

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: February 10, 2011

Time: 6:30 P.M.

COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Bill Jensen, Commissioner

Julie Jensen, Commissioner

Paul Russ, Commissioner

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

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.

FEBRUARY 10, 2011

**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 Bill Jensen
 - Commissioner Julie Jensen
 - Commissioner Paul Russ

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

- C. Approval of Minutes: January 13, 2011 Planning Commission Meeting Draft Minutes.

-1-

PUBLIC HEARINGS

- 1. Consideration of Conditional Use Permit CUP10-10247, to establish the sale of beer and wine for on-site consumption within a restaurant at 12719 Main Street (Applicant: Linda Tae Y. Kyoung Kim, Inc.; APN: 3064-611-21) (Staff Person: Lisette Sanchez-Mendoza) 1-1
- 2. Consideration of Conditional Use Permit CUP10-10218, to construct a 6,389 square foot multi-tenant retail building with a drive-thru restaurant on one gross acre within the Regional Commercial (RC) District of the Main Street and Freeway Corridor Specific Plan located on the south side of Main Street, approximately 220 feet west of Escondido Avenue (Applicant: HCL Hesperia Vista, LLC; APN: 3057-011-19) (Staff Person: Stan Liudahl) 2-1
- 3. Consideration of Site Plan Review SPR10-10237 and Tentative Tract TNT10-10261 to construct a two-story, 164 unit condominium development in three phases on 15 gross acres zoned Medium Density Residential (MDR) located 600 feet north of Main Street between Topaz and Tamarisk Avenues (Applicant: Granite Springs, LLC; APN: 0405-247-32) (Staff Person: Daniel Alcayaga) 3-1

- 4. Consideration of Site Plan Review SPR09-10210 to establish an event center on a portion of 103 acres located on the south side of Lemon Street, 450 feet east of Choicena Avenue. (Applicant: Jim and Gail Hasty; APN: 0411-191-69) (Staff Person: Daniel Alcayaga) 4-1

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 5-1
- F. Major Project Update

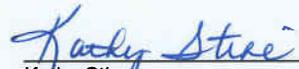
PLANNING COMMISSION BUSINESS OR REPORTS

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 Thursday, February 3, 2011 at 5:30 p.m. pursuant to California Government Code §54954.2.


Kathy Stine
Planning Commission Secretary

**HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
January 13, 2011
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. Presentation of Plaques to Outgoing Commissioners
Principal Planner Dave Reno, AICP presented Joline Bell Hahn with a plaque honoring her years of service as a Planning Commissioner.
- B. Installation of Newly Appointed Planning Commissioners and Administration of Oath of Office
Oath of Allegiance was administered by Kathy Stine, Recording Secretary, and sworn to by newly appointed Commissioners, Bill Jensen and Paul Russ.
- C. Pledge of Allegiance to the Flag
- D. Invocation
- E. Roll Call:
Commissioner Chris Elvert
Commissioner Bill Jensen
Commissioner Julie Jensen
Commissioner William Muller
Commissioner Paul Russ
Present: Chris Elvert
Bill Jensen
Julie Jensen
William Muller
Paul Russ
- F. Reorganization of the Planning Commission

1. Election of Chair

Motion by Bill Jensen to nominate Chris Elvert as Chair. Seconded by Julie Jensen and passed with the following roll call vote:

AYES: Bill Jensen, Julie Jensen, William Muller, Paul Russ, and Chris Elvert
NOES: None

2. Election of Vice Chair

Motion by Chris Elvert to nominate William Muller as Vice Chair. Seconded by Julie Jensen and passed with the following roll call vote:

AYES: Bill Jensen, Julie Jensen, William Muller, Paul Russ, and Chris Elvert
NOES: None

JOINT PUBLIC COMMENTS

Joint Public comments opened at 6:45

No comments to consider.

Joint Public comments closed at 6:46

CONSENT CALENDAR

G. Approval of Minutes: December 9, 2010 Planning Commission Meeting Draft Minutes.

Motion by Julie Jensen to approve Consent Calendar item. Seconded by Chris Elvert and passed with the following roll call vote:

AYES: Julie Jensen, William Muller, and Chris Elvert
NOES: None
abstain: Bill Jensen, and Paul Russ.

PUBLIC HEARING

1. Consideration of Development Code Amendment DCA10-10258 amending the City's density bonus program. (Applicant: City of Hesperia; Area affected: Citywide) (Staff Member: Lisette Sanchez-Mendoza).

Assistant Planner Lisette Sanchez-Mendoza gave a PowerPoint presentation explaining the amendments to the Density Bonus Program.

Lisette Sanchez-Mendoza asked for any questions from Commissioners.

Dave explained that we just adopted the General Plan and approval of amending the density bonus program is consistent with the General Plan.

Bill Jensen and Paul Russ asked if the general public and the B.I.A. had given any input or comments regarding the Density Bonus Program.

Bill Jensen asked if the neighboring cities have the same program.

Dave Reno responded by stating they are subject to the same State laws that we are but could not say if their ordinance was the same.

Chair Elvert asked that basically this ordinance was written to get back on track and confirm what the State legislators have mandated. And, as a Commission, they can still regulate the density for specific projects.

Dave Reno responded by stating each individual project that comes through the Council and Commission will be considered for a density bonus agreement and financial incentives.

Julie Jensen asked if we give developers money for building in the City.

Dave Reno responded that we do because of the redevelopment laws, which require that 20% of RDA funds be set aside for affordable housing.

Clarification and discussion ensued among the Commission.

Bill Jensen asked if there was a deadline on adopting this ordinance and Dave Reno stated there was not.

Chair Elvert opened public comments at 7:13

Tom Steeno of Steeno Design Studio, addressed the Commission with comments regarding density. He stated he understood the program and thought it was realistic.

Chair Elvert closed Public Hearing comments at 7:17.

Motion by Paul Russ to CONTINUE consideration of RESOLUTION NO. PC-2011-01, as presented, until March 10, 2011. Seconded by Bill Jensen and failed with the following roll call vote:

AYES: Bill Jensen, and Paul Russ
NOES: Julie Jensen, William Muller, and Chris Elvert

Motion by Julie Jensen to ADOPT RESOLUTION NO. PC-2011-01, as presented, recommending that the City Council introduce an ordinance approving DCA10-10258, amending the City density bonus program. Seconded by William Muller and passed with the following roll call vote:

AYES: Julie Jensen, William Muller, and Chris Elvert
NOES: Bill Jensen, and Paul Russ

PRINCIPAL PLANNER'S REPORT

H. DRC Comments

Dave Reno stated that this vote was a recommendation to Council so there is time to consider comments from outside agencies.

Dave Reno informed the Commission about the Planning Commission/City Council joint workshop on January 25, 2011.

I. Major Project Update

Dave Reno updated the Commission on the Ranchero Road underpass. The right-of-way certification was signed by Caltrans on January 5, 2011 and the next step was to submit authorization for construction which has been submitted and approval by Caltrans is expected sometime in March.

Dave Reno explained that we wanted to break ground for the Underpass in March or April but there was approximately 1 million dollars in funding available and it was worth the wait to get the additional money for this project, so it may be May or June before we break ground.

William Muller had questions regarding the discussion of the Hookah Bar project at DRC and had concerns about the youth in our community.

Discussion ensued.

Chair Elvert requested we look at the current status of our smoke shops.

PLANNING COMMISSION BUSINESS OR REPORTS

Julie Jensen wanted to address the disposal of tires within the City because of a large amount of tires that apparently were dumped during the last rain event.

Bill Jensen would like Staff to agendaize Hesperia Road width for the next meeting.

Dave Reno responded by stating he would check with Director of Development Services, Scott Priester, but it is not a high priority within our infrastructure right now and it is not in the money pipeline given our current situation.

Bill Jensen explained his voting no on the Resolution tonight was due to not having enough knowledge on the subject.

ADJOURNMENT

Chair Elvert adjourned the meeting at 7:47 to Thursday, February 10, 2011.

Chris Elvert
Chair Planning Commission

By: Kathy Stine,
Commission Secretary



DATE: February 10, 2011
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Consideration of Conditional Use permit to establish the sale of beer and wine within a restaurant located at 12719 Main Street; Applicant: Linda Tae Y. Kyoung Kim; APN: 3064-611-21

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2011-03, approving Conditional Use Permit CUP10-10247.

BACKGROUND

Proposal: A Conditional Use Permit to establish the sale of beer and wine at a restaurant (Attachment 1).

Location: 12719 Main Street

Current General, Plan, Zoning and Land Uses: The site is located on the southeast corner of Main Street and Cataba Road at the High Desert Gateway Center (Target), within the Planned Mixed Use (PMU) General Plan Land Use designation and the Regional Commercial (RC) district of the Main Street and Freeway Corridor Specific Plan (Specific Plan) (Attachments 2 and 3). The site is currently developed with commercial buildings and the site is surrounded by commercial uses with the exception of the properties to the west, which are vacant.

ISSUES/ANALYSIS:

Land Use: The Specific Plan requires that all uses selling alcohol apply for a conditional use permit. A Type 41 license is proposed, which would allow the sale of beer and wine for on-site consumption. The Department of Alcoholic Beverage Control (ABC) requires cities to make a finding of public convenience or necessity if an over-concentration of licenses within a census tract occurs. The subject property is located in Census Tract 100.17 (Attachment 4). ABC has determined that the site is located in an over-concentrated census tract, as this census tract has reached its limitation of four licenses (Table 1).

Table 1 Existing On-Sale Licenses in Census Tract 100.17 (12719 Main Street)

| Location | Business Name | ABC License Type |
|--------------------|-----------------------|-----------------------------|
| 5650 Mariposa Road | Summit Inn Restaurant | 41 – beer and wine |
| 9616 Mariposa Road | Courtyard Marriott | 47 – beer, wine, and liquor |
| 9625 Mariposa Road | Spring Hill Suites | 70 – beer, wine, and liquor |
| 8685 HWY 395 | Outpost Cafe | 47 – beer, wine, and liquor |

In addition, the Planning Commission has previously expressed concerns over the proliferation of establishments selling alcohol along Main Street. The commercial portion of Main Street currently holds 24 onsite licenses, which consist primarily of restaurants, and the area between I Avenue and Seventh Avenue has approximately half of the total on-site licenses. The table shows only the establishments located within the census tract 100.17, and of those four, only two are considered bona fide eating establishments. Furthermore, the closest establishment similar in nature to the proposed site and holding an active ABC license within the same census tract is located approximately 1½ miles south of the project site (Outpost Cafe).

Inasmuch as ABC's criteria consider population and the need of services based on population, staff's recommendation for approval is based upon the City's unique land use characteristics. Unlike other cities, the City of Hesperia offers commercial services primarily along three major thoroughfares, in contrast to other cities which may offer commercial services every mile. This results in concentration of commercial uses along primarily Bear Valley Road, Main Street, and portions of Hesperia Road. In addition this census tract is located along a different portion of Main Street, west of the California Aqueduct. This area is zoned Regional Commercial (RC) and is intended to accommodate a combination of retail, restaurant, lodging, and entertainment uses accessible to residents and freeway travelers. Approval of an alcohol license is in support of the land use intent of the RC zone.

Schools and Parks: The project site at 12719 Main Street is located approximately one mile of Mission Crest Elementary, and 1.5 miles from Hesperia Community Park.

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

Conclusion: The over-concentration of alcohol outlets along Main Street is based on ABC's criteria, however when determining over-concentration within this city, staff's recommendation is based on the City's concentration of commercial land uses, primarily along Main Street, Bear Valley Road, and Hesperia Road. Finally, approval of an alcohol license is supportive of the land uses intended within the RC zone.

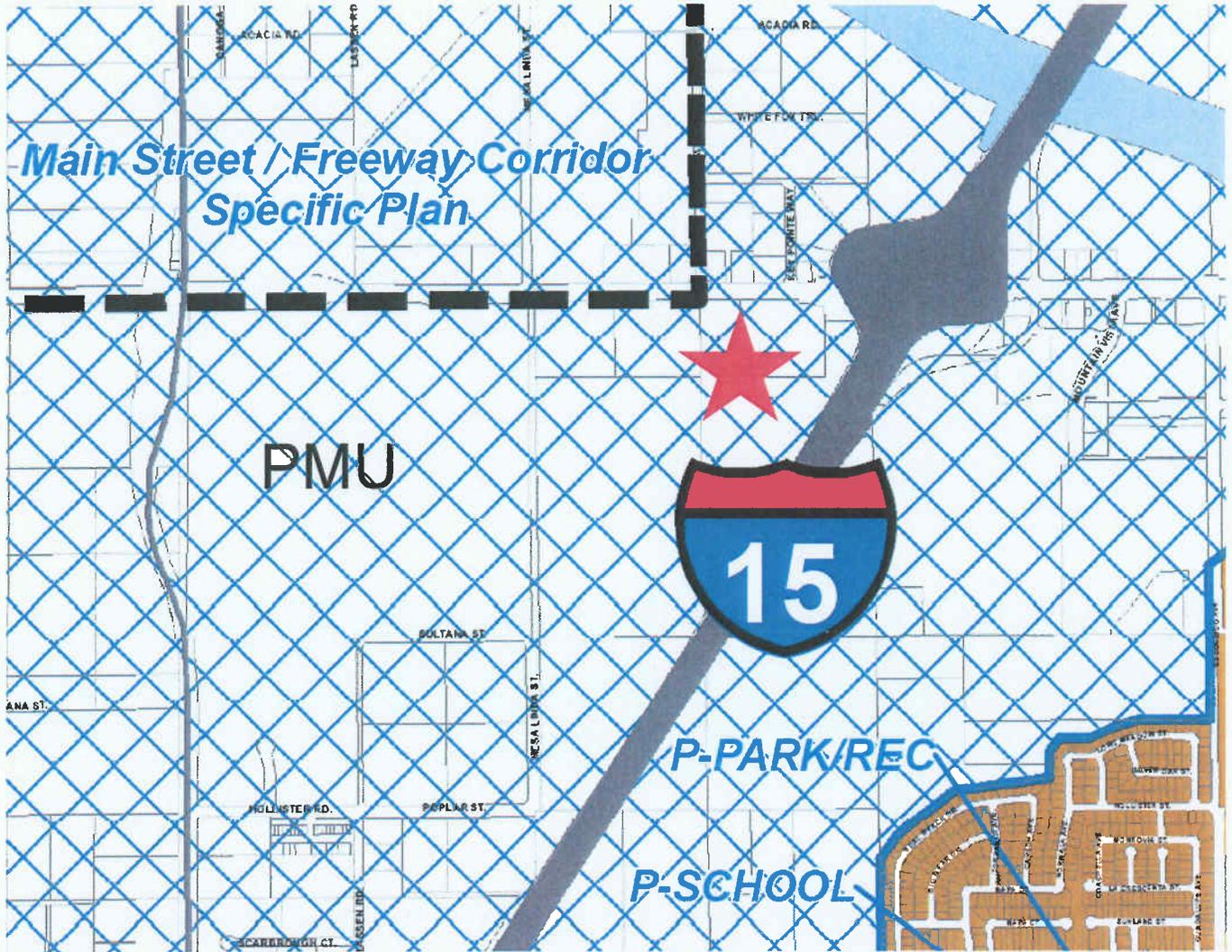
ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENTS

1. General Plan
2. Zoning
3. Aerial photo
4. Census Tract 100.17
5. Resolution No. PC-2011-03

ATTACHMENT 1



 PROJECT SITE

APPLICANT(S):
LINDA TAE Y. KYOUNG KIM

FILE NO(S):
CUP10-10247

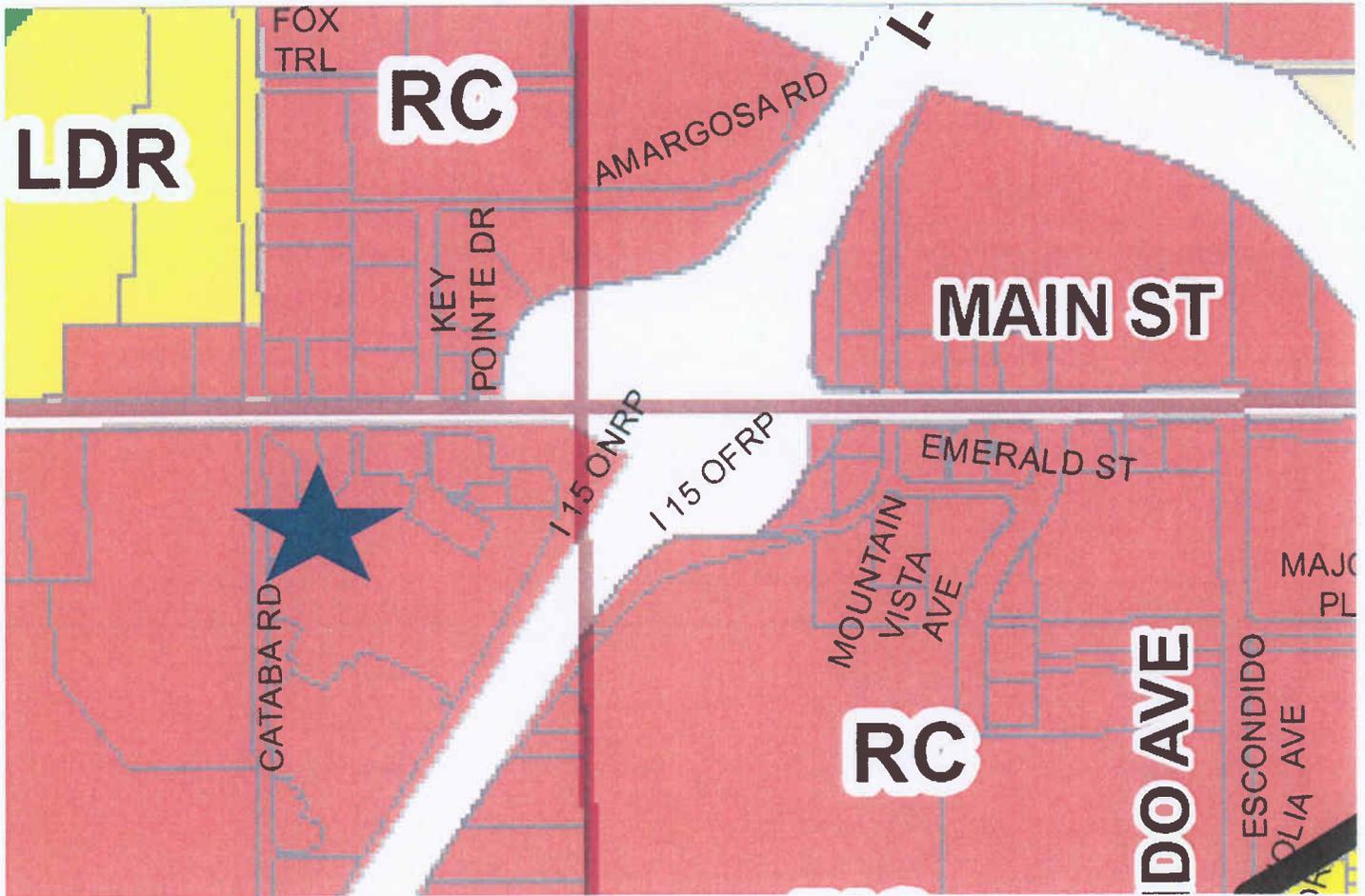
LOCATION:
12719 MAIN STREET

APN(S):
3064-611-21

PROPOSAL:
A CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER FOR ONSITE CONSUMPTION WITHIN A RESTAURANT



ATTACHMENT 2



 PROJECT SITE

APPLICANT(S):
LINDA TAE Y. KYOUNG KIM

FILE NO(S):
CUP10-10247

LOCATION:
12719 MAIN STREET

APN(S):
3064-611-21

PROPOSAL:
A CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER FOR ONSITE CONSUMPTION WITHIN A RESTAURANT



ZONING

ATTACHMENT 3



**PROJECT
SITE**

APPLICANT(S):
LINDA TAE Y. KYOUNG KIM

FILE NO(S):
CUP10-10247

LOCATION:
12719 MAIN STREET

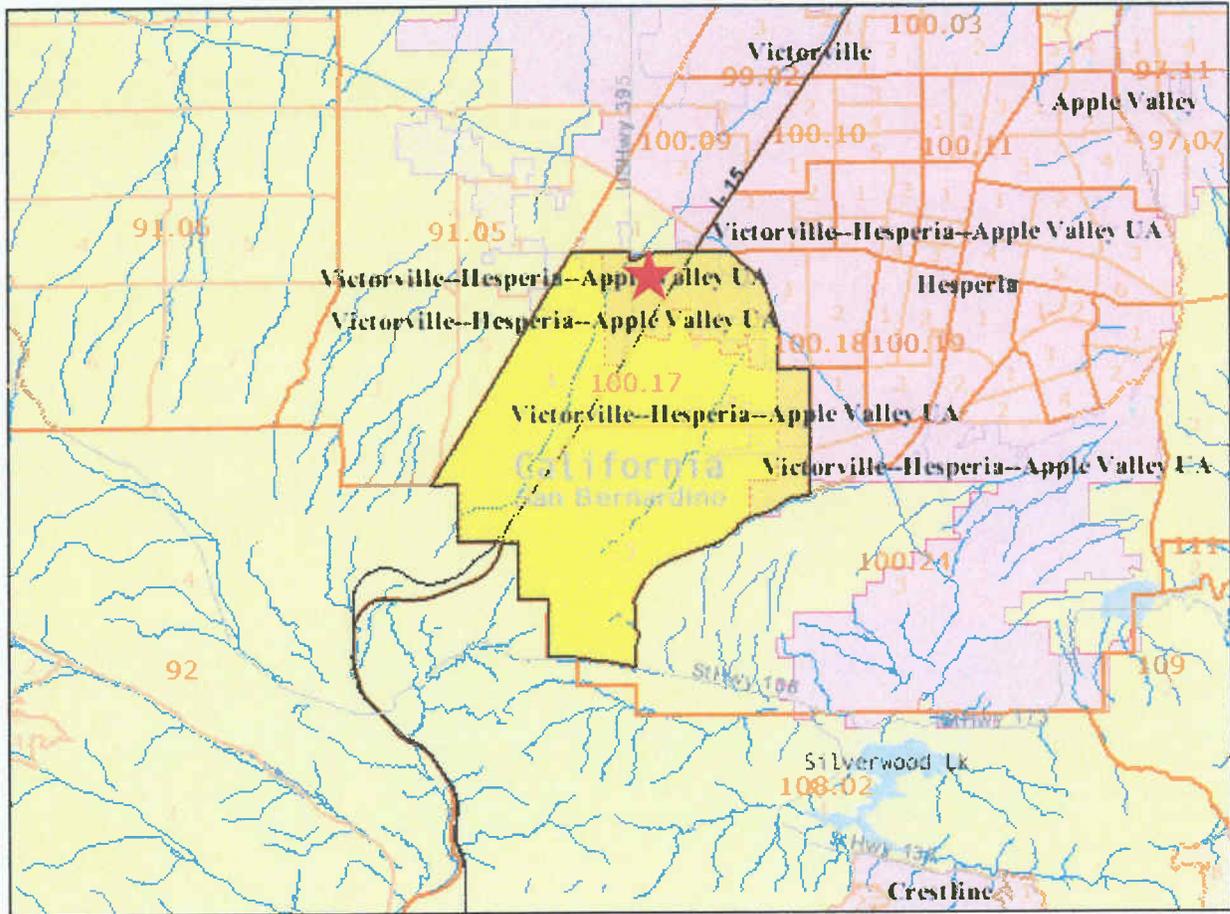
APN(S):
3064-611-21

PROPOSAL:
A CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER FOR ONSITE CONSUMPTION WITHIN A RESTAURANT



AERIAL PHOTO

ATTACHMENT 4



★ PROJECT SITE

APPLICANT(S):
LINDA TAE Y. KYOUNG KIM

FILE NO(S):
CUP10-10247

LOCATION:
12719 MAIN STREET

APN(S):
3064-611-21

PROPOSAL:
A CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER FOR ONSITE CONSUMPTION WITHIN A RESTAURANT



CENSUS TRACT

RESOLUTION NO. PC-2011-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER AND WINE WITHIN A RESTAURANT AT 12719 MAIN STREET (CUP10-10247)

WHEREAS, Linda Tae Y. Kyoung Kim has filed an application requesting approval of Conditional Use Permit CUP10-10247 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to an existing restaurant at 12719 Main Street and consists of Assessor's Parcel Number 3064-611-21; and

WHEREAS, the Application, as contemplated, proposes to establish the sale of beer and wine for on-site consumption at the restaurant,

WHEREAS, the subject site is presently developed as a retail center. The surrounding properties are also commercially developed, except the property to the west, which is vacant; and

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

WHEREAS, the subject property and surrounding properties are currently within the Regional Commercial (RC) district of the Main Street and Freeway Corridor Specific Plan; and

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

WHEREAS, on February 10, 2011, 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 February 10, 2011 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed use is conditionally allowed within, and would not impair the integrity and character of, the Regional Commercial district of the Main Street and Freeway Corridor Specific Plan and complies with all applicable provisions of the Development Code as per Section 16.12.120. The site is suitable for the type and intensity of the use that is proposed. The expansion of the business is restricted to the sale of beer and wine.
- (b) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or adverse to the public convenience and health.

safety or general welfare. The proposed serving of beer and wine as part of the dining experience will not have a detrimental impact on adjacent properties.

- (c) The proposed use is consistent with the objectives, policies, general land uses and programs of the General Plan, Specific Plan and Development Code. The proposed use will take place in a permitted restaurant. The sale of beer and wine is consistent with the allowable uses within the Regional Commercial District.
- (d) There are adequate provisions for sanitation, water and public utilities and services to ensure the public convenience, health, safety and general welfare. The proposed use will occur in a restaurant with adequate infrastructure to cater to a restaurant business. The existing transportation infrastructure is adequate to support the type and quantity of traffic that will be generated by the proposed use.
- (e) Public convenience or necessity would be served by the issuance of a license for the sale of beer and wine. The applicant is a restaurant which will sell beer and wine for on-site consumption. Because of the City's unique land use characteristics, offering commercial services along three major thoroughfares. As such, the sale of beer and wine associated with this business is not considered over-concentrated.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP10-10247, subject to the conditions of approval as shown in Attachment 'A'.

Section 4. The Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 10th day of February 2011.

Chris Evert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for CUP10-10247

Approval Date: February 10, 2011
Effective Date: February 23, 2011
Expiration Date: February 23, 2014

This list of conditions apply to a Conditional Use Permit to establish the sale of beer and wine for on-site consumption within a restaurant at 12719 Main Street (Applicant:Linda Tae Y.Kyoung Kim; APN: 3064-611-21).

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.

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

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

Init Date

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

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

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

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



DATE: February 10, 2011
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Stan Liudahl, AICP, Senior Planner
SUBJECT: Conditional Use Permit CUP10-10218; Applicant: HCL Hesperia Vista, LLC;
APN: 3057-011-19

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2011-02, approving Conditional Use Permit CUP10-10218.

BACKGROUND

Proposal: A Conditional Use Permit to construct a 6,389 square foot multi-tenant retail building with a drive-thru restaurant on one gross acre (Attachment 1).

Location: The property is located on the south side of Main Street, approximately 220 feet west of Escondido Avenue.

Current General Plan, Zoning and Land Uses: The site is within the Planned Mixed Use (PMU) General Plan Land Use designation and within the Regional Commercial (RC) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated and zoned as noted on Attachment 2. The site is currently vacant and was graded in 1994 as part of the K-mart project. The site is bounded to the north and east by vacant properties. The property to the south is occupied by a parking lot and the property to the west contains a restaurant (Attachment 3).

ISSUES/ANALYSIS

This application will allow for construction of a 6,389 square foot multi-tenant retail building with four units, including a drive-thru restaurant (Attachment 4). The building architecture meets the standards of the Specific Plan, incorporating changes in wall and roof planes and building materials. The building exterior exhibits use of three stucco colors with screed lines, two types of stone veneer, steel and fabric awnings, cornices, and decorative lighting (Attachment 5). Further, the building is compatible with the architectural design of the restaurant next door.

The project as proposed complies with most development regulations, including the minimum building setback and number of parking spaces required with reciprocal easements. In order to meet all applicable regulations, the site design shall require minor adjustments to meet the minimum four-foot landscaping width requirement and one-foot wide sidewalk standard at the end of all rows of parking spaces.

Drainage: The site is not impacted by a future master plan of drainage facility. Any increase in storm water runoff created by this project beyond that which was accounted for in the development of the center will be handled within an approved retention facility.

Water and Sewer: The site is served by a 12-inch water line with a fire hydrant along the project frontage on the south side of Main Street. Sewer is available within an easement south of the project boundary.

Street Improvements: Main Street is built to a 134-foot roadway standard, which includes a bus stop. Curb, gutter, and sidewalk improvements have been constructed along the project frontage. These improvements will remain in place.

Environmental: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This applies to developments on sites no larger than five acres, which are consistent with the General Plan and the applicable zoning district and are substantially surrounded by urban uses. Prior to issuance of a grading permit, a pre-construction survey conducted by an approved biologist shall be performed to determine whether the site contains burrowing owls.

Conclusion: The project conforms to the policies of the City's General Plan as well as the Specific Plan.

FISCAL IMPACT

None.

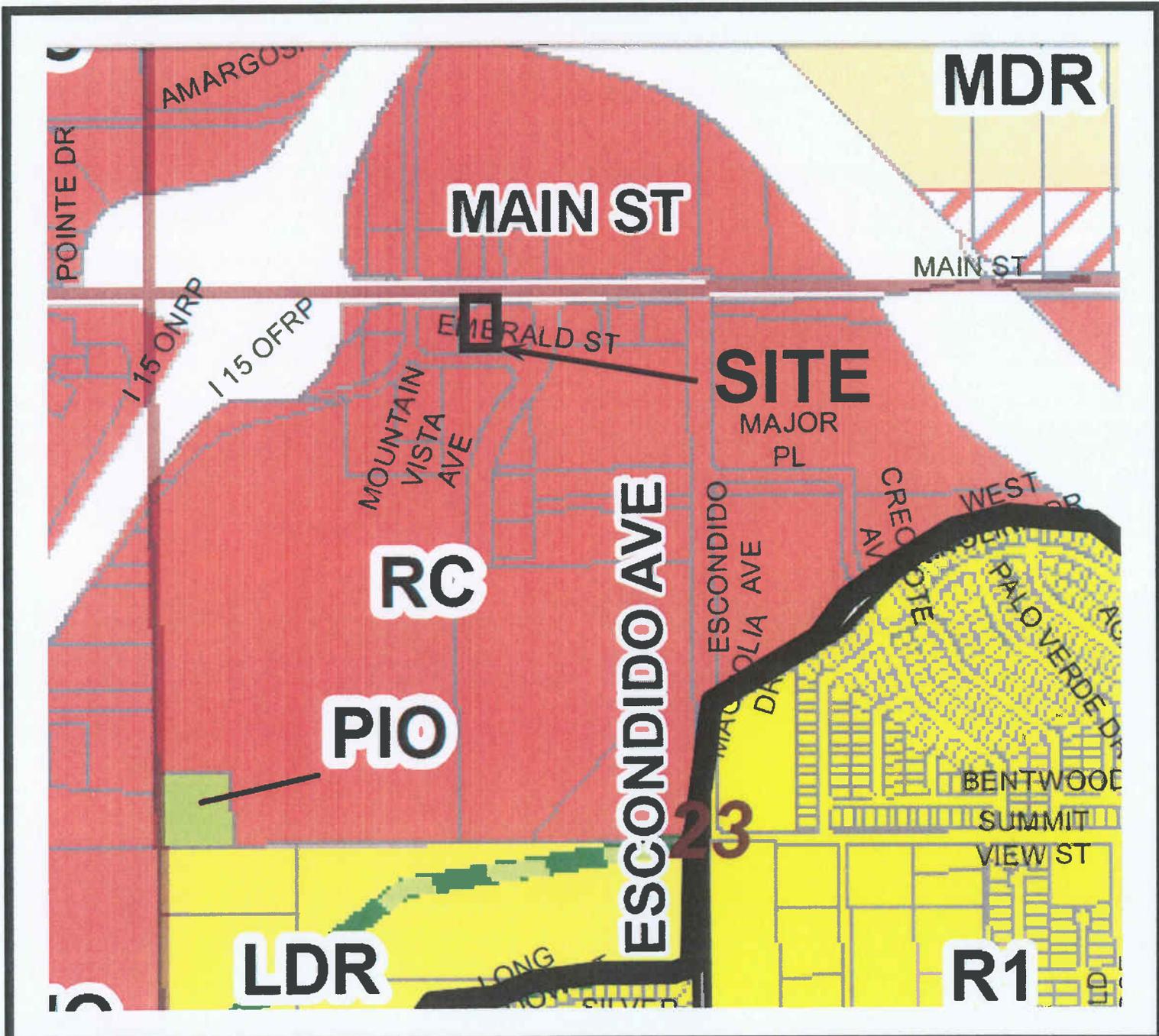
ALTERNATIVE(S)

1. 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. Resolution No. PC-2011-02, with list of conditions

ATTACHMENT 2



| | | | |
|---|--|-----------------------------------|-------------------------------|
| APPLICANT(S):
HCL HESPERIA VISTA, LLC | | FILE NO(S):
CUP10-10218 | |
| LOCATION:
ON THE SOUTH SIDE OF MAIN STREET, APPROXIMATELY 220 FEET WEST OF ESCONDIDO AVENUE | | | APN(S):
3057-011-19 |
| PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 6,389 SQUARE FOOT MULTI-TENANT RETAIL BUSILDING WITH A DRIVE-THRU RESTAURANT ON ONE GROSS ACRE | | | N
↑ |

GENERAL PLAN LAND USE AND ZONING MAP

ATTACHMENT 3



APPLICANT(S):
HCL HESPERIA VISTA, LLC

FILE NO(S):
CUP10-10218

LOCATION:
ON THE SOUTH SIDE OF MAIN STREET, APPROXIMATELY 220 FEET WEST OF
ESCONDIDO AVENUE

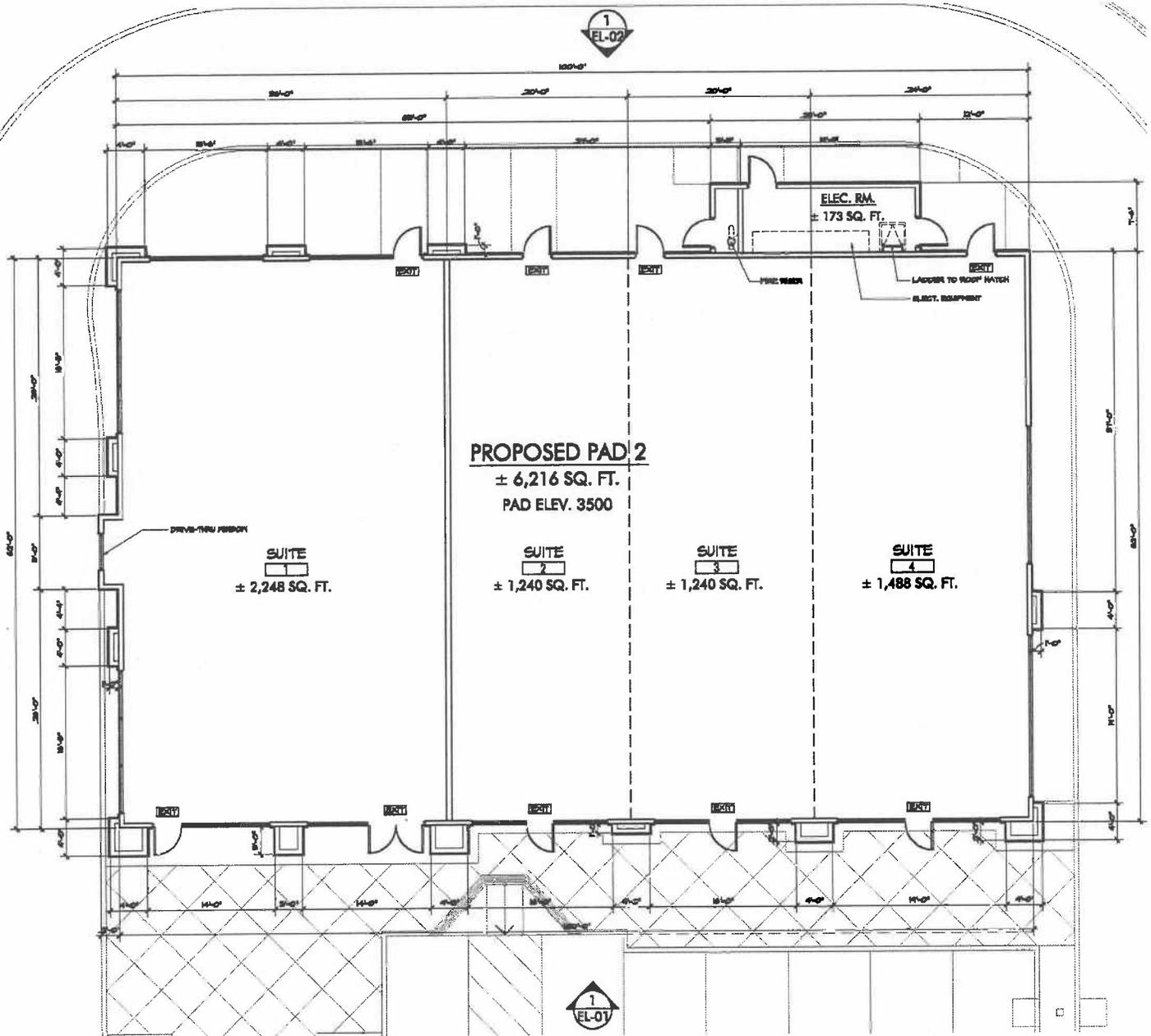
APN(S):
3057-011-19

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 6,389 SQUARE
FOOT MULTI-TENANT RETAIL BUSILDING WITH A DRIVE-THRU RESTAURANT ON ONE
GROSS ACRE



AERIAL PHOTO

ATTACHMENT 4



APPLICANT(S):
HCL HESPERIA VISTA, LLC

FILE NO(S):
CUP10-10218

LOCATION:
ON THE SOUTH SIDE OF MAIN STREET, APPROXIMATELY 220 FEET WEST OF
ESCONDIDO AVENUE

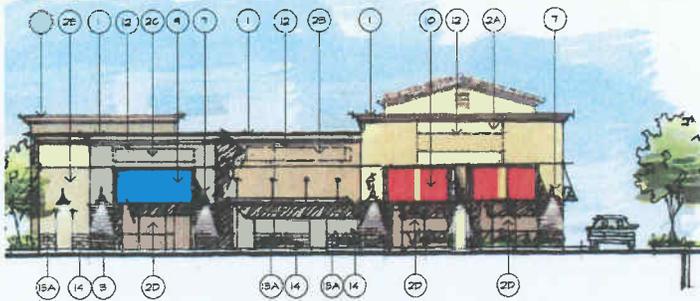
APN(S):
3057-011-19

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 6,389 SQUARE
FOOT MULTI-TENANT RETAIL BUSILDING WITH A DRIVE-THRU RESTAURANT ON ONE
GROSS ACRE

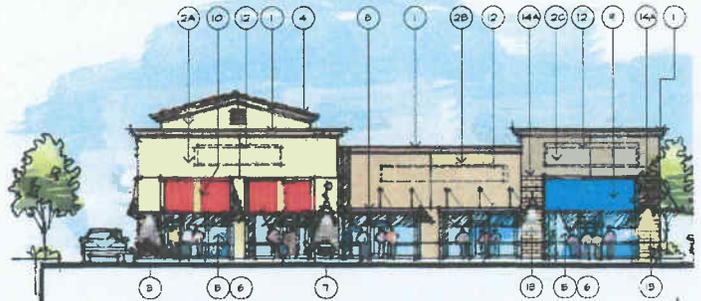


FLOOR PLAN

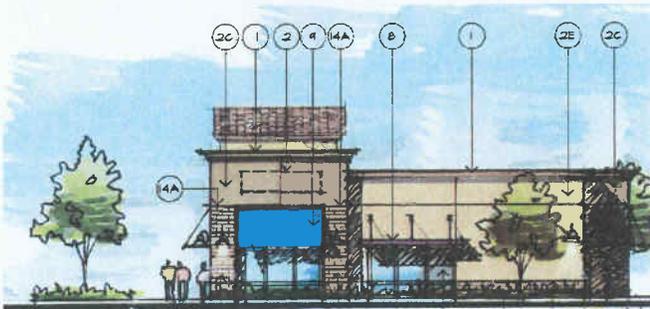
ATTACHMENT 5



North Elevation



South Elevation



East Elevation



West Elevation

APPLICANT(S):
HCL HESPERIA VISTA, LLC

FILE NO(S):
CUP10-10218

LOCATION:
ON THE SOUTH SIDE OF MAIN STREET, APPROXIMATELY 220 FEET WEST OF ESCONDIDO AVENUE

APN(S):
3057-011-19

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 6,389 SQUARE FOOT MULTI-TENANT RETAIL BUILDING WITH A DRIVE-THRU RESTAURANT ON ONE GROSS ACRE



BUILDING ELEVATIONS

ATTACHMENT 6

RESOLUTION NO. PC-2011-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 6,389 SQUARE FOOT MULTI-TENANT RETAIL BUILDING WITH A DRIVE-THRU RESTAURANT ON ONE GROSS ACRE WITHIN THE REGIONAL COMMERCIAL (RC) DISTRICT OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTH SIDE OF MAIN STREET, APPROXIMATELY 220 FEET WEST OF ESCONDIDO AVENUE (CUP10-10218)

WHEREAS, HCL Hesperia Vista, LLC has filed an application requesting approval of Conditional Use Permit CUP10-10218 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a vacant lot within the Regional Commercial (RC) District of the Main Street and Freeway Corridor Specific Plan, located on the south side of Main Street, approximately 220 feet west of Escondido Avenue and consists of Assessor's Parcel Number 3057-011-19; and

WHEREAS, the Application, as contemplated, proposes to construct a 6,389 square foot multi-tenant retail building with a drive-thru restaurant on one gross acre; and

WHEREAS, the subject site is presently vacant and was graded when a K-mart was under construction upon the site to the south. The site is bounded to the north and east by vacant properties. The property to the south is occupied by a parking lot and the property to the west contains a restaurant; and

WHEREAS, the subject property and surrounding properties are currently designated Planned Mixed Use (PMU) and within the Regional Commercial (RC) District of the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This applies to developments on sites no larger than five acres, which are consistent with the General Plan and the applicable zoning district and are substantially surrounded by urban uses; and

WHEREAS, on February 10, 2011, 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 February 10, 2011 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 Planned Mixed Use (PMU) General Plan Land Use designation and the Regional Commercial (RC) District of the Main Street and Freeway Corridor Specific Plan. All properties surrounding this project are also within the PMU designation and RC District. In addition, the properties to the south and west are developed with similar uses.
- (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 retail uses with drive-thru facilities within the RC District of the Main Street and Freeway Corridor Specific Plan. 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.
- (d) The site for the proposed use will have adequate access based upon the site's access from Main Street, which is constructed to City standards.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the PMU General Plan Land Use designation and the RC District of the Main Street and Freeway Corridor Specific Plan. A drive-thru restaurant is an allowable use with approval of a conditional use permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP10-10218 subject to the conditions of approval as shown in Attachment "A".

Section 4. The Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 10th day of February 2011.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stein, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP10-10218

Approval Date: February 10, 2011
Effective Date: February 23, 2011
Expiration Date: February 23, 2014

This list of conditions apply to a conditional use permit to construct a 6,389 square foot multi-tenant retail building with a drive-thru restaurant on one gross acre within the Regional Commercial (RC) District of the Main Street and Freeway Corridor Specific Plan located on the south side of Main Street, approximately 220 feet west of Escondido Avenue. Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: HCL Hesperia Vista, LLC; APN: 3057-011-19).

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. (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. Erosion Control. The Developer shall provide an erosion control plan with the improvement plans submittal per City Standards. (E)
5. Utility Non-interference / Quitclaim Document(s). The Developer shall provide non-interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans

will not be accepted without the required documents and approval from the affected agencies. (E)

- _____ 6. **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)**
- _____ 7. **Reapportionment.** The project lies within the Fire District impact area of the 91-1 Assessment District. The developer shall be required to fill out the City's application for reapportionment and pay associated fees. (E)
- _____ 8. **Specialty Plans.** The following additional plans/reports shall be required for businesses with special environmental concerns: (B)
- A. Restaurants and food handling facilities shall submit plans to the San Bernardino County Department of Environmental Health Services. One set of the approved plans shall be submitted to the Building Division with the required application fees.
- _____ 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. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

- _____ 11. **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)

- _____ 12. **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)
- _____ 13. **Grading Plan**. The Developer shall design a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building "footprints" and proposed development of the retention basins, as a minimum. The site grading and building pad preparation shall include the recommendations provided by the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw), top of footing (tf), and the finish grade (fg) elevations. (E)
- _____ 14. **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)
- _____ 15. **On-site Retention**. The Developer shall design / construct on-site retention facilities, which have minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. 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)
- _____ 16. **Utility Plan**. The Developer shall design a Utility Plan for service connections 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.
 - C. It is the Developer's responsibility to connect to sewer and pay the appropriate fees.
 - D. Complete V.V.W.R.A.'s "Wastewater Questionnaire for Commercial / Industrial Establishments" and submit to the Engineering Department.
- _____ 17. **Fire Protection.** Plans for fire protection requirements shall be submitted to the Building Division as follows: (F)
- A. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property.
- _____ 18. **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)
- _____ 19. **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)
- _____ 20. **Design for Required Improvements.** Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review application with the following revisions made to the improvement plans: (E, P)
- A. A minimum one-foot wide sidewalk shall be constructed along the side of the parking spaces at the ends of all parking space rows to enable drivers and passengers to exit vehicles without stepping into landscaped areas as required by the parking ordinance;
 - B. All landscaped areas shall be a minimum of four feet wide in accordance with the landscaping ordinance.
- _____ 21. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)
- _____ 22. **Jurisdiction.** Prior to any construction occurring on any parcel, the applicant shall contact the San Bernardino County Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F-1]

- _____ 23. **Water System.** Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. [F-5]
- _____ 24. **Combustible Protection.** Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. [F-44]

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 25. **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)
- _____ 26. **Landscape Plans.** The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)
- _____ 27. **Solid Masonry Wall/Fencing.** The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. A combination split-face masonry wall or other approved decorative wall with a wrought iron fence shall be provided along the property lines where headlight glare from vehicles on-site would negatively affect Main Street. An approved decorative wall with decorative cap may be substituted for the combination wall/fence provided its height is in accordance with the Development Code. (P)
- _____ 28. **Development Fees.** The Developer shall pay required development fees as follows:
- A. School Fees (B)
- _____ 29. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

- _____ 30. **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)
- _____ 31. **Hood And Duct Suppression.** An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit three (3) sets of detailed plans (minimum 1/8" scale) with manufactures' specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F-65]
- _____ 32. **Fire Alarm.** A **manual, automatic or manual and automatic** fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F-62a]

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 33. **As-Built Plans.** The Developer shall provide as-built plans in AutoCAD 2007 Format. (E)
- _____ 34. **Public Improvements.** All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)
- _____ 35. **Development Fees.** The Developer shall pay required development fees as follows:
- A. Development Impact Fees (B)
 - B. Utility Fees (P)
- _____ 36. **Utility Clearance(s)/Certificate of Occupancy.** 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)
- _____ 37. **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)

- _____ 38. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. [F80]
- _____ 39. **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]
- _____ 40. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

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 |



DATE: February 10, 2011
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Daniel S. Alcayaga, AICP, Senior Planner
SUBJECT: Site Plan Review SPR10-10237 and Tentative Tract TNT10-10261; Applicant: Granite Springs, LLC; APN: 0405-271-32

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2011-04 and PC-2011-05, approving Site Plan Review SPR10-10237 and Tentative Tract TNT10-10261.

BACKGROUND

Proposal: A Site Plan Review and Tentative Tract Map to construct a two-story, 164 unit condominium development in three phases on 15 gross acres (Attachments 1 & 2).

Location: 660 feet north of Main Street between Topaz and Tamarisk Avenues.

Current General Plan, Zoning and Land Uses: The site is within the Medium Density Residential (MDR) District as part of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated as noted on Attachment 3. The property is currently vacant and is bounded by an existing multi-family development to the north (Attachment 4). A single-family residence and a commercial building exist to the south; and a neighborhood of multi-family residences exist to the west. Hesperia High School is located on the opposite side of Tamarisk Avenue to the east.

ISSUES/ANALYSIS

The 164 condominium units are proposed to be constructed in three phases. The condominium units are detached two-story buildings ranging in size from 1,300 to 1,900 square feet (Attachments 5 & 6). All units have private rear yards from 230 square feet to 680 square feet. The development is a gated community with decorative block walls and water efficient landscaping along the frontages of Topaz and Tamarisk Avenues.

The existing Medium Density Residential (MDR) designation allows residential densities between eight and 15 dwelling units per gross acre. The proposed 164-unit residential development will yield a density of 11.3 dwelling units per gross acre. The proposed condominiums units are for ownership and supported by the City's Housing Element.

The development will have recreational areas in three separate locations. The recreational amenities include a pool and spa, community room, gazebo, covered trellis patios, play area with tot-lots, half-basketball court, and passive open space area. Trails are provided along the main drive aisles connecting pedestrians to streets, recreational amenities, and units.

The condominium units include spanish, craftsman, and mediterranean architectural themes (Attachments 7 & 8). All roof materials will be flat or "S" concrete tiles. All windows on building elevations in the front of the condominium and facing the street will have grids; and all windows will be dual pane. The building version that is craftsman style will include stacked stone veneer along the base of the front building elevation. The elevations facing the street will have additional architectural improvements, including horizontal and vertical plane variation and bands around the windows. All buildings will have contrasting, but complimentary colors. The proposed building elevations comply with the architectural standards outlined in the Main Street and Freeway Corridor Specific Plan.

Driveway entrances will have decorative concrete pavement. Drive aisles will be a minimum of 26 feet wide and provide access to cul-de-sacs in front of each unit. A total of 372 parking spaces are provided. Each unit will have an attached 2 car garage. Parking spaces include 44 guest parking spaces, including 5 handicapped accessible spaces. There is also room for parking in front of all the garages.

Drainage: All drainage created on-site will be detained/retained in an underground retention system beneath the half-basketball court and play area to the east of the property. The flows will be conveyed through the site then discharged northeasterly as it historically flows.

Water and Sewer: The project will connect to a 10-inch sewer line in Tamarisk Avenue and will be extended across the project frontage. The Developer is required to connect to the existing 12-inch water line in Topaz Avenue.

Traffic/Street Improvements: Topaz Avenue is currently paved and connects to Main Street to the south. Tamarisk Avenue is currently paved north of the project site and does not continue south. Based on 164 residential units on the 15-acre site, approximately 1,114 daily vehicle trips would be created, based upon the Institute of Transportation Engineer's Trip Generation Manual. As part of developing the site, the developer is required to construct street improvements, including curb, gutter, and sidewalk along the project frontages of Topaz and Tamarisk Avenues. In addition, Tamarisk Avenue is required to be extended and paved to Main Street south of the project. The City has established a Traffic Impact Mitigation Fee Program to fund the construction of traffic improvements to maintain adequate levels of service standards. The developer is required to pay all applicable City development impact fees towards these improvements.

Schools and Parks: The development is across the street from Hesperia High School. Topaz Elementary is located 1,000 feet to the north. The project is approximately a quarter mile from Hesperia Community Park.

Environmental: Approval of this development requires adoption of a mitigated negative declaration pursuant to the California Environmental Quality Act (CEQA). The mitigated negative declaration and initial study (Attachment 9) prepared for the development conclude that there are no significant adverse impacts resulting from the project. A biological assessment and a protected plant plan were required. The biological assessment shows that the site does not contain habitat for the desert tortoise nor any other threatened or endangered species. However, a pre-construction survey for the burrowing owl will be conducted prior to issuance of a grading permit. A protected plant plan was also submitted, which ensures that all transplantable plants protected by the City's Ordinance will be handled in accordance with the City's Protected Plant Ordinance.

Conclusion: The project conforms to the goals and policies of the City's General Plan. The project meets the standards of the Main Street and Freeway Corridor Specific Plan and Development Code with approval of the proposed site plan and tentative tract map.

FISCAL IMPACT

Development will be subject to payment of all development impact fees adopted by the City.

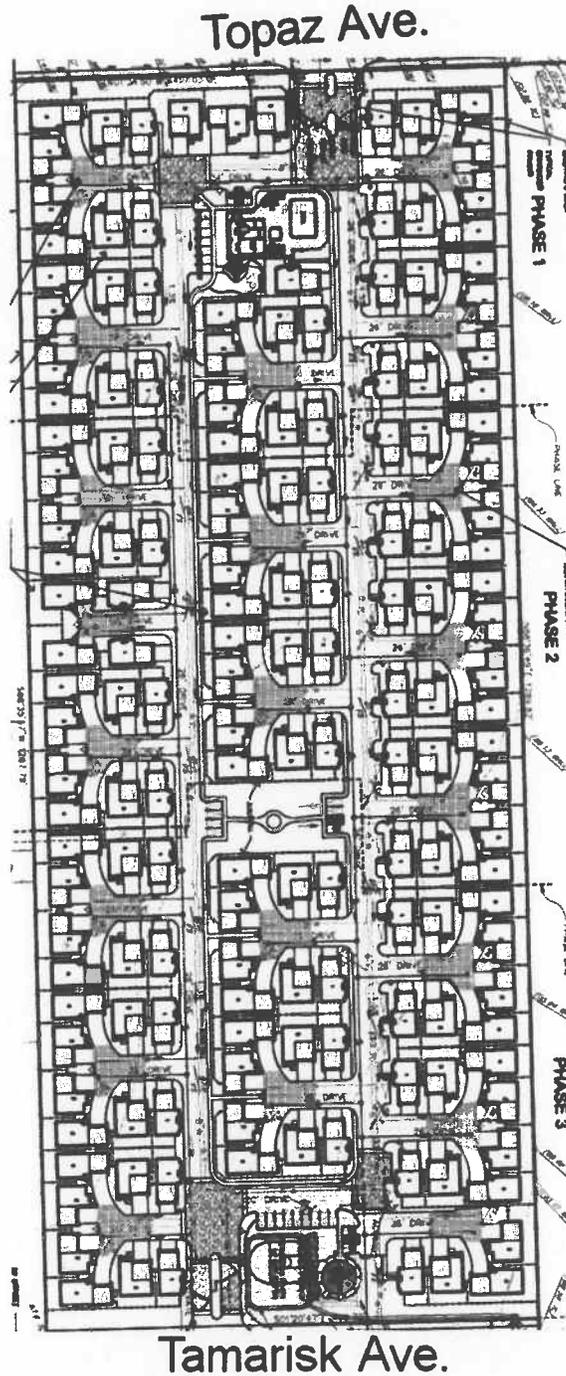
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site Plan
2. Tentative Tract Map
3. Main Street and Freeway Corridor Specific Plan Zone Map
4. Aerial Photo
5. Floor Plans
6. Floor Plans
7. Building Elevations
8. Building Elevations
9. Negative Declaration ND-2011-01 with Initial Study
10. Resolution No. PC-2011-04, with list of conditions
11. Resolution No. PC-2011-05, with list of conditions

ATTACHMENT 1



APPLICANT(S):
GRANITE SPRINGS, LLC

FILE NO(S): SPR10-10237 &
TNT10-10261

LOCATION:
660 FEET NORTH OF MAIN STREET BETWEEN TOPAZ AND TAMARISK
AVENUES

APN(S):
0405-271-32

PROPOSAL:
A SITE PLAN REVIEW AND TENTATIVE TRACT MAP TO CONSTRUCT 164 TWO-STORY
CONDOMINIUM UNITS IN THREE PHASES ON 15 GROSS ACRES

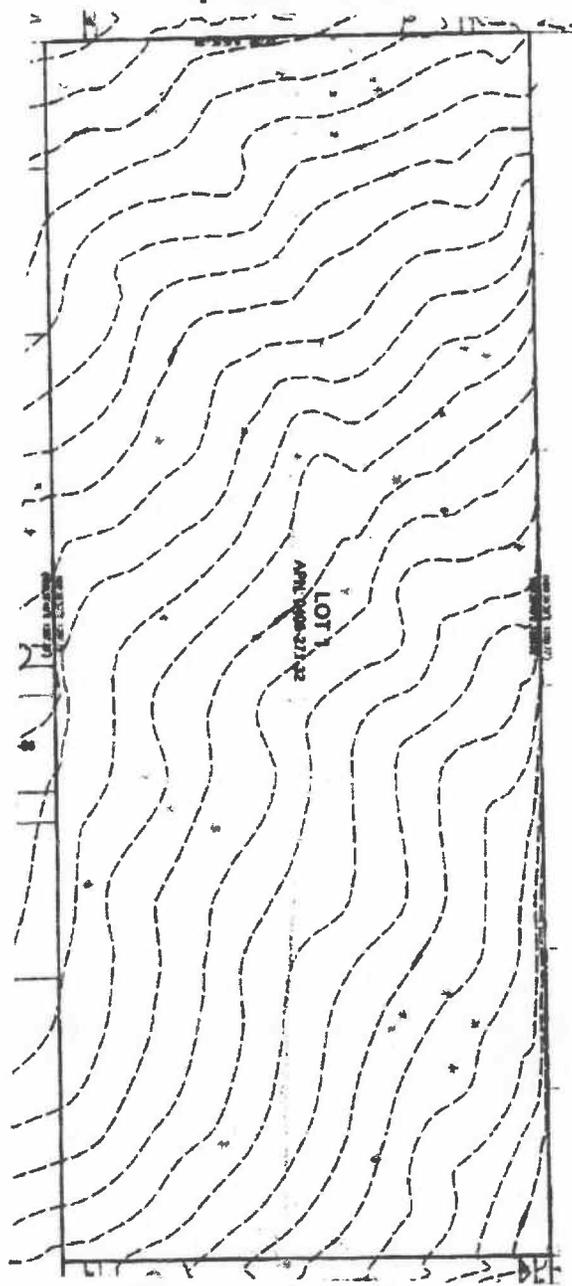
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3-4

SITE PLAN

ATTACHMENT 2

Topaz Ave.



Tamarisk Ave.

APPLICANT(S):
GRANITE SPRINGS, LLC

FILE NO(S): SPR10-10237 &
TNT10-10261

LOCATION:
660 FEET NORTH OF MAIN STREET BETWEEN TOPAZ AND TAMARISK
AVENUES

APN(S):
0405-271-32

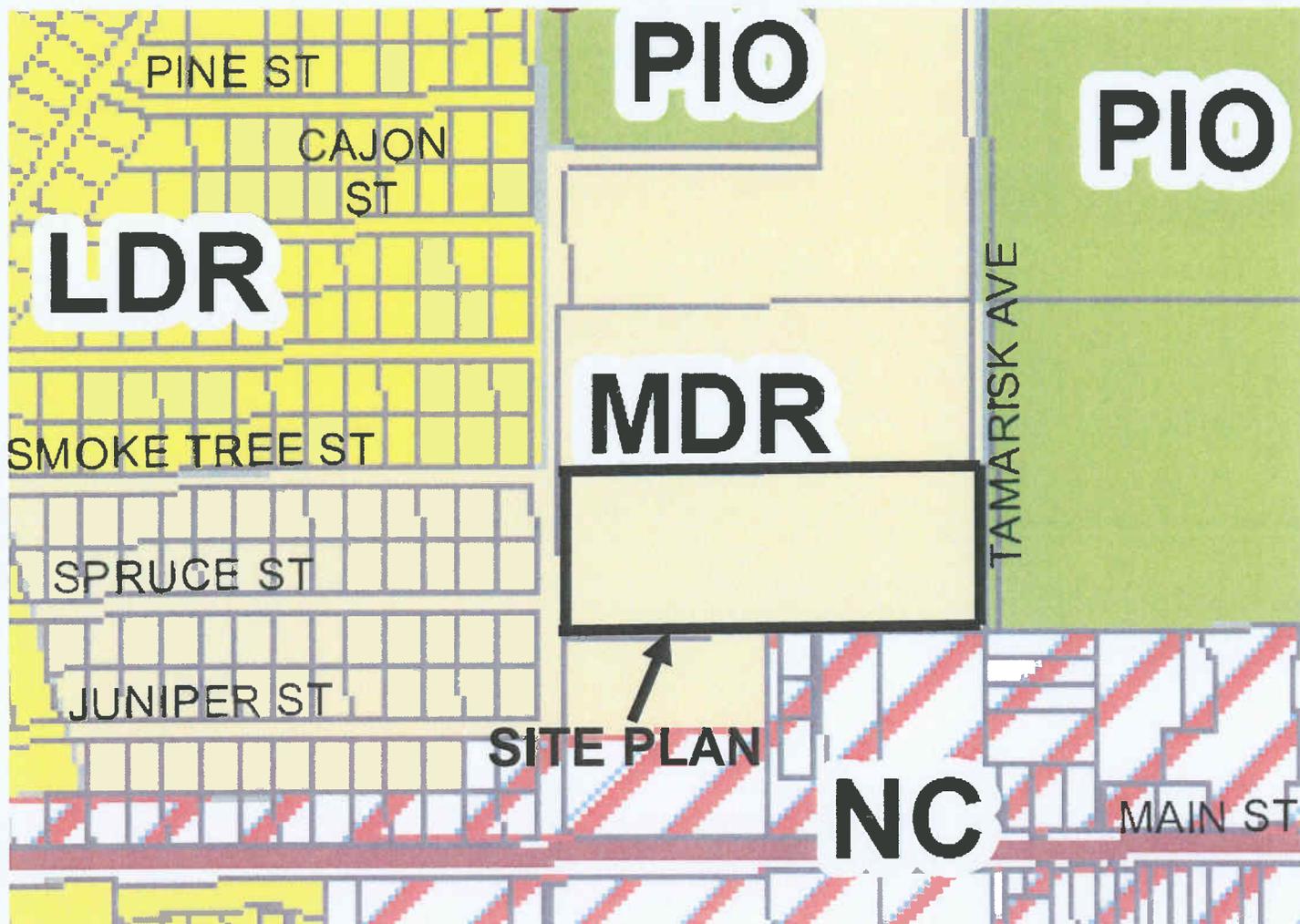
PROPOSAL:
A SITE PLAN REVIEW AND TENTATIVE TRACT MAP TO CONSTRUCT 164 TWO-STORY
CONDOMINIUM UNITS IN THREE PHASES ON 15 GROSS ACRES

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3-5

TENTATIVE TRACT MAP

ATTACHMENT 3



APPLICANT(S):
GRANITE SPRINGS, LLC

FILE NO(S): SPR10-10237 &
TNT10-10261

LOCATION:
660 FEET NORTH OF MAIN STREET BETWEEN TOPAZ AND TAMARISK
AVENUES

APN(S):
0405-271-32

PROPOSAL:
A SITE PLAN REVIEW AND TENTATIVE TRACT MAP TO CONSTRUCT 164 TWO-STORY
CONDOMINIUM UNITS IN THREE PHASES ON 15 GROSS ACRES

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3-6

MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

ATTACHMENT 4



APPLICANT(S):
GRANITE SPRINGS, LLC

FILE NO(S): SPR10-10237 &
TNT10-10261

LOCATION:
660 FEET NORTH OF MAIN STREET BETWEEN TOPAZ AND TAMARISK
AVENUES

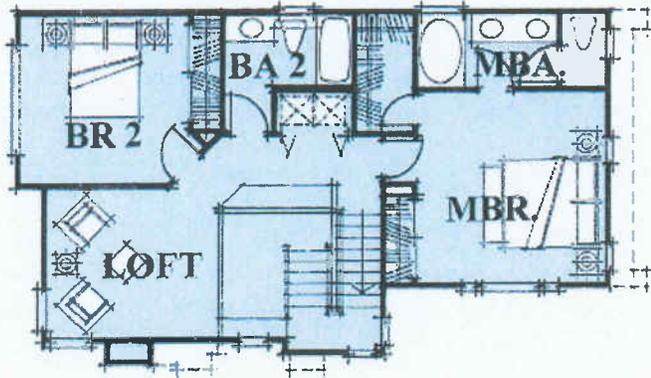
APN(S):
0405-271-32

PROPOSAL:
A SITE PLAN REVIEW AND TENTATIVE TRACT MAP TO CONSTRUCT 164 TWO-STORY
CONDOMINIUM UNITS IN THREE PHASES ON 15 GROSS ACRES

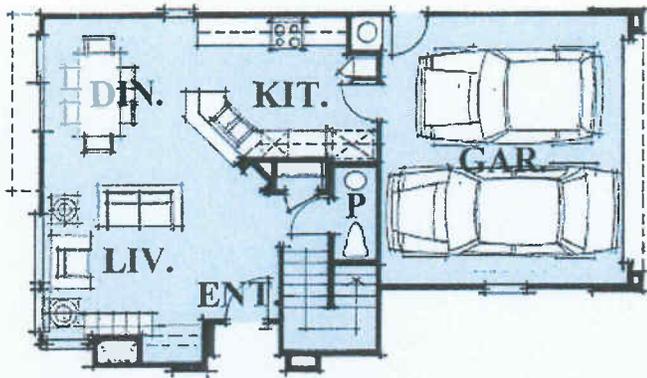
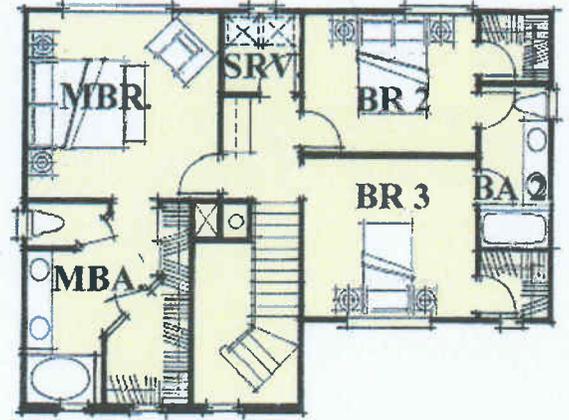


AERIAL PHOTO

ATTACHMENT 5



SECOND FLOOR



FIRST FLOOR



PLAN 1

PLAN 2

APPLICANT(S):
GRANITE SPRINGS, LLC

FILE NO(S): SPR10-10237 &
TNT10-10261

LOCATION:
660 FEET NORTH OF MAIN STREET BETWEEN TOPAZ AND TAMARISK
AVENUES

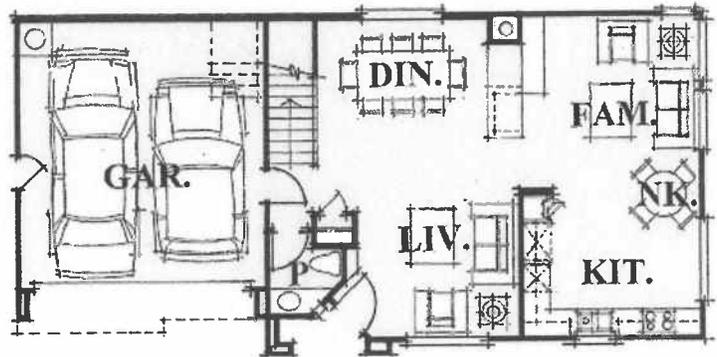
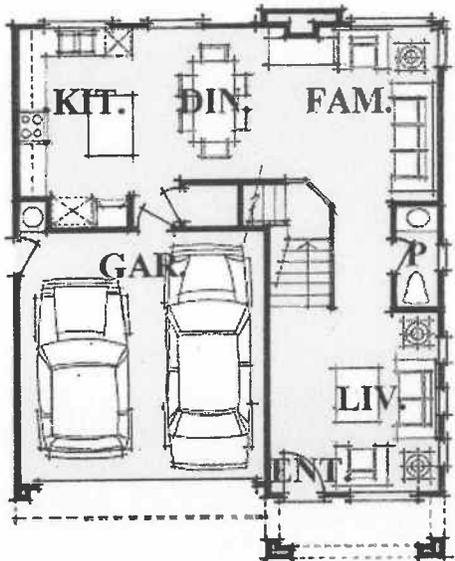
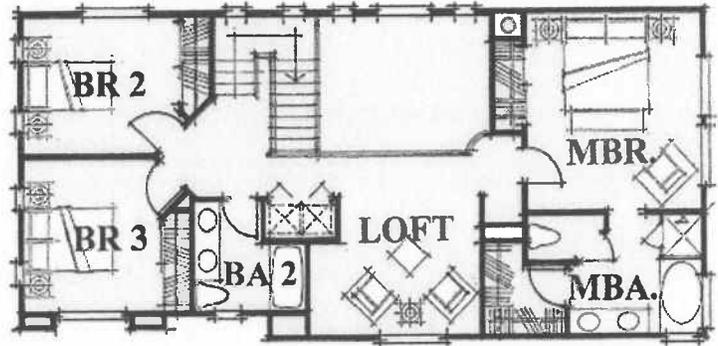
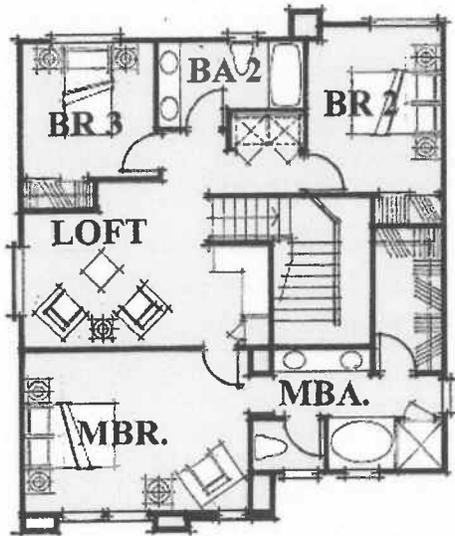
APN(S):
0405-271-32

PROPOSAL:
A SITE PLAN REVIEW AND TENTATIVE TRACT MAP TO CONSTRUCT 164 TWO-STORY
CONDOMINIUM UNITS IN THREE PHASES ON 15 GROSS ACRES



FLOOR PLANS

ATTACHMENT 6



PLAN 3

PLAN 4

APPLICANT(S):
GRANITE SPRINGS, LLC

FILE NO(S): SPR10-10237 &
TNT10-10261

LOCATION:
660 FEET NORTH OF MAIN STREET BETWEEN TOPAZ AND TAMARISK
AVENUES

APN(S):
0405-271-32

PROPOSAL:
A SITE PLAN REVIEW AND TENTATIVE TRACT MAP TO CONSTRUCT 164 TWO-STORY
CONDOMINIUM UNITS IN THREE PHASES ON 15 GROSS ACRES



ATTACHMENT 7



APPLICANT(S):
GRANITE SPRINGS, LLC

FILE NO(S): SPR10-10237 &
TNT10-10261

LOCATION:
660 FEET NORTH OF MAIN STREET BETWEEN TOPAZ AND TAMARISK
AVENUES

APN(S):
0405-271-32

PROPOSAL:
A SITE PLAN REVIEW AND TENTATIVE TRACT MAP TO CONSTRUCT 164 TWO-STORY
CONDOMINIUM UNITS IN THREE PHASES ON 15 GROSS ACRES



3+10
PLANNING COMMISSION

ARCHITECTURAL ELEVATIONS

ATTACHMENT 8



APPLICANT(S):
GRANITE SPRINGS, LLC

FILE NO(S): SPR10-10237 &
TNT10-10261

LOCATION:
660 FEET NORTH OF MAIN STREET BETWEEN TOPAZ AND TAMARISK
AVENUES

APN(S):
0405-271-32

PROPOSAL:
A SITE PLAN REVIEW AND TENTATIVE TRACT MAP TO CONSTRUCT 164 TWO-STORY
CONDOMINIUM UNITS IN THREE PHASES ON 15 GROSS ACRES



PLANNING COMMISSION

ARCHITECTURAL ELEVATIONS

ATTACHMENT 9

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

MITIGATED NEGATIVE DECLARATION ND-2011-01
Preparation Date: January 10, 2011

Name or Title of Project: Site Plan Review SPR10-10237 & Tentative Tract TNT10-10261/TT-18166

Location: 660 feet north of Main Street between Topaz and Tamarisk Avenues (APN: 0405-271-32).

Entity or Person Undertaking Project: Granite Springs, LLC

Description of Project: A site plan review and tentative tract map to construct 164 two-story condominium units in three phases on 15 gross acres.

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

Mitigation Measure:

1. The applicant shall water all unpaved areas as necessary to control dust.
2. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.
3. 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: January 14, 2011 to February 2, 2011

Public Hearing Date: February 10, 2011

Adopted by the City Council: n/a

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

PROJECT DESCRIPTION

1. **Project Title:** Site Plan Review SPR10-10237 & Tentative Tract TNT10-10261/TT-18166
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Daniel S. Alcayaga, AICP, Senior Planner
Phone number: (760) 947-1330.
4. **Project Location:** 660 feet north of Main Street between Topaz and Tamarisk as shown on Attachment "A" (APN: 0405-271-32).
5. **Project Sponsor:** Granite Springs, LLC
Address: 1111 Quail Street, Newport Beach, CA 92660
6. **General Plan & zoning:** The site is within the Medium Density Residential District as part of the Main Street and Freeway Corridor Specific Plan.

7. **Description of project:**

A site plan review and tentative tract map to construct 164 two-story condominium units in three phases on 15 gross acres. The condominium units are detached two-story buildings and range in size from 1,300 to 1,900 square feet. Drive aisles measuring 26 to 30 feet provide access to each unit. The development will have recreational areas which include a pool and spa, community room, play area with tot-lots, half-basketball court, and passive open space area. Trails are provided along the main drive aisles connecting pedestrians to streets, recreational amenities, and units. **A site plan for the project is illustrated on page 26.**

A total of 372 parking spaces are provided. Parking spaces include 44 guest parking spaces and attached 2 car garages for each unit. A total of 5 of the parking spaces will be accessible. As part of developing the site, the developer is required to construct curb, gutter, and sidewalk along the project frontages of Topaz and Tamarisk Avenues. On-site drainage will be handled with an underground drainage system beneath the half-basketball court on the north side of the property. The project will connect to a 10-inch sewer line in Tamarisk Avenue and to the existing 12-inch water line in Topaz Avenue.

8. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.) The property is currently vacant. A multi-family apartment complex exists to the north. A single-family residences and a commercial building exist to the south. Hesperia High School exists to the east. A neighborhood of multi-family residences exists to the west.

The property and surrounding properties are within the Main Street and Freeway Corridor Specific Plan. The property to the north is within the Medium Density Residential (MDR) District. The properties to the south are within the MDR and Neighborhood Commercial (NC) Districts. The high school to the east is within the Public Institutional Overlay District. The land to the west is within Low Density Residential (LDR) District.

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, the Hesperia Unified School District, Southern California Edison, and Southwest Gas.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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



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

 Date 1-10-11

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.

The property is currently vacant (1). Although vegetation and Joshua trees exist within the site several dirt off-road vehicle tracks bisect the site. The project is bounded by an apartment complex to the north, Hesperia High School to the east, a mixture of single family residences and commercial buildings to the south, and multi-family residences to the west. Consequently, the site is not considered a scenic resource. Neither Topaz Avenue nor Tamarisk Avenue are scenic highways. The site is not in close proximity to any scenic resources or historic buildings (2 & 3). The site’s proximity to existing development and the current site condition is evidence that the project would have a limited impact upon the visual character of the area.

The proposed condominium development will not have any adverse impact to the aesthetics of the area as the development is subject to Title 16 zone district and Main Street Freeway Corridor Specific Plan regulations (6), which limit the building height and provide for minimum yard and lot coverage standards as implemented through the building permit review process. The proposed contemporary craftsmen and Spanish style architectural themes and earth tone colors will compliment the surrounding developments. Consequently, development of the proposed condominium development will not have a significant negative impact upon the visual character or quality of the area (4).

The project will produce additional light. However, any light or glare produced would be similar to that already being produced by the nearby developments and will be subject to the Development Code, which limits the amount of light produced at the boundary of the site, which will not have an adverse impact upon the surrounding properties. The lighting standard will ensure that the development will not have an adverse impact upon the surrounding properties. Further, any light which faces a residentially designated area or street shall be hooded and directed downward.

The proposed use is consistent with the Medium Density Residential District as part of the Main Street and Freeway Corridor Specific Plan, which allows a condominium development with approval of a site plan review (6 & 47). 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. 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 *Hesperia Cajon sand, zero 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 developed 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 within the Medium Density Residential District as part of the Main Street and Freeway Corridor Specific Plan **(6)**. 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 receptor is the school on the opposite side of Tamarisk Avenue to the east. The condominium development is not expected to provide pollution at levels that would impact sensitive receptors.

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. 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, site watering shall be continued as needed to prevent nuisance dust in accordance with the mitigation measure on page 22.

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 residential 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 project 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 15.0 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 and ensures that 22 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 22.

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 site plan review 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 low sensitivity potential for containing cultural resources (23). Consequently, approval of the site plan review will not have an impact upon cultural resources.

| VI. GEOLOGY AND SOILS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (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).

As a function of obtaining a building final, the proposed development will be built in compliance with the Hesperia Municipal Code and the Building Code (74), which ensures that the buildings will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soil study is required, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be performed in accordance with all development codes to assure that all structures will not be negatively affected by the soil.

The soil at this location is classified by the U.S. Soil Conservation Service as *Hesperia Cajon sand, zero 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 in proximity to City sewer and will require connection to sewer which meets Victor Valley Wastewater Reclamation Authority and Lahontan Regional Water Quality Control Board regulations and City standards (30). Consequently, approval of the site plan review 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 development is consistent with the greenhouse gas (GHG) emissions analyzed by the General Plan Update Environmental Impact Report (GPUEIR). The development will meet energy conservations measures that meet or exceed Title 24 standards. Trails are provided along the main drive aisle connecting pedestrians to streets, recreational amenities, and units. Trails can be used for walking and bicycling. Landscape areas within the development are required to ensure water efficient plants and a low-flow irrigation system are maintained. In addition, a water budget is required to ensure a water efficient landscaping and irrigation system. The site is also located near schools, bus stops, and commercial uses, which promotes mix use measures, walking and increase use of transit (33). 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 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/superfund/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 proposed condominium development will not conflict with air traffic nor emergency evacuation plans. The site is approximately five miles from the Hesperia Airport to the southeast 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. Consequently, approval of the site plan review 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). An underground retention system with a capacity of 54,073 cubic feet per second (cfs) is located on the north side of the property. Although the drainage system is located within phase 3, the drainage system will need to be in place prior to completion of phase 1. 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 two and five percent slope. 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 site plan review 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 a condominium development is proposed on the site (1). Therefore, the use will not physically divide an established community. The proposed condominium development is consistent with the existing General Plan and zoning, but requires approval of a site plan review and tentative tract map (47 & 61). 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 site plan review 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 site plan review 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-dozer, 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 nearest major roadways in the vicinity to the development are Main Street and Maple Avenue. Main Street is approximately 660 feet south of the project and Maple Avenue is approximately 1,200 feet east of the project. These arterial roadways will subject the future residents of the project to noise less than 65 CNEL (55). Use of double paned windows and insulation in conformance with the building code will reduce the amount of noise to below 45 dB, which is an acceptable amount of noise.

The boundary of the site is approximately four miles from the Hesperia Airport, one mile from Interstate 15, and approximately 660 feet from Main Street. At this distance, the site is expected to be exposed to noise levels less than 60 CNEL. 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. In addition, the site is approximately three miles from the Burlington Northern and Santa Fe Railroad (51 & 56). Therefore, area impacts by noise and vibration generated by the project is less than 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 use is a school on the opposite side of Tamarisk Avenue to the east. However, construction noise will subdue once the construction phase is completed.

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 Medium Density Residential (MDR) District as part of the Main Street and Freeway Corridor Specific Plan (6 & 9). The proposed condominiums are for ownership and not for rent, and will be affordable compared to available single-family units in the City. This will further diversify the City housing stock, in support of Housing Element, to permit the full range of housing densities with the city's boundaries.

Further, the site is in close proximity to water, sewer, 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 residential 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. The proposed development will not induce substantial population growth as the development will provide addition housing for future and existing residents. Based upon the limited size, the development of the project would have a less than significant impact upon population and housing. The development is expected to have a positive impact in fulfilling the goals and objectives of the City's Housing Element.

| 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). Topaz Avenue contains a 12-inch diameter water line, which will provide adequate water pressure for domestic and fire flow (30). There is a 10" sewer PVC existing in Tamarisk Avenue, which will be connected to, and extended along the project boundary. Full street improvements comprised of curb, gutter, and sidewalk will be constructed along the project frontage as part of development of the site (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 site plan review 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 site plan 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 condominium development will include a pool and spa, recreational building, play area with tot-lots, half-court basketball area, and passive open space area (4). Trails are also provided along the main drive aisle connecting pedestrians to streets, recreational amenities, and units. Additionally, park 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 park facilities will be available to serve any future development. Therefore, the proposed site plan review 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 condominium development fronts upon Topaz and Tamarisk Avenues. These two streets are to be constructed as collector streets (63). As part of development of this project, Topaz and Tamarisk Avenues will be constructed to City standards, including curb, gutter, and sidewalk across the project frontages and pavement tapers beyond the frontage. Tamarisk Avenue is required to be extended on to Main Street. This portion of Tamarisk is required to be paved and a minimum 26 feet wide. 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 time at this location.

The site design has been evaluated by both the City and the San Bernardino County Fire Department. The site has access from Topaz and Tamarisk Avenues. The site has an on-site looped drive aisle system that connects to all streets and cul-de-sacs. Therefore, emergency vehicles will have uninterrupted access along the main drive aisle within the entire development. The cul-de-sacs do not exceed 150 feet in length and turn-around complies with Fire Department specifications (4). Each phase of the project is required to have two points of access to be determined during plan check of the construction plans.

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 Topaz and Tamarisk Avenues 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 4 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 169 residential units on the 15.0-acre site, approximately 1,114 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 6.59 trips per residential unit (57). Based upon the allowable density of 8 to 15 du/ac, 225 average daily vehicle trips were analyzed as part of the General Plan Update Environmental Impact Report (GPUEIR). Therefore, establishing a 169 unit condominium development would result in a decrease in vehicle trips when compared to what the EIR analyzed. Consequently, approval of this use will reduce the traffic impact below that analyzed by the GPUEIR. As a result, the impact of the proposed site plan review 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 development is required to connect to sewer (67). 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 good standing 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 effects on human beings, either directly or indirectly? | | X | | |

Comments.

Based upon the analysis in this initial study, a Negative Declaration may be adopted. Development of this project will have a minor effect upon the environment. 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. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.

3. 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 Site Plan Review SPR10-10237 & Tentative Tract TNT10-10261/TT-18166
- (5) Sections 16.16.550 and 16.16.555 of the Hesperia Municipal Code.
- (6) 2008 Main Street Freeway Corridor Specific Plan, including the specific plan zone map
- (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, January 17, 2008.
- (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.

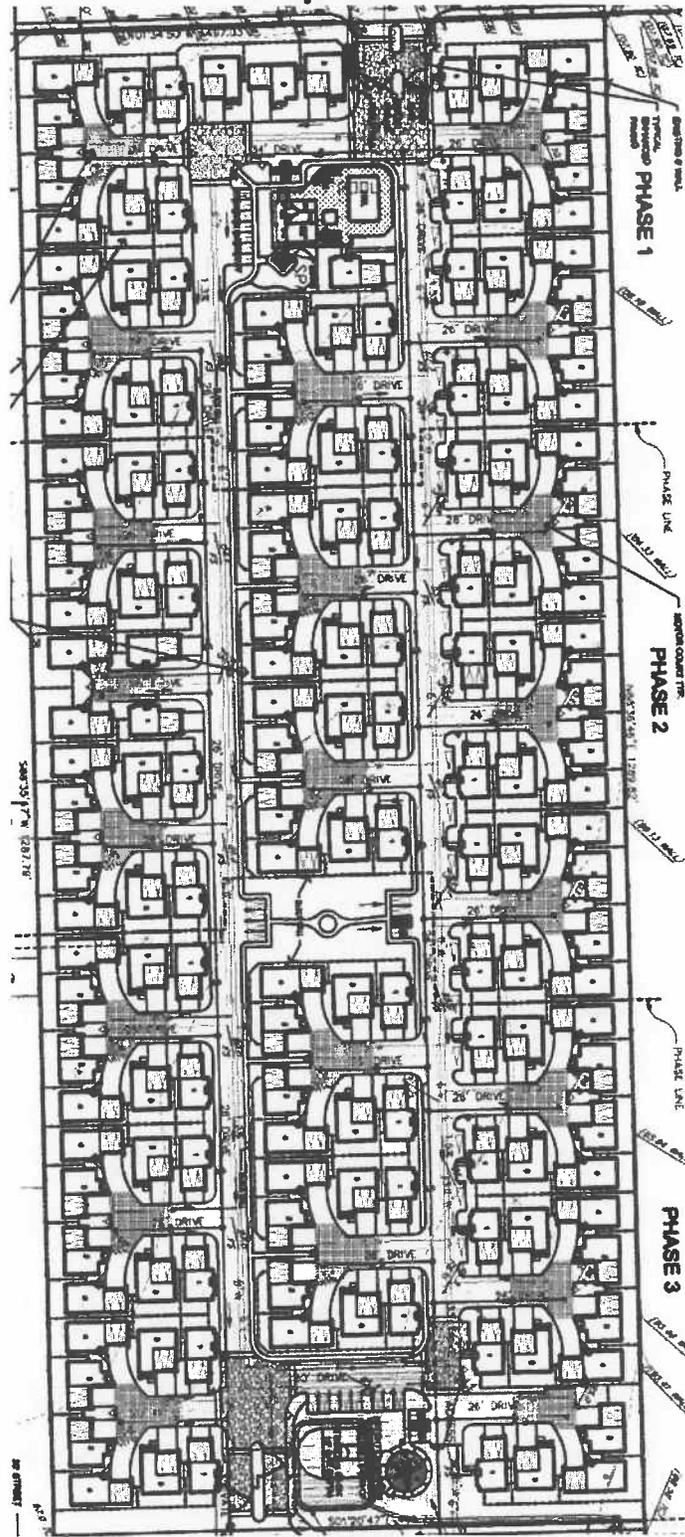
- (22) Section 6 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 22 thru 38.
- (23) Cultural Resource Sensitivity Map Exhibit 5b of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report.
- (24) 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) Chapter 7(E)1 of the Main Street and Freeway Corridor Specific Plan, page 101.
- (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 9 within Section 2.2 of the 2010 City of Hesperia General Plan Update Noise Element background technical report, page 29 thru 32.
- (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 334-345
- (58) Intentionally Left Blank
- (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. Park impact fees are established by the Hesperia Recreation and Park District. School fees are established by the Hesperia Unified School District.
- (60) 2007 California Plumbing Code Section 713.4, page 137.
- (61) Section 16.12.085 Approval Required, Article II Site Plan and Revised Site Plans, of the Hesperia Development Code
- (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) Intentionally Left Blank
- (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.
- (74) 2010 California Building Code

EXHIBIT "A"

Topaz Ave.



Tamarisk Ave.



ATTACHMENT 10

RESOLUTION NO. 2011-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A SITE PLAN REVIEW TO CONSTRUCT 164 TWO-STORY CONDOMINIUM UNITS IN THREE PHASES ON 15.0 GROSS ACRES, LOCATED 660 FEET NORTH OF MAIN STREET BETWEEN TOPAZ AVENUE AND TAMARISK AVENUE (SPR10-10237).

WHEREAS, Granite Springs, LLC, has filed an application requesting consideration of Site Plan Review SPR10-10237, described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a 15 gross acre lot within the Medium Density Residential (MDR) District, located 660 feet north of Main Street between Topaz Avenue and Tamarisk Avenue and consists of Assessor's Parcel Number 0405-271-32; and

WHEREAS, the Application, as contemplated, proposes a site plan review to construct 164 two-story condominium units in three phases; and

WHEREAS, the Applicant has also filed Tentative Tract TNT10-10261 to provide individual ownership for each condominium; and

WHEREAS, the property is currently vacant. A multi-family apartment complex exists to the north. A single-family residence and a commercial building exist to the south. Hesperia High School exists to the east. A neighborhood of multi-family residences exist to the west; and

WHEREAS, The property and surrounding properties are within the Main Street and Freeway Corridor Specific Plan. The property to the north is also within the Medium Density Residential (MDR) District. The properties to the south are within the MDR and Neighborhood Commercial (NC) Districts. The high school to the east is within the Public Institutional Overlay (PIO) District. The land to the west is within Low Density Residential (LDR) District; and

WHEREAS, an environmental Initial Study for the proposed site plan review was completed on January 10, 2011, and no significant adverse impacts were identified. Mitigated Negative Declaration ND-2011-01 was subsequently prepared; and

WHEREAS, on February 10, 2011, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced February 10, 2011, 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, without infringing on requirements. The site is approximately 15 gross acres and can accommodate the 164-unit condominium development. On-site improvements required by the Hesperia Development Code can be constructed on the property including 372 parking spaces (328 spaces within garages and 44 open guest parking spaces), minimum 26-foot wide drive aisles, and landscaping. The complex also meets all of the San Bernardino County Fire Department standards for fire lanes, two-points of access, fire truck turn-around, fire department connections/post indicator valves (FDC/PIV) and fire hydrants. The proposed development complies with all state and federal regulations, including the Americans with Disability Act (ADA). The development is designed with an on-site underground retention/detention system to accommodate the required capacity of a 100-year storm. The development will preserve 22 Joshua trees that will be transplanted within the development's landscaping.
- (b) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof because the proposed development is consistent with the City's Medium Density Residential (MDR) District as part of the Main Street and Freeway Corridor Specific Plan. The proposed development's density is substantially similar to the use to the north. The development is designed with an on-site underground retention/detention system to accommodate the required capacity of a 100-year storm. The City has established Traffic Impact Mitigation Fee Program to fund the construction of traffic improvements to maintain adequate levels of service standards. The developer is required to pay all applicable City development impact fees towards these improvements.
- (d) The proposed development is consistent with the goals, policies, standards and maps of the adopted Specific Plan, Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia. The proposed development is permitted in the Medium Density Residential (MDR) District. The development complies with standards for landscaping, driveway aisles, parking stall dimensions, building heights, fire lanes and turn-arounds, and loading areas. The development complies with Americans with Disability Act (ADA) by providing 5 accessible parking spaces with loading areas and a 4-foot-wide path of travel to the streets, parking spaces, and all buildings. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development must comply with the development's condition of approval for off-site and on-site improvements required prior to grading and building construction and prior to issuance of a Certificate of Occupancy.
- (e) The granting approval of the development will not be detrimental to the public health, safety, or welfare as the development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development complies with Americans with Disability Act (ADA) by providing

5 accessible parking spaces with loading areas and a 4-foot-wide path of travel to the streets, parking spaces, and all buildings.

- (f) The site for the proposed use will have adequate access based upon the site's current accessibility to Tamarisk Avenue and Topaz Avenue. Tamarisk Avenue will be extended to Main Street to the south. The development will have one drive approach on Topaz Avenue and Tamarisk Avenue. The City has established a Traffic Impact Mitigation Fee Program as part of the Development Impact Fee (DIF) to fund the construction of traffic improvements to maintain adequate levels of service. The developer is required to pay all applicable City development impact fees towards these improvements.
- (g) The proposed development is consistent with and promotes the goals and policies of the General Plan. The development will help bring the City into compliance with state housing mandates and the City's Housing Element.

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

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves of SPR10-10327, subject to the Conditions of Approval as set forth in ATTACHMENT "A."

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

ADOPTED AND APPROVED this 10th day of February 2011.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

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ATTACHMENT 'A'

List of Conditions for Site Plan Review SPR10-10237

Approval Date: February 10, 2011
Effective Date: February 23, 2011
Expiration Date: February 23, 2014

This list of conditions apply to a Site Plan Review to construct 164 two-story condominium units on 15 gross acres zoned Medium Density Residential located 660 feet north of Main Street between Topaz and Tamarisk Avenues. Any change of use or expansion of area may require approval of a revised site plan review application (Applicant: Granite Springs, LLC; APN: 0405-271-32).

The use shall not be established until all conditions of this Site Plan Review application have been met. This approved Site Plan Review 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. **Final Map.** A Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66434 of the Subdivision Map Act as well as the San Bernardino County Surveyor's Office Final Map Standards. (E)
- _____ 2. **Drainage Study.** The Developer shall submit a Final Hydrology / Hydraulic study identifying the method of collection and conveyance of tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E)
- _____ 3. **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)
- _____ 4. **Title Report.** The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
- _____ 5. **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)

- _____ 6. **Storm Water Pollution Prevention Plan.** The Developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off control during construction. (E)
- _____ 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 Department 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. **Irrevocable Offer Of Dedication.** The Developer shall submit an "Offer of Dedication" to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)
- _____ 10. **Easement, (Water, Sewer and Storm Drain).** The Developer shall submit a "Grant of Easement" to the City's Engineering Department for review and approval if needed. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)
- _____ 11. **Recreational Facility Plans.** The Developer shall submit two sets of plans to develop the recreational facilities to the Building Division with the required application fees. The recreational facilities shall be consistent with the amenities shown on the approved site plan and shall be built with its corresponding phase. (P)
- _____ 12. **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)
- _____ 13. **Specialty Plans.** The Developer shall submit two (2) sets of engineered plans for the proposed swimming pool to the Building Division for review and construction permits with the required application fees. The plans shall have prior review and approval by the San Bernardino County Department of Environmental Health Services. (B)
- _____ 14. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and

expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

- _____ 15. **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)
- _____ 16. **Dedication(s).** The Developer shall grant to the City an Irrevocable Offer of Dedication for Topaz Avenue. The right-of-way full-width for Topaz Avenue shall be eighty (80) feet. The Developer shall grant to the City an Irrevocable Offer of Dedication for Tamarisk Avenue. The right-of-way full-width for Tamarisk Avenue shall be sixty (60) feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. It is the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City. **Corner cut-off right of way dedication per City standards is required at all intersections, including interior roadways.** (E)
- _____ 17. **Grant of Easement for Double Detector Check Valve.** The Developer shall grant to the City an easement for *any* part of a required double-detector check valve that encroaches onto private property. (E)
- _____ 18. **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)

- _____ 19. **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)
- _____ 20. **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)
- _____ 21. **Grading Plan.** The Developer shall design a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building "footprints" and proposed development of the retention basins, as a minimum. The site grading and building pad preparation shall include the recommendations provided by the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw), top of footing (tf), and the finish grade (fg) elevations. (E)
- _____ 22. **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)
- _____ 23. **Drainage Acceptance Letter(s).** It is the Developer's responsibility to obtain signed Drainage Acceptance Letters from *any* adjacent property owner's who are affected by concentrated off-site storm water discharge from any on-site retention basins and storm water runoff. The Acceptance letter, along with the latest grant deed, must be submitted to the City's Engineering Department for plan check approval. (E)
- _____ 24. **On-site Retention.** The Developer shall design / construct on-site retention facilities, which have minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. 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)

- _____ 25. **Traffic Signal(s).** The Developer shall design to construct, relocate, and modify traffic signal at the intersection of Street and Cross Street. Traffic signal preemption device for emergency vehicle operation shall be included. (E)
- _____ 26. **Street Improvement Plan.** The Developer shall design street improvements in accordance with City standards and as indicated below. (E)
- _____ 27. **Topaz Avenue.** Saw-cut (2-foot min.) and match-up asphalt pavement on Topaz Avenue across the project frontage, based on City's 80-foot Secondary Arterial Roadway Standard. The curb face is to be located at 25' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:
- A. 8" Curb and Gutter per City standards.
 - B. Sidewalk (width = 8 feet) per City standards.
 - C. Roadway drainage device(s).
 - D. Streetlights per City standards.
 - E. Intersection improvements including handicapped ramps per City standards.
 - F. Commercial driveway approaches per City standards.
 - G. Pavement transitions per City Standards.
 - H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 8 and per the soils report.
 - I. Cross sections every 50-feet per City standards.
 - J. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
 - K. Provide a signage and striping plan per City standards.
 - L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
 - M. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.
 - N. Provide signage and striping for a Class 2 bike trail, per City's adopted non-motorized transportation plan.
- _____ 28. **Tamarisk Avenue.** Construct street improvements (26' minimum paved section) on Topaz Avenue across the project frontage, based on City's 60-foot Suburban Collector Roadway Standard. The curb face is to be located at 18' 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:
- A. 8" Curb and Gutter per City standards.
 - B. Sidewalk (width = 6 feet) per City standards.

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

_____ 29. **Tamarisk Avenue (off-site).** Construct street improvements (26' minimum paved section) from the south property line to Main Street without curb and gutter. 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:

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

_____ 30. **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 Topaz Avenue per City Standards. The onsite system shall be designed as a private system per City standards.
- C. It is the Developer's responsibility to connect to sewer and pay the appropriate fees. The developer is required to design and install a 10" minimum PVC sewer main in Tamarisk Avenue from the existing 10" PVC sewer main to the south property line per City standards. 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.**

- _____ 31. **Community Facilities District.** The developer shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property.
- _____ 32. **Fish & Game Fee.** The applicant shall submit a check to the City in the amount of \$2,094.00 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)
- _____ 33. **Cultural Resources.** If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)
- _____ 34. **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)
- _____ 35. **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)

- _____ 36. **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)
- _____ 37. **Design for Required Improvements.** Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review (E, P)
- _____ 38. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)
- _____ 39. **Jurisdiction.** Prior to any construction occurring on any parcel, the applicant shall contact the San Bernardino County Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F-1]
- _____ 40. **Access.** The development shall have a minimum of **TWO (2)** points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
- 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.
- _____ 41. **Combustible Protection.** Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. [F-44]

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 42. **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)

- _____ 43. **Landscape Plans.** The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. Within each individual phase, landscaping areas shall be constructed with its corresponding phase. (P)
- _____ 44. **Solid Masonry Wall/Fencing.** The Developer shall submit four sets of masonry wall/wood fencing plans to the Building Division with the required application fees for all proposed walls. A solid six- foot high split-face masonry wall or other approved decorative wall with decorative cap shall be provided along the following locations:
- A. The street frontages of Topaz and Tamarisk Avenues;
 - B. Any area where a drive aisle abuts the side or rear boundary of a condominium.
 - C. Any area where a recreational area abuts the side and rear boundary of a condominium.
 - D. Where headlight glare from vehicles on-site would negatively affect adjacent residentially designated properties.
- Within each individual phase, block walls shall be constructed with its corresponding phase. (P)
- _____ 45. **School Fees.** The Developer shall pay required school fees (B)
- _____ 46. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)
- _____ 47. **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)
- _____ 48. **Fire Sprinkler-NFPA #13.** An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans to the Building and Safety Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufacturer's specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. [F-59]

- _____ 49. **Fire Alarm.** A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F-62a]

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 50. **As-Built Plans.** The Developer shall provide as-built plans in AutoCAD 2007 format. (E)
- _____ 51. **Public Improvements.** All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)
- _____ 52. **Development Fees.** The Developer shall pay required development fees as follows:
- A. Park Fees. (B)
 - B. Development Impact Fees (B)
 - C. Utility Fees (P)
- _____ 53. **Utility Clearance(s)/Certificate of Occupancy.** 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)
- _____ 54. **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)
- _____ 55. **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)

- _____ 56. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. [F80]
- _____ 57. **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]
- _____ 58. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

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 |

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ATTACHMENT 11

RESOLUTION NO. PC-2011-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A TENTATIVE TRACT TO PROVIDE FOR INDIVIDUAL OWNERSHIP OF EACH CONDOMINIUM UNIT ON 15 GROSS ACRES, LOCATED 660 FEET NORTH OF MAIN STREET BETWEEN TOPAZ AVENUE AND TAMARISK AVENUE (TNT10-10261/TT-18166).

WHEREAS, Granite Springs, LLC, has filed an application requesting consideration of Tentative Tract TNT10-10261/TT-18166, described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a 15 gross acre lot within the Medium Density Residential (MDR) District, located 660 feet north of Main Street between Topaz Avenue and Tamarisk Avenue and consists of Assessor's Parcel Number 0405-271-32; and

WHEREAS, the Applicant has also filed Site Plan Review SPR10-10237 to construct 169 two-story condominium units; and

WHEREAS, the property is currently vacant. A multi-family apartment complex exists to the north. A single-family residence and a commercial building exist to the south. Hesperia High School exists to the east. A neighborhood of multi-family residences exist to the west; and

WHEREAS, The property and surrounding properties are within the Main Street and Freeway Corridor Specific Plan. The property to the north is also within the Medium Density Residential (MDR) District. The properties to the south are within the MDR and Neighborhood Commercial (NC) Districts. The high school to the east is within the Public Institutional Overlay (PIO) District. The land to the west is within Low Density Residential (LDR) District; and

WHEREAS, an environmental Initial Study for the proposed site plan review was completed on January 10, 2011, and no significant adverse impacts were identified. Mitigated Negative Declaration ND-2011-01 was subsequently prepared; and

WHEREAS, on February 10, 2011, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced February 10, 2011 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed map is consistent with the City's General Plan of the City of Hesperia, because the subdivision is consistent with the intent of the Medium Density Residential (MDR) District as part of the Main Street and Freeway Corridor Specific Plan. The MDR District allows for eight to 15 dwelling units per acre.
- (b) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia as the project supports the existing land use and circulation pattern in the area.
- (c) The site is physically suitable for the type of development because the site can accommodate all proposed improvements and required infrastructure necessary for development of 164 condominium units. There are no known physical constraints and the site has adequate area to accommodate the proposed lots.
- (d) The site is physically suitable for the proposed density of development because the resulting density of 11.3 dwelling units per gross acre is compatible with surrounding development and is consistent with Specific Plan. The lots are adequate in size and shape and all Development Code regulations for the permitted uses can be met.
- (e) The design of the subdivision or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes.
- (f) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

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

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Tentative Tract TT-18166, subject to the Conditions of Approval as set forth in ATTACHMENT "A."

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

ADOPTED AND APPROVED on this 10th day of February, 2011

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Tentative Tract Map TPM10-10261 (TT-18166):

Approval Date: February 10, 2011
Effective Date: February 23, 2011
Expiration Date: February 23, 2014

This list of conditions apply to a Tentative Tract Map to provide for individual ownership of each condominium unit from 15 gross acres zoned MDR, located 600 feet north of Main Street between Topaz and Tamarisk Avenues (Applicant: Granite Springs, LLC; APN: 0405-271-32).

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

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

PRIOR TO RECORDATION OF THE TRACT MAP:

- 1. Map. A Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyor's Office Map Standards. (E)
2. Title Report. The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
3. Plan Check Fees. A customer request form from Engineering shall be completed and submitted to the Engineering Department. Upon receipt of form, plan-checking fees will be provided to the developer. Fees must be paid along with submittal. Map, CDP (If Required), Improvement Plans (If Required), requested studies, and CFD annexation must be submitted as a package. (E)
4. All Easements of Record. It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. (E)
5. Off-Site Offers of Dedication and Easements. Should off-site offers of dedication or easements be required for off-site improvements, it shall be the responsibility of the Developer to obtain such dedications or easements at no cost to the City, pursuant to section 66462.5 of the Subdivision Map Act. (E)

- _____ 6. **Irrevocable Offers of Dedication and Easements.** The Developer shall show all Offers of Dedication(s) and Easement(s) on the Map as outlined below: (E)
- A. Tamarisk Avenue and Topaz Avenue
 - B. Double Detector Check for Fire Department
- _____ 7. **Street Name Approval.** The developer shall submit a request for street names for all of the interior streets for review and approval by the Building Division. (B)
- _____ 8. **Fish & Game Fee.** The applicant shall submit a check to the City in the amount of \$2,094.00 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)
- _____ 9. **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)
- _____ 10. **Lighting and Landscaping District Annexation.** Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District (HRPD) for public lighting, and landscaping. Provide the District with the number of streetlights and their locations as shown upon the approved improvement plans. (RPD)
- _____ 11. **Conditions, Covenants and Restrictions (CC&Rs).** CC&Rs shall be submitted for review and approval by the City prior to recordation. The CC&Rs shall contain the following provisions at a minimum:
- A. Establishment of an association, including membership requirements, members' and association rights (powers and obligations), selection of officers, and meetings, which shall occur at least once per quarter

with special meetings to occur on an as needed basis, due to special circumstances.

- B. Maintenance provisions for common areas shall be created to ensure that the project is maintained satisfactorily. The provisions shall include, but need not be limited to the driveways, drive aisles and parking areas; retention/detention and other drainage facilities; recreational facilities, including open areas and landscaped areas; walls, gates, fences and signage; and maintenance of buildings.
- C. Provisions for architectural controls and variances shall be included. Only an architectural review board composed of members of the association shall exercise judgments in these matters.
- D. The CC&Rs shall be enforced by the association. Should the CC&Rs be deemed invalid in part by court action, the provisions required as part of this condition shall remain in full force and effect.
- E. The CC&Rs or the common amenities addressed therein shall not be terminated, amended, or removed without the prior written authorization of the City of Hesperia.

PRIOR TO DEVELOPMENT OF ANY PARCEL OF THE TRACT MAP:

- _____ 12. **Recordation of Map.** Map shall be recorded with the San Bernardino County Recorder's Office. (E)
- _____ 13. **Utilities.** Each parcel shall be served by a separate water meter, service line, and sewer lateral connection where available. A "Fire Fly" automatic meter reader to be included on all meter connections. (E)
- _____ 14. **Utility Relocation / Undergrounding.** If the developer is required to install water, sewer, or construct street improvements or when utilities shall be placed underground, it shall be the developer's responsibility to relocate / underground any existing utilities at their own expense. Relocation / undergrounding of utilities shall be identified upon submittal of construction plans. (P, E)
- _____ 15. **Drainage Study.** The Developer shall submit a Final Hydrology / Hydraulic study identifying the method of collection and conveyance of *any* tributary flows from off-site as well as the method of control for increased run-off generated on-site. The Developer shall design street improvements, as identified in the Hydrology study or per the City's Engineering and Building and Safety Department requirements upon review of the grading plan. Street design shall be in accordance with City standards (E)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

- _____ 16. **Approval of All Required Improvement Plans.** All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)
- _____ 17. **Cultural Resources.** If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. Further, prior to completion of the project, the applicant shall submit a report describing the handling of all cultural resources. (P)
- _____ 18. **Pre-construction Survey.** A pre-construction survey for burrowing owls shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading. (P)
- _____ 19. **Protected Plants.** Three copies of a protected plant plan shall be submitted to the Building 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. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (B, P)
- _____ 20. **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)
- _____ 21. **School Fees.** The Developer shall pay required school fees prior to building permit issuance. (B)

PRIOR TO OCCUPANCY OF ANY UNIT:

- _____ 22. **CDP Conformance.** All "Special Requirements" as outlined on the approved CDP (Composite Development Plan) shall be completed, inspected and approved through the appropriate department. (E)
- _____ 23. **As-Built Plans.** The Developer shall provide as-built plans. (E)
- _____ 24. **Public Improvements.** All public improvements shall be completed by the developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

- _____ 25. **Electronic Copies.** The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)
- _____ 26. **Model Home Complexes.** Model homes and sales trailers require approval of a Temporary Occupancy Permit. Building permits for the garage conversion to an office; signage, etc., shall be submitted and approved prior to their establishment. (P, B)
- _____ 27. **Development Fees.** The Developer shall pay required development fees as follows:
- A. Development Impact Fees (B)
 - B. Park Fees (B)
 - C. Utility Fees (E)

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

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



DATE: February 10, 2011
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Daniel S. Alcayaga, AICP, Senior Planner
SUBJECT: SPR09-10210; Applicant: Jim & Gail Hasty; APN: 0411-191-69

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2011-06, approving Site Plan Review SPR09-10210.

BACKGROUND

Proposal: A Site Plan Review to establish an event center within a portion of 103 acres zoned A-2.

Location: 300 feet east of Choiceana Avenue on the south side of Lemon Street (Attachment 1).

Current General Plan, Zoning and Land Uses: General Agricultural (A-2) General Plan Land Use (Attachment 2). Single-family homes exist to the north, south, and west of the property. The Mojave River exists to the east (Attachment 3).

The existing equestrian and agricultural activities are permitted in the A-2 zone (Attachment 4). The equestrian portion of the property includes boarding stables, barns, and pipe corrals. The agricultural portion of the property includes 12-acres of pastures, barns, chicken coops, feeding bins, an orchard and a vineyard. The site includes a playground area with tennis, basketball, and volleyball courts. The property also contains two caretaker's quarters, storage bins, and a 2-acre pond.

ISSUES/ANALYSIS:

Land Use: The site plan review is to establish an event center that caters to the public, which includes a 7,000 square foot pavilion (covered patio), a 3,600 square foot tent, and an outdoor stage for concerts adjacent to an existing 2-acre water pond (Attachments 5, 6, & 7). The event center will be used to hold weddings, banquets, and parties. The temporary tent, which is currently operating under a temporary special event (TSE) permit, is located where the 2,650 square foot lodge used to be. The lodge was destroyed in a fire in 2009. The TSE permit for the tent was issued to allow events to occur while the site plan review is being processed. While the pavilion has been used for events, the building permits issued for the structure have expired. As part of this site plan review, plan check, permits and inspections have to be completed. This site plan review will also permit the stage to be used for concerts.

The total number of parking spaces required is 266, including 7 handicap accessible parking spaces. The site plan shows a total of 388 parking spaces, including 7 accessible parking spaces. The parking lots are not required to be paved provided they are watered as needed to reduce dust on the days of the events. Two fully paved handicap parking spaces exist west of the tent. Three accessible parking spaces are proposed east of the pavilion and two accessible spaces near the equestrian area.

During the Development Review Committee (DRC) meeting of January 5, 2011, staff recommended approval of the event center subject to the conditions of approval.

Street Improvements: A primary and secondary access is required for the event center. Lemon Street, which bounds the northern boundary of the site, is the primary access. Lemon Street is currently a dirt road. Per City policy, at least one access road is required to be paved. The conditions of approval require Lemon Street to be paved a minimum of 26-foot wide from the existing pavement on Choicena Avenue and Lemon Street to the second driveway entrance located 1,300 feet to the east. As an alternative, paving to the first driveway will be required. The remaining 750 feet to the second driveway can be constructed with alternate material, such as compacted gravel, provided the slope does not exceed 10%.

Lemon Street is planned to be 120-wide major arterial road by the City's Traffic Circulation Plan. The half-width of Lemon Street is required to be dedicated, consistent with the Circulation Element. The proposed site plan shows a dedication of 50 feet. As a condition of approval, Lemon Street is required to be increased to 60 feet. The General Plan Update increased the width of Lemon Street from 50 feet to 60 feet when it was adopted in September 2010.

The applicant is proposing a secondary access on the site plan from the east side of the property through a 20-foot wide access road. The road must be compacted a minimum of 85% and cannot exceed a slope of 12%. Due to the fact that the access road is on-private property, the road will need to be offered as an easement.

Handicap Accessibility: According to the California Building Code, all public accommodations, or accommodations that are open to the public, are required to be handicap accessible. The event center, which will be rented out to the public for weddings, banquets, and parties, must comply with accessibility requirements. After consulting with accessibility codes, it has been determined that any hardship exemption only applies to alterations of existing buildings and structures constructed prior to January 26, 1993. Since permits and inspections have not been completed for the pavilion and stage and the tent is permitted through a temporary special event permit, the facility must comply with accessibility standards.

An accessible path of travel is being proposed on the site plan from Lemon Street to the pavilion. The conditions of approval require the path of travel to be extended, and inter-connected to, the tent, stage, pavilion, equestrian area, and all accessible parking spaces. The path of travel can be compacted dirt or decomposed granite. The conditions of approval require the path of travel to be three feet wide, compacted a minimum of 85%, and bounded on the sides by a 2" by 4" redwood header.

Water and Sewer: The event center includes portable restrooms, which are required to be regularly maintained. The applicant plans on connecting to water wells currently being constructed by the Mojave Water Agency (MWA). The applicant will use MWA water for all on-site hydrants. The San Bernardino County Fire Department has stated that this is acceptable provided the fire flow is uninterrupted at all times. A condition of approval requires a letter

from MWA stating that the water source will be uninterrupted. Otherwise, the applicant will be required to connect to City water. There is a 12-inch City water line in Choiceana Street.

Drainage: A drainage study is required as a condition of approval. The drainage study should address if any earth disturbance that has been done in the past or will be done in the future interfere with historical drainage patterns. There is currently a local drainage facility on the southwest portion of the property. The applicant is also working with Lahonton Regional Water Quality Board in obtaining an agricultural exception from storm water run-off requirements.

Traffic/Circulation: The number of vehicle trips generated by the project will change weekly due to a variety of scheduled events. Based on the parking analysis, the site is required a total of 260 parking spaces if the tent, pavilion, and stage area are operating simultaneously. The site plan shows 388 parking spaces. Any event that involves 500 or more attendees are required to have a temporary special event (TSE) permit and must provide adequate traffic control measures.

Environmental: Approval of this site plan review requires adoption of a mitigated negative declaration pursuant to the California Environmental Quality Act (CEQA). The mitigated negative declaration and initial study (Attachment 8) prepared for the project concluded that there are no significant adverse impacts resulting from the project. A pre-construction survey for the burrowing owl is required prior to any ground disturbing activities. There are no protected plants on the property. Because the site is within a high sensitivity area for cultural resources, any excavation which occurs five feet below the ground level requires an archeologist monitor to be available.

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

FISCAL IMPACT

Any buildings associated with the event center will be subject to payment of development impact fees.

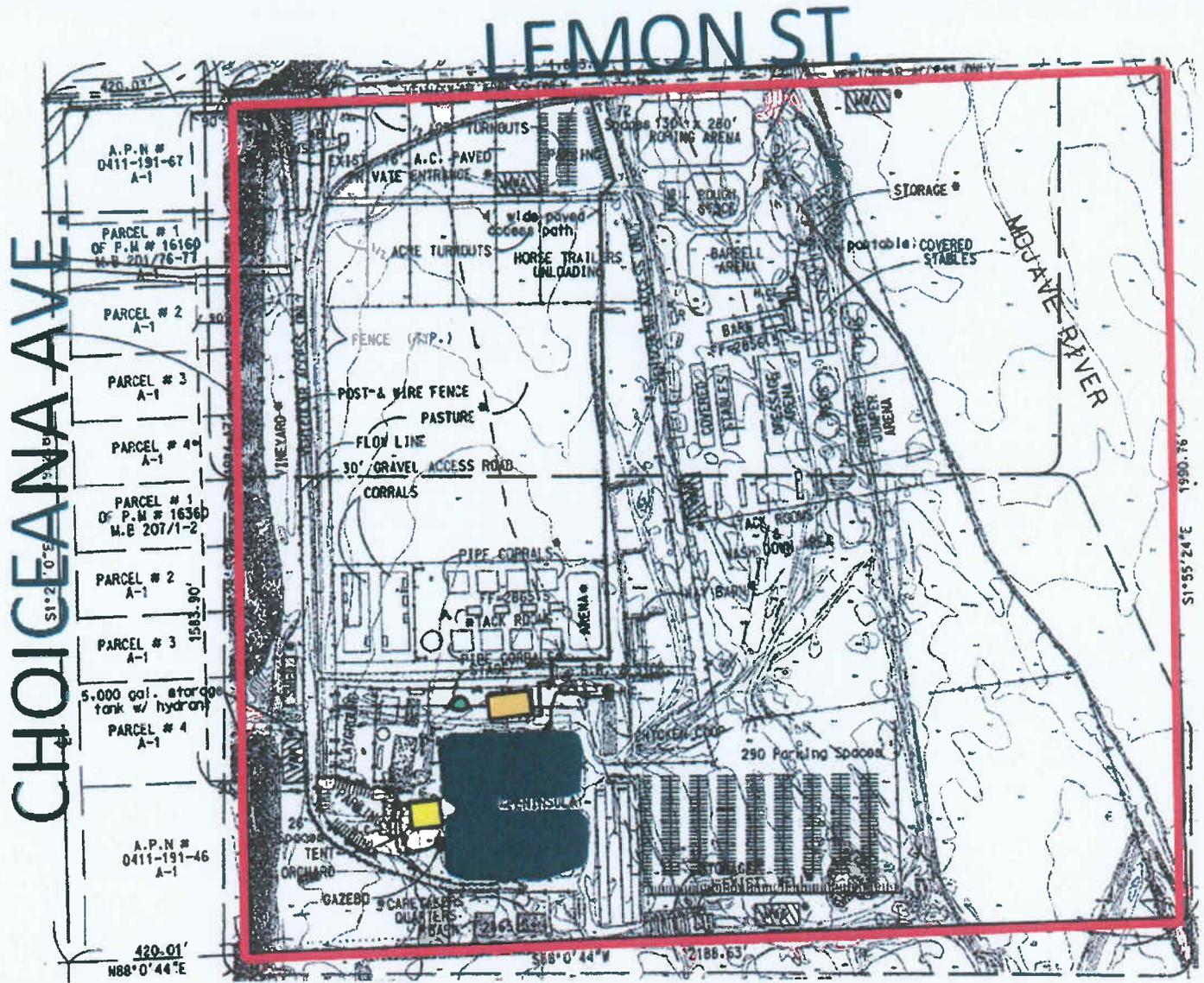
ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site Plan
2. General Plan Land Use Map
3. Aerial Photo
4. Birds Eye View of Boulder Creek Ranch
5. Picture of Tent
6. Picture of Stage
7. Picture of Pavillion
8. Negative Declaration ND-2009-07, with Initial Study
9. Resolution No. PC-2011-06, with conditions of approval (Site Plan Review)

ATTACHMENT 1



-  PAVILLION
-  TENT
-  STAGE
-  LAKE
-  PROPERTY LINES

APPLICANT(S):
JIM & GAIL HASTY

FILE NO(S):
SPR09-10210

LOCATION:
ON THE SOUTH SIDE OF LEMON STREET, 450 FEET EAST OF CHOICEANA AVENUE

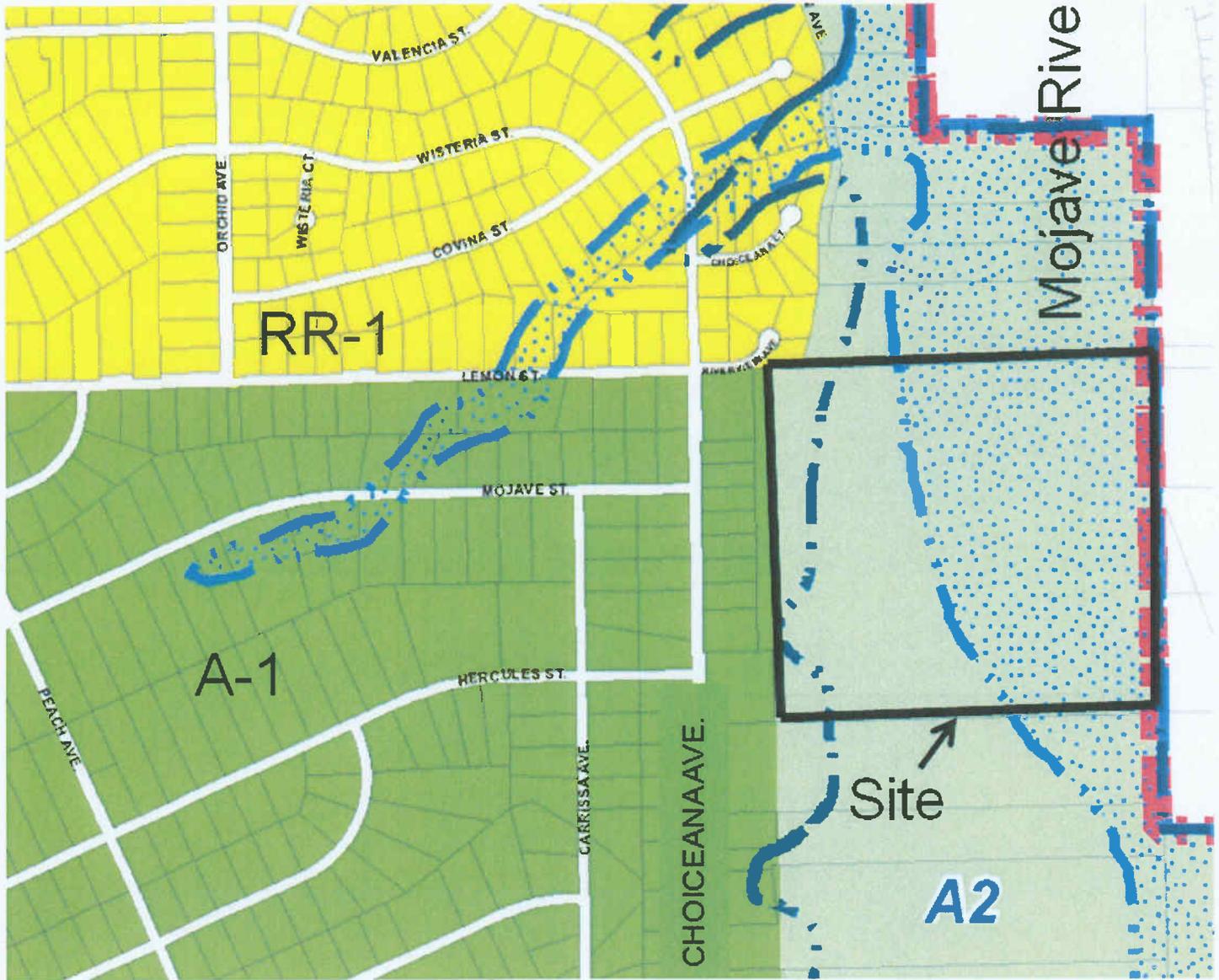
APN(S):
0411-191-69

PROPOSAL:
THE SITE PLAN REVIEW TO CONSTRUCT AN EVENT CENTER ON 103.0 ACRES



SITE PLAN

ATTACHMENT 2



APPLICANT(S):
JIM & GAIL HASTY

FILE NO(S):
SPR09-10210

LOCATION:
ON THE SOUTH SIDE OF LEMON STREET, 450 FEET EAST OF
CHOICEANA AVENUE

APN(S):
0411-191-69

PROPOSAL:
THE SITE PLAN REVIEW TO CONSTRUCT AN EVENT CENTER ON 103.0 ACRES



GENERAL PLAN

ATTACHMENT 3



APPLICANT(S):
JIM & GAIL HASTY

FILE NO(S):
SPR09-10210

LOCATION:
ON THE SOUTH SIDE OF LEMON STREET, 450 FEET EAST OF
CHOICEANA AVENUE

APN(S):
0411-191-69

PROPOSAL:
THE SITE PLAN REVIEW TO CONSTRUCT AN EVENT CENTER ON 103.0 ACRES



AERIAL PHOTO

PLANNING COMMISSION

ATTACHMENT 4



NORTHERN HALF OF THE RANCH

APPLICANT(S):
JIM & GAIL HASTY

FILE NO(S):
SPR09-10210

LOCATION:
ON THE SOUTH SIDE OF LEMON STREET, 450 FEET EAST OF
CHOICEANA AVENUE

APN(S):
0411-191-69

PROPOSAL:
THE SITE PLAN REVIEW TO CONSTRUCT AN EVENT CENTER ON 103.0 ACRES



ATTACHMENT 5



APPLICANT(S):
JIM & GAIL HASTY

FILE NO(S):
SPR09-10210

LOCATION:
ON THE SOUTH SIDE OF LEMON STREET, 450 FEET EAST OF
CHOICEANA AVENUE

APN(S):
0411-191-69

PROPOSAL:
THE SITE PLAN REVIEW TO CONSTRUCT AN EVENT CENTER ON 103.0 ACRES



PICTURE OF TENT

ATTACHMENT 6



APPLICANT(S):
JIM & GAIL HASTY

FILE NO(S):
SPR09-10210

LOCATION:
ON THE SOUTH SIDE OF LEMON STREET, 450 FEET EAST OF
CHOICEANA AVENUE

APN(S):
0411-191-69

PROPOSAL:
THE SITE PLAN REVIEW TO CONSTRUCT AN EVENT CENTER ON 103.0 ACRES



4-9

PICTURE OF STAGE AREA

PLANNING COMMISSION

ATTACHMENT 7



APPLICANT(S):
JIM & GAIL HASTY

FILE NO(S):
SPR09-10210

LOCATION:
ON THE SOUTH SIDE OF LEMON STREET, 450 FEET EAST OF
CHOICEANA AVENUE

APN(S):
0411-191-69

PROPOSAL:
THE SITE PLAN REVIEW TO CONSTRUCT AN EVENT CENTER ON 103.0 ACRES



PICTURE OF PAVILLION

ATTACHMENT 8

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

MITIGATED NEGATIVE DECLARATION ND-2009-07
Preparation Date: January 7, 2011

Name or Title of Project: Site Plan Review (SPR09-10210)

Location: On the south side of Lemon Street, 450 feet east of Choicena Avenue (APN: 0411-191-69).

Entity or Person Undertaking Project: Jim and Gail Hasty

Description of Project: The project includes a site plan review to establish an entertainment center.

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

Mitigation Measure:

1. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
2. In order to prevent traffic congestion for large events, a traffic and circulation plan is required to be prepared by the applicant and approved by the City. The project should coordinate traffic control measures with the City's Public Works Department.
3. The applicant shall water all unpaved areas as necessary to control dust.

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

Public Review Period: January 12, 2011 to January 31, 2011

Public Hearing Date: February 10, 2011

Adopted by the City Council: n/a

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

1. **Project title:**
Site Plan Review (SPR09-10210)
2. **Lead agency name and address:**
City of Hesperia Planning Division, 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact person and phone number:**
Daniel S. Alcayaga, AICP, Senior Planner (760) 947-1330.
4. **Project location:**
On the south side of Lemon Street, 450 feet east of Choiceana Avenue (APN: 0411-191-69).
5. **Project sponsor's name and address:**
Jim and Gail Hasty – 10451 Choiceana Avenue – Hesperia, CA 92345
6. **General plan & Zoning designation:**
The site is within the General Agricultural (A2) General Plan Land Use designation. The General Plan Land Use Plan identifies an overlay for Dam Inundation and FP-100 year – Flood Plain.

No development or activity will occur on portions within the FP-100 year – Flood Plain Overlay.
7. **Description of project:** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary).

The project includes a site plan review to construct an entertainment center on 103.0 acres. The event center includes a 7,000 community center (covered patio), rebuilding a 4,000 square foot lodge, and outdoor stage for concerts adjacent to an existing 2-acre water pond. The location of the future lodge is being occupied with a 3,600 square foot tent.
8. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.)
The site includes existing boarding stables, training barns, pipe corrals, and playground with tennis, basketball, and volleyball courts. The property also includes 12-acres of pastures, barns and trails. Animals kept on the property include horses, chickens, sheep, goats, pigs, turkeys, pheasant, rabbits and tortoise. The site has existing chicken coops and feeding bins. The existing orchard includes 1,000 fruit trees, 750 vines, and an organic vegetable garden. Vegetables and other foods produced on the property are sold on premises. The property contains two caretaker's quarters, storage bins, and a 2-acre pond.

Eight single-family homes exist to the west of the property along Choiceana Street. One single-family home with accessory structures exists on large lots on both side to the north and south. The Mojave River exists to the east.
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"/> | Agricultural Resources | <input type="checkbox"/> | Air Quality |
| <input type="checkbox"/> | Biological Resources | <input type="checkbox"/> | Cultural Resources | <input type="checkbox"/> | Geology / Soils |
| <input type="checkbox"/> | Hazards & Hazardous Materials | <input type="checkbox"/> | Hydrology / Water Quality | <input type="checkbox"/> | Land Use / Planning |
| <input type="checkbox"/> | Mineral Resources | <input type="checkbox"/> | Noise | <input type="checkbox"/> | Population / Housing |
| <input type="checkbox"/> | Public Services | <input type="checkbox"/> | Recreation | <input type="checkbox"/> | Transportation / Traffic |
| <input type="checkbox"/> | Utilities / Service Systems | <input type="checkbox"/> | Mandatory Findings of Significance | <input type="checkbox"/> | |

DETERMINATION: (Completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature 

Date 1-7-11

Daniel S. Alcayaga, AICP, Senior Planner, Hesperia Planning Division

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

- and
- b) The mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL IMPACTS:

ISSUES

| I. AESTHETICS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect on a scenic vista (1)? | | | | X |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (1 & 2)? | | | | X |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings (1 & 2) | | | X | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (1, 2, 3 & 27)? | | | X | |
| <p>Comments.</p> <p>The project includes approval of a site plan review to construct an entertainment center on 103.0 acres. Eight single-family homes exist to the west along Choiceana Avenue. One single-family home with accessory structures exists on large lots on both sides to the north and south. The Mojave River exists to the east. The site and its surroundings are not considered a scenic vista. The site is not in close proximity to historic buildings or a scenic highway. Therefore, the project will not have a significant impact on scenic resources, historic buildings, and scenic highway.</p> <p>The existing equestrian activities occur during the day. If events occur at night hours, they would occur indoors in the community center and/or lodge. The site plan review includes an outdoor stage for concerts. Per City policy, lights generated by outdoor concerts or any part of the facility would have to be shielded and directed downwards (1). Lights are also required to be placed and directed away from residential properties. Therefore, development of the project would have a less than significant impact upon aesthetics.</p> <p>The Environmental Impact Report (EIR) for the 2010 General Plan Update addressed development to the maximum build-out of the General Plan (35). 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.</p> | | | | |
| <p>II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and State Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</p> | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |

| | | | | |
|--|--|--|--|---|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use (4)? | | | | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (5)? | | | | X |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use (5)? | | | | X |

Comments.

The site is not within the area designated by the State of California as Prime Farmland, "Unique farmland," Farmland of Statewide Importance, or land subject to a Williamson Act contract as shown on the maps prepared by the California Resources Agency (4 & 5). The soil at this location is classified by the U.S. Soil Conservation Service as *Lucerne sand loam, two to nine percent slopes*. This soil is limited by moderate soil blowing hazards and water intake rate (4).

A ranch is permitted in the A-2 zone; and the entertainment center portion of the ranch requires approval of a site plan review. The majority of uses proposed already exist including boarding stables, training barns, pipe corrals, 12-acres of pastures, two barns, and trails. Animals kept on the property include horses, chickens, sheep, goats, pigs, turkeys, pheasant, rabbits and tortoise. The site has existing chicken coops and feeding bins. The existing orchard includes 1,000 fruit trees, 750 vines, and an organic vegetable garden. Vegetables and other foods produced on the property will be sold on premises.

In addition, the site is presently zoned General Agricultural General Plan Land Use designation, which allows for residential developments and general agricultural uses. Therefore, the proposed project will not have an impact upon agricultural resources.

| III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Conflict with or obstruct implementation of the applicable air quality plan (6)? | | | | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (6)? | | | | X |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) (6)? | | | X | |
| d) Expose sensitive receptors to substandard pollutant concentrations (2 & 6)? | | | X | |
| e) Create objectionable odors affecting a substantial number of people (2)? | | | | X |

Comments.

The City of Hesperia is within the Mojave Desert Air Basin (MDAB), which is responsible for managing air quality. The MDAB Air quality management plan utilized the City's local planning documents to develop the measures which should be implemented to achieve the air quality attainment goals. Since the project is allowed by local land use plans, it is considered compatible with air quality management plans (6). All uses identified within the Hesperia General Plan are classified as area sources by the Mojave Desert Air Quality Management District (6). Programs have been established in the 1991 Air Quality Attainment Plan which addresses emissions caused by area sources.

Both short-term (construction) emissions and the long-term (operational) emissions associated with the project were considered. Short-term airborne emissions will occur during the construction phase related to demolition, site preparation, land clearance, grading, excavation, and building construction; which will result in fugitive dust emissions. Also, equipment emissions, associated with the use of construction equipment during site preparation and construction activities, will generate emissions. These impacts will be addressed through a condition of approval that requires the developer to implement dust control measures consistent with the Mojave Desert Planning Area Rule Book Section 403.2 (6), which would also address requirements of the Air Quality Management Plan's PM₁₀ Program. In addition, the contractor will be required to obtain all pertinent operating permits from the Mojave Desert Air Quality Management District (MDAQMD) for any equipment requiring such permits.

Long-term emissions refer to those air quality impacts that occur after construction has been completed and these impacts will continue over the operational life of the development. The long-term air quality impacts associated with this project is mainly associated with mobile emissions created by motor vehicles. As a condition of approval, the project is required to pave Lemon Street from approximately 1,300 feet east of the intersection of Choiciana Avenue and Lemon Street. In addition, drive aisles and parking areas are required to be graveled and watered on the days of the event to reduce dust. Therefore, the project's impact upon air quality would be less than significant.

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. Carmel Elementary, the closest school, is located one mile to the north. However, there is sufficient distance between the school and the project so as not to create an air quality impact.

At times the project may have a temporary impact upon air quality during construction as well as when the event center is operational 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, site watering shall be continued as needed to prevent nuisance dust in accordance with the mitigation measure on page 20.

Based on the parking analysis, the site is required a total of 260 parking spaces if the tent (lodge), pavilion, and stage area are operating simultaneously. The site plan shows 388 parking spaces. Trails are proposed on the site to encourage walking within the site. Consequently, completion project is not expected to create a significant increase in air quality.

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 (39). As part of the General Plan Update Environmental Impact Report (GPUEIR), the impact of the proposed project to the maximum intensity 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 project on this site, based upon the GPUEIR. Further, the impact of the event center does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment Plan (38). 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 project 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 | Less Than Significant Impact | No Impact |
|--|--------------------------------|----------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1, 7, 9 & 34)? | | | | X |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1, 7 & 9)? | | | | X |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (1)? | | | | X |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (1)? | | | | X |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (8 & 35)? | | X | | |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (8 & 9)? | | | | X |

Comments.

The project site is located in an area listed as Category 3 (Low) habitat for the desert tortoise by the United States Bureau of Land Management (9). This classification indicates that the site is within the historical range of the Desert Tortoise and the probability of finding a Desert Tortoise is low. The entire site has been previously graded and already disturbed. The site consists of existing boarding stables, training barns, pipe corrals, 12-acres of pastures, two barns, storage sheds, 2-acre pond, and trails. The site is developed with an existing playground area with tennis, basketball, and volleyball courts. Animals kept on the property include horses, chickens, sheep, goats, pigs, turkeys, pheasant, rabbits and tortoise. The site has existing chicken coops and feeding bins. The existing orchard includes 1,000 fruit trees, 750 vines, and an organic vegetable garden. There is no potential for the project to impact biological resources as the property has already been graded and disturbed. Due to the unpredictability of the burrowing owl, a pre-construction survey shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of any ground disturbance. The mitigation measure is listed on page 20.

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 (40). These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest communities, exist within the Rancho Las Flores Specific Plan and vicinity (40). The project site is located approximately five miles to the north within the developed portion of the City. Consequently, approval of the site plan review 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 (10)? | | | | X |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (10)? | | | | X |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (10)? | | | | X |
| d) Disturb any human remains, including those interred outside of formal cemeteries (10)? | | | | X |

Comments.

The project site does not contain sacred or religious uses (10). The property has been previously graded and disturbed. As a condition of approval, if excavating occurs 5 feet below the ground level then an archeologist is required to be present on-site to monitor for any cultural sensitive resources. Consequently, the impact upon cultural resources associated with the project is considered not significant.

| VI. GEOLOGY AND SOILS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |

| | | | | |
|---|--|--|---|---|
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (11). | | | | X |
| ii) Strong seismic ground shaking (12)? | | | X | |
| iii) Seismic-related ground failure, including liquefaction (4 & 13)? | | | | X |
| iv) Landslides (14)? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil (4 & 14)? | | | | X |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse (4 & 13)? | | | | X |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (4 & 13)? | | | | X |

Comments.

No known or suspected fault traces are located within the Hesperia Planning Area. Additionally, the City Planning Area is not subject to the provisions of Alquist-Priolo Special Studies Zones (11). The City is located in an area with a high potential for severe ground shaking (12). As a function of obtaining a building final, the proposed structures will be built in compliance with the Hesperia Municipal Code and the Building Code (15), which ensures that the buildings will adequately resist the forces of an earthquake. In addition, prior to issuance of a building permit, a soil study is required to be provided, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be provided in accordance with all development codes to assure that all structures will not be negatively affected by the soil. Consequently, the impact upon geology and soils associated with the proposed development is considered less than significant.

| 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).

| VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (2)? | | | | X |

| | | | | |
|---|--|--|--|---|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (2) ? | | | | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (1 & 2) ? | | | | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment (1) ? | | | | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area (16) ? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area (16) ? | | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (17) ? | | | | X |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (1 & 18) ? | | | | X |

Comments.

The proposed project does not involve the transport, use, or disposal of hazardous materials **(2)** and is consistent with the Hesperia Emergency Evacuation Plan **(17)**. The project site is not located within a safety area for the Hesperia Airport. In addition, noise attenuation would not be required, due to the distance of the proposed residences from the airport.

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

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

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

- National Priorities List www.epa.gov/superfund/sites/query/basic.htm. List of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. There are no known National Priorities List sites in the City of Hesperia.
- Site Mitigation and Brownfields Reuse Program Database www.dtsc.ca.gov/database/Calsites/Index.cfm. This database (also known as CalSites) identifies sites that have known contamination or sites that may have reason for further investigation. There are no known Site Mitigation and Brownfields Reuse Program sites in the City of Hesperia.

- Resource Conservation and Recovery Information System www.epa.gov/enviro/html/rcris/rcris_query_java.html. Resource Conservation and Recovery Information System is a national program management and inventory system of hazardous waste handlers. There are 53 Resource Conservation and Recovery Act facilities in the City of Hesperia, however, the project site is not a listed site.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS) (<http://cfpub.epa.gov/superpad/cursites/srchsites.cfm>). This database contains information on hazardous waste sites, potentially hazardous waste sites, and remedial activities across the nation. There is one Superfund site in the City of Hesperia, however, the project site is not located within or adjacent to the Superfund site.
- Solid Waste Information System (SWIS) (<http://www.ciwmb.ca.gov/SWIS/Search.asp>). The SWIS database contains information on solid waste facilities, operations, and disposal sites throughout the State of California. There are three solid waste facilities in the City of Hesperia, however the project site is not listed.
- Leaking Underground Fuel Tanks (LUFT)/ Spills, Leaks, Investigations and Cleanups (SLIC) (<http://geotracker.waterboards.ca.gov/search/>). This site tracks regulatory data about underground fuel tanks, fuel pipelines, and public drinking water supplies. There are fourteen LUFT sites in the City of Hesperia, six of which are closed cases. The project site is not listed as a LUFT site and there are no SLIC sites in the City of Hesperia.
- There are no known Formerly Used Defense Sites within the limits of the City of Hesperia. Formerly Used Defense Sites <http://hq.environmental.usace.army.mil/programs/fuds/fudsinv/fudsinv.html>.

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

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

| | | | | |
|---|--|--|--|---|
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map (2 & 21)? | | | | X |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (2 & 22)? | | | | X |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (2 & 21)? | | | | X |
| j) Inundation by seiche, tsunami, or mudflow (1 & 23)? | | | | X |

Comments.

The property has been previously disturbed and graded. According to a preliminary drainage study, the eastern portion of the site is within the FEMA Zone A. Recently, the FEMA boundary line was relocated easterly away from the project. Therefore, the project is entirely outside the FEMA Zone A.

There is a local facility identified on the Hesperia Master Plan of Drainage that currently runs through the property that is bisected by an existing 2-acre pond. The master plan is based on historical information. However, this pond has existed on the property for some time based on aerial photos taken in 1994. The drainage study recommends that conveyance of off-site flows and drainage from the project should be consistent with the City's Master Plan of Drainage. A condition of approval requires a final drainage report to be submitted to the City's Engineering Division for review and approval. The report should indicate how the off-site drainage flows will be conveyed through the property. Also, drainage created on-site beyond that which has occurred historically, would be detained in a City approved drainage system in accordance with City of Hesperia Resolution 89-16.

As a condition of approval, the developer is required to apply for the NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. As a condition of approval, the developer is required to provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off collection during construction. Therefore, the impact upon hydrology and water quality associated with the proposed development is considered less than significant.

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

Comments.

The General Plan Land Use designation is A-2 **(5)**. A ranch is permitted in the A-2 zone; and the entertainment center is permitted with approval of a site plan review. The eastern portion of the property is within the Floodway zone. No development would occur in the portions of the property within the floodway zone.

The site is currently vacant a ranch **(1)**. Therefore, the use will not physically divide an established community. 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 **(44)**. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest community, exist within the Rancho Las Flores Specific Plan and vicinity **(44)**. 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.

| X. MINERAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (33) ? | | | | X |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan (33) ? | | | | X |

Comments.

According to data in the Conservation Element of the City's General Plan, no naturally occurring important mineral resources occur within the project site **(33)**. 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 site plan review would not have an impact upon mineral resources.

| XI. NOISE. Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (2, 16, & 26) ? | | | X | |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (2 & 26) ? | | | X | |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (2 & 26) ? | | | X | |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (2) ? | | | X | |

| | | | | |
|--|--|--|--|---|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels (16)? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels (16)? | | | | X |

Comments.
 Construction noise levels associated with any future construction activities would be slightly higher than the existing ambient noise levels in the vicinity of the project site. However, the construction noise would subside once construction is completed. Construction activities are restricted to between 7:00 A.M. and 10:00 P.M., Monday through Friday. Therefore, the short-term impact by construction activities to adjacent properties is considered less than significant. (2). The project must adhere to the requirements of the City of Hesperia Noise Ordinance. The site plan review includes an outdoor stage for concerts. Per City policy, noise generated by the stage for concerts or any part of the facility would have to comply with the City's Noise Ordinance (1).

Certain activities are particularly sensitive to noise including sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration. Hospitals and convalescent homes, churches, libraries, schools, and childcare facilities are also considered noise-sensitive uses. Finally, residential and school uses are considered to be noise-sensitive land uses. Carmel Elementary, the closest school, is located one mile to the north. The project will not impact the sensitive receptors by adhering to the noise requirements of the City of Hesperia Noise Ordinance. Therefore, the area impacts by noise generated by the project are less than significant.

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 intensity 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 (39). Inasmuch as this project is consistent with the General Plan Land Use Plan, no additional noise impact beyond that previously analyzed would occur.

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

| | | | | |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| Comments.
The project does not intend to build any residential uses that would increase population or create a demand for additional housing. According the City's Economic Development Department, jobs created by the project will most likely be filled by local residents as local jobs are needed in Hesperia. Therefore, the project will not create a demand for housing for workers. No alteration or change in the distribution of human population will occur. In regards to the project's growth inducing impacts, the site is currently served by water and other utility systems. Therefore, the project would not require the extension of major improvements to existing public facilities. | | | | |
| XIII. PUBLIC SERVICES. | | | | |
| | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for the new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services (1): | | | X | |
| Fire protection? | | | X | |
| Police protection? | | | X | |
| Schools? | | | | X |
| Parks? | | | | X |
| Other public facilities? | | | X | |
| Comments.
The proposed project will result in an increase in public services (2). However, development impact fees are collected and assessed at the time that building permits are issued for construction for new developments (28). These fees are designed to ensure the appropriate levels of capital resources necessary to serve any future development. | | | | |
| XIV. RECREATION. | | | | |
| | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (2)? | | | | X |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (1 & 2)? | | | | X |
| Comments.
The ranch includes private recreational facilities and does not create additional needs for recreational facilities (2). | | | | |

| XV. TRANSPORTATION / TRAFFIC. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections) (2) ? | | | X | |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (29) ? | | | X | |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks (16) ? | | | | X |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (2) ? | | | | X |
| e) Result in inadequate emergency access (2) ? | | | | X |
| f) Result in inadequate parking capacity (2) ? | | | | X |

Comments.

The number of vehicle trips generated by the project will change weekly due to a variety of scheduled events. Based on the parking analysis, the site is required a total of 260 parking spaces if the tent (lodge), pavilion, and stage area are operating simultaneously. The site plan shows 388 parking spaces.

In order to prevent traffic congestion for large events, a traffic and circulation plan is required to be approved by the City. The plan should consider street closures to utilize Lemon Street to "I" Avenue and/or Choiceana Avenue to Willow Street and Rock Springs Road. The project is also required to coordinate traffic control measures with the City's Public Works Department. The mitigation measure is listed on page 20.

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 roads utilized by the project 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 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 **(39)**.

| XVI. UTILITIES AND SERVICE SYSTEMS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| | | | | |

| | | | | |
|--|--|--|---|---|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (19)? | | | | 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 (19)? | | | X | |
| c) Require or result in the construction of new storm water drainage facilities, the construction of which could cause significant environmental effects (2 & 19)? | | | X | |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (314 & 31)? | | | | 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 (19)? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (32)? | | | | X |
| g) Comply with federal, state, and local statutes and regulations related to solid waste (32)? | | | | X |

Comments.

The site is currently served by water and other utility systems. The project will cause an increase in the use of water. However, the increase will not exceed current levels of water production (20). The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al. , Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies.

The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, in a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin. Thus, the Judgment and physical solution adequately mitigates the additional water needs for the project. In addition, development considered under the City's General Plan Program EIR has been accounted for in the UWMP. In addition, the MWA recommends utilization of interior water conservation measures such as low flow plumbing fixtures. The MWA further states that "(t)his factor (water demand) should be given careful consideration before making significant (underlined for emphasis) commitments to increased water use" (31).

In a cumulative sense, any project will increase groundwater overdraft due to new demand. In response to the use of low flow plumbing fixtures, those are already required region-wide by the State Appliance Efficiency Standards in Title 20, thus ensuring this project, as well as all others within the Mojave River Basin, will reduce the water demand of new facilities. Section 15206 of the CEQA Guidelines identifies projects having regional significance. The project does not constitute a project of regional significance pursuant to CEQA.

The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 600 tons per day in order to accommodate future development. Currently, about 400 tons of solid waste is currently generated by the City per day (45 & 46). The City is in good standing with the California Integrated Waste Management Act of 1989, which requires that 50 percent of the solid waste within the City be recycled (45 & 46).

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

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

Comments.

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

XVIII. EARLIER ANALYSES.

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

The Certified General Plan Environmental Impact Report.

a) **Earlier analyses used.** Earlier analyses are identified and stated where they are available for review.

b) **Impacts adequately addressed.** Effects from the above checklist that were identified to be within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards are noted with a statement whether such effects were addressed by mitigation measures based on the earlier analysis.

c) **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 measure is recommended as a function of this project:

1. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
2. In order to prevent traffic congestion for large events, a traffic and circulation plan is required to be prepared by the applicant and approved by the City. The project should coordinate traffic control measures with the City's Public Works Department.
3. The applicant shall water all unpaved areas as necessary to control dust.

Authority: Public Resources Code Sections 21083 and 21087.

REFERENCES

- (1) Aerial photos of the City of Hesperia flown in 2009 and on-site field investigations conducted in 01/11.
- (2) Site Plan Review (SPR09-10210) application and related materials.
- (3) Chapter 16.16 of the Hesperia Municipal Code, General Agricultural Zone District.
- (4) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area, Page 44 and Map Sheet No. 31.
- (5) Current Official City of Hesperia General Plan Land Use map
- (6) Personal communication with Alan De Salvio, Air Quality Specialist, Mojave Desert Air Quality Management District.
- (7) Section 3.0 of the 2010 City of Hesperia General Plan Open Space Element, pages OS-13 thru OS-27.
- (8) Chapter 16.24 of the Hesperia Municipal Code, Article II. Desert Native Plant Protection.
- (9) 1988 United States Bureau of Land Management California Desert Conservation Area and 1991 City of Hesperia Conservation Element, Figure CN-4.
- (10) Cultural Resource Sensitivity Map Exhibit 5b of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report.
- (11) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
- (12) 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.
- (13) 2010 City of Hesperia General Plan Safety Element
- (14) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-8.
- (15) 2010 California Building Code.
- (16) 1991 City of Hesperia Airport Comprehensive Land Use Plan, Figure 1-5 and pages 23-36.
- (17) 1989 City of Hesperia Disaster Preparedness Plan.
- (18) Intentionally Left Blank

- (19) Environmental plans and policies of the San Bernardino County Department of Environmental Health Services, the Lahontan Regional Water Quality Control Board, the Mojave Desert Air Quality Management District, the Hesperia Water District, the Hesperia Unified School District, Southern California Edison, Southwest Gas and the Hesperia Fire Department.
- (20) 1993 Final Environmental Impact Report for the Hesperia Redevelopment Project, Pages 4-171 & 4-172.
- (21 - 25) Intentionally Left Blank
- (26) 2010 City of Hesperia General Plan Noise Element Noise Element Technical Appendix.
- (27) Chapter 16.20 of the Hesperia Municipal Code, Article V. General Performance Standards.
- (28) 1991 City of Hesperia Ordinance 180 entitled "An Ordinance of the City Council of the City of Hesperia, California, Establishing a Development Impact Fee for all New Residential, Commercial, and Industrial Structures" and Resolution No. 2007-110 on November 20, 2007.
- (29) 2010 City of Hesperia General Plan Circulation Element.
- (30) 1993 Final Environmental Impact Report for the Hesperia Redevelopment Project, Pages 4-171/172.
- (31) Mojave Water Agency letter dated March 27, 1996.
- (32) California Integrated Waste Management Act (AB 939).
- (33) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
- (34) Preliminary Drainage Study prepared by DGRK, Inc. dated July 2, 2007
- (35) 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR)
- (36) Mojave Water Agency letter dated March 27, 1996.
- (37) California Integrated Waste Management Act (AB 939).
- (38) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
- (39) Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR).
- (40) Section 3.2 of the 2010 City of Hesperia General Plan Update Conservation Element background technical report, pages 8 and 9.
- (41) Section 15183.5 – Tiering and Streamlining the Analysis of Greenhouse Gas Emissions, March 010 Amendments to the Guidelines for Implementation of the California Environmental Quality
- (42) Section 1 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 1.
- (43) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
- (44) Section 3.2 of the 2010 City of Hesperia General Plan Update Conservation Element background technical report, pages 8 and 9.
- (45) 2009 California Department of Resources, Recycling and Recovery Annual AB939 Report.
- (46) Quarterly data of the San Bernardino County Disposal Reporting System for the 2nd quarter 2010.

ATTACHMENT 9

RESOLUTION NO. 2011-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A SITE PLAN REVIEW TO ESTABLISH AN EVENT CENTER ON A PORTION OF 103 ACRES LOCATED ON THE SOUTH SIDE OF LEMON STREET, 450 FEET EAST OF CHOICEANA AVENUE (SPR09-10210).

WHEREAS, Jim and Gail Hasty, have filed an application requesting consideration of Site Plan Review SPR09-10210, described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a portion of 103 acre lot within the General Agricultural (A-2), located on the south side of Lemon Street, 450 feet east of Choiceana Avenue and consists of Assessor's Parcel Number 0411-191-69; and

WHEREAS, the Application, as contemplated, proposes a site plan review to establish an event center; and

WHEREAS, the property includes existing equestrian and agricultural activities. The equestrian portion of the property includes boarding stables, training barns, and pipe corrals. The agricultural portion of the property includes 12-acres of pastures, barns, chicken coops, feeding bins, an orchard and a vineyard. The site includes a playground with tennis, basketball, and volleyball courts. The property also contains two caretaker's quarters, storage bins, and a 2-acre pond. Single-family homes exist to the north, south, and west of the property. The Mojave River exists to the east; and

WHEREAS, the property is designated General Agricultural (A-2) by the General Plan Land Use Map. The properties to the north and south are also designated A-2. The properties to the west are designated Limited Agricultural (A-1). The properties to the east are outside City limits; and

WHEREAS, an environmental Initial Study for the proposed site plan review was completed on January 7, 2011, and no significant adverse impacts were identified. Mitigated Negative Declaration ND-2009-07 was subsequently prepared; and

WHEREAS, on February 10, 2011, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced February 10, 2011, 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, without infringing on City requirements. The site is approximately 103 acres and can accommodate the event center. On-site improvements required by the Hesperia Development Code can be constructed on the property including 260 parking spaces and a minimum 26-foot wide drive aisles. The event center also meets all of the San Bernardino County Fire Department standards for fire lanes, two-points of access, fire truck turn-around, fire department connections/post indicator valves (FDC/PIV) and fire hydrants. The proposed event center will also comply with all state and federal regulations, including handicapped accessibility requirements.
- (b) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof because the proposed event center is consistent with the City's General Agricultural General Plan Land Use designation with approval of the site plan review and conditions of approval. The event center is required to comply with conditions of approval pertaining to noise, dust, trash and light control to limit the project's impact on adjacent residential properties. The City has established Traffic Impact Mitigation Fee Program to fund the construction of traffic improvements to maintain adequate levels of service standards. The applicant is required to pay all applicable City development impact fees towards these improvements.
- (d) The proposed use is consistent with the goals, policies, standards and maps of the Development Code and all applicable codes and ordinances adopted by the City of Hesperia. The proposed event center is permitted in the A-2 zone with approval of a site plan review. The development complies with standards for driveway aisles, parking, building heights, fire lanes and turn-arounds, and loading areas. The development complies with Americans with Disability Act (ADA) by providing 7 accessible parking spaces with loading areas and a 3-foot-wide path of travel to the streets, parking spaces, and all buildings. The buildings associated with the event center will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The event center must comply with the condition of approval for off-site and on-site improvements required prior to grading and building construction and prior to issuance of a Certificate of Occupancy.
- (e) Approval of the project will not be detrimental to the public health, safety, or welfare as the buildings and structures will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development complies with Americans with Disability Act (ADA) by providing 7 accessible parking spaces with loading areas and a 3-foot-wide path of travel to Lemon Street, parking spaces, and all buildings associated with the event center.
- (f) The site for the proposed use will have adequate access based upon the site's current accessibility to Lemon Street and Choiciana Avenue. The City has established a Traffic Impact Mitigation Fee Program as part of the Development Impact Fee (DIF) to fund the construction of traffic

improvements to maintain adequate levels of service. The applicant is required to pay all applicable City development impact fees towards these improvements.

- (g) The proposed development is consistent with and promotes the goals and policies of the General Plan.

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

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves of SPR09-10210, subject to the Conditions of Approval as set forth in ATTACHMENT "A."

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

ADOPTED AND APPROVED this 10th day of February 2011.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Site Plan Review SPR09-10210

Approval Date: February 10, 2011
Effective Date: February 23, 2011
Expiration Date: February 23, 2014

This list of conditions apply to a Site Plan Review to establish an event center on 103 acres zoned A-2 located 300 feet east of Choiceana Avenue on the south side of Lemon Street. Any change of use or expansion of area may require approval of a revised site plan review application (Applicant: Jim and Gail Hasty; APN: 0414-191-69).

The use shall not be established until all conditions of this Site Plan Review application have been met. This approved Site Plan Review 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. **Final Map.** These conditions assume PM-19265 will be recorded. Therefore, a Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66434 of the Subdivision Map Act as well as the San Bernardino County Surveyor's Office Final Map Standards. (E)
- _____ 2. **Drainage Study.** The Applicant shall submit a Final Hydrology / Hydraulic study identifying the method of collection and conveyance of tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E)
- _____ 3. **Geotechnical Report.** The Applicant 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)
- _____ 4. **Title Report.** The Applicant shall provide a complete title report 90-days or newer from the date of submittal. (E)
- _____ 5. **NPDES.** The Applicant shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E)

- _____ 6. **Storm Water Pollution Prevention Plan.** The Applicant shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off control during construction. This condition shall not be required if an agricultural exception can be made by the Lahonton Regional Water Quality Board. (E)
- _____ 7. **Utility Non-interference / Quitclaim Document(s).** The Applicant shall provide non-interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. **The improvement plans will not be accepted without the required documents and approval from the affected agencies.** (E)
- _____ 8. **Plan Check Fees.** Along with improvement plan submittal, the Applicant shall pay applicable plan-checking fees. **Improvement Plans and requested studies shall be submitted as a package.** (E)
- _____ 9. **Irrevocable Offer Of Dedication.** The Applicant shall submit an "Offer of Dedication" to the City's Engineering Department for review and approval. At time of submittal the Applicant shall complete the City's "application for document review" and pay all applicable fees. (E)
- _____ 10. **Easement, (Water, Sewer or Storm Drain).** The Applicant shall submit a "Grant of Easement" to the City's Engineering Department for review and approval if needed. At time of submittal the Applicant shall complete the City's "application for document review" and pay all applicable fees. (E)
- _____ 11. **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. These construction plans are for all existing buildings and structures without completed permits and inspections. (B)
- _____ 12. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers,

employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

- _____ 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. **Dedication(s).** The Applicant shall grant to the City an Irrevocable Offer of Dedication for Lemon Street. The right-of-way half-width for Lemon Street shall be sixty (60) feet. It is the Applicant's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City. (E)
- _____ 15. **Grant of Easement for Double Detector Check Valve.** The Applicant shall grant to the City an easement for *any* part of a required double-detector check valve that encroaches onto private property. (E)
- _____ 16. **NPDES.** The Applicant 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)
- _____ 17. **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. This condition shall not be required if an agricultural exception can be made by the Lahonton Regional Water Quality Board. (E)
- _____ 18. **Grading Plan.** The Applicant shall design a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building "footprints" and proposed development of the retention basins, as a minimum. The site grading and building pad preparation shall include the recommendations provided by the Preliminary Soils Investigation. (E)
- _____ 19. **Off-Site Grading Letter(s).** It is the Applicant'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)

- _____ 20. **Drainage Acceptance Letter(s)**. It is the Applicant's responsibility to obtain signed Drainage Acceptance Letters from *any* adjacent property owner's who are affected by concentrated off-site storm water discharge from any on-site retention basins and storm water runoff. The Acceptance letter, along with the latest grant deed, must be submitted to the City's Engineering Department for plan check approval. (E)
- _____ 21. **On-site Retention**. The Applicant shall design / construct on-site retention facilities, which have minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. 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 Applicant 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)
- _____ 22. **Street Improvement Plan**. The Applicant shall design street improvements in accordance with City standards and as indicated below. (E)
- _____ 23. **Lemon Street**. Construct twenty-six foot (26') asphalt pavement on Lemon Street from the end of existing pavement to the second driveway which is located approximately 1300' east of Choceana Avenue across the project frontage with a maximum grade of 12%. The Applicant may construct an alternative section for the last 750 feet of pavement. The alternative material is to be approved by the San Bernardino County Fire Department. If an alternative section is constructed the maximum grade shall be 10% for that section. 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:
- A. 26' feet AC pavement (min 3" AC over native) and/or alternate section per City standards.
 - B. Roadway drainage device(s).
 - C. Pavement transitions per City Standards.
 - D. Design roadway sections per existing, approved street sections and City Standards.
 - E. Cross sections every 50-feet per City standards.
 - F. Traffic control signs and devices as required by the City Engineer.
 - G. Provide a signage and striping plan per City standards.
 - H. It is the Applicant's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City

standards. It is also the Applicant's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.

- I. Relocate existing utilities as required. The Applicant shall coordinate with affected utility companies.

The remaining improvements of Lemon Street (additional pavement, curb, gutter, sidewalk and bike trail) may be deferred via a deferment agreement acceptable to the City.

_____ 24. **Utility Plan.** The Applicant 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 Applicant's expense.** (E)

- A. The Applicant shall design a Utility Plan for service connections and / or private water Fire connections shall be made per the requirements of the County of San Bernardino Fire Department.
- B. The Applicant is not required to install sewer lines unless the proposed septic system cannot meet the Lahonton Regional Water Quality Board's requirements or the City of Hesperia's EDU requirements.

_____ 25. **Fish & Game Fee.** The applicant shall submit a check to the City in the amount of \$2,094.00 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

_____ 26. **Cultural Resources.** If excavating occurs 5 feet below the ground level then an archeologist is required to be present on-site to monitor for any cultural sensitive resources. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

_____ 27. **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)

_____ 28. **Pre-construction Meetings.** Pre-construction meetings shall be held between the City, the Applicant, 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)

- _____ 29. **Design for Required Improvements.** Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review application with the following revisions made to the improvement plans:
- A. A three-foot wide handicapped accessible route of travel shall be extended to, and interconnected with, all facilities that are public accommodations. The compaction of the path of travel shall be a minimum of 85% and surface materials may be compacted dirt or decomposed granite (DG). The path of travel shall be bounded by a 2" by 4" redwood border. (B)
- _____ 30. **Survey.** The applicant shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)
- _____ 31. **Secondary Access Road Easement.** An access easement shall be recorded which allows for the perpetual use of the secondary access road from Choiceana Avenue through private property for the benefit of Boulder Creek Ranch. This easement is for the access road shown on the site plan. 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)
- _____ 32. **Jurisdiction.** Prior to any construction occurring on any parcel, the applicant shall contact the San Bernardino County Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F-1]
- _____ 33. **Hydrant.** The location of the fire hydrants and fire flow shall be provided consistent with San Bernardino County Fire Department requirements. Fire flow for the hydrants shall be uninterrupted and meet the requirements San Bernardino County Fire Department. A letter from Mojave Water Agency (MWA) shall be provided stating that water flow will be uninterrupted; otherwise, the hydrants shall be connected to City water. [F-5a]
- _____ 34. **Access Maintenance Agreement.** The applicant shall submit a written agreement signed by the applicant to either provide, or to contract to provide on-going road maintenance, vegetation maintenance, for primary access routes, secondary access routes, and all internal drives, that are not otherwise maintained by a public agency. [F-8]
- _____ 35. **Emergency Access Requirements.** The applicant shall construct and maintain a primary and secondary access road. The applicant shall submit emergency/evacuation road access plans to the Fire Department for review and approval. These plans shall include: [F-9]

- A. **Primary Access Route.** The plan shall show all planned road widening with minimum widths of twenty-six feet (26') unobstructed, NO shoulder parking allowed, with an unobstructed vertical clearance of no less than 14 feet 6 inches (14' 6"), and with grades not exceeding twelve percent (12 %) and a compaction minimum of 85%.
- B. **Secondary Access Route.** The plan shall show all planned road widening with minimum widths of twenty feet (20') unobstructed, with NO shoulder parking allowed, with an unobstructed vertical clearance of no less than 14 feet 6 inches (14' 6"), and with grades not exceeding twelve percent (12 %). Compaction shall be a minimum of 85%.
- C. Planned width and location of all internal access drives and parking areas.
- D. Written verification of legal access to the project site (and each phase) from the County maintained road for both the primary and secondary access routes.

- _____ 36. **Turnaround.** An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty five (45) for non-residential turns. [F-43]

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 37. **Construction Waste.** The Applicant 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. **AQMD Approval.** The Applicant shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

- _____ 39. **Light and Landscape District Annexation.** Applicant 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)

- _____ 40. **Development Fees.** The Applicant shall pay required development fees impact fee for applicable event center facilities. (B)

- _____ 41. **Utility Clearance(s)/Certificate of Occupancy.** 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)
- _____ 42. **On-Site Improvements.** All on-site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. Any exceptions shall be approved by the Director of Development Services. (P)
- _____ 43. **Street Sign.** This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. [F72]
- _____ 44. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. [F80]

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 45. **As-Built Plans.** The Applicant shall provide as-built plans in AutoCAD 2007 format. (E)
- _____ 46. **Public Improvements.** All public improvements shall be completed by the Applicant and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)
- _____ 47. **Override Switch.** Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required. [F86]

THE FOLLOWING CONDITIONS ARE OPERATIONAL CONDITIONS:

- _____ 48. **Alcoholic Beverages.** Permits shall be obtained from ABC to sell alcohol on premises (P)
- _____ 49. **Dust Control.** Driveways and parking areas shall be watered on the day of the event and as necessary to prevent dust from leaving the site. (P)

- _____ 50. **Restroom facilities.** Chemical toilets that are handicapped accessible shall be provided consistent with Chapter 4 of the California Plumbing Code and San Bernardino County Environmental Health Guidelines. The restroom facilities shall be maintained on a regular basis. (P)
- _____ 51. **Noise.** Any outdoor amplifiers used for events shall have the volume adjusted so as not to exceed 60dB (A) at the property lines in accordance with the Development Code. (P)
- _____ 52. **Trash facilities.** A minimum of four 50-gallon solid waste receptacles for each 100 attendees shall be provided to retain all trash and solid waste. An agreement shall be entered with Advance Disposal to dispose of trash and waste. (P)
- _____ 53. **Major Events.** A temporary special event permit is required for major events with over 500 persons in attendance. In order to prevent traffic congestion for major events, a traffic and circulation plan is required to be prepared by the applicant and approved by the City.

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 |

CITY OF HESPERIA



CITY OF HESPERIA DEVELOPMENT REVIEW COMMITTEE

City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, JANUARY 19, 2011

A. PROPOSALS:

1. STEVE HINOJOS (SPR11-10100)

Proposal: A Revised Site Plan Review to establish a personal fitness training center.

Location: 12221 Poplar Street, #8

Planner: Holly Effiom

2. JOSEPH FOROOSH (SPR11-10104)

Proposal: A Revised Site Plan Review to install a solar energy system on the roof of two commercial buildings.

Location: 15209 Bear Valley Road

Planner: Stan Liudahl



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, FEBRUARY 2, 2011**

A. PROPOSALS:

1. MR. AND MRS. ANDREW ZASADNY (TPM10-10201)

Proposal: A tentative parcel map (PM-17038) to create four parcels on 8.2 gross acres zoned RR-1.

Location: Southeast corner of Musgrave Street and Maple Avenue

Planner: Stan Liudahl

2. MITCH BRAMLITT, AUTOZONE, INC. (SPR10-10260)

Proposal: A site plan review to construct a 7,730 square foot auto parts retail store on 0.8 acres zoned neighborhood commercial.

Location: Northwest corner of Main Street and Maple Avenue

Planner: Lisette Sanchez-Mendoza

3. AARON'S SALES & LEASE (CUP11-10107)

Proposal: A Conditional Use Permit to construct a 7,040 square foot retail furniture, appliance, and electronics sales and rental business and a 1,700 square foot drive-thru restaurant on 1.9 gross acres within the Office Commercial (OC) District of the Main Street and Freeway Corridor Specific Plan.

Location: Southwest corner of Main Street and Hickory Avenue

Planner: Stan Liudahl

4. APPLE ACRE INC. (SPR11-10109)

Proposal: A revised site plan review to install 6 roof-mounted wind turbines.

Location: 17494 Main Street

Planner: Holly Effiom