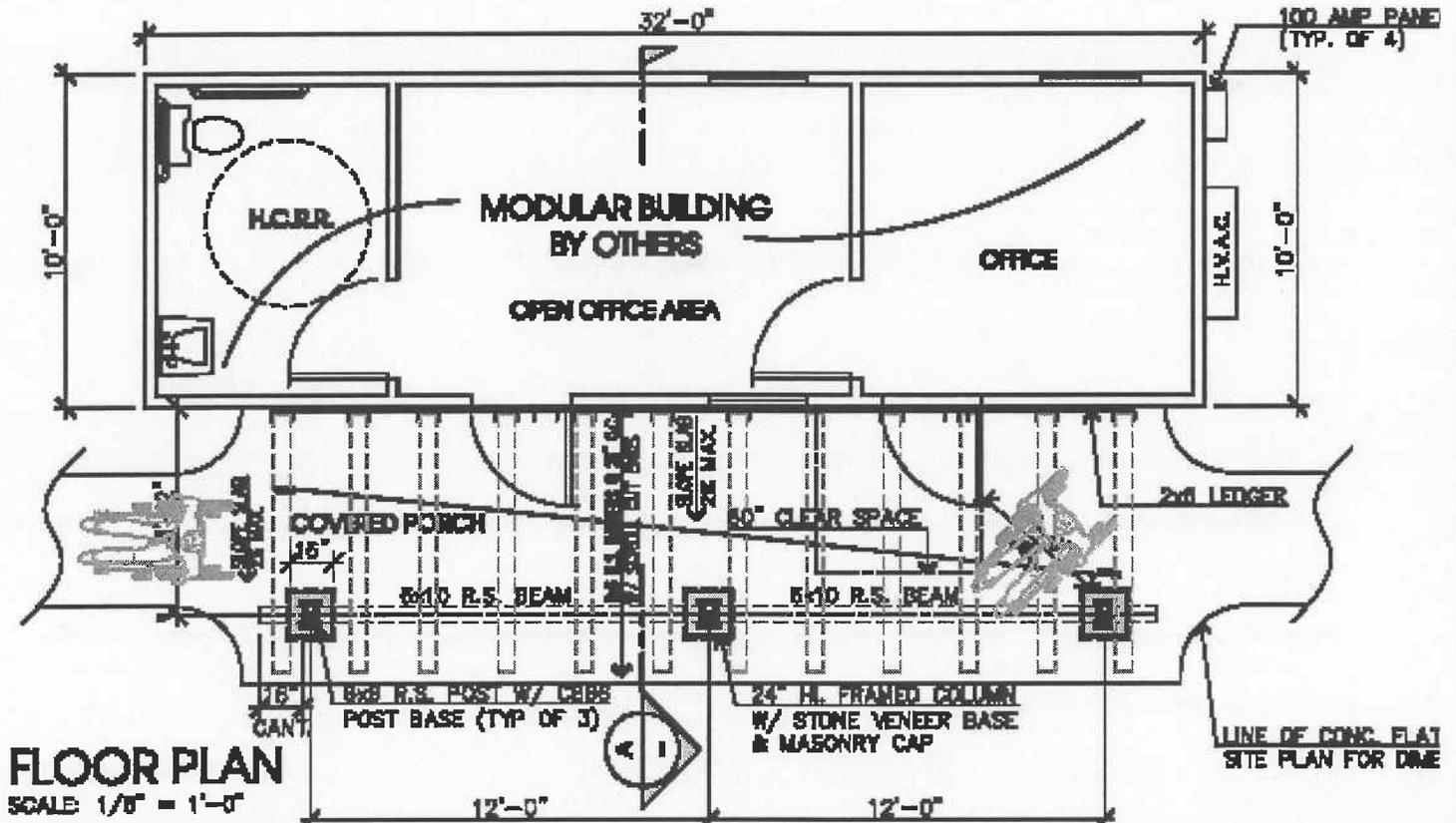
APN(S):
0415-211-21 & 22

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A MULTI-TENANT VEHICLE SALVAGE AND DISMANTLING FACILITY ON 6.5 GROSS ACRES ZONED I-2



AERIAL PHOTO

ATTACHMENT 4



APPLICANT(S):
GEORGE ANDREASIAN

FILE NO(S):
CUP10-10119

LOCATION:
NORTHEAST CORNER OF MESA STREET AND SANTA FE AVENUE

APN(S):
0415-211-21 & 22

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A MULTI-TENANT VEHICLE SALVAGE AND DISMANTLING FACILITY ON 6.5 GROSS ACRES ZONED I-2

FLOOR PLAN

ATTACHMENT 5



APPLICANT(S):
 GEORGE ANDREASIAN

FILE NO(S):
 CUP10-10119

LOCATION:
 NORTHEAST CORNER OF MESA STREET AND SANTA FE AVENUE

APN(S):
 0415-211-21 & 22

PROPOSAL:
 CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A MULTI-TENANT VEHICLE SALVAGE AND DISMANTLING FACILITY ON 6.5 GROSS ACRES ZONED I-2

BUILDING ELEVATIONS

ATTACHMENT 6

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

NEGATIVE DECLARATION ND-2010-04
Preparation Date: October 14, 2010

Name or Title of Project: Conditional Use Permit CUP10-10119.

Location: On the northeast corner of Mesa Street and Santa Fe Avenue (APNs: 0415-211-21 & 22).

Entity or Person Undertaking Project: George Andresian.

Description of Project: Consideration of a conditional use permit to establish a multi-tenant vehicle salvage and dismantling yard on 6.5 gross acres zoned I-2.

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

Mitigation Measures:

1. The applicant shall water all unpaved areas as necessary to control dust.
2. All hazardous fluids and other materials shall be drained from each vehicle into containers with water-tight lids within the paved and covered containment area prior to vehicles being placed within the salvage/dismantling area. All spills shall be subject to the approved hazardous materials management plans.
3. A Phase I cultural resource survey shall be conducted by a City approved archaeologist or paleontologist prior to issuance of a grading permit. The recommendation of the Phase I survey shall be implemented. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. Further, prior to completion of the project, the applicant shall submit a report describing all cultural resources encountered during grading.
4. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavaceae family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.
5. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.

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

Public Review Period: October 18, 2010 through November 6, 2010.

Adopted the Planning Commission: November 9, 2010.

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

PROJECT DESCRIPTION

1. **Project Title:** Conditional Use Permit CUP10-10119.
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Stan Liudahl, AICP, Senior Planner
Phone number: (760) 947-1231.
4. **Project Location:** On the northeast corner of Mesa Street and Santa Fe Avenue East as shown on Attachment "A" (APNs: 0415-211-21 & 22).
5. **Project Sponsor:** George Andresian
Address: 1439 Dorothy Drive, Glendale, CA 91202
6. **General Plan & zoning:** The site is within the General Manufacturing (I-2) General Plan Land Use designation and zone district. The current General Plan Land Use designation and zoning was adopted on September 7, 2010.
7. **Description of project:**

A conditional use permit to establish a multi-tenant vehicle salvage and dismantling yard on 6.5 gross acres in two phases. Each yard includes an architecturally upgraded 320 square foot modular commercial office with an attached trellis. The four yards are to be constructed in two phases; phase one providing the two salvage/dismantling yards fronting Mesa Street and the second phase allowing for construction of the northern portion of the site. The vehicles are required to be drained of all fluids within a 1,500 square foot paved containment area beneath a metal canopy prior to being stored in a yard. The fluids will be stored and disposed of in accordance with hazardous material handling (Hazmat) regulations. Each phase will contain retention facilities in accordance with City standards, which will filter any contaminants from the yards. The vehicle storage areas will be composed of compacted base, which would permit contaminants to penetrate into the soil if the fluids were not drained. Consequently, none of the yards are to be used for impounding of vehicles, which would potentially leak onto the semi-permeable surface.

The project complies with all Development standards, including parking. Vehicles be stored at ground level and will not exceed eight feet in height. Therefore, each yard can be adequately screened by eight-foot high fencing. Decorative metal fencing will be installed within 50 feet of the frontage of Mesa Street and Santa Fe Avenue. The balance of the boundary of the yards will be fenced using chain link with view-obscuring slats or a more decorative fencing.

8. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.) The site is currently vacant, has been impacted by drainage across its northern portion, and has been partially disturbed by off-road vehicle use and other activities as shown on Attachment "A." The site is bounded to the south and east by vacant properties. The property to the west contains the Burlington Northern and Santa Fe (BNSF) railroad and the properties to the north are occupied by two dismantling yards. The proposed use is consistent with the existing General Plan and zoning, but requires approval of a conditional use permit. The properties to the north, south, and east are also within the General Manufacturing (I-2) General Plan Land Use designation and zone district. The property to the west, which contains the BNSF railroad right-of-way, is designated and zoned Railroad Corridor (RRC). The properties to the west beyond the railroad are vacant.

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

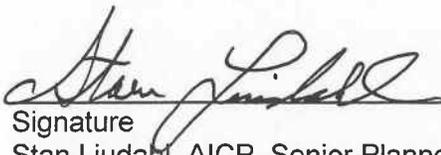
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (Completed by the Lead Agency)

On the basis of this initial evaluation:

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



Signature

Stan Liudahl, AICP, Senior Planner, Hesperia Planning Division

12/19/2010

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

- 9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

| I. AESTHETICS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect on a scenic vista (1)? | | | | X |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (1 & 2)? | | | | X |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings (1 & 4)? | | | | X |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (7)? | | | X | |

Comments.

A portion of the site has been previously disturbed by off-highway vehicle use and drainage. Therefore, the existing visual quality of the site has been compromised. The Burlington Northern and Santa Fe (BNSF) railroad occupies the property to the west and the properties to the north are occupied by two dismantling yards as shown on Attachment "A" (1). In addition, the area surrounding the site is not considered a scenic resource (3). The site contains frontage on both Mesa Street and Santa Fe Avenue. Neither roadway is a scenic highway nor is the site in close proximity to any scenic resources or historic buildings (2). The prior disturbance of the site as well as the existence of two salvage/dismantling yards to the north and the railroad to the west evidences that this site does not constitute a scenic resource (1).

Development of the site will not have an adverse impact to the aesthetics of the area. The development is subject to the Development Code building setback regulations and outdoor storage fencing standards (5), which limit the building height and provide for minimum yard, maximum floor area ratio and architectural standards as well as outdoor storage screening as implemented through the conditional use permit review process. Consequently, development of the proposed vehicle salvage and dismantling facility will not have a significant negative impact upon the visual character or quality of the area (4).

The proposed use is consistent with the General Manufacturing (I-2) General Plan Land Use designation and zone district, which allows automotive salvage and dismantling yards with approval of a conditional use permit (6). The Environmental Impact Report (EIR) for the 2010 General Plan Update addressed development to the maximum build-out of the General Plan (7). This project is consistent with the General Plan and the project site is not adjacent to sensitive land uses. Further, any light which faces a residentially designated area shall be hooded and directed downward. Based upon these regulations, the use will not adversely affect day or nighttime views in the area. Therefore, approval of the proposed use will not have a negative impact upon aesthetics.

| II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and State Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use (8) ? | | | | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (9) ? | | | | X |
| c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) (9 & 10) ? | | | | X |
| d) Result in the loss of forest land or conversion of forest land to non-forest use (1 & 10) ? | | | | X |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use (8 & 10) ? | | | | X |

Comments.

The project site has been partially disturbed, and is not presently, nor does it have the appearance of previous agricultural uses. Additionally, the site does not contain any known unique agricultural soils. Based on the lack of neither past agricultural uses nor designated agricultural soils on the project site, it is concluded that the project will not result in significant adverse impacts to agriculture or significant agricultural soils. The soil at this location is classified by the U.S. Soil Conservation Service as *Bryman Loamy Fine Sand, five to nine percent slopes*. This soil is limited by high soil blowing hazard, high water intake rate, and moderate to high available water capacity **(8)**. The proximity of industrial uses is further evidence that the site is not viable for agriculture. The U.S. Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County California Mojave River Area states that "Urban and built-up land and water areas cannot be considered prime farmland..." The project is located within an urbanized area which, according to the SCS, is not considered prime farmland. The site is also not within the area designated by the State of California as "unique farmland **(8)**."

The City of Hesperia General Plan does not designate the site for agricultural use nor is the land within a Williamson Act contract. In fact, the project site is General Plan designated and zoned General Manufacturing (I-2) **(9)**. Therefore, this project has no potential to be used for agriculture.

The City and its Sphere Of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes **(10)**. The southernmost portions of the City and SOI contain a narrow distribution of land within the shrub and conifer woodland bioregions. These bioregions do not contain sufficient forest land for viable timber production and are ranked as low priority landscapes **(11)**. The project site is located in a central portion of the City in the urban area and is substantially

surrounded by urban development (1). Since the site is not forested, this project will not have an impact upon forest land or timberland.

| III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Conflict with or obstruct implementation of the applicable air quality plan (12, 13 & 14)? | | | | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (12, 13 & 14)? | | | X | |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) (12, 13 & 14)? | | X | | |
| d) Expose sensitive receptors to substandard pollutant concentrations (4, 12 & 13)? | | X | | |
| e) Create objectionable odors affecting a substantial number of people (1, 4, 12 & 13)? | | | X | |

Comments.

The General Plan Update and its Environmental Impact Report (EIR) addresses the impact of build-out in accordance with the Land Use Plan, with emphasis upon the impact upon sensitive receptors (12 & 13). Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality. The closest sensitive receptors are the occupants of the single-family residential area located approximately 200 feet to the west, across the Burlington Northern and Santa Fe (BNSF) railroad tracks. Project emissions will be limited to the vehicles operated by employees, customers, vendors, and the trucks and operational equipment to place the vehicles being salvaged and/or dismantled (4).

The Mojave Desert Air Quality Management District (MDAQMD) has published a number of studies that demonstrate that the Mojave Desert Air Basin (MDAB) can be brought into attainment for particulate matter and ozone, if the South Coast Air Basin (SCAB) achieves attainment under its adopted Air Quality Management Plan. The High Desert and most of the remainder of the desert has been in compliance with the federal particulate standards for the past 15 years (13). The ability of MDAQMD to comply with ozone ambient air quality standards will depend upon the ability of SCAQMD to bring the ozone concentrations and precursor emissions into compliance with ambient air quality standards (12 & 13). All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD (14). Programs have been established in the Air Quality Attainment Plan which address emissions caused by area sources.

The project will have a temporary impact upon air quality during its construction as well as through the transfer of vehicles from one stage of the operations to another, resulting in the potential for blowing dust associated with ground disturbances. The Building and Safety Division dust control measures include limited grading and site watering during construction. As a further safeguard against the potential for blowing dust associated with dismantling and impounding operations, site watering shall be continued as needed to prevent nuisance dust in accordance with the mitigation measure on page 23.

The development is designed with a paved area for the draining and containment of fluids from vehicles and storage of batteries and other parts containing contaminants. These fluids and/or gases, which would comprise motor oils, axle, brake, power steering, transmission, and windshield washer fluids, freon and other refrigerants, antifreeze, fuels, solvents and degreasers, and leaky batteries shall be stored within containers with closeable lids or covers consistent with the mitigation measure on page 23 (4). These containers shall ensure that the hazardous wastes not have the potential to pollute the environment.

The General Plan Update identifies large areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the impact to air quality upon build-out of the General Plan. Based upon this analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with air quality impacts (15). As part of the General Plan Update Environmental Impact Report (GPUEIR), the impact of industrial development to the maximum allowable density permitted by the Land Use Plan was analyzed. The projected number of vehicles trips associated with this project is analyzed within Section XV. Transportation/Traffic. The number of vehicle trips will not exceed the number of vehicle trips expected for development on this site, based upon the GPUEIR. Further, the impact of a 6.5-acre automotive salvage and dismantling yard does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment Plan (14). Inasmuch as this project is consistent with the General Plan Land Use Plan, no additional impact upon air resources beyond that previously analyzed would occur. Consequently, the proposed development will not have a significant negative impact upon air quality, with imposition of mitigation measures.

| IV. BIOLOGICAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (16)? | | | | X |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1 & 16)? | | | | X |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (1 & 16)? | | | | X |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (1 & 16)? | | X | | |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (1 & 17)? | | X | | |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (18)? | | | | X |

Comments.

The site is not expected to support the Mohave ground squirrel, given the very low population levels of the species in the region and proximity to existing development. Further, the project site is outside the area considered suitable habitat for the species (19). Similarly, the potential for the existence of a desert tortoise upon the 6.5 acres is extremely low. The project site is located in an area listed as Category 3 habitat for the desert tortoise by the United States Bureau of Land Management (20). Class 3 habitat indicates that the probability of tortoise occurring is low, but the area is still within the historic range of the species. The site is also outside the range of the arroyo toad, which has been documented to inhabit a portion of the Rancho Las Flores Specific Plan and adjacent areas (19).

Since the site contains native plant species, a biological survey was conducted by RCA Associates, LLC to determine the presence of the desert tortoise, Mohave ground squirrel, burrowing owl, loggerhead shrike, and sharp-skinned hawk (16). The biological report states that none of these nor any other threatened or endangered species inhabit the site. Since the burrowing owl is not sensitive to development and may occupy the site at any time, a mitigation measure requiring another biological survey to determine their presence shall be submitted no more than 30 days prior commencement of grading activities.

A protected plant plan was prepared as part of the biological report. This protected plant plan will ensure that all three of the site’s Joshua Trees, which are protected under the City’s Native Plant Protection Ordinance, will be relocated or protected in place (17). The grading plan for the project shall stipulate that all protected plants identified within the report will be relocated or protected in place. The mitigation measure is listed on page 24.

The project site is not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities (18). These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest communities, exist within the Rancho Las Flores Specific Plan and vicinity (18). The project site is located approximately five miles to the north within the developed portion of the City. Consequently, approval of the conditional use permit will not have an impact upon biological resources, subject to the enclosed mitigation measures.

| V. CULTURAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 (21)? | | | | X |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (21)? | | X | | |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (23)? | | X | | |
| d) Disturb any human remains, including those interred outside of formal cemeteries (24)? | | | X | |

Comments.

Based upon a site visit and review of the aerial photos, there is no evidence that historic resources exist within the project site. In addition, the site is not on the list of previously recorded cultural resources (22). This list, which was compiled as part of the 2010 General Plan Update, was compiled from the

inventory of the National Register of Historic Properties, the California Historic Landmarks list, the California Points of Historic Interest list, and the California State Resources Inventory for San Bernardino County. Past records of paleontological resources were also evaluated as part of the General Plan. This research was compiled from records at the Archaeological Information Center located at the San Bernardino County Museum. Based upon this review, paleontological resources are not expected to exist on the project site.

In the event that human remains are discovered during grading activities, grading shall cease until the County Coroner has made the necessary findings in accordance with the California Environmental Quality Act (CEQA) (24). Should the Coroner determine that the remains are Native American, the Native American Heritage Commission (NAHC) shall be contacted and the remains shall be handled in accordance with Public Resources Code Section 5097.98. The NAHC has indicated that the City and Sphere of Influence does not contain any sacred lands (25).

The Cultural Resources Sensitivity Map indicates that the site has a medium sensitivity potential for containing cultural resources (23). Consequently, a Phase I cultural resource survey shall be conducted by a City approved archaeologist or paleontologist prior to issuance of a grading permit. The recommendations of the Phase I survey shall be implemented in accordance with the recommendations within the survey. This mitigation measure is listed on page 24. Consequently, approval of the conditional use permit will not have an impact upon cultural resources subject to this mitigation.

| VI. GEOLOGY AND SOILS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (26 & 27). | | | | X |
| ii) Strong seismic ground shaking (26 & 28)? | | | X | |
| iii) Seismic-related ground failure, including liquefaction (8 & 26)? | | | | X |
| iv) Landslides (26)? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil (8)? | | X | | |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse (8 & 26)? | | | | X |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (8 & 27)? | | | | X |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (8 & 27)? | | | | X |

Comments.

The City and Sphere of Influence (SOI) is near several major faults, including the San Andreas, North Frontal, Cleghorn, Cucamonga, Helendale, and San Jacinto faults (28). The nearest fault to the site is the North Frontal fault, located approximately five miles to the east of the City. The Alquist-Priolo Earthquake Fault Zoning Act prohibits structures designed for human occupancy within 500 feet of a major active fault and 200 to 300 feet from minor active faults (29). The project site is not located within an Alquist-Priolo Earthquake Fault Zone (26, 27 & 28). Further, the site is not in an area which has the potential for landslides, lateral spreading, subsidence, liquefaction, or collapse (27).

The soil at this location is classified by the U.S. Soil Conservation Service as *Bryman Loamy Fine Sand, five to nine percent slopes*. This soil is limited by high soil blowing hazard, high water intake rate, and moderate to high available water capacity (8). During construction, soil erosion will be limited through compliance with an approved erosion control plan in accordance with National Pollution Discharge Elimination System (NPDES) and Storm Water Prevention Plan (SWPP) regulations. Although disturbance of the soil will result in significant soil loss due to wind erosion, the site will be fully developed with a building, paved parking, and landscaping (4). These improvements will ensure that soil disturbance will not result in significant soil erosion. The site is not in proximity to City sewer and will require installation of a septic system which meets Lahontan Regional Water Quality Control Board regulations and City standards (30). This soil class does not contain expansive properties and drains well. Therefore, it is capable of being used for septic systems. Consequently, approval of the conditional use permit will not have an impact upon geology or soils.

| VII. GREENHOUSE GAS EMISSIONS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (31)? | | | X | |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases (31, 32 & 33)? | | | X | |

Comments.

Assembly Bill 32 requires the California Air Resources Board (CARB) to develop regulations and market mechanisms that will ultimately reduce California's greenhouse gas emissions to 1990 levels by 2020. In addition, Senate Bill 97 requires that all local agencies analyze the impact of greenhouse gases under CEQA and task the Office of Planning and Research (OPR) to develop CEQA guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions..."

On April 13, 2009, OPR submitted to the Secretary for Natural Resources its proposed amendments to the state CEQA Guidelines for greenhouse gas emissions, as required by Senate Bill 97 (Chapter 185, 2007). The Natural Resources Agency forwarded the adopted amendments and the entire rulemaking file to the Office of Administrative Law (OAL) on December 31, 2009. On February 16, 2010, OAL approved the Amendments, which became effective on March 18, 2010 (73). This initial study has incorporated these March 18, 2010 Amendments.

Lead agencies may use the environmental documentation of a previously adopted Plan to determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements of the Plan or mitigation program under specified circumstances. As part of the General Plan Update, the City adopted a Climate Action Plan (CAP)(31). The CAP provides

policies along with implementation and monitoring which will enable the City of Hesperia to reduce greenhouse emissions 29 percent below business as usual by 2020, consistent with AB 32 (32).

Development of the proposed automotive salvage and dismantling facility will result in lower greenhouse gas (GHG) emissions than the industrial uses analyzed by the General Plan Update Environmental Impact Report (GPUEIR) through reuse of used automotive parts and ultimately recycling of the vehicles into raw materials to be used in production of new products (33). This eliminates the GHG emissions from quarrying, refining, and processing raw materials into usable parts. These processes also create a large quantity of GHG emissions from transporting the raw materials to plants and ultimately to consumers. The CAP provides a 10 percent community emission reduction credit for the use. Reduction in paved areas as shown on the site plan will reduce the amount of absorbed heat as well, which also reduces GHG emissions. Job creation in the City will reduce the number of residents commuting to other communities for work, reducing vehicle miles traveled and resulting in additional GHG reductions. Providing more opportunities for consumers to purchase automotive parts will also result in additional reductions.

Each of the modular office trailers shall be equipped with energy efficient mechanical systems for heating and cooling. That, in combination with use of dual pane glass and insulation meeting current Building Code regulations will cause a reduction in GHG emissions from use of less efficient systems, resulting in additional community emission reduction credits. The proposed use will also result in a substantially reduced number of vehicle trips than was analyzed by the GPUEIR as identified in the Transportation/Traffic Section. Consequently, the impact upon GHG emissions associated with the proposed project is less than significant.

| VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (4 & 34)? | | | X | |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (4 & 34)? | | | X | |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (4)? | | | X | |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment (1)? | | | | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area (18)? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area (36)? | | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (37)? | | | | X |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (4)? | | | | X |

Comments.

The project includes the routine transport and storage of hazardous wastes. Prior to storing any vehicle, it shall be located to the paved area beneath the patio for removal of all fluids, including motor oil, steering fluid, transmission fluid, and brake fluid in accordance with an approved Hazardous Materials Business Plan (HMBP) (34), which shall be subject to review and approval by the San Bernardino County Fire Department. These fluids shall be stored in water-tight containers and transported/disposed of in accordance with the HMBP and shall be included as a mitigation measure for the project. These flammables will be transported on trucks with placards identifying the type of hazardous materials being shipped and the drivers are required to carry "detailed material data sheets," allowing emergency responders the ability to quickly assess the hazard in the event of an incident (34). The switches in the vehicles contain Mercury, which is also listed as a hazardous waste under Article 4.1. Mercury at as low a level as 0.0002 mg/m³ is considered a health risk, based upon research from the Agency for Toxic Substances and Disease Registry. Although the site poses a potential health risk, compliance with the HMBP will reduce the possibility of an accidental release to an acceptable level.

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

- National Priorities List www.epa.gov/superfund/sites/query/basic.htm. List of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. There are no known National Priorities List sites in the City of Hesperia.
- Site Mitigation and Brownfields Reuse Program Database www.dtsc.ca.gov/database/Calsites/Index.cfm. This database (also known as CalSites) identifies sites that have known contamination or sites that may have reason for further investigation. There are no known Site Mitigation and Brownfields Reuse Program sites in the City of Hesperia.
- Resource Conservation and Recovery Information System www.epa.gov/enviro/html/rcris/rcris_query_java.html. Resource Conservation and Recovery Information System is a national program management and inventory system of hazardous waste handlers. There are 53 Resource Conservation and Recovery Act facilities in the City of Hesperia, however, the project site is not a listed site.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS) (<http://cfpub.epa.gov/supercpad/cursites/srchsites.cfm>). This database contains information on hazardous waste sites, potentially hazardous waste sites, and remedial activities across the nation. There is one Superfund site in the City of Hesperia, however, the project site is not located within or adjacent to the Superfund site.
- Solid Waste Information System (SWIS) (<http://www.ciwmb.ca.gov/SWIS/Search.asp>). The SWIS database contains information on solid waste facilities, operations, and disposal sites throughout the State of California. There are three solid waste facilities in the City of Hesperia, however the project site is not listed.
- Leaking Underground Fuel Tanks (LUFT)/ Spills, Leaks, Investigations and Cleanups (SLIC) (<http://geotracker.waterboards.ca.gov/search/>). This site tracks regulatory data about underground fuel tanks, fuel pipelines, and public drinking water supplies. There are fourteen LUFT sites in the City of Hesperia, six of which are closed cases. The project site is not listed as a LUFT site and there are no SLIC sites in the City of Hesperia.
- There are no known Formerly Used Defense Sites within the limits of the City of Hesperia. Formerly Used Defense Sites <http://hq.environmental.usace.army.mil/programs/fuds/fudsinv/fudsinv.html>.

The site is less than ¼ mile from the nearest school (Encore Academy) at 16955 Lemon Street (1). Any use which includes hazardous waste as part of its operations is prohibited within 500 feet of a school (62). The proposed use is 620 feet northwest of the Encore Academy. Consequently, HMBP compliance will provide sufficient safeguards to prevent health effects. Since the facility is limited in size to 6.5 acres and the acreage would be used primarily for vehicle storage, the impact of a limited amount of hazardous materials will not pose a significant health threat.

The proposed salvage/dismantling facility will not conflict with air traffic nor emergency evacuation plans. The site is approximately five miles from the Hesperia Airport to the southwest and is therefore not within a restricted use zone associated with air operations (36). Consequently, implementation of the project will not cause safety hazards to air operations. The site is also not along an emergency evacuation route or near a potential emergency shelter (37). Consequently, the project will not interfere with emergency evacuation plans.

The project's potential for exposing people and property to fire and other hazards was also examined. The site is located within an urbanized area and is not in an area susceptible to wildland fires. The southernmost and westernmost portions of the City are at risk, due primarily to proximity to the San Bernardino National Forest (38 & 43). All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. In addition, all hazardous materials will be stored and transported in accordance with an approved Hazardous Materials Business Plan (HMBP) (34). Consequently, approval of the conditional use permit will not have any impact upon or be affected by hazards and hazardous materials with compliance with an approved HMBP and required mitigation measures.

| IX. HYDROLOGY AND WATER QUALITY. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Violate any water quality standards or waste discharge requirements (39)? | | | X | |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted) (41 & 42)? | | | X | |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site (44)? | | | X | |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site (44)? | | | X | |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (44)? | | | X | |
| f) Otherwise substantially degrade water quality (44)? | | | X | |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map (4 & 45)? | | | | X |

| | | | | |
|--|--|--|--|---|
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (4, 45 & 54) ? | | | | X |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (44 & 53) ? | | | | X |
| j) Inundation by seiche, tsunami, or mudflow (46) ? | | | | X |

Comments.

Development of the site will disturb more than one-acre of land area. Consequently, the project will be required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to land disturbance **(39)**. Issuance of a Storm Water Pollution Prevention Plan (SWPPP) will also be required, which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting storm water **(40)**. Obtaining the NPDES and implementing the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). These are mandatory and NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts to water quality during project construction.

The development may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff **(4)**. Therefore, each phase of the project shall retain the drainage created on-site beyond that which has occurred historically within an approved drainage system in accordance with City of Hesperia Resolution 89-16 **(44)**. The northern portion of the site contains a portion of the wash identified by the Hesperia Master Plan of Drainage facility as H-03-01. This wash conveys storm water northeast from properties to the southwest. The retention facilities required by the City will ensure that no additional storm water runoff impacts the wash and that any contaminants which remain after removal of fluids from the vehicles is adequately filtered from the water prior to any release into the wash.

A 100-foot wide drainage easement is shown on the site plan submitted as part of the conditional use permit, which provides sufficient width to contain a 100-year storm event **(45)**. The northern one-third of the northernmost vehicle salvage and dismantling yard bounds the wash. The site plan does not show any structures within this easement. The four 320 square foot modular office structures are located well outside the proposed drainage easement. In addition, the site is not within a Flood Zone, based upon the latest Flood Insurance Rate Map **(54)**.

The City is downstream of three dams. These are the Mojave Forks, Cedar Springs, and Lake Arrowhead Dams. In the event of a catastrophic failure of one or more of the dams, the project site would not be inundated by floodwater **(44 & 53)**. The areas most affected by a dam failure are located in the low lying areas of southern Rancho Las Flores, most of the Antelope Valley Wash, and properties near the Mojave River.

The City of Hesperia is located just north of the Cajon Pass at an elevation of over 2,500 feet above sea level, which is over 60 miles from the Pacific Ocean. As such, the City is not under threat of a tsunami, otherwise known as a seismic sea wave **(46)**. Similarly, the potential for a seiche to occur is remote, given the limited number of large water bodies within the City and its sphere. A seiche would potentially occur only in proximity to Silverwood Lake, Hesperia Lake and at recharge basins **(46)**. The subject property exhibits between a five and nine percent slope, with the majority of the site being mostly within the five percent range. In addition, the water table is significantly more than 50 feet from the surface. Therefore, the mechanisms necessary to create a mudflow; a steep hillside with groundwater near the surface, does not exist at this location **(8)**.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment “to secure supplemental water as necessary to fully implement the provisions of this Judgment.” Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City’s Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, a letter dated May 21, 1997 from the MWA’s legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin (41).

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere Of Influence (SOI). The UWMP indicates that the City is currently using less than half of its available water supply and that supply is projected to exceed demand beyond the year 2030 (42). The HWD has maintained a water surplus through purchase of water transfers, allocations carried over from previous years, and recharge efforts. Therefore, the impact upon hydrology and water quality associated with the conditional use permit is considered less than significant.

| X. LAND USE AND PLANNING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Physically divide an established community (1)? | | | | X |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (47)? | | | | X |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan (18)? | | | | X |

Comments.

The site is currently vacant and within an industrial area (1). Therefore, the use will not physically divide an established community. The proposed multi-tenant vehicle salvage and dismantling yard is consistent with the existing General Plan and zoning, but requires approval of a conditional use permit (47). The project site is not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities (18). These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest community, exist within the Rancho Las Flores Specific Plan and vicinity (18). The project site is located approximately five miles north of this specific plan within the developed portion of the City. Therefore, development of the project would have a less than significant impact upon land use and planning.

| XI. MINERAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (48)? | | | | X |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan (48)? | | | | X |

Comments.

According to data in the Conservation Element of the City’s General Plan, no naturally occurring important mineral resources occur within the project site (48). Known mineral resources within the City and sphere include sand and gravel, which are prevalent within wash areas and active stream channels. Sand and gravel is common within the Victor Valley. Although the project contains a wash, which contains sand and gravel, the mineral resources within the property are not unique locally or regionally and need not be preserved. Consequently, the proposed conditional use permit would not have an impact upon mineral resources.

| XII. NOISE. Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (1, 4 & 49)? | | | X | |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (50 & 51)? | | | X | |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (52)? | | | X | |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (52)? | | | X | |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels (36)? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels (36)? | | | | X |

Comments.

Approval of the proposed conditional use permit will result in both construction noise and operational noise, mostly associated with trucks and vehicular traffic to and from the site. According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles and aircraft (49). Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Noises associated with this type of project will be mostly from traffic caused by arriving and departing vehicles (employees, customers, vehicle service, and deliveries).

Construction noise levels associated with any future construction activities will be slightly higher than the existing ambient noise levels in the vicinity of the project site. Noise generated by construction equipment, including trucks, graders, backhoes, well drilling equipment, bull-dozers, concrete mixers and portable generators can reach high levels and is typically one of the sources for the highest potential noise impact of a project. However, the construction noise would subside once construction is completed. The proposed project must adhere to the requirements of the City of Hesperia Noise Ordinance (49). The Noise Ordinance contains an exemption from the noise level regulations during grading and construction activities occurring between 7:00 A.M. and 7:00 P.M., Monday through Saturday, except federal holidays.

The project site will be subjected to higher levels of noise and vibration, due to its proximity to the Burlington Northern and Santa Fe (BNSF) railroad. However, industrial uses are not sensitive to noise and may be subjected to up to 70 dB (A) all day and night (50). The project site receives railroad noise of between 49.3 and 74.8 dB (A), based upon a decrease of 4.5 dB (A) for a 100-foot distance from the tracks (51). This noise impact is intermittent and does not subject the industrial site to excessive noise inasmuch as the General Plan and zoning allows an additional 5 dB (A) noise impact for 15 minutes in any hour period (50). The site will receive vibration at levels of between 0.82 and 1.55 inches per second (55). The General Plan allows a maximum ground vibration of 0.2 inches/second at or beyond the lot line (56). However, the General Plan exempts the noise and vibration created by vehicles not under the control of the industrial use (56). Since industrial activities are not sensitive to excessive noise and vibration and railroad operations are exempt from noise and vibration standards, the impact of noise and vibration upon the proposed use is not significant.

Certain activities particularly sensitive to noise include sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration, which will not be impacted. Hospitals and convalescent homes, churches, libraries, and childcare facilities are also considered noise-sensitive uses as are residential and school uses. The nearest sensitive uses to the site are the single-family residences to the west, which are located on the opposite side of the BNSF railroad tracks and will be impacted more from railroad operations than by the proposed use.

Operation of the vehicle salvage and dismantling facility will create additional noise associated with vehicular traffic to and from the yard by trucks as well as by the passenger vehicles operated by employees and customers. The General Plan Update Environmental Impact Report (GPUEIR) accounts for the usual truck traffic in this area caused by industrial activities. Santa Fe Avenue and Mesa Street are local roadways, which were not analyzed by the General Plan due to their low traffic volumes. The limited number of vehicle and truck trips will result in a minor increase in traffic (57). Staff reviewed the existing noise level and noise level at build-out of the City consistent with the General Plan for that portion of Santa Fe Avenue south of Main Street and north of Lime Street (52) to make an assumption regarding the potential noise increase along Santa Fe Avenue adjacent to the project site. The analysis projects a noise increase from 62 dB (A) to 66 dB (A) along this segment of Santa Fe Avenue. Inasmuch as Santa Fe Avenue in proximity of Mesa Street is used almost exclusively for accessing the industrial area, it is expected that the existing and projected noise level at this location at build-out will be lower than for the segment south of Main Street. Since the use will not create a significant increase in vehicular traffic, it is expected that noise from the street will not exceed 70 dB (A). Therefore, noise mitigation is unnecessary.

The project site is approximately five miles north of the Hesperia Airport. At this distance, the project is not impacted by any safety zones associated with this private airport (36). The project site is even farther from the Southern California Logistics Airport (SCLA) and the Apple Valley Airport and will not be affected by any safety zones for these airports.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the noise impact upon build-out of the General Plan to the maximum allowable density permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with noise impacts (15). Inasmuch as this project is consistent with the General Plan Land Use Plan, no additional noise impact beyond that previously analyzed would occur.

| XIII. POPULATION AND HOUSING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (4)? | | | X | |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere (1)? | | | | X |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere (1 & 9)? | | | | X |

Comments.

The proposed project is consistent with the current General Manufacturing (I-2) General Plan Land Use designation and zoning, with approval of a conditional use permit (6 & 9). Establishment of the proposed vehicle salvage and dismantling yard will not create a direct increase in the demand for housing. Inasmuch as only 1,280 square feet of office area is proposed, with the balance of the site to be used almost exclusively for vehicle storage, its indirect impact upon population growth is very small. As per the Transportation/Traffic Section, approximately 9 daily vehicle trips would be generated by this project (57). Further, the site is in close proximity to water and other utility systems (30). As a result, development of the project would not require significant extension of major improvements to existing public facilities. The site is vacant and is identified for development of industrial land uses (1 & 9). Therefore, the project will not displace any existing housing, necessitating the construction of replacement housing elsewhere.

The population in Hesperia has increased mainly because of the availability of affordable housing in the high desert and its proximity to the job-rich areas of the Inland Empire. There is currently more demand for commercial services and jobs than there are services and jobs available in Hesperia. As a result, the proposed development will not induce substantial population growth as the development will provide much needed services and jobs for the current population in the High Desert. Based upon the limited size and specialization of the use proposed, development of the project would have a less than significant impact upon population and housing.

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

Comments.

The proposed project will create a very slight increase in demand for public services (2). Both Santa Fe Avenue and Mesa Street contain a 12-inch diameter water line, which will provide adequate water pressure for domestic and fire flow (30). The site is over 200 feet from the nearest sewer line. Consequently, connection to sewer is not required (60). Full street improvements comprised of curb, gutter, and sidewalk will be constructed along the project frontage as part of development of the use (61). Additionally, development impact fees will be assessed at the time that building permits are issued for construction of the site (59). These fees are designed to ensure that appropriate levels of capital resources will be available to serve any future development. Consequently, satisfactory levels of public services will be maintained. Therefore, the proposed conditional use permit will not have a significant impact upon public services.

| XV. RECREATION. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (9)? | | | | X |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (4)? | | | | X |

Comments.

As evaluated previously, approval of the conditional use permit will induce population growth indirectly, as evidenced by the limited number of vehicle trips to be generated by the use identified within the Transportation/Traffic Section. The proposed vehicle salvage/dismantling facility will not include any recreational facilities (4). Therefore, the proposed conditional use permit will have a small indirect impact upon recreation.

| XVI. TRANSPORTATION / TRAFFIC. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (63) ? | | | | X |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways (64) ? | | | | X |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks (36) ? | | | | X |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (1 & 61) ? | | | | X |
| e) Result in inadequate emergency access (4) ? | | | | X |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities (64 & 65) ? | | | | X |

Comments.

The proposed vehicle salvage and dismantling facility fronts upon Santa Fe Avenue and Mesa Street. These two streets are to be constructed as industrial collector streets and therefore are not shown on the General Plan Traffic Circulation Plan, which identifies the arterial road network **(63)**. As part of development of this project, Santa Fe Avenue and Mesa Street will be constructed to City standards, including curb, gutter, and sidewalk across the project frontage and pavement tapers beyond the frontage **(61)**. These improvements will include the northeast portion of the intersection of the two streets, which are currently at near right angles to each other. As such, the intersection does not form a hazardous design feature and the improvements will make the intersection wider, improving safety. These improvements will not conflict with the Traffic Circulation Plan, nor will they be inconsistent with an ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The City's General Plan includes a non-motorized transportation network **(65)**. The site does not front upon a street which is part of the Bikeway System Plan nor is a bus stop warranted at this location.

The site design has been evaluated by both the City and the San Bernardino County Fire Department. The first phase of the project provides drive aisle access to the two yards adjacent to Mesa Street and the drive aisle does not exceed 150 feet in length **(4)**. Therefore, an approved turn-around is not required. The second phase includes an approved turn-around as required by the fire department, providing adequate emergency access for the second and final phase.

The City's Circulation Plan is consistent with the Congestion Management Program (CMP) for San Bernardino County **(64)**. The CMP requires a minimum Level Of Service (LOS) standard of "E." When a jurisdiction requires mitigation to a higher LOS, then the jurisdiction's standard takes precedence. The Circulation Element requires a minimum LOS of D for street segments instead of LOS E. The Element also

strives to maintain a LOS of C or better on roadways which exhibit an LOS better than D. The LOS of Mesa Street and Santa Fe Avenue will not be affected by the limited number of vehicle trips to be created by this use as analyzed within the Transportation/Traffic Section.

The project site is located approximately 5 miles from the Hesperia Airport and is not within an airport safety zone (36). Consequently, the project will not cause a change in air traffic patterns nor an increase in traffic levels or location. The project site will also not impact the air traffic patterns for the Southern California Logistics Airport nor the Apple Valley Airport.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the impact upon transportation at build-out of the General Plan to the maximum allowable density permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with transportation impacts (15).

Based on the four 320 square foot office structures on the 6.5-acre site, approximately 9 daily vehicle trips would be created, based upon the Institute of Transportation Engineer’s Trip Generation Manual, which attributes an average daily vehicle trip demand of 6.97 trips per 1,000 square feet of gross building floor area for general light industrial development (57). Heavy industrial uses will generate an average daily vehicle trip demand of 1.50 trips per 1,000 square feet of gross building floor area (58). Based upon a Floor Area Ratio (FAR) of 0.35, 149 average daily vehicle trips were analyzed as part of the General Plan Update Environmental Impact Report (GPUEIR). Therefore, the proposed conditional use permit, establishing a 6.5-acre vehicle salvage and dismantling yard would result in a decrease of about 140 daily vehicle trips. Consequently, approval of this use will reduce the traffic impact below that analyzed by the GPUEIR. As a result, the impact of the proposed conditional use permit upon transportation facilities is considered to be less than significant.

| XVII. UTILITIES AND SERVICE SYSTEMS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (66)? | | | | X |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (67 & 68)? | | | X | |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (69)? | | | X | |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (41 & 42)? | | | X | |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments (67 & 68)? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs (70 & 72)? | | | X | |
| g) Comply with federal, state, and local statutes and regulations related to solid waste (71)? | | | X | |

Comments.

The proposed conditional use permit will not increase the amount of wastewater, as the development will not be connected to the City sewer system. The development meets the regulations allowing use of a private septic system, due to the site's exceeding 200 feet from the nearest sewer line. The limited number of fixtures necessary to serve the four 320 square foot office structures can be served by individual septic systems. The Lahontan Regional Water Quality Control Board allows construction of private wastewater treatment systems provided the use does not create more than 500 gallons of wastewater per acre per day (67). Therefore, up to 3,250 gallons of wastewater can be treated using a septic system on the 6.5-acre site. Based upon rough calculations accounting for the 8 fixtures expected to serve four 320 square foot office units, the project will discharge approximately 96 gallons of wastewater per day (68). Therefore, construction of this project will not result in any additional wastewater to be treated by the Victor Valley Wastewater Reclamation Authority.

As part of construction of the project, the City requires installation of an on-site retention facility which will retain any additional storm water created by the impervious surfaces developed as part of the project (69). Consequently, based upon a 100-year storm event, development of this project will not increase the amount of drainage impacting downstream properties beyond that which would occur prior to its development. Additionally, the retention facility will contain a filtration system preventing contamination of the environment.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, in a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin (41).

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere Of Influence (SOI). The UWMP evidences that the City is currently using less than half of its available water supply and that supply is projected to exceed demand beyond the year 2030 (42). The HWD has maintained a surplus water supply through purchase of water transfers, allocations carried over from previous years, and recharge efforts.

The City is in compliance with the California Integrated Waste Management Act of 1989, which requires that 50 percent of the solid waste within the City be recycled. Currently, approximately 69 percent of the solid waste within the City is being recycled (70 & 72). About 168 tons of solid waste is disposed at the landfill and 243 tons are recycled of the total solid waste produced by the City per day. The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 600 tons per day in order to accommodate future development. Therefore, the project will not cause a significant impact upon utilities and service systems.

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

Comments.

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

XIV. EARLIER ANALYSES.

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

The Certified General Plan Environmental Impact Report.

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

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

1. The applicant shall water all unpaved areas as necessary to control dust.
2. All hazardous fluids and other materials shall be drained from each vehicle into containers with water-tight lids within the paved and covered containment area prior to vehicles being placed within the salvage/dismantling area. All hazardous wastes shall be subject to the requirements of an approved hazardous materials management plan.

3. A Phase I cultural resource survey shall be conducted by a City approved archaeologist or paleontologist prior to issuance of a grading permit. All recommendations of the Phase I survey shall be implemented. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. Further, prior to completion of the project, the applicant shall submit a report describing all cultural resources encountered during grading.
4. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.
5. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

- (1) Aerial photos of the City of Hesperia flown taken February, 2009 and on-site field investigations conducted in October 2010.
- (2) Section 3.1.2 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.1-3.
- (3) Section 3.0 of the 2010 City of Hesperia General Plan Open Space Element, pages OS-13 thru OS-27.
- (4) Application and related materials for Conditional Use Permit CUP10-10119.
- (5) Sections 16.16.550 and 16.16.555 of the Hesperia Municipal Code.
- (6) Table 1 of Section 16.16.465 of the Hesperia Municipal Code.
- (7) Section 3.1.4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.1-6.
- (8) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area, Pages 23 thru 24 and Map Sheet No. 31.
- (9) 2010 Official Map showing the General Plan Land Use and zoning of the City of Hesperia and its sphere of influence.
- (10) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
- (11) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
- (12) Air Quality Section of the 2010 City of Hesperia General Plan Conservation Element, pages CN-47 thru CN-51.
- (13) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
- (14) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
- (15) Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR).

- (16) Sensitive Wildlife Survey & Protected Plant Plan for the site prepared by RCA Associates, LLC, April 23, 2010.
- (17) Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
- (18) Section 3.2 of the 2010 City of Hesperia General Plan Update Conservation Element background technical report, pages 8 and 9.
- (19) Section 3.3.2 of the 2010 City of Hesperia General Plan Update Conservation Element background technical report, pages 14 thru 25.
- (20) 1988 United States Bureau of Land Management California Desert Conservation Area map.
- (21) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages C-1 thru C-34.
- (22) Section 6 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 22 thru 38.
- (23) Cultural Resource Sensitivity Map Exhibit 5b of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report.
- (24) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
- (25) Letter dated September 25, 2006 from Dave Singleton of the Native American Heritage Commission within Appendix B of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report.
- (26) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-8.
- (27) Exhibit SF-1 of Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, page SF-9.
- (28) Figure 1-2 of Section 1.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-5.
- (29) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
- (30) Current Hesperia water and sewer line atlas, page K-13S.
- (31) Section 1 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 1.
- (32) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
- (33) Table 5 of Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 20 and 21.
- (34) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, page SF-32.
- (35) Section 5 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 5-4 and 5-5.
- (36) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-71 and LU-72.
- (37) Disaster Preparedness, Response, and Recovery Section of the 2010 Hesperia General Plan Safety Element, pages SF-37 thru SF-48.
- (38) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
- (39) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
- (40) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.

- (41) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
- (42) Mojave Water Agency letter dated March 27, 1996.
- (43) Exhibit SF-3 of the 2010 City of Hesperia General Plan Update Safety Element, page SF-21.
- (44) Flooding Hazards Section of the 2010 City of Hesperia General Plan Update Safety Element, pages SF-16 thru SF-18.
- (45) 1996 Hesperia Master Plan of Drainage Volume III, identifying future improvements for the H-03-01 drainage facility.
- (46) Section 3.0 of the 2010 City of Hesperia General Plan Update Safety Element, page SF-8.
- (47) Table 1 of Section 16.16.465 of the Hesperia Municipal Code, page 419.
- (48) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
- (49) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4.
- (50) Section 16.20.125 of the Hesperia Municipal Code, pages 464 thru 467 and Table NS-5 of Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, pages NS-11 and NS-12.
- (51) Table 7 of Section 2.2.1 of the 2010 City of Hesperia General Plan Update Noise Element background technical report, page 22.
- (52) Table 3.11-10 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.11-45.
- (53) Dam Inundation Map within Section 3.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 3-22.
- (54) FEMA Flood Map within Section 3.1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
- (55) Table 8 within Section 2.2 of the 2010 City of Hesperia General Plan Update Noise Element background technical report, page 22.
- (56) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-13.
- (57) 2004 Trip Generation Manual, Volume III, 7th Edition, Institute of Transportation Engineers, page 99.
- (58) 2004 Trip Generation Manual, Volume III, 7th Edition, Institute of Transportation Engineers, page 124.
- (59) 1991 City of Hesperia Ordinance 180 entitled "An Ordinance of the City Council of the City of Hesperia, California, Establishing a Development Impact Fee for all New Residential, Commercial, and Industrial Structures" and Resolution No. 2007-110 on November 20, 2007.
- (60) 2007 California Plumbing Code Section 713.4, page 137.
- (61) Condition 18 of the proposed conditions of approval for CUP10-10119, page 4.
- (62) California Health and Safety Code Section 25232 (b) (1) (A-E).
- (63) Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, page CI-17.
- (64) Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, page 4.
- (65) Sections 6.3 and 6.4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 74 and 75.

- (66) Section 3.8 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-8 thru 3.8-14.
- (67) Environmental policies of the Lahontan Regional Water Quality Control Board regarding use of private wastewater treatment systems.
- (68) 2007 California Plumbing Code, Table 7-3.
- (69) Condition 17 of the proposed conditions of approval for CUP10-10119, pages 3 and 4.
- (70) 2009 California Department of Resources, Recycling and Recovery Annual AB939 Report.
- (71) California Integrated Waste Management Act (AB 939).
- (72) Quarterly data of the San Bernardino County Disposal Reporting System for the 2nd quarter 2010.
- (73) Section 15183.5 – Tiering and Streamlining the Analysis of Greenhouse Gas Emissions, March 18, 2010 Amendments to the Guidelines for Implementation of the California Environmental Quality Act.

CUP10-10119 initial study

Attachment "A"



ATTACHMENT 7

RESOLUTION NO. PC-2010-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A MULTI-TENANT VEHICLE SALVAGE AND DISMANTLING FACILITY ON 6.5 GROSS ACRES ZONED I-2 LOCATED ON THE NORTHEAST CORNER OF MESA STREET AND SANTA FE AVENUE (CUP10-10119)

WHEREAS, George Andreasian has filed an application requesting approval of Conditional Use Permit CUP10-10119 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a vacant lot within the General Manufacturing (I-2) Zone District, located on the northeast corner of Mesa Street and Santa Fe Avenue and consists of Assessor's Parcel Numbers 0415-211-21 & 22; and

WHEREAS, the Application, as contemplated, proposes to construct a multi-tenant vehicle salvage and dismantling facility on 6.5 gross acres; and

WHEREAS, the subject site is presently vacant, has been impacted by drainage across its northern portion, and has been partially disturbed by off-road vehicle use and other activities. The site is bounded to the south and east by vacant properties. The property to the west contains the Burlington Northern and Santa Fe (BNSF) railroad and the properties to the north are occupied by two dismantling yards; and

WHEREAS, the subject property and surrounding properties to the north, south, and east are currently designated and zoned General Manufacturing (I-2). The property to the west is within the Railroad Corridor (RRC) General Plan Land Use designation and zone district; and

WHEREAS, approval of this project requires adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study prepared for this project concludes that there are no significant adverse impacts resulting from development of the project with the mitigation measures provided; and

WHEREAS, on November 9, 2010, the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced November 9, 2010 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use because the site can accommodate all proposed improvements in conformance with the development code.

- (b) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the City's General Manufacturing (I-2) General Plan Land Use designation and zone district. All properties surrounding this project are within the I-2 designation and zoning, except the property to the west, which is within the Railroad Corridor (RRC) designation and zoning. In addition, the properties to the north are developed with similar uses and the property west of the project site contains the Burlington Northern and Santa Fe railroad. The properties to the south and east are vacant, but are also within the General Manufacturing Land Use designation and zone district.
- (c) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations allowing automotive dismantling/recycling facilities in the General Manufacturing zone. In addition, the development complies with standards for landscaping, driveway aisles, parking stall dimensions, building heights, fire lanes and turn-around, trash enclosures, and loading areas. The development complies with the Americans with Disability Act (ADA) by providing the required accessible parking spaces and path of travel. The development will also be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development must also comply with the project's conditions of approval for both off-site and on-site improvements.
- (d) The site for the proposed use will have adequate access based upon the site's access from Mesa Street. The developer is required to construct street improvements along Mesa Street and Santa Fe Avenue in accordance with the City's Circulation Element with pavement tapers to City standards. The developer shall pay a Traffic Impact Mitigation Fee Program as part of the Development Impact Fee (DIF) to fund the construction of traffic improvements to the arterial roadways within the City to maintain adequate levels of service.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the General Manufacturing (I-2) General Plan Land Use designation and zone district. An automotive salvage and dismantling yard is an allowable use with approval of a conditional use permit and the recommended street improvements are consistent with the General Plan Circulation Element.
- (f) Based upon Negative Declaration ND-2010-04 and the initial study which supports the Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed conditional use permit will have a significant effect on the environment.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP10-10119 subject to the conditions of approval as shown in Attachment "A".

Section 4. The Secretary shall certify to the adoption of this Resolution. 1-39
PLANNING COMMISSION

ADOPTED AND APPROVED this 9th day of November 2010.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stein, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP10-10119

Approval Date: November 9, 2010
Effective Date: November 20, 2010
Expiration Date: November 20, 2013

This list of conditions apply to a Conditional Use Permit to establish a multi-tenant vehicle salvage and dismantling yard on 6.5 gross acres zoned I-2, located on the northeast corner of Mesa Street and Santa Fe Avenue. Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: George Andresian; APNs: 0415-211-21 & 22).

The use shall not be established until all conditions of this Conditional Use Permit application have been met. This approved Conditional Use Permit shall become null and void if all conditions have not been completed within three (3) years of the effective date. Extensions of time of up to twelve (12) months may be granted upon submittal of the required application and fee prior to the expiration date.

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

SUBMITTAL OF PUBLIC IMPROVEMENT PLANS SHALL INCLUDE THE FOLLOWING:

- _____ 1. **Drainage Study.** The Developer shall submit a Final Hydrology / Hydraulic study identifying the method of collection and conveyance of tributary flows from off-site as well as the method of control for increased run-off generated on-site. The project is also affected by the H-03-01 Master Planned Drainage Facility and the study shall address this. Any right of way dedications that are needed from the property owner shall be provided. (E)

- _____ 2. **Geotechnical Report.** The Developer shall provide two copies of the soils report with the grading plan. The soils report shall substantiate with all grading, building, and public improvement plans. In addition, a percolation report shall be performed to substantiate the percolation of the on-site drainage retention areas. Include "R" value testing and pavement recommendations for public streets (E, B)

- _____ 3. **Title Report.** The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)

- _____ 4. **NPDES.** The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E)

- _____ 5. **Storm Water Pollution Prevention Plan.** The Developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off control during construction. The SWPPP shall be prepared as required in the new State General Construction Permit that went into effect July 01, 2010. (E)
- _____ 6. **Water Quality Management Plan.** The Developer shall provide a copy of their Water Quality Management Plan (WQMP), which addresses the method of storm water run-off control after construction. (E)
- _____ 7. **Utility Non-interference / Quitclaim Document(s).** The Developer shall provide non-interference and or quitclaim letter(s) from *any* applicable utility agencies for *any* utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Division and the affected utility agencies. **The improvement plans will not be accepted without the required documents and approval from the affected agencies.** (E)
- _____ 8. **Plan Check Fees.** Along with improvement plan submittal, the Developer shall pay applicable plan-checking fees. **Improvement Plans and requested studies shall be submitted as a package.** (E)
- _____ 9. **Building Construction Plans.** Five complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division with the required application fees for review. (B)
- _____ 10. **Percolation Test.** The applicant shall submit a percolation test, performed by a California licensed civil or soils engineer, and approved by the San Bernardino County Department of Environmental Health Services for the required private sewage disposal systems. Should the applicant agree in writing to use the most restrictive percolation test for a site in close proximity to the subject property in designing the sewage disposal systems, then a percolation test shall not be required to be performed on-site. The applicability of any percolation test for use in designing the sewage disposal systems shall be subject to review and approval by the Building and Safety Division. In the event a tract map or parcel map has previously been recorded on the project site, the City of Hesperia has a percolation test on file, and no unusual conditions apply, this requirement may be waived by the Building and Safety Division. (B)
- _____ 11. **Hazardous Material Management Study.** The Developer shall submit a hazardous material plan identifying the method of collection and containment of all hazardous materials generated on-site. (B, F, P)
- _____ 12. **Easement, (Water, Sewer and Storm Drain).** The Developer shall submit a "Grant of Easement" to the City's Engineering Division for review and approval if needed. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

- _____ 13. **Approval of Improvement Plans.** All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)
- _____ 14. **Utility Non-interference / Quitclaim Document(s).** The Developer shall provide non-interference and or quitclaim letter(s) from *any* applicable utility agencies for *any* utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. **Grading permits will not be issued until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developer's responsibility.** (E)
- _____ 15. **Grading Plan.** The Developer shall design a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. Design of the site shall utilize the best management practices for the auto recycling/dismantling industry. The plan shall indicate building "footprints" and proposed development of the retention basins, as a minimum. The site grading and building pad preparation shall include the recommendations provided by the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw), top of footing (tf), and the finish grade (fg) elevations. (E)
- _____ 16. **Drainage Acceptance Letter(s).** It is the Developer's responsibility to obtain signed Drainage Acceptance Letters from *any* adjacent property owner's who are affected by concentrated off-site storm water discharge from any on-site retention basins and storm water runoff. The Acceptance letter, along with the latest grant deed, must be submitted to the City's Engineering Division for plan check approval. (E)
- _____ 17. **Off-Site Grading Letter(s).** It is the Developer's responsibility to obtain signed Off-Site Grading Letters from *any* adjacent property owner(s) who are affected by any Off-Site Grading that is needed to make site work. The Off-Site Grading letter, along with the latest grant deed, must be submitted to the City's Engineering Department for plan check approval. (E)
- _____ 18. **On-site Retention.** The Developer shall design / construct on-site retention facilities, which have minimum impact to ground water quality. All facilities shall conform to Best Management Practices (BMP's) for the auto recycling/dismantling industry. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. All dry wells / injection wells shall be 2-phase systems with debris shields and filter elements. All dry wells / injection wells shall

have a minimum depth of 30' with a max depth to be determined by soils engineer at time of boring test. Per Resolution 89-16 the Developer shall provide on-site retention at a rate of 13.5 Cu. Ft per every 100 Sq. Ft. of impervious materials. **Any proposed facilities, other than a City approved facility that is designed for underground storage for on-site retention will need to be reviewed by the City Engineer. The proposed design shall meet City Standards and design criteria established by the City Engineer. A soils percolation test will be required for alternate underground storage retention systems. (E)**

_____ 19. **Street Improvement Plan.** The Developer shall design street improvements in accordance with City standards and as indicated below. (E)

_____ A. **Santa Fe Avenue.** Construct half-width asphalt pavement street improvements on Santa Fe Avenue across the project frontage, based on the City's 66-foot Industrial Collector Roadway Standard. The curb face is to be located 25' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of: (E)

1. 8" Curb and Gutter per City standards.
2. Sidewalk (width = 6 feet) per City standards.
3. Roadway drainage device(s).
4. Pavement transitions per City Standards.
5. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 8 and per the soils report.
6. Cross sections every 50 feet per City standards.
7. Traffic control signs and devices as required by the City Engineer.
8. Provide a signage and striping plan per City standards.
9. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

_____ B. **Mesa Street.** Construct half-width asphalt pavement street improvements on Mesa Street across the project frontage, based on the City's 70-foot Industrial Collector Roadway Standard. The curb face is to be located 23' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of: (E)

1. 8" Curb and Gutter per City standards.
2. Sidewalk (width = 6 feet) per City standards.
3. Roadway drainage device(s).
4. Pavement transitions per City Standards.
5. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 8 and per the soils report.
6. Cross sections every 50 feet per City standards.
7. Traffic control signs and devices as required by the City Engineer.
8. Provide a signage and striping plan per City standards.

9. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.
- _____ 20. **Utility Plan.** The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. **Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developer's expense.** (E)
- A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
- B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the existing 12" PVC water line in Mesa Street per City Standards.
- C. Complete V.V.W.R.A.'s "Wastewater Questionnaire for Commercial / Industrial Establishments" and submit to the Engineering Department. Complete the "Certification Statement for Photographic and X-ray Processing Facilities" as required. **The Wastewater Questionnaire is only required if the project is required to connect to sewer.**
- _____ 21. **Dry Sewer Lateral.** A dry sewer lateral shall be installed from the building to the property line for APN 0415-211-22 and shall be connected to the public sewer system and the private disposal system destroyed within ninety days of availability. Connection fees shall apply. (E)
- _____ 22. **Fish & Game Fee.** The applicant shall submit a check to the City in the amount of \$2,060.25 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)
- _____ 23. **Pre-construction Survey.** A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)
- _____ 24. **Protected Plants.** Three copies of a protected plant plan shall be submitted to the Planning Division showing the present location and proposed treatment of species in the Dalea and Spinosa (smoketree); Agavaceae (century plants, nolinias, and yuccas, including Joshua Trees); Prosopis (mesquites); Larrea (Creosote rings ten feet or greater in diameter); and all plants protected by the State Desert Native Plants Act, which shall be handled in accordance with the provisions of the Development Code and State law. The grading plan shall be consistent with the approved protected plant plan. Ground disturbing activities shall not commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

- _____ 25. **Cultural Resources.** A Phase I cultural resource survey shall be conducted by a City approved archaeologist or paleontologist prior to issuance of a grading permit. All recommendations of the Phase I survey shall be implemented. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. Further, prior to completion of the project, the applicant shall submit a report describing all cultural resources encountered during grading. (P)
- _____ 26. **Pre-construction Meetings.** Pre-construction meetings shall be held between the City, the Developer, grading contractors, and special inspectors to discuss permit requirements, monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B, P)
- _____ 27. **Design for Required Improvements.** Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this conditional use permit application with the following revision made to the improvement plans: (E, P)
- A. The handicapped accessible parking spaces shall be located closest to the main customer entrance of each building as approved by Planning staff.
- _____ 28. **Lot Merger / Access Easement.** A lot merger shall be submitted, approved, and recorded. As an alternative, an irrevocable reciprocal access easement shall be recorded which allows for the perpetual use of the driveway accessing Mesa Street and the off-street parking spaces for the benefit of both properties. The lot merger and access easement as well as the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)
- _____ 29. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)
- _____ 30. **Certificate of Correction.** A Certificate of Correction shall be submitted for review and approval by the City in order to reduce the existing 50-foot front yard Building Setback Line (BSL) along Mesa Street to 25 feet. The easement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)

- _____ 31. **Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation.
- A. All roads shall be designed to 96.5 compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds. [F-42]
- _____ 32. **Access.** The development shall have a minimum of ONE (1) point of vehicular access. This is for fire/emergency equipment access and for an evacuation route.
- A. **Single Story Road Access Width.** All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. [F-41]
- _____ 33. **Water System Commercial.** A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. The applicant is required to provide a minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than one hundred fifty (150) feet from any portion of a structure. [F-54]
- _____ 34. **Haz-Mat Approval.** The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division at (909) 386-8401 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials. [F94]
- _____ 35. **NPDES.** The Developer shall provide a copy of the approved original NPDES (National Pollutant Discharge Elimination System) permit from the Regional Water Quality Control Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department. (E)
- _____ 36. **Storm Water Pollution Prevention Plan.** All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. (E)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 37. **Construction Waste.** The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction

site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

- _____ 38. **Landscape Plans.** The Developer shall submit four sets of landscape and irrigation plans to the Building Division with the required application fees. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance and shall include a water budget consistent with the Landscape Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)
- _____ 39. **Required Fencing.** The Developer shall submit four sets of fencing plans to the Building Division with the required application fees for all required and proposed walls. An eight-foot high decorative vinyl, equivalent decorative metal fence, or an approved decorative wall shall be provided within 50 feet of the property line along Mesa Street and Santa Fe Avenue East. All gates shall be constructed from the same solid decorative fencing material. This required fencing shall be separated from the street improvements by a minimum ten-foot wide landscaped area. An eight-foot high chain link fence with view-obscuring slats or more decorative fence type or wall shall be installed along the balance of the perimeter of the site. (P)
- _____ 40. **Development Fees.** The Developer shall pay required development fees as follows:
- _____ A. School Fees. (B)
- _____ 41. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)
- _____ 42. **Light and Landscape District Annexation.** Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 43. **As-Built Plans.** The Developer shall provide as-built plans. (E)
- _____ 44. **Public Improvements.** All public improvements shall be completed by the Developer and approved by the Engineering Division. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

- _____ 45. **Development Fees.** The Developer shall pay required development fees as follows:
A. Development Impact Fees. (B)
B. Utility Fees. (P)
- _____ 46. **Utility Clearances.** The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)
- _____ 47. **On-Site Improvements.** All on-site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit "A." Any exceptions shall be approved by the Director of Development Services. (P)
- _____ 48. **Directory Addressing.** Apartments, condominiums and commercial or industrial complexes with more than three separate buildings on site shall have a building directory. Directories are to be posted at the main entrance(s) to the complex on the entry driveway side. Directories shall not be located in the public right-of-way or clear sight triangle areas. Directories shall be of sufficient size to be clearly visible from the public roadway serving the entrance driveway, but in no case less than two feet in either dimension or six square feet. The directory shall be lighted from a power source dedicated to the general premises. (B)
- _____ 49. **KNOX Box[®].** An approved Fire Department key box is required. The KNOX Box[®] shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. [F85]

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

- _____ 50. **Dust Control.** Each operator shall water the unpaved areas as necessary to control dust. (P)
- _____ 51. **Outdoor Storage.** Each salvage/dismantling yard shall be used for the storage of vehicles which have been drained of all fluids and are in some stage of being salvaged. Storage of vehicles which have not been drained of fluids, vehicle impounding, or storage of objects and/or other materials unrelated to a vehicle salvage and dismantling yard is not permitted. (E, F, P)

- _____ 52. **Haz-mat Maintenance.** All hazardous fluids and other materials shall be drained from each vehicle into containers with water-tight lids within the paved and covered containment area prior to vehicles being placed within the salvage/dismantling area. All hazardous wastes shall be subject to the requirements of an approved hazardous materials management plan. (F, P)
- _____ 53. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

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

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