

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: April 14, 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.

APRIL 14, 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

- D. Approval of Minutes: March 10, 2011 Planning Commission Meeting Draft Minutes. -1-

PUBLIC HEARINGS

- 1. 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 Choiceana Avenue. (Applicant: Jim and Gail Hasty; APN: 0411-191-69) (Staff Person: Daniel Alcayaga) 1-1
- 2. Consideration of a Conditional Use Permit CUP11-10123 to construct a 9,360 square foot medical building and a Variance VAR11-10124 to allow a 10-foot encroachment into the required 20-foot west side yard setback on 1.2 gross acres zoned Office Commercial (OC) located 660 feet west of Eleventh Avenue on the north side of Main Street. (Applicant: Arvind Salwan; APN: 0408-181-05) (Staff Person: Daniel Alcayaga) 2-1
- 3. Consideration of Conditional Use Permit CUP11-10135, to establish the sale of beer and wine for on-site consumption within a restaurant at 16301 Main Street. (Applicant: Carolina Ramirez; APN: 0413-081-07) (Staff Person: Lisette Sanchez-Mendoza) 3-1
- 4. Consideration of Development Code Amendment DCA11-10103 regarding medical marijuana dispensaries. (Applicant: West Coast Patients Group; Area affected: Citywide) (Staff Person: Lisette Sanchez-Mendoza) 4-1
- 5. Alternative Energy Technology Workshop discussion regarding potential changes to the current ordinance. (Area affected: Citywide) (Staff Person: Stan Liudahl) 5-1

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. Capital Improvement Program Report by Scott Priester, Director of Development Services 6-1
- F. DRC Comments 7-1

PLANNING COMMISSION BUSINESS OR REPORTS

The Commission Members may make comments of general interest or report on their activities as a representative of the Planning Commission.

ADJOURNMENT

The Chair will close the meeting after all business is conducted.

I, Kathy Stine, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, April 7, 2011 at 5:30 p.m. pursuant to California Government Code §54954.2.



Kathy Stine
Planning Commission Secretary

**HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
MARCH 10, 2011
MINUTES**

DRAFT

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

CALL TO ORDER **6:31 p.m.**

Pledge of Allegiance to the Flag led by Commissioner Julie Jensen.

Invocation led by Vice Chair William Muller.

Roll Call:

Chair Chris Elvert

Vice Chair William Muller

Commissioner Bill Jensen

Commissioner Julie Jensen

Commissioner Paul Russ

Present: Chris Elvert
William Muller
Julie Jensen
Paul Russ

Absent: Bill Jensen

JOINT PUBLIC COMMENTS

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

No comments to consider.

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

CONSENT CALENDAR

D. Approval of Minutes: February 10, 2011 Planning Commission Meeting Draft Minutes.

Motion by Paul Russ to approve Draft Minutes of February 10, 2011 Planning Commission Meeting. Seconded by William Muller and passed with the following roll call vote:

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

NOES: None

absent: Bill Jensen.

PUBLIC HEARING

1. Consideration of Conditional Use Permit CUP11-10107 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 located on the southwest corner of Main Street and Hickory Avenue. (Applicant: Aaron's Sales & Lease; APNs: 0408-182-08 & 09) (Staff Person: Stan Liudahl)

Senior Planner Stan Liudahl gave a PowerPoint presentation and introduced two green sheet items. The first was a letter from George Mobayed of Investment Concepts, Inc. regarding storm water runoff. The second green sheet item was a letter from Anacal Engineering Co. regarding drainage impact of the project.

Senior Engineer Tom Thornton discussed a hydrology study that was done for the property and introduced a slide to explain.

Chair Elvert opened Public Comment on this item at 6:51 p.m.

Robert Martinez, the project architect from R.A.M. Architecture stated that they have read the conditions of approval and the client, Mr. Sultan, is in agreement and he was here to answer any questions the Commission may have.

Chair Elvert closed Public Comment at 6:52 p.m.

Motion by Paul Russ to approve Resolution No. PC-2011-03 as presented, approving Conditional Use Permit CUP11-10107. Seconded by Julie Jensen and passed with the following roll call vote:

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

2. 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)

Daniel Alcayaga introduced a letter from Jim Hasty requesting a continuance due to health issues to April 14, 2011 as a green sheet item.

Commissioner Paul Russ recused himself and stepped into the audience.

Chair Elvert opened Public Comment on this item at 6:54 p.m.

Ronald Kidd from DGRK, representative for the project, came to the podium to answer any questions.

Chair Elvert closed the Public Comment at 6:55 p.m.

Motion by Julie Jensen to continue the proposal to April 14, 2011. Seconded by Chris Elvert and passed with the following roll call vote:

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

Commissioner Bill Jensen arrived at 7:07 p.m.

3. [Consideration of the Final Revised Housing Element for the 2010 General Plan Update. \(Applicant: City of Hesperia/Citywide\) \(Staff Person: Dave Reno\)](#)

Principal Planner Dave Reno, AICP reviewed the item and explained the process with the State.

Chair Elvert opened Public Comment on this item at 7:08 p.m.

No comments to consider.

Chair Elvert closed Public Comment at 7:08 p.m.

Motion by Paul Russ to approve Resolution No. PC-2011-10 as presented, approving the Final Revised Housing Element for the 2010 General Plan Update and requesting that the figures in the report for the Victorville housing be confirmed. Seconded by William Muller and passed with the following roll call vote:

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

4. [Consideration of Development Code Amendment DCA11-10126 adopting California Environmental Quality Act \(CEQA\) Guidelines. \(Applicant: City of Hesperia; Affected area: Citywide\) \(Staff Person: Daniel Alcayaga\)](#)

Principal Planner, Daniel Alcayaga stated that CEQA stands for California Environmental Quality Act and gave a PowerPoint presentation.

Paul Russ asked how this document was different than what we were currently doing and Daniel stated that we were adopting state guidelines that we're already following and there were no changes.

Chair Elvert opened Public Comment on this item at 7:28 p.m.

No comments to consider.

Chair Elvert closed Public Comment at 7:28 p.m.

Motion by Paul Russ to approve Resolution No. PC-2011-11 as presented, approving Development Code Amendment DCA11-10126. Seconded by Julie Jensen and passed with the following roll call vote:

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

Paul Russ questioned Bill Jensen as to why he abstained from voting. Bill Jensen stated he would hold those comments for a future date.

Capital Improvement Program Report by Scott Priester, Director of Development Services

Scott Priester was ill and unavailable to present the CIP report but will make the presentation on April 14, 2011.

PRINCIPAL PLANNER'S REPORT - DAVE RENO

F. Annual Report on Status of the General Plan

Dave Reno presented the report and no action was required by the Planning Commission. The Commissioners had questions about actions and accomplishments from last year and discussion ensued.

G. DRC Comments

PLANNING COMMISSION BUSINESS OR REPORTS

Commissioner Julie Jensen stated that she had completed CERT, Community Emergency Response Team, training and highly recommended it to anyone that has the opportunity.

Chris Elvert commented on procedure and policy that is on the books and would like, in the future, not to excuse absences from Planning Commission meetings when not called in advance of the meeting.

Bill Jensen commented on not being able to get into the Council closed session room an hour prior to the current Planning Commission meeting.

Dave Reno gave an explanation referring to City policy for use of City Hall meeting rooms and discussion ensued.

Bill Jensen requested not to pay him for attendance at this meeting based on his absence from February's meeting.

ADJOURNMENT

Chair Elvert adjourned the meeting at 8:11 p.m. to the next Planning Commission Meeting on Thursday, April 14, 2011.

Chris Elvert
Commission Chair

By: Kathy Stine,
Commission Secretary



DATE: April 14, 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 Choiceana Avenue and Lemon Street to the first driveway entrance located 600 feet to the east. Where topographic constraints exist, the minimum width may be twenty (20') feet. The remaining 700 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 as a 120-wide major arterial road on 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. Fences and gates within the future right-of-way of Lemon Street can remain and can be locked. A suspension agreement will be required to ensure all fences and gates are removed prior to the City constructing Lemon Street as an arterial roadway.

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.

The conditions of approval require the path of travel to be extended, and inter-connected with, all facilities that are public accommodations. The path of travel within the event center would need to be interconnected with the accessible parking spaces, pavilion, stage, and tent. Also, a path of travel has to be connected from the equestrian area to handicap accessible parking spaces. The path of travel does not have to extend from the equestrian area to the event center.

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. A path of travel from Lemon Street to the facilities and accessible parking spaces is not required. This is because there are no sidewalks required to be constructed on Lemon Street as part of the conditions.

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 Choicena 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.

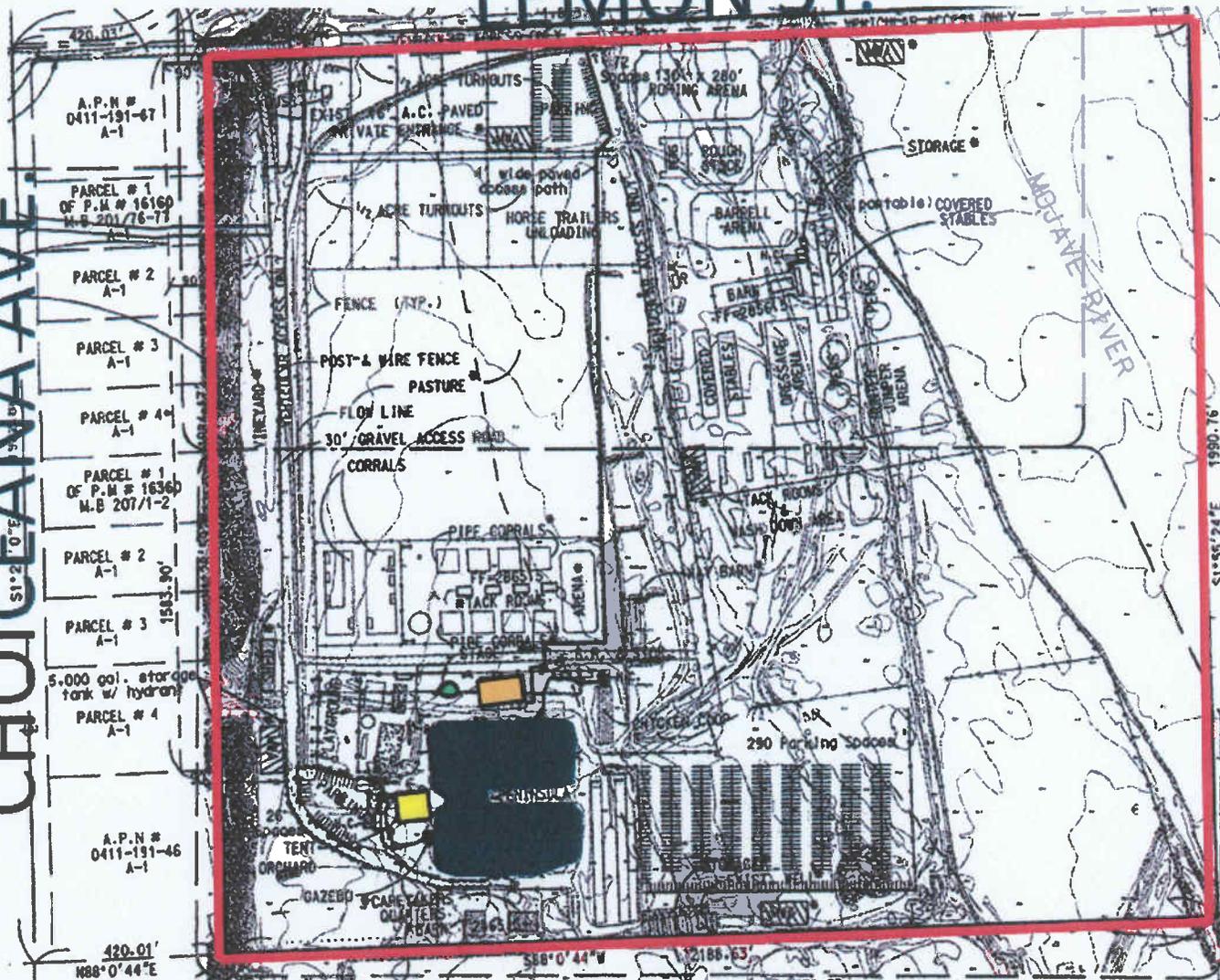
ATTACHMENTS

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

LEMON ST.

CHOICEANA AVE



-  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

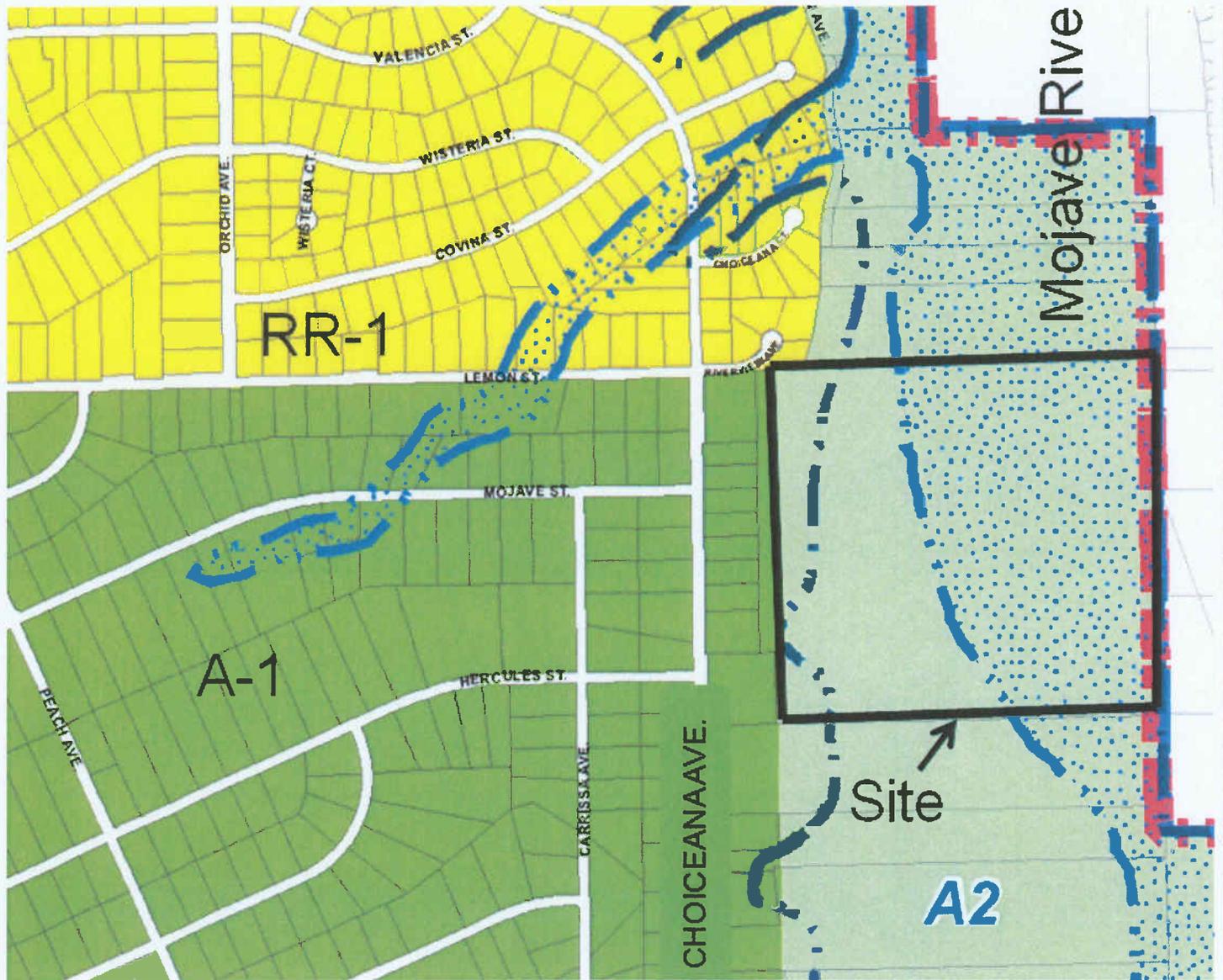
APN(S):
0411-191-69

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

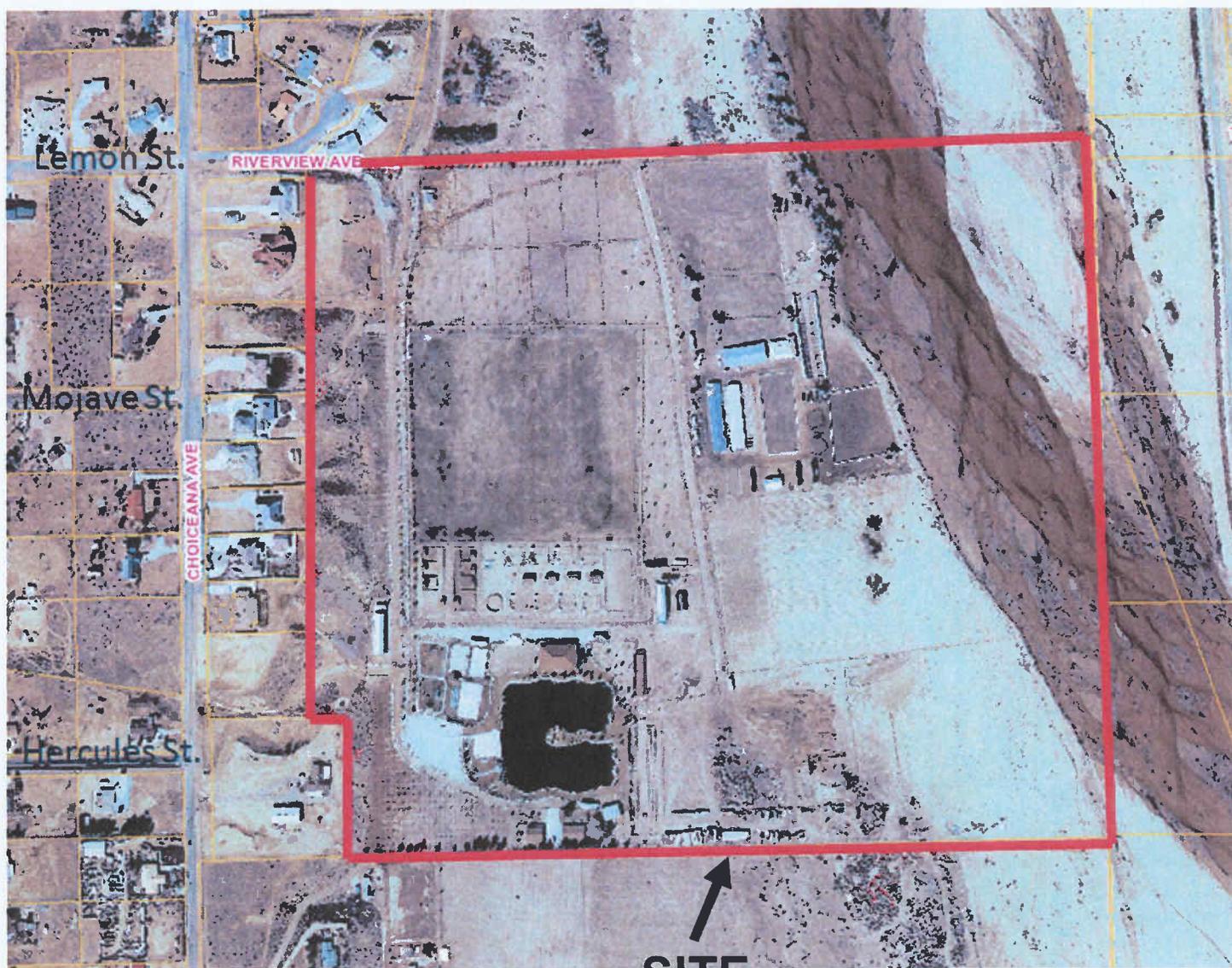
APN(S):
0411-191-69

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

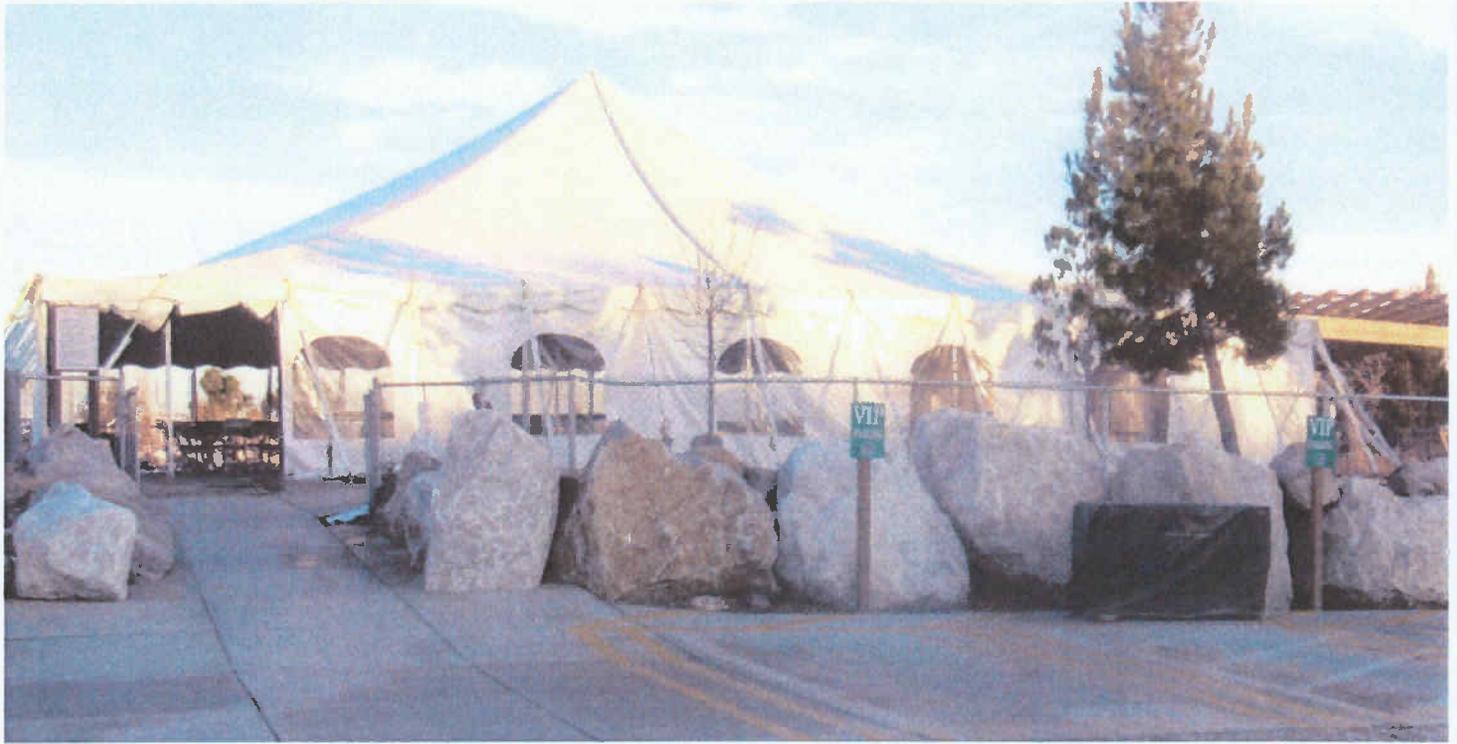
LOCATION:
ON THE SOUTH SIDE OF LEMON STREET, 450 FEET EAST OF
CHOICEANA AVENUE

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



1-10

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 Choiceana 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:

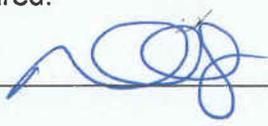
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

| | | | | | |
|--------------------------|-------------------------------|--------------------------|------------------------------------|--------------------------|--------------------------|
| <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" |
| <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 

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

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 to 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 |
| <p>Comments.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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).</p> | | | | |
| 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. PC-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 April 14, 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. The item was continued from the Planning Commission meetings of February 10, 2011 and March 10, 2011; 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 April 14, 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 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 Choiceana 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 14th day of April 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: April 14, 2011
Effective Date: April 26, 2011
Expiration Date: April 26, 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 Choicena 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. (DS)
- _____ 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. (DS)
- _____ 23. **Lemon Street**. Construct twenty-six foot (26') asphalt pavement on Lemon Street from the end of the existing pavement to the first driveway, which is located approximately 600 feet east of Choiceana Avenue across the project frontage with a maximum grade of 12%. Where topographic constraints exist, the minimum width may be twenty (20') feet. The applicant shall construct an alternative section for the last 700 feet to the second driveway with a maximum grade of 10%. The alternative material is to be approved by the San Bernardino County Fire Department. The design shall be based on an acceptable centerline profile extending a minimum of 300 feet beyond the project boundaries where applicable. These improvements shall consist of:
- A. 26' feet AC pavement (20' min. where constraints exist) and/or alternative 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.
- J. 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 Choiciana 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 (20' where constraints exist), 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]

_____ 37. **Suspension Agreement.** The Applicant shall submit a suspension agreement ensuring all fences and gates within the future right-of-way of Lemon Street are removed prior to the City constructing Lemon Street.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

_____ 38. **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)

_____ 39. **AQMD Approval.** The Applicant shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

_____ 40. **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)

- _____ 41. **Development Fees.** The Applicant shall pay required development fees impact fee for applicable event center facilities. (B)
- _____ 42. **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)
- _____ 43. **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)
- _____ 44. **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]
- _____ 45. **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:

- _____ 46. **As-Built Plans.** The Applicant shall provide as-built plans in AutoCAD 2007 format. (E)
- _____ 47. **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)
- _____ 48. **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:

- _____ 49. **Alcoholic Beverages.** Permits shall be obtained from ABC to sell alcohol on premises (P)
- _____ 50. **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)

- _____ 51. **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)
- _____ 52. **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)
- _____ 53. **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)
- _____ 54. **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 |



DATE: April 14, 2011
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Daniel S. Alcayaga, AICP, Senior Planner
SUBJECT: Conditional Use Permit CUP11-10123 and Variance VAR11-10124; Applicant: Arvind Salwan; APN: 0408-181-05

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2011-12 and PC-2011-13, approving CUP11-10123 and VAR11-10124.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) to construct a 9,360 square foot medical building; and a Variance to allow a 10-foot encroachment into the required 20-foot west side yard setback on 1.2 gross acres (Attachment 1).

Location: 660 feet west of Eleventh Avenue on the north side of Main Street.

Current General Plan, Zoning and Land Uses: The site is within the Office Commercial (OC) District of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated as noted on Attachment 2. Single-family residences are located to the north (Attachment 3). The properties surrounding the site to the south, east and west are vacant.

ISSUES/ANALYSIS

The Specific Plan requires a CUP for medical uses. The proposed medical building is 9,360 square feet in size. The floor plan indicates that the building is intended to be used for general medical and dentist offices. The parking ordinance requires a minimum of five parking spaces for each 1,000 square feet of building area for medical and dental uses. Consequently, a total of 47 spaces are required, including three handicapped accessible spaces. The proposal provides 55 parking spaces and four accessible spaces.

The building's architecture complies with the architectural guidelines of the Specific Plan. La Habra stucco is the building's main building material. This is complimented by the use of glass, stone columns, and tile around the windows (Attachment 4). Cherry color wood panels are wrapped below the gable roof features. The building wall and roof planes exhibit varied horizontal and vertical projections. The colors and materials are earth tone and compliment the building's architectural design.

A 10-foot side yard setback is proposed. The Specific Plan requires a 20-foot side yard setback on both sides of the property. Staff believes that the side yard setback requirement is excessive, especially for narrow lots. In commercial districts outside the Specific Plan, a zero side yard setback is allowed when adjacent to non-residential properties. In addition, the

property is further constrained by the existing drainage infrastructure (see drainage section below). Since changing the Specific Plan standard requires approval of a Specific Plan Amendment, staff is recommending the setback be reduced with approval of a variance, based on the shape of the property.

A block wall is required along the rear property line to separate the proposed use from the residential properties. However, a 40-foot drainage easement prevents the wall from being constructed. Staff recommends a vinyl fence be constructed in lieu of the block wall.

Drainage: A 40-foot drainage easement is located on the north side of the property. The easement is for underground drainage culverts constructed in 2009 as part of the Capital Improvement Program (CIP). The drainage is identified as the H-01 line by the Hesperia Master Plan of Drainage. In addition, any additional runoff created on-site will be detained/retained in an underground retention system. The flows will be conveyed through the site then discharged northeasterly as it historically flows.

Water and Sewer: The developer is required to connect to existing 10-inch sewer and 12-inch water lines located along Main Street. The sewer line was extended along this stretch of Main Street in 2008 as part of the CIP.

Traffic/Street Improvements: Main Street is to be constructed as a 120-foot wide Special Street Section, which provides six lanes. As part of developing the site, the developer is required to construct street improvements, including curb, gutter, and sidewalk along the project frontage of Main Street.

Environmental: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This exemption 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 intent of the Specific Plan. The variance is supported as a means of allowing the reduced setback until staff can forward a Specific Plan Amendment to change the interior side yard requirement consistent with the Variance.

FISCAL IMPACT

None.

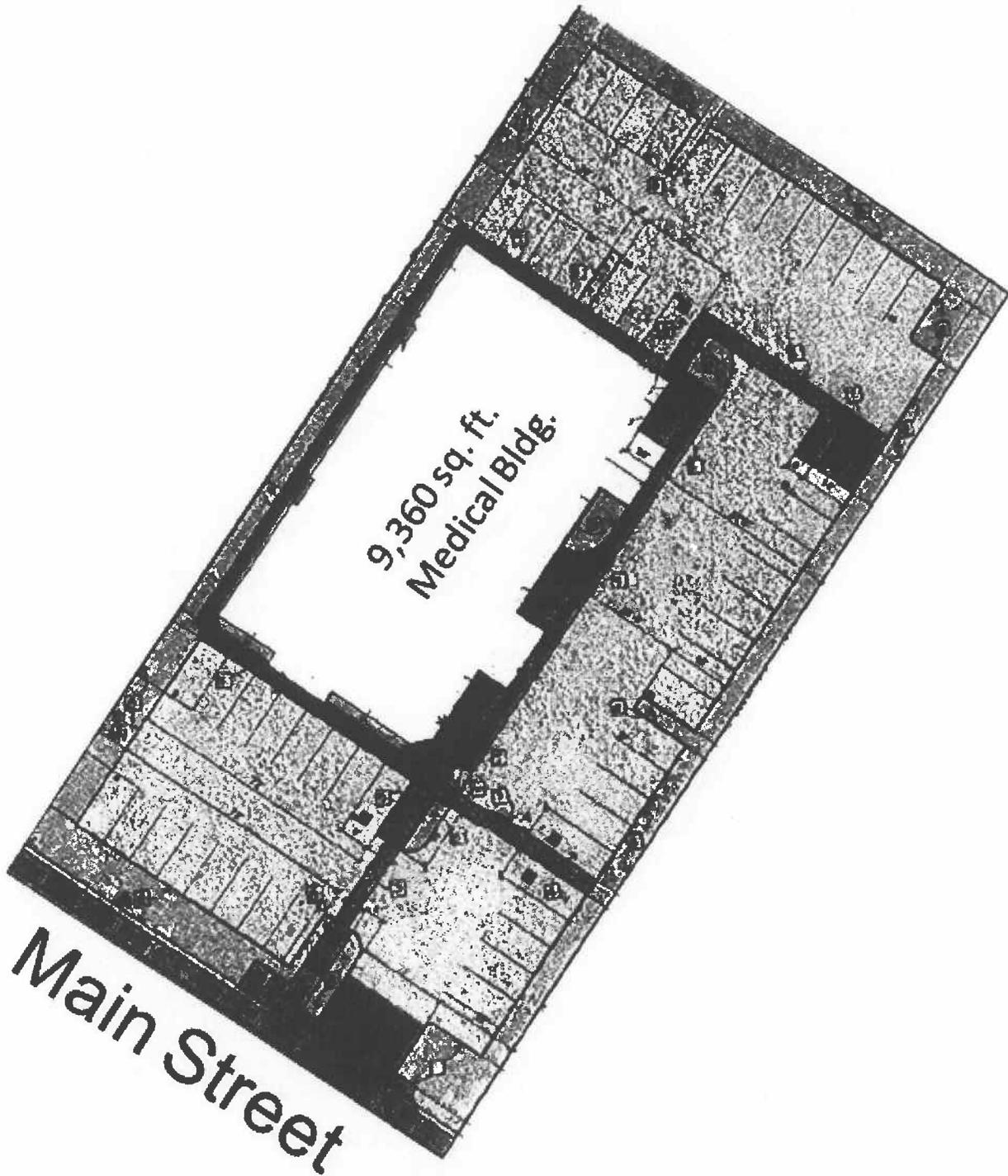
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site plan
2. Specific Plan Zone District map
3. Aerial Photo
4. Architectural Elevations
5. Resolution No. PC-2011-12, with list of conditions (CUP)
6. Resolution No. PC-2011-13 (Variance)

ATTACHMENT 1



APPLICANT(S):
ARVIND SALWAN

FILE NO(S): CUP11-10123 &
VAR11-10124

LOCATION:
660 FEET WEST OF ELEVENTH AVENUE ON THE NORTH SIDE OF MAIN STREET

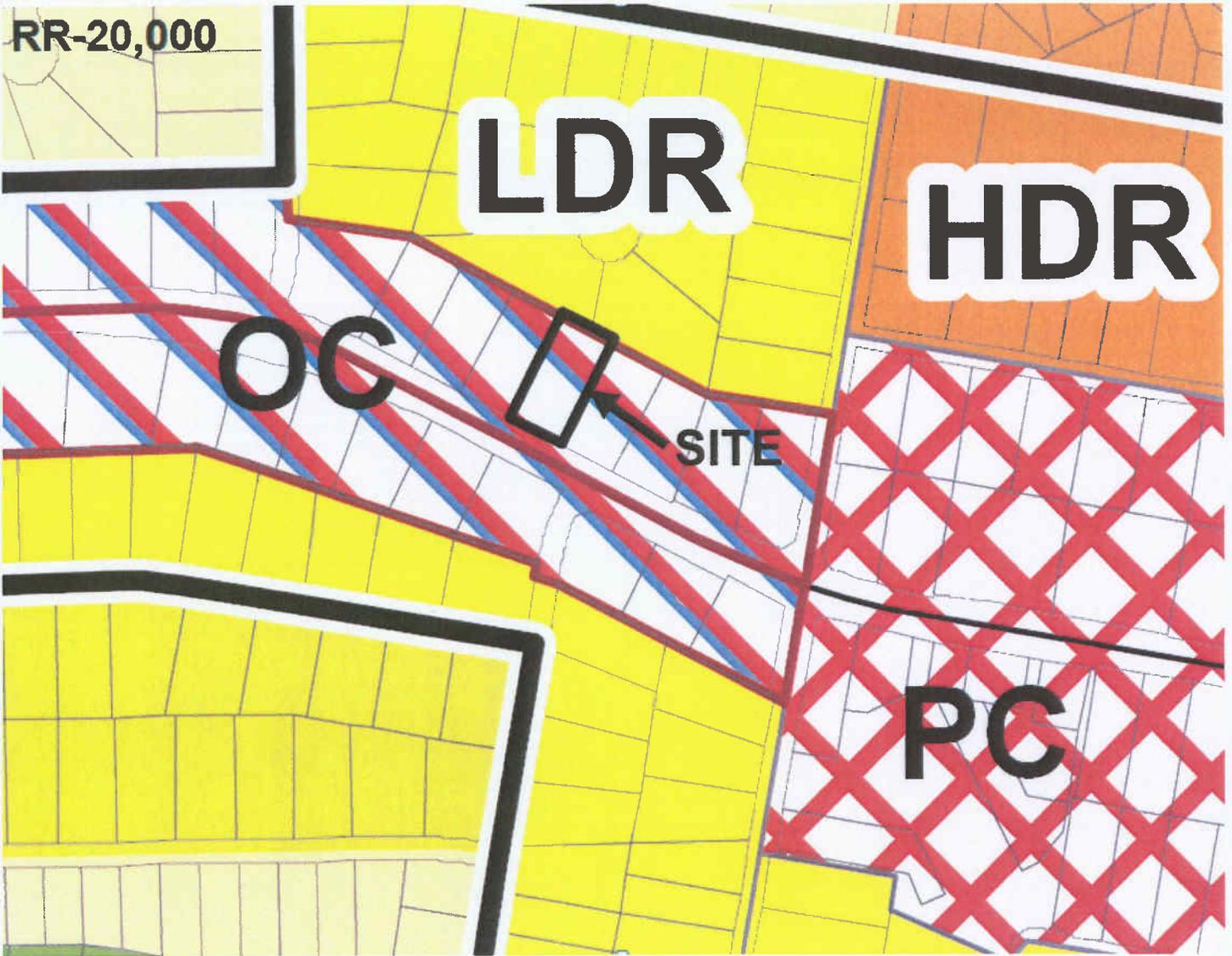
APN(S):
0408-181-05

PROPOSAL:
A CONDITIONAL USE PERMIT (CUP) TO CONSTRUCT A 9,360 SQUARE FOOT MEDICAL BUILDING; AND A VARIANCE TO ALLOW AN ENCROACHMENT INTO THE REQUIRED 20-FOOT SIDE YARD SETBACK



SITE PLAN

ATTACHMENT 2



APPLICANT(S):
ARVIND SALWAN

FILE NO(S): CUP11-10123 &
VAR11-10124

LOCATION:
660 FEET WEST OF ELEVENTH AVENUE ON THE NORTH SIDE OF MAIN STREET

APN(S):
0408-181-05

PROPOSAL:
A CONDITIONAL USE PERMIT (CUP) TO CONSTRUCT A 9,360 SQUARE FOOT MEDICAL BUILDING; AND A VARIANCE TO ALLOW AN ENCROACHMENT INTO THE REQUIRED 20-FOOT SIDE YARD SETBACK



MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

PLANNING COMMISSION

ATTACHMENT 3



APPLICANT(S):
ARVIND SALWAN

FILE NO(S): CUP11-10123 &
VAR11-10124

LOCATION:
660 FEET WEST OF ELEVENTH AVENUE ON THE NORTH SIDE OF MAIN STREET

APN(S):
0408-181-05

PROPOSAL:
A CONDITIONAL USE PERMIT (CUP) TO CONSTRUCT A 9,360 SQUARE FOOT MEDICAL BUILDING; AND A VARIANCE TO ALLOW AN ENCROACHMENT INTO THE REQUIRED 20-FOOT SIDE YARD SETBACK



AERIAL PHOTO

PLANNING COMMISSION

ATTACHMENT 4



APPLICANT(S):
ARVIND SALWAN

FILE NO(S): CUP11-10123 &
VAR11-10124

LOCATION:
660 FEET WEST OF ELEVENTH AVENUE ON THE NORTH SIDE OF MAIN STREET

APN(S):
0408-181-05

PROPOSAL:
A CONDITIONAL USE PERMIT (CUP) TO CONSTRUCT A 9,360 SQUARE FOOT MEDICAL BUILDING; AND A VARIANCE TO ALLOW AN ENCROACHMENT INTO THE REQUIRED 20-FOOT SIDE YARD SETBACK



ARCHITECTURAL ELEVATIONS

ATTACHMENT 5

RESOLUTION NO. PC-2011-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 9,360 SQUARE FOOT MEDICAL BUILDING ON 1.2 GROSS ACRES WITHIN THE OFFICE COMMERCIAL (OC) DISTRICT OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED 660 FEET WEST OF ELEVENTH AVENUE ON THE NORTH SIDE OF MAIN STREET (CUP11-10123)

WHEREAS, Arvind Salwan has filed an application requesting approval of Conditional Use Permit CUP11-10123 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 1.2 gross acres within the Office Commercial (OC) District of the Main Street and Freeway Corridor Specific Plan, located 660 feet west of Eleventh Avenue on the north side of Main Street and consists of Assessor's Parcel Numbers 0408-181-05; and

WHEREAS, the Application, as contemplated, proposes to construct a 9,360 square foot medical building on 1.2 gross acres; and

WHEREAS, the site is currently vacant and has a drainage easement within the rear portion of the property. Vacant properties surround the site to the south, east and west. Single-family residences are located to the north; and

WHEREAS, the subject property and surrounding properties are currently designated Planned Mixed Use (PMU). The properties to the south, east, and west are within the Office Commercial (OC) District and the properties to the north are within the Low Density Residential (LDR) 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 April 14, 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 April 14, 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 Office Commercial (OC) District of the Main Street and Freeway Corridor Specific Plan. All properties surrounding this project are also within the PMU designation.
- (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 medical uses within the OC 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 will be 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 OC District of the Main Street and Freeway Corridor Specific Plan. A medical use 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 CUP11-10123 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 14th day of April 2011.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP11-10123

Approval Date: April 14, 2011
Effective Date: April 26, 2011
Expiration Date: April 26, 2014

This list of conditions apply to a Conditional Use Permit to construct a 9,360 square foot medical building on 1.2 gross acres zoned Office Commercial, located 660 feet west of Eleventh Avenue on the north side of Main Street. Variance VAR11-10124, which is associated with this CUP, allows a 10-foot encroachment into the required 20-foot west side yard setback. Any change of use or expansion of area may require approval of a revised conditional use permit application. (Applicant: Arvind Salwan; APN: 0408-181-05).

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. **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)
- _____ 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, (Handicap Path of Travel).** 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. **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)

- _____ 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 Developer shall grant to the City an Irrevocable Offer of Dedication for Main Street. The right-of-way full-width for Main Street shall be (120') one hundred twenty 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. (E)

- _____ 15. **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)

- _____ 16. **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)

- _____ 17. **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)

- _____ 18. **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)

- _____ 19. **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)

- _____ 20. **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)

- _____ 21. **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)
- _____ 22. **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)
- _____ 23. **Street Improvement Plan.** The Developer shall design street improvements in accordance with City standards and as indicated below. (E)
- _____ 24. **Main Street.** Saw-cut (2-foot min.) and match-up asphalt pavement on Main Street across the project frontage, based on City's 120-foot Arterial Roadway Standard. The curb face is to be located at 52' 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. Commercial driveway approaches per City standards.
 - F. Pavement transitions per City Standards.
 - G. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
 - H. Cross sections every 50-feet per City standards.
 - I. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
 - J. Provide a signage and striping plan per City standards.
 - K. 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.

- L. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

_____ 25. **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" AC water line in Main Street per City Standards.
- C. It is the Developer's responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing size 10" PVC sewer main in Main Street per City standards.
- D. 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.**

_____ 26. **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)

_____ 27. **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)

_____ 28. **Design for Required Improvements.** Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review application with the following revisions made to the improvement plans: (E, P)

- A. The accessible loading zone adjacent to the building to the south shall be a minimum of eight feet wide; and
- B. The parking spaces adjacent to the building to the south shall have wheel stops in order to prevent vehicles from encroaching into the required accessible path of travel; and
- C. The trash enclosure is not required to connect to the path of travel.

_____ 29. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

- _____ 30. **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]
- _____ 31. **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]
- _____ 32. **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]
- _____ 33. **Water System Commercial.** A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. The applicant is required to provide a minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than one hundred fifty (150) feet from any portion of a structure. [F-54]

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 34. **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)
- _____ 35. **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)
- _____ 36. **Sound Vinyl Fencing.** The Developer shall submit four sets of fencing plans to the Building Division with the required application fees. A six-foot sound vinyl fence, which reduces noise levels between the proposed medial use and the adjacent residential properties, shall be constructed along the northern property line. (P)

- _____ 37. **Development Fees.** The Developer shall pay required development school fees. (B)
- _____ 38. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)
- _____ 39. **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)
- _____ 40. **Fire Sprinkler-NFPA #13.** An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required for the 9,360 square foot building. 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]
- _____ 41. **Fire Alarm.** An automatic fire sprinkler monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for 20 heads or more. 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-62]

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 42. **As-Built Plans.** The Developer shall provide as-built plans in AutoCAD 2007 format. (E)
- _____ 43. **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)
- _____ 44. **Development Fees.** The Developer shall pay required development fees as follows:
- A. Development Impact Fees (B)
 - B. Utility Fees (P)
- _____ 45. **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)

- _____ 46. **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)
- _____ 47. **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]
- _____ 48. **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]
- _____ 49. **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 |

ATTACHMENT 6

RESOLUTION NO. PC-2011-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A VARIANCE TO ALLOW A 10-FOOT ENCROACHMENT INTO THE REQUIRED 20-FOOT WEST SIDE YARD SETBACK LOCATED 660 FEET WEST OF ELEVENTH AVENUE ON THE NORTH SIDE OF MAIN STREET (VAR11-10124)

WHEREAS, Arvind Salwan has filed an application requesting approval of Variance VAR11-10226 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 1.2 gross acres within the Office Commercial (OC) District of the Main Street and Freeway Corridor Specific Plan, located 660 feet west of Eleventh Avenue on the north side of Main Street and consists of Assessor's Parcel Numbers 0408-181-05; and

WHEREAS, the Application, as contemplated, proposes a Variance to allow a 10-foot encroachment into the required 20-foot west side yard setback; and

WHEREAS, the site is currently vacant and has a drainage easement within the rear portion of the property. Vacant properties surround the site to the south, east and west. Single-family residences are located to the north; and

WHEREAS, the subject property and surrounding properties are currently designated Planned Mixed Use (PMU). The properties to the south, east, and west are within the Office Commercial (OC) District and the properties to the north are within the Low Density Residential (LDR) 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 April 14, 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 April 14, 2011, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The strict or literal interpretation and enforcement of the specified regulations would result in practical difficulties or unnecessary physical hardships because the lots fronting on Main Street are narrow, which makes it infeasible to apply a 20-foot setback on both sides of property.
- (b) There are exceptional circumstances or conditions applicable to the property that do not apply generally to other properties in the same zone because the enlarged side yard setback limits the ability of the development to comply with other requirements, including fire access, parking, and accessible path of travel. In addition, the 20-foot setback would create unusable and unnecessary space on the west side of the building.
- (c) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone because the setback reduction is being afforded to all projects in the Office Commercial zone.
- (d) The granting of the variance would not constitute a grant of a special privilege inconsistent with the limitations of other properties classified in the same zone because many properties in the same zone have similar side yard setbacks and even lesser setbacks.
- (e) The granting of the Variance does not have the potential to be detrimental to the public health, safety, or welfare and materially injurious to other properties in the vicinity because a 10-foot setback is being provided which provides ample space between the proposed building and nearby existing and future developments.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approving Variance VAR11-10124.

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

ADOPTED AND APPROVED this 14th day of April, 2011

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission



DATE: April 14, 2011
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY:  Lisette Sánchez-Mendoza, Assistant Planner 
SUBJECT: Conditional Use Permit CUP11-10135; Applicant: Carolina Ramirez; APN: 0413-081-07

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2011-14, approving Conditional Use Permit CUP11-10135.

BACKGROUND

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

Location: 16301 Main Street

Current General, Plan, Zoning and Land Uses: The site is located on the south side of Main Street approximately 100 feet west of Third Avenue, within the Planned Mixed Use (PMU) General Plan Land Use designation and the Neighborhood Commercial (NC) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan) (Attachment 1). The site is currently developed with commercial buildings and the site is surrounded by commercial uses with the exception of the properties to the south and southeast, which are residential (Attachment 2).

ISSUES/ANALYSIS:

Land Use: The Specific Plan requires that all uses selling alcohol obtain approval of a conditional use permit. A Type 41 license is proposed, which would allow the sale of beer and wine for on-site consumption. The subject property is located in Census Tract 100.19 (Attachment 3). ABC has determined that the site is located in an over-concentrated census tract, as this census tract exceeds its limitation of four licenses (Table 1). The table below indicates that the census tract contains 7 licenses of which one (highlighted) is inaccurately reported as it is within census tract 100.15. Broadway Café's license is set to expire on April 1, 2011 if fees are not paid to renew it.

Table 1 Existing On-Sale Licenses in Census Tract 100.19 (16301 Main Street)

| Status | Business Name | Business Address | License |
|--------|-------------------------------|-----------------------------------|---------------------------|
| ACTIVE | CHINA PALACE RESTAURANT | 15555 MAIN ST, STE F | 41-BEER AND WINE |
| ACTIVE | ADELITAS RESTAURANT | 15555 MAIN ST, STE A1 | 41-BEER AND WINE |
| REVPEN | BROADWAY CAFE | 15717 MAIN ST | 47-BEER, WINE, AND LIQUOR |
| ACTIVE | LOS DOMINGOS RESTAURANT | 15885 MAIN ST, STES 320 330 & 340 | 47-BEER, WINE, AND LIQUOR |
| ACTIVE | SOYA JAPANESE RESTAURANT | 15550 MAIN ST, STE D18 | 41-BEER AND WINE |
| ACTIVE | CHARACTERS SPORTS BAR & GRILL | 15918 WALNUT ST | 48-BEER, WINE, AND LIQUOR |
| ACTIVE | SPRING HOUSE RESTAURANT | 16441 MAIN ST | 41-BEER AND WINE |

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 100.19, and of those seven, only four 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 800 feet east of the project site (Spring House Restaurant).

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.

Schools and Parks: The project site at 16301 Main Street is located approximately 1000 feet north of the nearest school, Mesa Grande Elementary. The site is approximately ¾ mile from Lime Street 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 NC District.

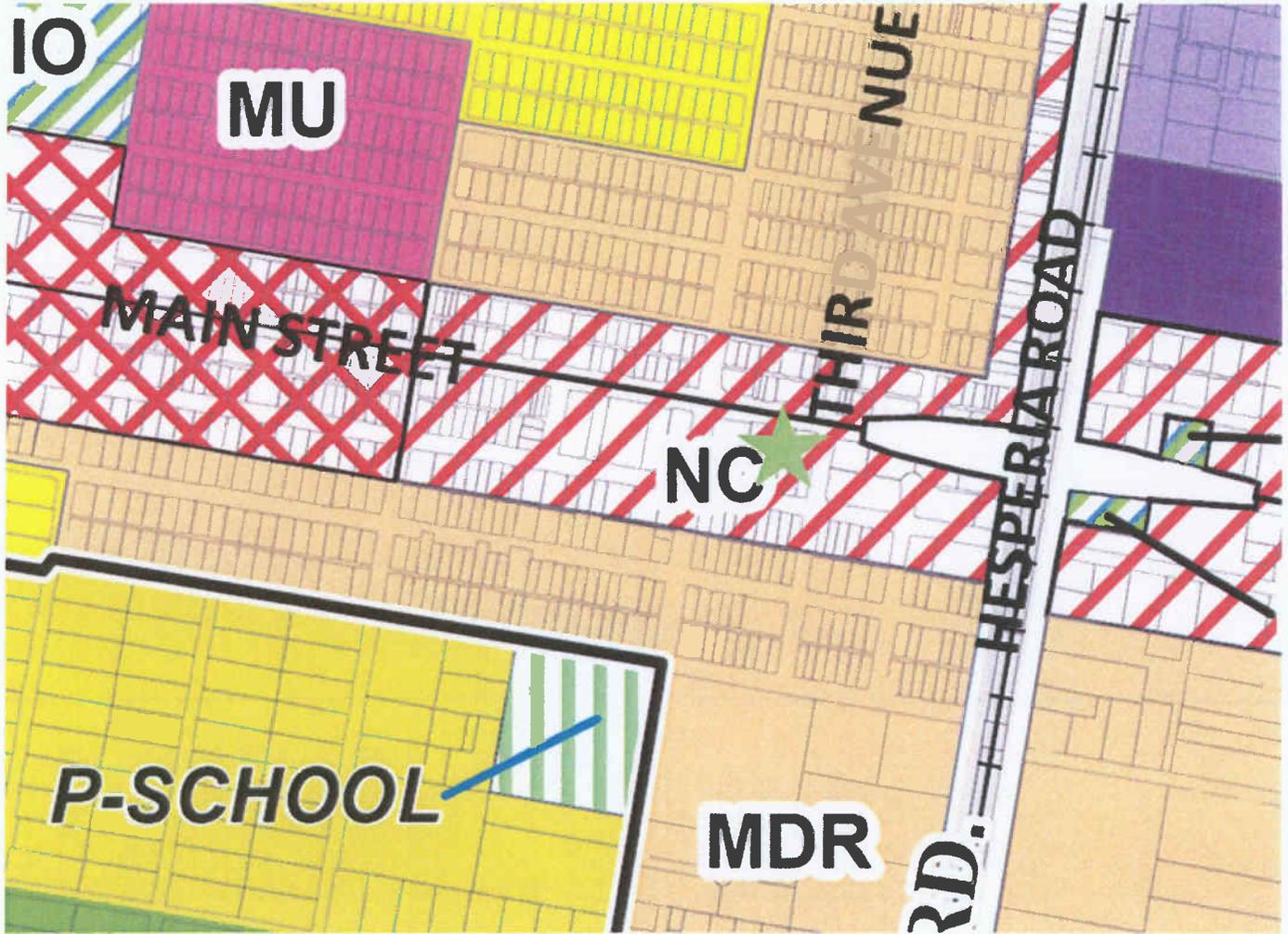
ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENTS

1. General Plan/Zoning
2. Aerial photo
3. Census Tract 100.17
4. Resolution No. PC-2011-14, with list of conditions

ATTACHMENT 1



PROJECT SITE

APPLICANT(S):
CAROLINA RAMIREZ

FILE NO(S):
CUP11-10135

LOCATION:
16301 MAIN STREET

APN(S):
0413-081-07

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



ATTACHMENT 2



**PROJECT
SITE**

APPLICANT(S):
CAROLINA RAMIREZ

FILE NO(S):
CUP11-10135

LOCATION:
16301 MAIN STREET

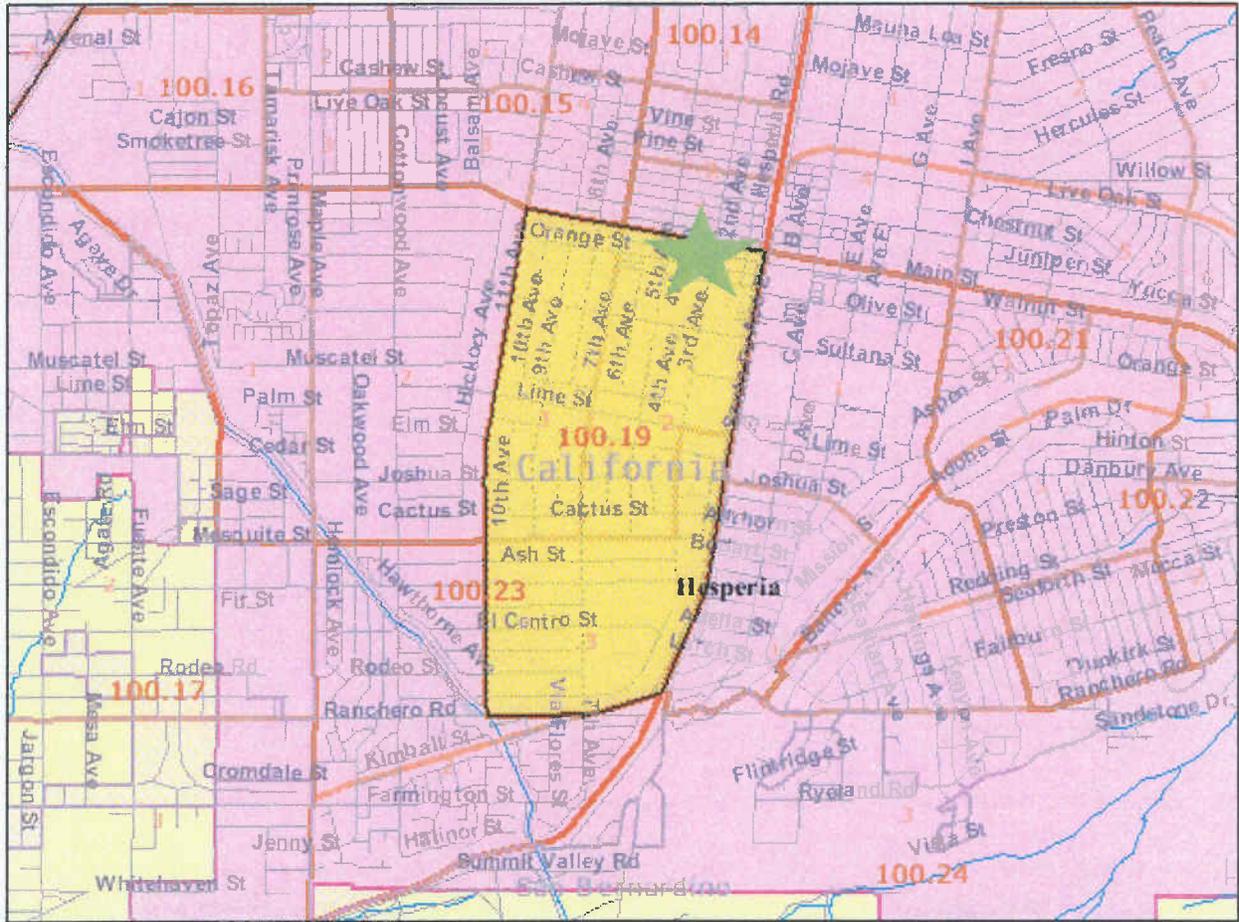
APN(S):
0413-081-07

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



AERIAL PHOTO

ATTACHMENT 3



**PROJECT
SITE**

APPLICANT(S):
CAROLINA RAMIREZ

FILE NO(S):
CUP11-10135

LOCATION:
16301 MAIN STREET

APN(S):
0413-081-07

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



CENSUS TRACT

ATTACHMENT 4

RESOLUTION NO. PC-2011-14

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 16301 MAIN STREET (CUP10-10135)

WHEREAS, Carolina Ramirez has filed an application requesting approval of Conditional Use Permit CUP11-10135 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to an existing restaurant at 16301 Main Street and consists of Assessor's Parcel Number 0413-081-07; and

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

WHEREAS, the subject site is presently developed as a retail center. The surrounding properties are also commercially developed, except the properties to the south and southeast, which are residential; 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 Neighborhood Commercial (NC) 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 April 14, 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 April 14, 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 Neighborhood 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 be adverse to the public convenience, 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 Neighborhood 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. The existing transportation infrastructure is adequate to support the type and quantity of traffic that will be generated by the proposed use.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP11-10135, 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 14th day of April 2011.

Chris Evert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for CUP11-10135

Approval Date: April 14, 2011

Effective Date: April 26, 2011

Expiration Date: April 26, 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 16301 Main Street (Applicant: Carolina Ramirez; APN: 0413-081-07).

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. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the Development 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 |

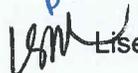
City of Hesperia
STAFF REPORT



DATE: April 14, 2011

TO: Planning Commission

FROM:  Dave Reno, AICP, Principal Planner

BY:  Lisette Sánchez-Mendoza, Assistant Planner

SUBJECT: Consideration of Development Code Amendment DCA11-10103 regarding Medical Marijuana Dispensaries; Applicant: West Coast Patients Group; Area affected: Citywide

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2011-15, recommending that the City Council deny DCA10-10103, regarding Medical Marijuana Dispensaries regulations.

BACKGROUND

In 1996, California voters approved Proposition 215 (Attachment 1), which added the "Compassionate Use Act of 1996" to the California Health and Safety Code. Proposition 215 enables persons in need of marijuana for medical purpose the ability to obtain and use the drug without fear of criminal prosecution under limited, specific circumstances. In 2004, the California legislature enacted SB420 to clarify the scope of the Act and provide additional guidance to people who qualify under the 1996 Act. The amendment added Health and Safety Section 11362.83 (Attachment 2) which provides, "*nothing in this article shall prevent a city or other local governing body from adopting and enforcing laws consistent with this article.*" Under this provision local governments have discretion to adopt and enforce regulations, including prohibiting medical marijuana dispensaries. The courts have held that a complete local ban on dispensaries is a valid exercise of a city's police power and is not preempted by the Compassionate Use Act or SB420. (*City of Claremont v. Kruse* (2009) 177 Cal. App. 4th 1153, 1172-1176.) In 2005, the City of Hesperia adopted a Development Code Amendment which defined "medical marijuana dispensaries," and prohibited them in the City. The City's current ordinance does not differentiate between dispensaries, collectives, operators, establishments or providers, and defines medical marijuana dispensaries as "*any facility or location where medical marijuana is made available to and/or distributed to three or more persons within the following classifications: primary caregivers, qualified patients, or a person with an identification card*", issued in accordance with California Health and Safety Code Section 11362.5 et seq. (Attachment 1).

ISSUES/ANALYSIS

West Coast Patients Group (WCPG) has applied for a Development Code Amendment to change the City's current ordinance to allow the establishment of medical marijuana dispensaries. As part of their submittal, a sample ordinance, as well as copies of the Compassionate Use Act of 1996 (Attachment 1) and SB420 (Attachment 2) were submitted for staff to review. WCPG believes that the City is required by these laws and guidelines to allow

dispensaries. While these laws discuss the use and access to medical marijuana without fear of criminal prosecution, the laws do not prohibit a jurisdiction from regulating or restricting the establishment of these facilities. Specifically, Health and Safety Code Section 11362.768(f) states in part: *"Nothing in this section shall prohibit a city, county, or city and county from adopting ordinances or policies that further restrict the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider"* (Attachment 2).

The proposed ordinance provides a definition for collectives, proposes a 1000 foot separation from sensitive areas and uses, such as residents, schools and day care facilities, and limits the number of valid permits within the City (Attachment 3). Although the ordinance proposes to create separations between dispensaries as well as limit the number of dispensaries that could be established within the City, WCPG does not provide sufficient evidence that would indicate that these proposed regulations will diminish the negative secondary effects on the public health, safety, and welfare that were the basis for the current prohibition. Finally, the proposed ordinance does not provide regulations on how to address facilities that have been established illegally and whether existing facilities will be allowed to remain in business or if these will be subject to the regulations set forth in the proposed ordinance.

According to the San Bernardino County staff report on medical marijuana dispensaries, of the 24 incorporated cities and towns within the county, four have moratoria currently in place (Barstow, Big Bear, Loma Linda, and Needles) and 20 have permanently prohibited dispensaries. The cities of Victorville and Adelanto, as well as the Town of Apple Valley all have ordinances prohibiting medical marijuana dispensaries. Similar to the County of San Bernardino's current findings, staff believes that the proliferation of medical marijuana dispensaries creates negative secondary effects on the public health, safety, and welfare. Crimes such as loitering, theft, burglary, robbery, homicide and the sale of illegal drugs have occurred in areas in close proximity to these facilities.

Furthermore, there is evidence indicating that separating and limiting the number of dispensaries has not worked, as it is likely that the proliferation of illegal dispensaries/collectives will still occur. This is the case in the City of Los Angeles and as a result, Los Angeles has now passed an ordinance banning any new medical marijuana dispensaries.

The City has experienced a large number of requests to establish these facilities within the past year. Some do not fully disclose the nature of the business. These businesses have been described as alternative health medicine establishments, vitamin shops, medical offices, hydroponic equipment sales, herbal treatment establishments, and alternative pain management facilities. As part of this research, staff visited a website that includes a map of any city in which medical marijuana dispensaries occur. The dispensaries are shown by name and location, and contact information is also provided. The business address of dispensaries that only make deliveries is not provided. Therefore, it is suspected that many more operate from residential properties. As of March 24, 2011, 27 dispensaries were listed within the High Desert, all of which are illegal, and 26 are identified on the map for the cities of Hesperia, Apple Valley, and Victorville, (Attachment 4). Of the 26, 11 are located in Hesperia, 9 in Victorville, and 6 in Apple Valley. Hesperia has seen an increase of 3 dispensaries/collectives since March 15, 2011.

Conclusion. Any development code amendment must address the public health, safety and welfare. In this case, maintaining the prohibition of medical marijuana dispensaries will not subject the City to the negative secondary impacts that these dispensaries have had on other communities. The City's current ordinance does not infringe upon the provisions of state law

and is consistent with the prohibition of marijuana under federal law. Based on the above, staff recommends denial of the proposed development code amendment.

FISCAL IMPACT

The City is currently expending code enforcement costs, as several medical marijuana dispensaries have been established illegally within the City. Establishing regulations to allow dispensaries may result in additional enforcement costs.

ALTERNATIVES

1. The Planning Commission may recommend that the Council allow dispensaries subject to specific limitations. This will require that the amendment be continued to enable staff time to draft an Ordinance consistent with Commission direction. Due to the secondary impacts documented by other jurisdictions that have allowed dispensaries, this alternative is not recommended.
2. Provide alternative direction to staff.

ATTACHMENTS

1. Compassionate Use Act of 1996
2. Health and Safety Section 11362.768 and 11362.83
3. WCPG's Proposed Ordinance
4. Dispensary Map
5. Resolution No. 2011-15

ATTACHMENT 1

The Compassionate Use Act of 1996

SECTION 1. Section 11362.5 is added to the Health and Safety Code, to read:

11362.5. (a) This section shall be known and may be cited as the Compassionate Use Act of 1996.

(b)(1) The people of the State of California hereby find and declare that the purposes of the Compassionate Use Act of 1996 are as follows:

(A) To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief.

(B) To ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction.

(C) To encourage the federal and state governments to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana.

(2) Nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes.

(c) Notwithstanding any other provision of law, no physician in this state shall be punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes.

(d) Section 11357, relating to the possession of marijuana, and Section 11358, relating to the cultivation of marijuana, shall not apply to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician.

(e) For the purposes of this section, "primary caregiver" means the individual designated by the person exempted under this section who has consistently assumed responsibility for the housing, health, or safety of that person.

SECTION 2. If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the measure that can be given effect without the invalid provision or application, and to this end the provisions of this measure are severable.

ATTACHMENT 2

CALIFORNIA CODES HEALTH AND SAFETY CODE SECTION 11362.768 and 11362.83

11362.768. (a) This section shall apply to individuals specified in subdivision (b) of Section 11362.765.

(b) No medical marijuana cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medical marijuana pursuant to this article shall be located within a 600-foot radius of a school.

(c) The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school to the closest property line of the lot on which the medical marijuana cooperative, collective, dispensary, operator, establishment, or provider is to be located without regard to intervening structures.

(d) This section shall not apply to a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider that is also a licensed residential medical or elder care facility.

(e) This section shall apply only to a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider that is authorized by law to possess, cultivate, or distribute medical marijuana and that has a storefront or mobile retail outlet which ordinarily requires a local business license.

(f) Nothing in this section shall prohibit a city, county, or city and county from adopting ordinances or policies that further restrict the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider.

(g) Nothing in this section shall preempt local ordinances, adopted prior to January 1, 2011, that regulate the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider.

(h) For the purposes of this section, "school" means any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

11362.83. Nothing in this article shall prevent a city or other local governing body from adopting and enforcing laws consistent with this article.

ATTACHMENT 3

Ordinance No. XX-XX-XXXX

An ordinance of the City Council of the City of Hesperia amending the Hesperia Municipal code by adding chapter XX to implement the State Compassionate Use Act and State Medical Marijuana Program Act.

WHEREAS, California voters approved the Compassionate Use Act (“CUA”) in 1996 to exempt seriously ill patients and their primary caregivers from criminal liability and cultivation of marijuana for medical purposes; and

WHEREAS, the California State Legislature passed, and Governor signed into law, SB 420 to clarify the scope of the application of the Compassionate Use Act; and

WHEREAS, SB 420 allows cities and other governing bodies to adopt and enforce laws consistent with SB 420; and

WHEREAS, it is the desire of the City Council to establish a new section in the municipal code pertaining to the permitted distribution of medical cannabis in the City of Hesperia consistent with SB420; and

WHEREAS, the City of Hesperia has a compelling interest in protecting the public health, safety and welfare of its residents and businesses, in preserving the peace and quiet of the neighborhoods in which medical marijuana collectives operate, and in providing compassionate access to medical marijuana to its seriously ill residents; and

WHEREAS, the City Council desires to establish a permitting process in order to impose regulations that will protect the peace, health, safety, and welfare of patients, and the community as a whole;

NOW, THEREFORE, the City Council of the City of Hesperia ordains as follows:

Section 1. Chapter 5.10 is added to the Hesperia Municipal Code to read as follows:

Chapter 5.10

MEDICAL MARIJUANA COLLECTIVE

Section 5.10.010 Purpose and Intent

A. It is the purpose and intent of this Chapter to regulate medical marijuana Collectives in order to ensure the health, safety and welfare of the residents of the City of Hesperia. The regulations in this Chapter, in compliance with the Compassionate Use Act, the Medical Marijuana Program Act, and the California Health and Safety Code (collectively referred to as “State Law”) do not interfere with a patient’s right to use medical marijuana as authorized under State Law, nor do they criminalize the possession or cultivation of medical marijuana by specifically defined classifications of persons, as authorized under State Law. Under State Law, only qualified patients, persons with identification cards, and primary caregivers may cultivate medical marijuana collectively. Medical marijuana Collectives shall comply with all provisions of the Hesperia Municipal Code (“Code”), State Law, and all other applicable local and state laws. Nothing in this article purports to permit activities that are otherwise illegal under state or local law.

Section 5.10.020 Definitions

For the purpose of this chapter, the following words and phrases shall have the following meanings:

- A. "Applicant". A person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a Collective.
- B. "Drug Paraphernalia". As defined in California Health and Safety Code Section 11014.5, and as may be amended from time to time.
- C. "Identification Card". As defined in California Health and Safety Code Section 11362.71, and as may be amended from time to time.
- D. "Medical Marijuana Collective". Any association, cooperative, affiliation, or collective of persons where multiple qualified patients or primary caregivers are organized to provide education, referral, or network services, and facilitation or assistance in the lawful distribution of medical cannabis. "Collective" shall include any facility or location where the primary purpose is to dispense medical cannabis (i.e., marijuana) as a medication that has been recommended by an "attending physician" [as that term is defined in Health & Safety Code Section 11362.7(a)] and where medical cannabis is made available to or distributed by or to a primary caregiver or a qualified patient, in strict accordance with California Health and Safety Code Section 11362.5 et seq.
- E. "Permittee". The person to whom either a Collective permit is issued by the City and who is identified as a primary caregiver in California Health and Safety Code Section 11362.7, subdivision (d) or (e).
- F. "Person". An individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.
- G. "Person with an Identification Card". As set forth in California Health and Safety Code Section 11362.5 et seq., and as amended from time to time.
- H. "Physician". A licensed medical doctor including a doctor of osteopathic medicine as defined in the California Business and Professions Code.
- I. "Primary Caregiver". As defined in subdivision (d) of California Health and Safety Code Section 11362.7, and as it may be amended from time to time.
- J. "Qualified Patient". As defined in California Health and Safety Code Section 11362.5 et seq., and as it may be amended from time to time.
- K. "School". An institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes an elementary school, middle, or junior high school, senior high school, or any special institution of education for persons under the age of eighteen years, whether public or private.
- L. "Edible Medical Marijuana" as used in this Chapter is defined to mean any article of food, drink, confectionery, condiment or chewing gum by human beings whether such article is simple, mixed or compound, which contains quantities of Medical Marijuana.
- M. "Medical Marijuana" means Marijuana used for medical purposes in accordance with California Health and Safety Code Sections 11362.5, et seq.
- N. "Reasonable Compensation" means compensation commensurate with the reasonable wages and benefits paid to employees of IRS-qualified non-profit organizations who have similar job descriptions and duties, required level of education and experience, prior individual earnings history, and number of hours worked. The payment of a bonus shall not be considered "Reasonable Compensation".

Section 5.10.030 Medical Marijuana Collective - Permit Required

No Medical Marijuana Collective, Management Member, or member shall carry on, maintain or conduct any Medical Marijuana Collective related operations in the City without first obtaining a Medical Marijuana Collective Permit from the department of TBA.

The City Manager and/or his/her designee shall issue no more than (XX) valid permits for the operation of Dispensary's in the City of Hesperia.

Section 5.10.040 Medical Marijuana Collective – Permit Application Process

Any Medical Marijuana Collective desiring a Permit required by this Chapter shall, prior to initiating operations, complete and file an application on a form supplied by the Department of TBA, and shall submit with the completed application payment of a nonrefundable processing and notification fee, as established by the City Council by resolution. The Medical Marijuana Permit application is established to provide a review process for each proposed Medical Marijuana Collective operation within the City.

A. Filing. The Medical Marijuana Collective shall provide the following information:

1. The address of the Property or Properties where the proposed Medical Marijuana Collective will operate.
2. A site plan describing the property with fully dimensioned interior and exterior floor plans including electrical, mechanical, plumbing, and disabled access compliance pursuant to Title 24 of the State of California Code of Regulations and the federally mandated Americans with Disabilities Act.
3. If the Property is being rented or leased or is being purchased under contract, a copy of such lease or contract. Also required is written proof that the Property owner, or landlord if applicable, were given notice that the Property will be used as a Medical Marijuana Collective, and that the Property owner, and landlord if applicable, agree(s) to said operations.
4. The name, address, telephone number, title and function(s) of each Management Member.
5. For each Management Member, a fully legible copy of one (1) valid government issued for of photo identification.
6. Written confirmation as to whether the Medical Marijuana Collective previously operated in this or any other county, city or state under a similar license/permit, and whether the Collective applicant ever had such a license/permit revoked or suspended and the reason(s) therefore.
7. If incorporated, a certified copy of the Collective's Secretary of State Articles of Incorporation, Certificate(s) of Amendment, Statement(s) of Information and a copy of the Collective's By Laws.
8. The name and address of the applicant's current Agent for Service of Process.
9. A copy of the Medical Marijuana Collective Operating Conditions, listed in section 5.10.050, containing a statement dated and signed by each Management Member, under penalty of perjury, that they read, understand and shall ensure compliance with the aforementioned operating conditions.
10. A copy of the Prohibited Activity, listed in Section 5.87.100, containing a statement dated and signed by each management Member, under penalty of perjury, that they read, understand and shall ensure that neither the Collective nor its members and Management Members shall engage in the aforementioned prohibited activity.
11. A statement dated and signed by each Management Member, under penalty of perjury, the Management Member has personal knowledge of the information contained in the application, that the information contained therein is true and correct, and that the application has been completed under the supervision of the Management Members.
12. The Property address where any and all collectively cultivated Medical Marijuana will be distributed to the Collective members and Management Members.

B. The Director of the regulating department shall ensure that the application is complete as follows:

1. Within ten (10) business days of receipt of a Medical Marijuana Collective Permit application, the Director of the regulating department shall determine whether the application is complete.

2. If it is determined the application is incomplete, the applicant shall be notified in writing within ten (10) business days of the date the application is determined to be incomplete and the reasons therefore, including any additional information necessary to render the application complete.

3. The Collective shall have thirty (30) calendar days from the date of notice set forth above in Subsection 5.10.040(B), Subsection (2) to complete the application. Failure to do so within the thirty (30) days shall render the application null and void.

4. Once the application is found to be complete, the applicant shall be notified within ten (10) business days.

C. On Receipt of the completed Medical Marijuana Collective Permit application, the Director of the regulating department shall refer the application to all concerned City departments, including, but not limited to, Police, Fire, Health, Development Services and Code Enforcement for investigation. Such departments shall file a report providing recommendations regarding the approval or denial of the permit with the Director of the regulating department within sixty (60) days from the date the complete permit application was submitted, and shall cause the owners of property located within five-hundred feet (500') of the proposed Property to be sent advance notice of the date, time, and place of the hearing. The applicant shall be given at least ten (10) business days written notice of such hearing.

D. The Director of the regulating department shall render her/his decision not later than fifteen (15) days after the hearing is closed. The report shall be in writing and shall include findings of fact, including but not limited to each operating condition set for in Section 5.10.050, a summary of the relevant evidence, a statement of the issues, a resolution of the credibility of witnesses where there is conflicting testimony and a recommended decision. A copy of the report shall be served on all parties.

E. The decision of the Director of the regulating department may be appealed to the City Council within fifteen (15) calendar days from the date the written notice of Permit decision was mailed. The request for appeal shall be in writing, shall set forth the specific ground(s) on which it is based and shall be submitted to the Director of the regulating department.

F. The City Council shall conduct a hearing on the appeal or refer the matter to a hearing officer within thirty (30) business days from the date the completed request for appeal was received by the Director of the regulating department. The hearing and rules of evidence shall be conducted pursuant to Code. The determination of the City Council on the appeal shall be final.

Section 5.10.050 Medical Marijuana Permit approval and operating conditions

The Director of the regulating department shall approve and issue a Medical Marijuana Collective Permit if the application and evidence submitted in the hearing sufficiently demonstrate that:

A. The Property is not located in an area zoned in the City for exclusive residential use. Medical Marijuana Collectives are not permitted to operate in exclusive residential zones.

B. The Medical Marijuana Collective is not located within a one thousand foot (1,000') radius of a public or private kindergarten, elementary, middle, junior high, or high school. The distances specified in this subdivision shall be determined by the horizontal distance measured in a straight line from the property line of the school to the closest property line of the lot on which the Medical marijuana Collective is located, without regard to intervening structures.

C. The Medical Marijuana Collective is not located within one thousand foot (1,000') radius of any other Medical Marijuana Collective. The distances are listed in Section 5.10.050(B)

D. Any exterior or interior sign visible from the exterior of the Property shall be unlighted.

E. The Property provides sufficient sound absorbing insulation so that noise generated inside the premises is not audible anywhere on the adjacent property or public rights-of-way, or within any other building or other separate unit within the same building as the Medical Marijuana Collective.

F. The Property provides a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Property is not detected outside the Property, anywhere on adjacent property or public rights-of-way, or within any other unit located within the same building as the Medical Marijuana Collective.

G. The Property is monitored at all times by a closed-circuit television for security purposes. The camera and recording system must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on the Property. The recordings shall be maintained at the Property for a period of not less than thirty (30) days.

H. The Property has a centrally-monitored fire and burglar alarm system.

I. A sign is posted in a conspicuous location inside the Property advising:

1. "The diversion of marijuana for non-medical purposes is a violation of State law.
2. The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery.
3. Loitering at the location of a Medical Marijuana Collective for an illegal purpose is prohibited by California Penal Code Section 647(h).

4. This Medical Marijuana Collective is permitted in accordance with the laws of the City of Hesperia.

5. The sale of marijuana and the diversion of marijuana for non-medical purposes are violations of State Law."

J. The Medical Marijuana Collective meets all applicable state and local laws to ensure that the operations of the Collective are consistent with the protection of the health, safety and welfare of the community, Qualified Patients and their Primary Caregivers, and will not adversely affect surrounding use.

K. No Collective shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation provided by Management Members and members towards the Collective's actual expenses of the growth, cultivation, and provision of Medical Marijuana shall be allowed provide that they are in strict compliance with State Law. All cash and in-kind amounts and items shall be fully document in accordance with Section 5.87.070 of this chapter.

L. Collective cultivation of Medical Marijuana shall be limited to the Medical Marijuana Collective members and Management Members.

M. Every Medical Marijuana Collective shall maintain, on site at the Property, cultivation records, signed under penalty of perjury by each Management Members, identifying the location within the City of Hesperia at which the Medical Marijuana was cultivated, and the total number of said plants cultivated at each location.

N. Any Medical Marijuana provided to Collective members shall be properly labeled in strict compliance with state and local laws.

O. Medical Marijuana Collectives may possess no more than 8 ounces of dried marijuana per qualified patient of caregiver, and maintain no more than 6 mature and 12 immature marijuana plants per qualified patient, except if a qualified patient or primary caregiver has a doctor's recommendation that this quantity does not meet the qualified patient's needs.

P. Signage for the establishment shall be limited to one wall sign not to exceed ten (10) square feet in area, and one identifying sign not to exceed two square feet in area; such signs shall not be directly illuminated.

Q. Medical Marijuana Collectives shall provide state-licensed and uniformed security guard patrol for the location during all hours of operation. Security guards shall not possess firearms or tasers.

Section 5.10.060 Medical Marijuana Permit – Non-Transferable

A Medical Marijuana Collective Permit issued pursuant to this Chapter shall become null and void upon the cessation of the Collective and/or relocation of the Collective to a different Property. The holder of a Medical Marijuana Collective shall not allow others to use or rent the permitted Property.

Section 5.10.070 Maintenance of Records

A. A Medical Marijuana Collective shall maintain the following accurate and truthful records on the Property.

1. The full name, address, and telephone numbers of the owner, landlord and/or lessee of the property.
2. The full name, address, and telephone number(s) and a fully legible copy of a government issued form of identification of each Collective member engaged in the management of the Collective and a description of the exact nature of the participation in the management of the Collective.
3. The full name, address, and telephone number(s) of each Collective member and Management Member who participates in the Collective cultivation of Medical Marijuana.
4. A written accounting of all cash and in-kind contributions, reimbursements, and reasonable compensation provided by the Collective Management members to the Collective, and all expenditures and costs incurred by the Collective.
5. Proof of a valid Medical Marijuana Collective Permit issued by the City of Hesperia in conformance with this chapter.
6. A list of Prohibited Activity, set forth in Section 5.10.100, containing a statement dated and signed by each Collective Member and Management Member, under penalty of perjury, that they read, understand and shall not engage in the aforementioned prohibited activity.
7. These records shall be maintained by the Medical marijuana Collective for a period of five (5) years and shall be made available by the Collective to the City upon request, subject to the authority set forth in Section 5.10.080.

Section 5.10.80 Inspection Authority

City representatives may enter and inspect the Property of every Medical Marijuana Collective between the hours of ten o'clock (10:00) A.M. and eight o'clock (8:00) P.M., to ensure compliance and enforcement of the provisions of this Chapter, except that the inspection and copying of private medical records shall be made available to the Police Department only pursuant to a properly executed search warrant, subpoena, or court order. It is unlawful for any Property owner, landlord, lessee, Medical Marijuana Collective member or Management Member or any other person having any responsibility over the operation of the Medical Marijuana Collective to refuse to allow, impede, obstruct or interfere with an inspection.

Section 5.10.090 Existing Medical Marijuana Operations

Any existing Medical Marijuana Collective, dispensary, operator, establishment, or provider business that does not comply with the requirements of this Chapter must immediately cease operation until such time, if any, when it complies fully with the requirements of this Chapter. No Medical Marijuana Collective, dispensary, operator, establishment, or provider that existed prior to the enactment of this Chapter shall be deemed to be a legally established use or a legal non-conforming use under the provisions of this Chapter or the Code.

Section 5.10.100 Prohibited Activity

A. It is unlawful for any person to cause, permit or engage in the cultivation, possession, distribution, exchange or giving away of Marijuana for medical or non-medical purposes except as provided in this Chapter, and pursuant to any and all other applicable local and state law.

B. It is unlawful for any person to cause, permit or engage in any activity related to Medical Marijuana except as provided in this Chapter and in Health and Safety Code Sections 11362.5 *et seq.*, and pursuant to any and all other applicable local and state law.

C. It is unlawful for any person knowingly to make any false, misleading or inaccurate statement or representation in any form, record, filing or documentation required to be maintained, filed or provided to the City under this Chapter.

D. No Medical Marijuana Collective, Management Member or member shall cause or permit the sale, distribution or exchange of Medical Marijuana cultivated at the Property or of any Edible Medical Marijuana product manufactured at the Property to any person who is not a member or a Management Member of the Collective.

E. No Medical Marijuana Collective, Management Member or member shall allow or permit the commercial sale of any product, good or service, including but not limited to drug paraphernalia identified in Health and Safety Code Section 11364, on or at the Medical Marijuana Collective, in the parking area of the Property. An exception shall be made for persons who are not Collective members or Management Members and who possess a valid City issued business license which authorizes the “place to place” sale of materials (other than seed stock) the collective cultivation of Medical Marijuana by Management Members and members of the Collective.

F. No cultivation of Medical Marijuana at the Property shall be visible with the naked eye from any public or other private property, nor shall cultivated Medical Marijuana or dried Medical Marijuana be visible from the building exterior. No cultivation shall occur at the Property unless the area devoted to the cultivation is secured from public access by means of a locked gate, and any other security measures necessary to prevent unauthorized entry, and has been inspected and approved by the City of Hesperia Fire and Building Departments.

G. No manufacture of Concentrated Cannabis in violation of California Health and Safety Code Section 11379.6 is allowed.

H. No Medical Marijuana Collective shall be open to or provide Medical Marijuana to its members or Management Members between the hours of eight o'clock (8:00) P.M. and ten o'clock (10:00) A.M.

I. No person under the age of eighteen (18) shall be allowed at the Property, unless that minor is a Qualified Patient and is accompanied by his or her licensed Attending Physician, parent(s) or documented legal guardian.

J. No Medical Marijuana Collective shall possess Marijuana that was not cultivated by its Management Members or members either at the Property or at a location fully documented and inspected in accordance with this Chapter.

K. No Medical Marijuana Collective, Management Member or member shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on the Property or in the parking area of the Property.

L. No dried Medical Marijuana shall be stored at the Property in structures that are not completely enclosed, in an unlocked vault or safe, in any other unsecured storage structure, or in a safe or vault that is not bolted to the floor of the Property.

M. Medical Marijuana may not be inhaled, smoked, eaten, ingested, or otherwise consumed on the Property, in the parking areas of the Property, or in those areas restricted under the provisions of California Health and Safety Code Section 11362.79, which include:

- a. Any place where smoking is prohibited by law;
- b. Within one thousand feet (1,000') of the grounds of a school, recreation center, or youth center;
- c. While on a school bus;
- d. While in a motor vehicle that is being operated; or
- e. While operating a boat.

N. No person who is currently charged with or has been convicted within the previous ten (10) years of a crimes of moral turpitude (such as theft, fraud, or assault), or who is currently on parole or probation for the sale or distribution of a controlled substance, shall be engaged directly or indirectly in the management of the Medical Marijuana Collective nor, further, shall manage or handle the receipts and expenses of the Collective.

O. No Medical Marijuana Collective shall hold or maintain a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages.

Section 5.10.110 Violation and Enforcement

A. Any violation of the terms and conditions of the Medical Marijuana Collective permit, of this Chapter, or of applicable local or state regulations and laws shall be grounds for permit suspension or revocation.

Section 5.10.120 Appeal process.

A. If a City department determines that the permittee failed to comply with any provision of this Chapter, or with any other provision or requirement of law, the Chief of Police shall revoke or suspend the Medical Marijuana Collective Permit.

B. The Chief of Police shall notify the permittee of the permit revocation or suspension by dated written notice. Said notice shall advise the permittee of the right to appeal the decision to the Public Safety/Public Services Committee within fourteen (14) days from the date the notice. The request for appeal shall be in writing, shall set forth the specific ground(s) on which it is based and shall be submitted to the Chief of Police.

C. The appeal shall be considered by the Public Safety/Public Services Committee in accordance with Section 7.102.040(F) and (G). The decision of the Public Safety/Public Services Committee shall be final.

D. Whenever a Medical Marijuana Collective Permit has been revoked or suspended, no permit application by any of the Managing Members of that Collective shall be considered for a period of three (3) years from either the date notice of the revocation or suspension was mailed, or the date of the final decision of the Public Safety/Public Services Committee, whichever is later.

Section 5.10.130 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 5.10.140 Effective Date, Review and Implementation.

This Ordinance becomes effective thirty (30) days following its passage and adoption. Within thirty (30) days after adoption, the ordinance shall be reviewed by the Public Safety/Public Services Committee, and within thirty (30) days after passage adoption, the ordinance shall be reviewed in conjunction with all stakeholders. The ordinance shall be implemented no later than sixty (60) days after passage and adoption.

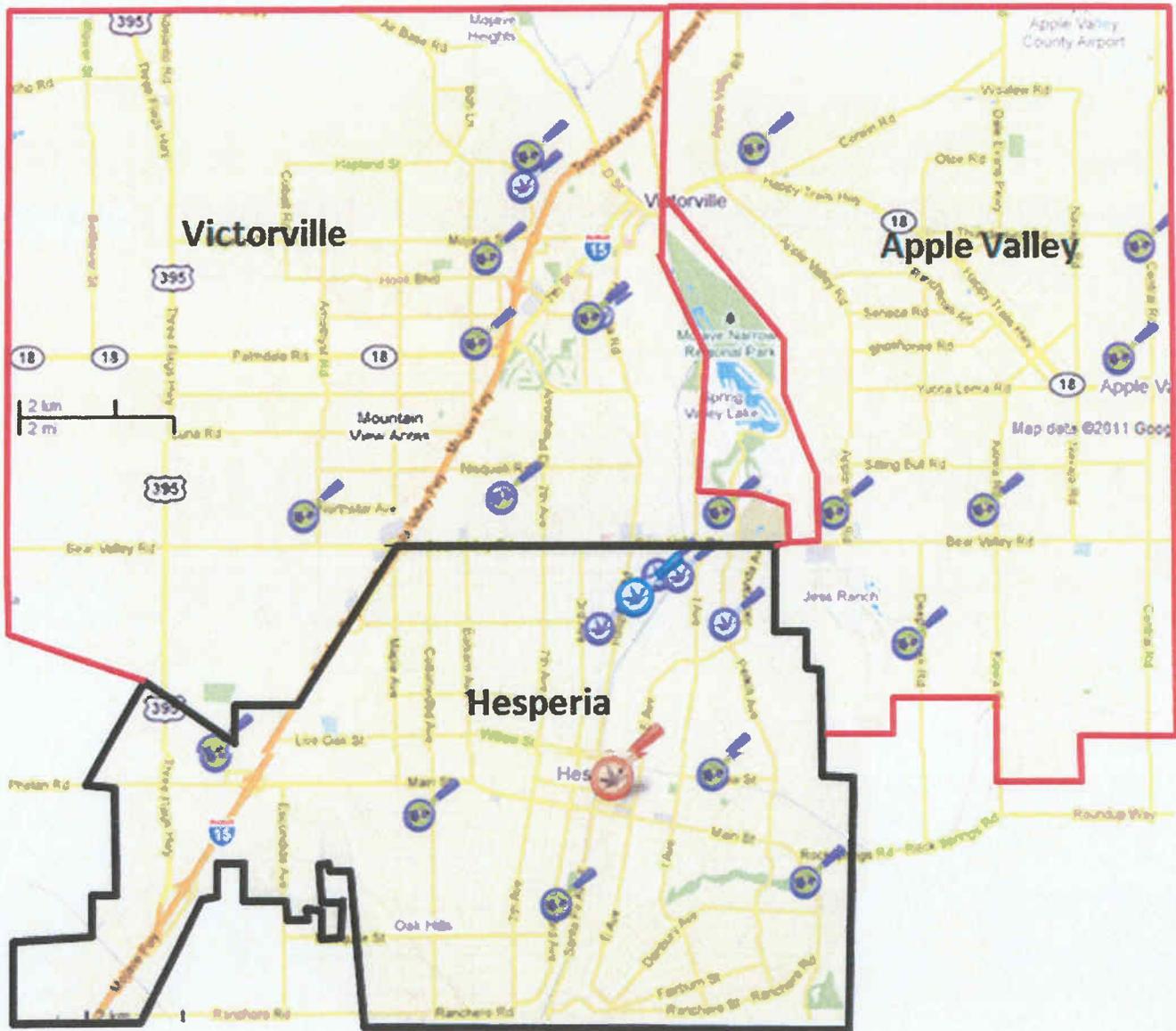
Section 5.10.150 Accompanying Fee Resolution

No later than 30 days before the implementation of this Ordinance, the City Council shall adopt a resolution establishing fees calculated to recover one-hundred percent of the costs of administering and enforcing this ordinance, including but not limited to the costs of processing applications, issuing permits, and conducting inspections.

Section 5.10.160 Review of Regulations.

On or before the six-month anniversary of the effective date of this Ordinance, the City Council shall review the effectiveness of these regulations, and shall enact modifications, if necessary.

ATTACHMENT 4



APPLICANT(S):
WEST COAST PATIENTS GROUP

FILE NO(S): DCA11-10103

LOCATION:
CITY WIDE

PROPOSAL:
A DEVELOPMENT CODE AMENDMENT REGARDING MEDICAL MARIJUANA DISPENSARIES



DISPENSARY MAP AS OF 04-04-11

ATTACHMENT 5

RESOLUTION NO. PC-2011-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL DENY THE PROPOSED DEVELOPMENT CODE AMENDMENT REGARDING MEDICAL MARIJUANA DISPENSARIES (DCA11-10103)

WHEREAS, the State of California has established regulations regarding marijuana use pursuant to Proposition 215, and State Bill 240; and

WHEREAS, West Coast Patients Group has filed an application requesting adoption of Development Code Amendment DCA11-10103 described herein (hereinafter referred to as "Application"); and

WHEREAS, the application, as contemplated, proposes to allow for the establishment of medical marijuana dispensaries; and

WHEREAS, on November 2, 2005, the City Council of Hesperia adopted Ordinance No. 2005-12, prohibiting medical marijuana dispensaries; and

WHEREAS, it is the City's intent to comply with State and Federal laws as they pertain to medical marijuana dispensaries; and

WHEREAS, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15061(b)(3); and

WHEREAS, on April 14, 2011, the Planning Commission of the City of Hesperia conducted a hearing on this Application and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds that the proposed development code amendment is inconsistent with the goals and objectives of the adopted General Plan based in part on the following:

- (a) Granting of this development code amendment will likely result in the proliferation of medical marijuana dispensaries within the City.
- (b) Based on evidence from other jurisdictions, secondary negative effects are likely to occur resulting in adverse impacts upon the public health, safety, and welfare. Crimes such as loitering, theft, burglary, robbery, homicide and the sale of illegal drugs have been documented in the immediate vicinity of these facilities.

- (c) The proposed development code amendment does not present compelling evidence that the current ordinance violates the provisions of Proposition 215, the Compassionate Use Act of 1996, or other state laws regarding the distribution of medical cannabis and is consistent with the prohibition of marijuana under federal law.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council deny Development Code Amendment DCA11-10103.

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

ADOPTED AND APPROVED this 14th day of April 2011.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine
Secretary, Planning Commission



DATE: April 14, 2011
TO: Planning Commission
FROM: Scott Priestler,  Director of Development Services
SUBJECT: Determination of Conformity – 2011-12 Capital Improvement Program

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2011-14, finding that the proposed 2011-12 Capital Improvement Program as shown on Exhibit "A" is in conformance with the Hesperia General Plan, and direct that this finding be reported to the City Council, Hesperia Community Redevelopment Agency, and Hesperia Water and Fire Protection districts.

BACKGROUND

Every year, a Capital Improvement Program (CIP) is annually adopted jointly by the City of Hesperia, Hesperia Community Redevelopment Agency, and Hesperia Water and Fire Protection districts. This CIP outlines the significant expenditures to be made for developing new or improving existing infrastructure in areas of transportation, storm drain and water facilities as well as public facilities such as police and fire stations, and other buildings and uses. The CIP implements the City-adopted master plans or policy documents, among those being the General Plan Circulation Element, the Water and Sewer Master Plans, the Redevelopment Plan, and the Public Safety Needs Report.

California Government Code Section 65103(c), part of the Planning and Zoning law, establishes the local "Planning Agency" (in Hesperia's case the Planning Commission) as the body responsible to review the CIP and determine if it conforms and is consistent with the City's General Plan prior to its adoption.

ISSUES/ANALYSIS

The proposed CIP for Fiscal Year 2011-12 has been prepared by staff. In general, it contains 12 funded projects which are broken down into three of five CIP categories: Streets (10), Drainage (1), and Other (for public facilities)(1). No funding is proposed for Water or Sewer categories. Most of the projects listed are a continuation from the prior year. This is not uncommon for such large projects that are developed over several years, as the multiple steps of design, property acquisition, bidding and ultimate construction can't be completed in one year's time. There are two pure "new" projects listed in the program (under Streets). Staff will present the proposed CIP during the meeting, and respond to any questions the Commission may have.

In review of the project list, staff believes they are consistent with the numerous goals and policies contained in the City's adopted General Plan, including the following specific elements:

1. Land Use Element - Facilities to be designed and/or constructed are to be located on property with a proper Land Use and zoning designation for such use;

2. Safety Element – Projects are proposed which address drainage and flooding, as well as additional fire facilities to provide adequate response time for development;
3. Circulation Element – Facilities to be designed and/or constructed are part of the City's planned network of roadways necessary to serve the City.

The proposed CIP was reviewed by the City Council on February 22, 2011 as part of the Mid-Year 2010-11 Budget Workshop, and was reviewed by the City Council Advisory Committee on April 13, 2011. The City Council gave concurrence that the CIP as proposed is the correct approach and should be pursued if funding is determined to be available. A final determination of the CIP's acceptance will be made when the City Council considers its final adoption as part of the budget process in June.

Environmental: This conformity finding is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Therefore, no further action is necessary at this time. Subsequent CEQA review of the individual projects contained within the CIP will occur prior to the time physical construction begins.

FISCAL IMPACT

The proposed Capital Improvement Program costs approximately \$31.3 million. These costs will be funded from a variety of revenue sources, including the General Fund, Redevelopment project area bond funds, Development Impact Fees, Water and Fire District funds, and State and Federal grants. Full funding will be demonstrated before they are carried out by the respective agency.

ALTERNATIVES

None

ATTACHMENTS

1. Resolution No. PC-2011-16, with Exhibit "A" (Proposed 2011-12 Capital Improvement Program).
2. Adopted 2010-11 Capital Improvement Program

ATTACHMENT 1

RESOLUTION NO. PC-2011-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, MAKING A DETERMINATION OF CONFORMITY OF THE PROPOSED 2011-12 CITY OF HESPERIA, HESPERIA COMMUNITY REDEVELOPMENT AGENCY, AND HESPERIA WATER AND FIRE PROTECTION DISTRICTS' CAPITAL IMPROVEMENT PROGRAM WITH THE HESPERIA GENERAL PLAN.

WHEREAS, a Capital Improvement Program (CIP) is annually adopted jointly by the City of Hesperia, Hesperia Community Redevelopment Agency, and Hesperia Water and Fire Protection districts; and

WHEREAS, said CIP outlines the significant expenditures to be made for transportation, storm drain and water facilities as well as public facilities; and

WHEREAS, Pursuant to Government Code Section 65103(c), the Planning Commission is responsible to review said Capital Improvement Program for consistency with the City's General Plan prior to its adoption; and

WHEREAS, the proposed CIP for Fiscal Year 2011-12 has been prepared and was initially reviewed by the City Council on February 22, 2011, and was reviewed by the City Council Advisory Committee on April 13, 2011; and

WHEREAS, the City Council Advisory Committee and City Council have determined that the projects listed further the goals of the City; and

WHEREAS, this conformity finding is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3); and

WHEREAS, on April 14, 2011, the Planning Commission of the City of Hesperia conducted a hearing pertaining to the proposed conformity determination, 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 April 14, 2011 hearing, including public testimony and written and oral staff reports, this Commission specifically finds that the proposed 2011-12 Capital Improvement Program is consistent with the goals and policies contained in the adopted General Plan of the City of Hesperia, including the following specific elements:

1. Land Use Element – Public Facilities to be designed and/or constructed are to be located on property properly designated for such use, specifically a Park and Ride facility;
2. Safety Element – Projects are proposed which address drainage and flooding, as well as reconstructed or remodeled fire facilities to improve adequate response time to development;
3. Circulation Element - Facilities to be designed and/or constructed are consistent with, or part of the City’s planned network of roadways necessary to serve the City.

Section 3. The Planning Commission hereby concurs that the action under this Resolution is not a project under the California Environmental Quality Act because it does not have the potential to have a direct or indirect effect on the environment.

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby finds that the proposed 2011-12 Capital Improvement Program as shown on Exhibit “A” is in conformance with the Hesperia General Plan, and directs that this finding be reported to the City Council, Community Redevelopment Agency, and Water and Fire Protection district boards.

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

ADOPTED AND APPROVED on this 14th day of April 2011.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

DRAFT 1 04/04/11

3:20:30 PM

| CO# | Project Name | Actual
FY 10-11 | Proposed FY
11-12 | FY 12-13 | FY 13-14 | FY 14-15 |
|-----------------------------|---|-----------------------------|---------------------------|--------------|--|--------------|
| STREETS CIP PROJECTS | | | | | | |
| 7046 | Ranchero Road Under Crossing:
-Design/Environmental
-Right-of-Way
-Construction | 0
0
15,390,320 | 0
0
13,500,000 | Cons Contd | | |
| 7065 | Eucalyptus Interchange | 0 | 0 | | | |
| 7085 | Widen Seventh Ave - Main St to Willow St | 0 | 0 | | | |
| 7086 | Ranchero Road I-15 Interchange (Project Approval and Environmental Document (PA&ED))
-Design
- ROW
-Mariposa/Caliente Construction
- Bridge/Freeway connection Construction | 0
1,300,000
1,000,000 | 0
650,000
6,034,000 | Construction | Bridge Cons | |
| XXXX | Oak Hill/Mariposa
-Design/Permits
- Construction | 0 | | Design | | |
| 7093 | Intersection at Main Street and C Avenue
-Design (Study to Council)
-ROW Acquisition
-Construction | -
0 | 0 | | | |
| 7094 | Ranchero Rd Improvements-7 th Ave to Mariposa, Phase 1- Design & ROW Identification (w/ County)
- ROW Acquisition
- Construction | 60,000 | 300,000 | Construction | | |
| 7095 | 7 th Avenue Roadway Improvements – Willow to Bear Valley Road
- Design and ROW Identification
- ROW Acquisition | 0 | 0 | | ROW Acquis | |
| 7096 | Aqueduct Crossing Improvements-Widen Bridge at Main Street – Phase 1
- Design and ROW Identification
- ROW Acquisition
- Construction | 0 | 0 | Construction | | |
| 7097 | New Aqueduct Crossing – Bridge at Escondido Ave – Phase 1
- Design & ROW Identification (Phase 1)
- ROW Acquisition (Phase 2)
- Construction (Phase 2) | 0 | 0 | 0 | Design/ROW
ROW Acquis
Construction | |
| 7098 | Muscatel Street Interchange and Joshua Street Modification Phase 1 – Project Study Report/Project Development Support (PSR/PDS)
- PA & ED - Phase 2
- Design - Phase 2
- ROW Acquisition - Phase 3
- Peripheral Street construction - Phase 3 | 0
0 | 0 | | Design
ROW Acquis | Construction |
| 7100 | Intersection at Main St and Rock Springs Road
-Design
-ROW Acquisition
-Construction | 0
-
50,000 | 823,400 | | | |
| 7101 | Traffic Signal Upgrade-Main St and Third Ave
-Design/Build | 0 | 0 | | | |

2010/2011 - 2013/2014 CAPITAL IMPROVEMENT PROGRAM

| CO# | Project Name | Actual
FY 10-11 | Proposed FY
11-12 | FY 12-13 | FY 13-14 | FY 14-15 |
|------------------------------|--|--|----------------------------|---|------------|------------------------|
| 7102 | Township Improvements and Development
-Design (concept + Phase 1 - PS&E)
-Construction (Spruce/Smoke Tree) Phase 1
-Design (PS&E) Phase 2
-Construction - Phase 2
-Design (PS&E) - Phase 3
-Construction - Phase 3 | 400,000
- | 500,000
0 | Design Ph2
Const Ph2 | Design Ph3 | Const Ph3 |
| 7104 | Railroad Crossing Eucalyptus/Lemon/ Mojave -
-Concept Feasibility Design (Phase 1)
- Phase 2 Design
- Phase 3 ROW Acquisition | 0 | 0 | | Design Ph2 | ROWAcq PH3 |
| 7105 | Main Street Corridor-Design (395 to 11 th Ave) All
Phases
- Phase 1 ROW Acquisition (I-15 to Maple)
- Phase 1 Construction
- Phase 2 ROW Acquisition (Maple to 11 th)

- Phase 2 Construction
- Phase 3 ROW Acquisition (395 to I-15)

- Phase 3 Construction
- Phase 4 Reconstruct 11th to I | 0 | 0 | ROW Acq Ph2

Const Ph2
ROW Acquis
Ph3 | | Const Ph3
Const Ph4 |
| 7106 | Main Street/Hesperia Interchange
- Phase 1 Feasibility Design
- Phase 2 – ROW Acquisition | 0 | | Design | | ROW AcqPh2 |
| 7108 | Industrial Park Lead Track Project
-Design/Environmental
-ROW Acquisition
-Construction | -
0
700,000 | 0
0
5,113,000 | | | |
| 7110 | Bear Valley Road Widening (Mariposa to 600 ft E) | 18,000 | 0 | | | |
| 7111 | Rock Springs Road Reconstruction | 154,862 | 0 | | | |
| 7115 | Maple Avenue Reconstruction (Ranchero - Main) | 0 | 0 | 0 | Constructn | |
| 7116 | Traffic Signal at Smoke Tree & Seventh | 242,103 | 0 | | | |
| 7117 | FY 2009-10 Street Improvement Project | 4,758,900 | 0 | | | |
| 7118 | Traffic Signal at Main Street and "C" Avenue | 238,000 | 0 | | | |
| 7119 | Santa Fe Circulation Study
-Study
-ROW | 15,000 | 7,500 | XXXX | | |
| 7120 | FY 2010-11 Street Improvement Project
#
1. 3rd Ave. Reconstruction (2 phases)
-Design/Const. Ph. 1
-Environmental Ph. 2
-ROW/Construction Ph. 2

2. E Ave. Reconstruction
3. Tamarisk/Barcelona Basin
4. Lake Arrowhed Road
5. Eucalyptus/Cottonwood | 150,000
25,000

43,500
86,670
18,215
218,250 | -
-
0
40,000
0 | | | |
| xxxx | Choiceana/Talisman Realignment | | 150,000 | | | |
| 7121 | FY 2011-12 Street Improvement Project
Paseo/Lemon Ave | | Slurry Seal
2,000,000 | | | |
| | TOTAL OF STREETS CIP PROJECTS | \$ 24,868,820 | \$ 29,117,900 | | | |
| DRAINAGE CIP PROJECTS | | | | | | |
| 7087 | H-01 Drainage Facility - Section 2 Main St to 4th Avenue | 0 | | | | |

2010/2011 - 2013/2014 CAPITAL IMPROVEMENT PROGRAM

| CO# | Project Name | Actual
FY 10-11 | Proposed FY
11-12 | FY 12-13 | FY 13-14 | FY 14-15 |
|---------------------------------------|--|--------------------|----------------------|----------------------------------|-------------------------------|--------------|
| 7090 | H-01 Drainage Facility – Section 1 (Maple Ave to Main St),
- Design
- ROW Acquisition
- Construction | 0 | | | Design
ROW Acquis | Construction |
| 7091 | H-01 Drainage Facility – Section 3A (Fourth Ave to Third Ave) and 3B (Third Ave to Railroad Tracks)

- Design (3A and 3B)
- ROW Acquisition (3A)
- Construction (3A)
- Construction (3B) | 900,000 | 365,335
1,134,665 | see 7120
Const 3A
Const 3B | | |
| XXXX | H-01 Drainage Facility – Section 4 (Railroad Tracks to "I" Avenue)
- Design
-ROW Acquisition

-Construction | 0
0 | | | Design
ROW Acquis | Construction |
| 7092 | A-04 Drainage Facility – Section 2 (Mojave St to Mesa) | 0 | | Construction | | |
| XXXX | A-04 Drainage Facility – Section 1 (Main to Live Oak)

- Design (crossing only)
- ROW Acquisition
-Construction (crossing only) [Under 7105] | 0 | 0 (in-house) | XXXX | | |
| XXXX | A-04 Drainage Facility – Section 3 (Mesa to Bear Valley Road)
- Design
- ROW Acquisition
-Construction | 0 | | | ROW Acquis | Construction |
| TOTAL OF DRAINAGE CIP PROJECTS | | \$ 900,000 | \$ 1,500,000 | | | |
| OTHER CITY PROJECTS | | | | | | |
| XXXX | Fire Station 306 (Ranchero Rd./Oxford)
- Phase 1 Design
- Phase 2 Property Acquisition

- Phase 3 Construction | 0 | Design Ph1 | Design Ph1 | Prop Acq Ph2

Const Ph3 | |
| XXXX | Fire Station 308 (Ranchero Rd./Maple)
- Phase 1 Design
- Phase 2 Property Acquisition (FY 13-14)
- Phase 3 Construction (FY 14-15) | 0 | | Design | | |
| 6514 | Fire Stations 301/305 Site Study and Design (WLC) - (301 plan upgrades) | 0 | 51,000 * | | | |
| 6515 | Downtown Park–Northwest Corner of Juniper St & 8 th (formerly Hesperia Civic Plaza Park)
-Design (Completed 2007)
-Construction - Phase 1
-Construction - Phase 2 (Bathrooms/concession) | 0 | 0 | | Const Ph2 | |
| 6516 | New Police Station
-Property Acquisition-Phase 1 (Completed 2007)
-Design - Phase 2
-Construction - Phase 2 | 0
5,081,000 | 0 | | | |
| 6517 | Fire Station 301 Construction/Property
- Property Acquisition (Completed 2007)
- Construction | 0 | 0 | XXXX | | |
| 6518 | Fire Station 305 Construction | - | 0 | | | 6-7 |

2010/2011 - 2013/2014 CAPITAL IMPROVEMENT PROGRAM

| CO# | Project Name | Actual FY 10-11 | Proposed FY 11-12 | FY 12-13 | FY 13-14 | FY 14-15 |
|--------------------------------------|--|----------------------|-------------------|----------|--------------|--------------|
| 6520 | High Desert County Government Center
-Design
-Construction | 0
6,325,000 | 0 | 0 | | |
| 6521 | Fire Station 304 Interim Expansion (Eucalyptus)
-Design (Revisions 2010 Codes)
#NAME? | 0 | 0 | * | | |
| XXXX | Community Center
- Design
- Construction | 0 | | | Design | Construction |
| 6523 | Park and Ride Facility | 25,000 | 533,000 | | | |
| XXXX | Golf Course Re-Use Project | | | Design | Construction | |
| TOTAL OTHER CITY CIP PROJECTS | | \$ 11,431,000 | \$ 584,000 | | | |
| WATER CIP PROJECTS | | | | | | |
| 8073 | Plant 19A, 19B Reservoir Improvments
-Design (Completed 2007)
-Tank Construction (1 tank)
-Recoat and Repaint 19A, 19B(Interior/Exterior) | 0
0
0 | 0
0 | | | |
| 8075 | Waterline replacement – EPA Hawthorne/Kern | 0 | 0 | | | |
| XXXX | 395 Water System Loop (Main/Mojave/Willow)
-Design
- Construction | 0 | 0 | | Construction | |
| 8077 | Interstate 15 Corridor – New Water and Wastewater System
-Design
-Construction | 0 | 0 | | Construction | |
| 8078 | Property Acquisition for (Reservoir Expansion at Sites 19A and 21), new Reservoir to Serve Freeway Corridor (5 acres) | 0 | 0 | | | |
| XXXX | MWA Turnout at Plant 14 (In-house crews) | | 0 | | | |
| 8082 | Water System velocity improvements
Arrowhead/Tank 18/Maple
- Design
- Construction | 0 | 0 | | Construction | |
| 8084 | New Well Site
-Property Acquisition
-Design/Test wells
-Construction | 0 | 0 | | Construction | |
| 8080 | Pipeline Replacement (PT 013, 016, 030)
-Design
- Construction | 0 | 0 | | Construction | |
| TOTAL OF WATER PROJECTS | | \$ - | \$ - | | | |
| SEWER CAPITAL CIP PROJECTS | | | | | | |
| 9007 | Sub-regional Wastewater Reclamation Plant (WRF-1)
- Phase I Property Acquisition (Completed)
-Phase 2 Design and Construction | | 0
VVWRA | | | |
| 9009 | Santa Fe Improvements – Sewer Upgrade (FP-1)
-Design (VVWRA)
-Construction | 0 | VVWRA | | | |
| 9011 | Sub-regional Wastewater Reclamation Plant (WRF2)
-Property Acquisition | 0 | 0 | | | |
| 9012 | Mojave Sewer Upgrade (FP-13)
- Design
- Construction | 0 | 0 | | Construction | |

2010/2011 - 2013/2014 CAPITAL IMPROVEMENT PROGRAM

| CO# | Project Name | Actual
FY 10-11 | Proposed FY
11-12 | FY 12-13 | FY 13-14 | FY 14-15 |
|--|---|----------------------|----------------------|----------|--------------|----------|
| 9013 | Live Oak Sewer Upgrade (FP-12)
- Design
- Construction | 0 | 0 | Design | Construction | |
| XXXX | Maple Sewer (FP-8, FP-10, FP-37)
-Design
-Construction | 0 | 0 | Design | Construction | |
| 9015 | Main Street Sewer (Topaz to Hickory) | 0 | 0 | | | |
| TOTAL OF SEWER CAPITAL CIP PROJECTS | | \$ - | \$ - | | | |
| Total for Water and Sewer Projects | | \$ - | | | | |
| Totals for ALL CIP Projects | | \$ 37,199,820 | \$ 31,201,900 | | | |

* Projects are not confirmed for CIP-Pending funding availability during budget process (June 2011)

Project funding provided as part of C.O. 7117

CAPITAL IMPROVEMENT PROGRAM (C I P)

- *Overview and Summary*
- *C I P Expenditures by Project*
- *C I P Expenditures By Fund and Project*
- *C I P Project Listing*
- *C I P Project Descriptions*

CAPITAL IMPROVEMENT PROGRAM (CIP)

OVERVIEW

The Capital Improvement Program (CIP) Summary includes new and continued capital projects funded in the Fiscal Year (FY) 2010-11 Budget. Information on capital projects completed in FY 2009-10 and projects temporarily suspended are also included to identify funds spent on recently completed projects as well as those that may resume in future years. Fiscal Year 2007-08 and Fiscal Year 2008-09 CIP projects are also included for historical purposes on the expenditure summaries. Frequently CIP projects extend beyond one fiscal year.

The City's construction projects and major capital acquisitions that have an extended life are included in the Capital Improvement Program. In some circumstances, studies undertaken related to anticipated future capital projects are also included. Generally, the CIP will include capital replacement projects that repair, replace, or enhance existing facilities, equipment, or infrastructure, and capital facility projects that significantly expand or add capacity to the City's existing fixed assets.

SUMMARY

The CIP projects are summarized as follows:

| <u>C I P Major Categories</u> | <u>Projects Completed in FY 2009-10*</u> | <u>Projects Continued in 2010-11 Budget</u> | <u>New Projects Included in 2010-11 Budget</u> | <u>New & Continued Projects Included in 2010-11 Budget</u> |
|-------------------------------|--|---|--|--|
| Streets C I P Projects | \$2,389,195 | \$35,785,934 | \$15,000 | \$35,800,934 |
| Storm Drainage | 34,115 | 900,000 | 0 | 900,000 |
| Facilities | 4,137,060 | 15,000,000 | 25,000 | 15,025,000 |
| Water | 2,013,097 | 0 | 0 | 0 |
| Sewer | 96,109 | 0 | 0 | 0 |
| Total C I P Projects | <u>\$8,669,576</u> | <u>\$51,685,934</u> | <u>\$40,000</u> | <u>\$51,725,934</u> |

*Note – Includes projects that are not yet completed but have been suspended and may resume in future years.

Streets C I P Projects - \$35,800,934 (2010-11 Budget)

- 2010-11 Street Improvement Project – The FY 2010-11 Budget for the major Citywide Residential Street Improvement Program, will be considered at the Mid-Year Budget Review. \$5,710,514 has been included in the FY 2010-11 Budget to complete the FY 2009-10 Street Improvement Program. The program history is as follows:

| | <u>Expenditures</u> | <u>Miles Paved</u> | <u>Slurry Seal Miles</u> |
|---|---------------------|--------------------|--------------------------|
| 2000-01 Street Improvement Project | \$ 2,226,573 | 18.0 | 0 |
| 2001-02 Street Improvement Project | \$ 2,148,349 | 19.4 | 0 |
| 2002-03 Street Improvement Project | \$ 1,993,142 | 16.5 | 0 |
| 2003-04 Street Improvement Project | \$ 2,033,719 | 17.1 | 0 |
| 2004-05 Street Improvement Project | \$ 3,166,412 | 18.2 | 12.4 |
| 2005-06 Street Improvement Project | \$ 6,221,264 | 51.1 | 14.2 |
| 2006-07 Street Improvement Project | \$11,379,826 | 57.0 | 11.0 |
| 2007-08 Street Improvement Project | \$20,920,267 | 57.0 | 4.0 |
| 2008-09 Street Improvement Project | \$10,659,895 | 28.0 | 0 |
| <u>2009-10 Street Improvement Project</u> | <u>\$ 5,710,514</u> | <u>13.9</u> | <u>0</u> |
| Ten Year Total | <u>\$66,459,961</u> | <u>296.2</u> | <u>41.6</u> |

CAPITAL IMPROVEMENT PROGRAM (CIP)

- One New Street Project – 1 Project \$15,000 – Included in the FY 2010-11 Budget is a new circulation study for Santa Fe Avenue in the amount of \$15,000.

- Ranchero Road Related Projects – 3 Projects \$23,784,320 – Included in the FY 2010-11 Budget are three projects related to the Ranchero Road Corridor with the largest overall project being the Ranchero Road Interchange project. The three projects are as follows:
 - Ranchero Road Undercrossing \$15,390,320
 - Ranchero Road I-15 Interchange Design and Right-of-Way Acquisition 8,334,000
 - Ranchero Road Improvement – Seventh Avenue to Mariposa Road 60,000
 - \$23,784,320**

- Seven Other Streets Projects – 7 Projects \$6,291,100 – Included in the FY 2010-11 Budget are seven other continuing street projects. These projects include traffic signal and paving projects as well as the lead track project and township improvements.
 - Industrial Park Lead Track Project \$4,150,000
 - New Traffic Signal – Main Street and Rock Springs Road 1,431,100
 - Traffic Signal Upgrade – Main Street and C Avenue 240,000
 - Traffic Signal at Smoke Tree and Seventh Avenue 230,000
 - Rock Springs Road Reconstruction 115,000
 - Township Improvements (Spruce/Smoke Tree) 105,000
 - Bear Valley Road Widening – Mariposa Road to 600 feet east 20,000
 - \$6,291,100**

Storm Drainage C I P Project - 1 Project \$900,000 – Included in the 2010-11 Budget is the continuation of one drainage project as shown below:

- H-01 Drainage Facility – (Section 3A) Third Avenue to Fourth Avenue \$900,000
\$900,000

Facilities C I P Projects - 3 Projects \$15,025,000 – The following three projects totaling \$15,025,000 will be continued in Fiscal Year 2010-11 as follows:

- High Desert County Government Center \$ 9,000,000
- New Police Station 6,000,000
- Park and Ride Facility 25,000
- \$15,025,000**

Applications have been made for American Recovery and Reinvestment Act (ARRA) stimulus funds for two Fire station projects (Fire Station 301 and Fire Station 304 Expansion). These projects are ready to be bid; however, the City is pursuing ARRA funding in order to reduce the financial cost. Once notification has been received, staff will bring these projects back to the Council for the appropriate budget amendments.

Water C I P Projects – There are no water projects budgeted for FY 2010-11.

Sewer C I P Projects – There are no sewer projects budgeted for FY 2010-11.

C I P EXPENDITURES BY PROJECT

| Project Number | Project Title | 2007-08 | 2008-09 | 2009-10 | 2009-10 | 2010-11 |
|--|---|----------------------|---------------------|----------------------|----------------------|----------------------|
| | | Actual | Actual | Budget | Revised | Budget |
| <u>New Streets Projects in FY 2010-11</u> | | | | | | |
| 7119 | Santa Fe Circulation Study | \$ 0 | \$ 0 | \$ 0 | \$ 0 | 15,000 |
| 7120 | 2010-11 Street Improvement Project | 0 | 0 | 0 | 0 | 0 |
| | Sub-Total New 2010-11 Streets C I P Projects | \$ 0 | \$ 0 | \$ 0 | \$ 0 | 15,000 |
| <u>Streets CIP Projects Continued in FY 2010-11</u> | | | | | | |
| 7046 | Ranchero Road Undercrossing -Design, Right-of-Way, Construction | \$ 256,847 | \$ 567,383 | \$ 9,260,000 | \$ 5,060,000 | 15,390,320 |
| 7086 | Ranchero Road I-15 Interchange Project Approval and Environmental Document - Design, Right-of-Way, Construction | 9,350,973 | 1,016,464 | 5,400,000 | 1,680,000 | 8,334,000 |
| 7094 | Ranchero Road Improvements – 7 th Avenue to Mariposa Road, Phase 1 – Engineering & Right-of-Way Identification | 62,294 | 149,749 | 550,000 | 240,000 | 60,000 |
| 7100 | New Traffic Signal – Main Street & Rock Springs Road - Construction, Design | 58,900 | 19,594 | 1,505,000 | 23,000 | 1,431,100 |
| 7102 | Township Improvements and Redevelopment - Construction (Spruce/Smoketree) | 420,282 | 1,149,831 | 3,733,000 | 4,906,500 | 105,000 |
| 7108 | Industrial Park Lead Track Project -Design, ROW Acquisition, Construction | 26,353 | 1,368,235 | 3,250,000 | 1,520,000 | 4,150,000 |
| 7110 | Bear Valley Road Widening - Mariposa Road to 600 feet east | 0 | 0 | 300,000 | 163,000 | 20,000 |
| 7111 | Rock Springs Road Reconstruction Project | 0 | 1,625,958 | 0 | 10,000 | 115,000 |
| 7116 | Traffic Signal at Smoke Tree and Seventh Avenue | 0 | 0 | 250,000 | 20,000 | 230,000 |
| 7117 | 2009-10 Street Improvement Project | 0 | 0 | 6,885,927 | 10 | 5,710,514 |
| 7118 | Traffic Signal Upgrade - Main Street and C Avenue | 0 | 0 | 250,000 | 10,000 | 240,000 |
| | Sub-Total New 2009-10 Streets C I P Projects | \$ 10,175,649 | \$ 5,897,214 | \$ 31,383,927 | \$ 13,632,510 | \$ 35,785,934 |

C I P EXPENDITURES BY PROJECT

| Project Number | Project Title | 2007-08 Actual | 2008-09 Actual | 2009-10 Budget | 2009-10 Revised | 2010-11 Budget |
|--|---|----------------------|----------------------|----------------------|----------------------|----------------------|
| <u>Streets CIP Projects Completed in FY 2009-10 and Temporarily Suspended Projects that may Resume in Future Years</u> | | | | | | |
| 7065 | Eucalyptus Interchange | \$ 1,798,824 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 7095 | 7th Avenue Roadway Improvements – Willow to Bear Valley Road – Design & Right-of-Way Identification | 0 | 0 | 350,000 | 0 | 0 |
| 7096 | Aqueduct Crossing Improvements – Widen Bridge at Main Street – Design and Right-of-Way Acquisition | 1,824 | 7,428 | 600,000 | 60,000 | 0 |
| 7097 | New Aqueduct Crossing – Bridge at Escondido Avenue – Design | 3,448 | 9,166 | 0 | 0 | 0 |
| 7098 | Muscatel Street Overpass, Phase 1 – Project Study Report/Project Development Study (PSR/PDS) | 135,648 | 179,486 | 160,000 | 118,000 | 0 |
| 7105 | Main Street Corridor Design (395 to 11th Avenue) | 6,591 | 147,968 | 4,250,000 | 153,500 | 0 |
| 7106 | Main Street/Hesperia Interchange Feasibility Design | 17,702 | 39,599 | 0 | 0 | 0 |
| 7114 | 2008-09 Street Improvement Project | 0 | 7,135,397 | 2,118,494 | 2,057,695 | 0 |
| 7115 | Maple Avenue Reconstruction | 0 | 0 | 0 | 0 | 0 |
| Sub-Total Streets CIP Projects Completed in FY 2009-10 and Temporarily Suspended Projects that may Resume in Future Years | | \$ 1,964,037 | \$ 7,519,044 | \$ 7,478,494 | \$ 2,389,195 | \$ 0 |
| <u>Streets CIP Projects Completed in FY 2008-09</u> | | | | | | |
| 7085 | Widen Seventh Avenue – Main Street to | 3,940,127 | 135,803 | 0 | 0 | 0 |
| 7103 | 2007-08 Street Improvement Project | 9,776,456 | 9,357,600 | 0 | 0 | 0 |
| 7104 | Railroad Crossing Feasibility Study | 121,918 | 117,246 | 0 | 0 | 0 |
| Sub-Total Streets CIP Projects Completed in FY 2008-09 | | \$ 13,838,501 | \$ 9,610,649 | \$ 0 | \$ 0 | \$ 0 |
| <u>Streets CIP Projects Completed in FY 2007-08</u> | | | | | | |
| 7089 | 2006-07 Street Improvement Project | \$ 3,691,292 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 7093 | Intersection at Main Street and C Avenue - Design, Right-of-Way Acquisition | 49,354 | 0 | 0 | 0 | 0 |
| 7101 | Traffic Signal Upgrade - Main Street and Third Avenue | 201,184 | 0 | 0 | 0 | 0 |
| 7107 | Juniper/Smoketree/8th Avenue Project (Park) | 1,641,118 | 0 | 0 | 0 | 0 |
| Sub-Total Streets CIP Projects Completed in FY 2007-08 | | \$ 5,582,948 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Summary Streets CIP Projects | | \$ 31,561,135 | \$ 23,026,907 | \$ 38,862,421 | \$ 16,021,705 | \$ 35,800,934 |

C I P EXPENDITURES BY PROJECT

| Project Number | Project Title | 2007-08 Actual | 2008-09 Actual | 2009-10 Budget | 2009-10 Revised | 2010-11 Budget |
|--|--|---------------------|---------------------|----------------------|----------------------|----------------------|
| Storm Drainage C I P Projects | | | | | | |
| 7087 | H-01 Drainage Facility – (Section 2) Main Street to Smoke Tree Street | \$ 4,887,157 | \$ 8,665,055 | \$ 0 | \$ 34,115 | \$ 0 |
| 7090 | H-01 Drainage Facility – Section 1 (Maple Avenue to Main Street) – Design and Right-of-Way Acquisition | 75,303 | 7,950 | 0 | 0 | 0 |
| 7091 | H-01 Drainage Facility - Section 3A (Third Avenue to Fourth Avenue) | 2,859 | 32,536 | 250,000 | 35,000 | 900,000 |
| 7092 | A-04 Drainage Facility – Mojave Street to Mesa Avenue - Construction | 78,000 | 0 | 0 | 0 | 0 |
| Total Storm Drainage C I P Projects | | \$ 5,043,319 | \$ 8,705,541 | \$ 250,000 | \$ 69,115 | \$ 900,000 |
| Facilities Projects | | | | | | |
| 6510 | Hesperia Branch Library | \$ 3,412 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 6514 | Fire Station Site Study and Design | 499,822 | 119,104 | 336,000 | 126,000 | 0 |
| 6515 | Downtown Park - Northwest Corner of Juniper Street and 8th Avenue - Design and Construction | 3,843,910 | 301,590 | 40,000 | 23,250 | 0 |
| 6516 | New Police Station - Property Identification, Acquisition, Design and Construction | 666,971 | 1,311,780 | 15,000,000 | 12,000,000 | 6,000,000 |
| 6517 | Fire Station 301 Construction/Property | 150,375 | 1,657 | 0 | 0 | 0 |
| 6518 | Fire Station 305 Construction | 0 | 3,668,562 | 4,000,000 | 3,942,610 | 0 |
| 6520 | High Desert County Government Center | 147,591 | 1,730,173 | 17,000,000 | 13,000,000 | 9,000,000 |
| 6521 | Fire Station 304 Expansion Project | 24,120 | 63,392 | 45,200 | 45,200 | 0 |
| 6523 | Park and Ride Facility | 0 | 0 | 0 | 0 | 25,000 |
| Total Facilities Projects | | \$ 5,336,201 | \$ 7,196,258 | \$ 36,421,200 | \$ 29,137,060 | \$ 15,025,000 |
| Water C I P Projects Completed in FY 2009-10 and Temporarily Suspended Projects that will Resume in Future Years | | | | | | |
| 6506 | Mojave Corporation Yard Expansion | \$ 6,814,042 | \$ 547,404 | \$ 40,000 | \$ 3,735 | \$ 0 |
| 8073 | Plant 19 Reservoir Improvements | 136,853 | 2,903,392 | 1,630,000 | 1,956,362 | 0 |
| 8077 | Interstate 15 Corridor – New Water System Design | 320,400 | 307,097 | 550,000 | 50,000 | 0 |
| 8078 | Property Acquisition for Reservoir Expansion @ Sites 19A & 21, New Reservoir to Serve Freeway Corridor | 0 | 2,000 | 500,000 | 3,000 | 0 |
| 8082 | Water System Velocity Improvements Arrowhead/Tank 18/Maple | 0 | 0 | 0 | 0 | 0 |
| 8084 | New Well Site | 0 | 0 | 0 | 0 | 0 |
| Sub -Total Water C I P Projects Completed in FY 2009-10 and Temporarily Suspended Projects that will Resume in Future Years | | \$ 7,271,295 | \$ 3,759,893 | \$ 2,720,000 | \$ 2,013,097 | \$ 0 |

C I P EXPENDITURES BY PROJECT

| Project Number | Project Title | 2007-08 Actual | 2008-09 Actual | 2009-10 Budget | 2009-10 Revised | 2010-11 Budget |
|---|--|----------------------|----------------------|----------------------|----------------------|----------------------|
| Water C I P Projects Completed in FY 2008-09 | | | | | | |
| 8074 | FY 2006-07 Pipeline Replacement | \$ 3,342,764 | \$ 659,889 | \$ 0 | \$ 0 | \$ 0 |
| 8075 | Waterline Replacement –Juniper Street & Chestnut Street, Design & Construction (between 7th Avenue & 3rd Avenue) | 0 | 4,500 | 430,000 | 0 | 0 |
| Sub-Total Water C I P Projects Completed in FY 2008-09 | | \$ 3,342,764 | \$ 664,389 | \$ 430,000 | \$ 0 | \$ 0 |
| Water C I P Projects Completed in FY 2007-08 | | | | | | |
| 8070 | FY 2005-06 Pipeline Replacement Program | \$ 6,175 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 8071 | Equip Well No's 29, 31 and 32 | 541,696 | 0 | 0 | 0 | 0 |
| 8079 | New Construction Plant 22 Well A | 112,915 | 0 | 0 | 0 | 0 |
| 8080 | Annual Pipeline Design Project (50,000 Ft) | 93,617 | 0 | 0 | 0 | 0 |
| Sub-Total Water C I P Projects Completed in FY 2007-08 | | \$ 754,403 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Water C I P Projects (Note #1) | | \$ 11,368,462 | \$ 4,424,282 | \$ 3,150,000 | \$ 2,013,097 | \$ 0 |
| Sewer C I P Projects | | | | | | |
| 9007 | Sub-regional Wastewater Reclamation Plant Design and Environmental | \$ 0 | \$ 0 | \$ 0 | \$ 96,109 | \$ 0 |
| 9009 | Santa Fe Improvements - Sewer Upgrade Phase I | 0 | 0 | 0 | 0 | 0 |
| 9010 | Escondido Bypass Lane - Design, Construction | 398,787 | 0 | 0 | 0 | 0 |
| 9011 | Subregional Wastewater Reclamation Plant WRP-2 | 0 | 1,651,678 | 0 | 0 | 0 |
| 9012 | Mojave Sewer Upgrade | 0 | 0 | 0 | 0 | 0 |
| 9013 | Live Oak Sewer Upgrade | 0 | 0 | 0 | 0 | 0 |
| 9015 | Main Street Sewer (Topaz to Hickory) | 0 | 504,008 | 0 | 0 | 0 |
| Total Sewer C I P Projects (Note #2) | | \$ 398,787 | \$ 2,155,686 | \$ 0 | \$ 96,109 | \$ 0 |
| Total Summary Streets C I P Projects | | \$ 31,561,135 | \$ 23,026,907 | \$ 38,862,421 | \$ 16,021,705 | \$ 35,800,934 |
| Total Storm Drainage C I P Projects | | \$ 5,043,319 | \$ 8,705,541 | \$ 250,000 | \$ 69,115 | \$ 900,000 |
| Total Facilities Projects | | \$ 5,336,201 | \$ 7,196,258 | \$ 36,421,200 | \$ 29,137,060 | \$ 15,025,000 |
| Total Water C I P Projects (Note #1) | | \$ 11,368,462 | \$ 4,424,282 | \$ 3,150,000 | \$ 2,013,097 | \$ 0 |
| Total Sewer C I P Projects (Note #2) | | \$ 398,787 | \$ 2,155,686 | \$ 0 | \$ 96,109 | \$ 0 |
| Grand Total | | \$ 53,707,904 | \$ 45,508,674 | \$ 78,683,621 | \$ 47,337,086 | \$ 51,725,934 |

Note #1 - In addition to water C I P projects, water funds have been used to partially fund streets and storm drainage projects and the water funding is shown with those specific projects, not in this section.

Note #2 - In addition to Sewer C I P projects, sewer funds have been used to partially fund the Township Improvement Project (within the Street Projects category) and the Sewer funding is shown with that specific project, not in this section.

C I P EXPENDITURES BY FUND AND PROJECT

| Project Number | Project Title | 2007-08 Actual | 2008-09 Actual | 2009-10 Budget | 2009-10 Revised | 2010-11 Budget |
|---|---|---------------------|---------------------|-------------------|-------------------|-------------------|
| 100 General Fund | | | | | | |
| 6515 | Downtown Park - Northwest Corner of Juniper Street and 8th Avenue | \$ 2,925 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 7089 | 2006-07 Street Improvement Project | 419,926 | 0 | 0 | 0 | 0 |
| 7107 | Juniper/Smoke Tree | 143,324 | 0 | 0 | 0 | 0 |
| 7114 | 2008-09 Street Improvement Project | 0 | 0 | 0 | 125,286 | 0 |
| | Total General Fund 100 | \$ 566,175 | \$ 0 | \$ 0 | \$ 125,286 | \$ 0 |
| 201 Measure I – Arterial Fund | | | | | | |
| 7085 | Widen Seventh Avenue - Main to Willow | \$ 1,319,277 | \$ 44,001 | \$ 0 | \$ 0 | \$ 0 |
| 7087 | H-01 Drainage Facility - Main Street to Smoke Tree Street | 349,164 | 0 | 0 | 0 | 0 |
| 7089 | 2006-07 Street Improvement Project | 289,607 | 0 | 0 | 0 | 0 |
| 7093 | Intersection at Main Street and C Avenue - Design | 49,354 | 0 | 0 | 0 | 0 |
| 7100 | New Traffic Signal - Main Street and Rock Springs Road | 58,900 | 19,560 | \$ 5,000 | 5,000 | 0 |
| 7101 | Traffic Signal Upgrade - Main Street and Third Avenue | 201,184 | 0 | 0 | 0 | 0 |
| 7103 | 2007-08 Street Improvement Project | 12,431 | 3,083,853 | 0 | 0 | 0 |
| 7114 | 2008-09 Street Improvement Project | 0 | 1,848,663 | 0 | 47,386 | 0 |
| 7117 | 2009-10 Street Improvement Project | 0 | 0 | 400,000 | 0 | 400,000 |
| 7118 | Traffic Signal Upgrade - Main Street and C Avenue | 0 | 0 | 250,000 | 10,000 | 0 |
| | Total Measure I – Arterial Fund 201 | \$ 2,279,917 | \$ 4,996,077 | \$ 655,000 | \$ 62,386 | \$ 400,000 |
| 202 Measure I – Local Fund | | | | | | |
| 7089 | 2006-07 Street Improvement Project | \$ 35,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 7103 | 2007-08 Street Improvement Project | 942,227 | 500,000 | 0 | 0 | 0 |
| 7114 | 2008-09 Street Improvement Project | 0 | 971,244 | 0 | 0 | 0 |
| | Total Measure I – Local Fund 202 | \$ 977,227 | \$ 1,471,244 | \$ 0 | \$ 0 | \$ 0 |
| 204 Measure I Renewal | | | | | | |
| 6523 | Park and Ride Facility | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 25,000 |
| 7118 | Traffic Signal Upgrade - Main Street and C Avenue | 0 | 0 | 0 | 0 | 240,000 |
| | Total Measure I Renewal Fund 204 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 265,000 |
| 205 Gas Tax Fund | | | | | | |
| 7087 | H-01 Drainage Facility - Main Street to Smoke Tree Street | \$ 148,514 | \$ 211,125 | \$ 0 | \$ 0 | \$ 0 |
| 7103 | 2007-08 Street Improvement Project | 67,592 | 0 | 0 | 0 | 0 |
| 7114 | 2008-09 Street Improvement Project | 0 | 66,597 | 0 | 0 | 0 |
| | Total Gas Tax Fund 205 | \$ 216,106 | \$ 277,722 | \$ 0 | \$ 0 | \$ 0 |
| 207 Local Transportation Fund | | | | | | |
| 7103 | 2007-08 Street Improvement Project | \$ 144 | 0 | 0 | 0 | 0 |
| | Total Local Transportation Fund 207 | \$ 144 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 250 Traffic Congestion Relief Fund | | | | | | |
| 7114 | 2008-09 Street Improvement Project | \$ 0 | \$ 505,687 | \$ 0 | 0 | 0 |
| | Total Traffic Congestion Relief Fund 250 | \$ 0 | \$ 505,687 | \$ 0 | \$ 0 | \$ 0 |

C I P EXPENDITURES BY FUND AND PROJECT

| Project Number | Project Title | 2007-08 Actual | 2008-09 Actual | 2009-10 Budget | 2009-10 Revised | 2010-11 Budget |
|--|--|-----------------------|-----------------------|-----------------------|------------------------|-----------------------|
| 251 Community Development Block Grant Fund | | | | | | |
| 7091 | H-01 Drainage Facility - Section 3A (Third Avenue to Fourth Avenue) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 365,335 |
| | Total Community Development Block Grant Fund 251 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 365,335 |
| 259 Reimbursable Grants Fund | | | | | | |
| 6516 | New Police Station - Property Identification, Acquisition, Design and Construction | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 1,455,100 |
| | Total Reimbursable Grants Fund 259 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 1,455,100 |
| 300 Development Impact Fee (DIF)-Streets Fund | | | | | | |
| 7046 | Ranchero Road Undercrossing | \$ 9,828 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 7086 | Ranchero Road I-15 Interchange Project Approval and Environmental Document | 9,350,973 | 1,016,464 | 5,400,000 | 1,680,000 | 1,300,000 |
| 7094 | Ranchero Road Improvements - 7th Avenue to Mariposa Road - Phase 1 | 62,294 | 149,749 | 550,000 | 240,000 | 60,000 |
| 7095 | 7th Avenue Roadway Improvements - Willow to Bear Valley Road - Design and Right-of-Way Acquisition | 0 | 0 | 350,000 | 0 | 0 |
| 7096 | Aqueduct Crossing Improvements - Widen Bridge at Main Street - Design and Right-of-Way Acquisition | 0 | 7,428 | 0 | 0 | 0 |
| 7098 | Muscatel Street Overpass - Phase 1 Project Study Report/Project Development Study (PSR/PDS) | 135,648 | 179,486 | 160,000 | 118,000 | 0 |
| 7100 | New Traffic Signal - Main Street and Rock Springs Road | 0 | 34 | 1,500,000 | 18,000 | 581,025 |
| 7104 | Railroad Crossing Feasibility Study Eucalyptus/Lemon/Mojave | 121,918 | 117,246 | 0 | 0 | 0 |
| 7105 | Main Street Corridor Design (395 to 11th Avenue) | 6,591 | 147,968 | 0 | 0 | 0 |
| 7106 | Main Street/Hesperia Interchange Feasibility Design | 17,702 | 39,599 | 0 | 0 | 0 |
| 7110 | Bear Valley Road Widening - Mariposa Road to 600 feet east | 0 | 0 | 300,000 | 163,000 | 20,000 |
| 7111 | Rock Springs Road Reconstruction Project | 0 | 244,701 | 0 | 10,000 | 115,000 |
| 7116 | Traffic Signal at Smoke Tree and Seventh Avenue | 0 | 0 | 250,000 | 20,000 | 230,000 |
| 7119 | Santa Fe Circulation Study | 0 | 0 | 0 | 0 | 15,000 |
| | Total DIF Fund-Streets 300 | \$ 9,704,954 | \$ 1,902,675 | \$ 8,510,000 | \$ 2,249,000 | \$ 2,321,025 |
| 301 Development Impact Fee (DIF)-Storm Drainage | | | | | | |
| 7085 | Widen Seventh Avenue - Main to Willow | \$ 1,010,558 | \$ 44,459 | \$ 0 | \$ 0 | \$ 0 |
| 7087 | H-01 Drainage Facility - Main Street to Smoke Tree Street | 0 | 0 | 0 | 34,115 | 0 |
| 7090 | H-01 Drainage Facility - Section 1 (Maple Avenue to Main Street) Phase 1 | 75,303 | 7,950 | 0 | 0 | 0 |
| 7091 | H-01 Drainage Facility - Section 3A (Third Avenue to Fourth Avenue) | 2,859 | 32,536 | 250,000 | 35,000 | 0 |
| | Total DIF-Storm Drainage Fund 301 | \$ 1,088,720 | \$ 84,945 | \$ 250,000 | \$ 69,115 | \$ 0 |

CAPITAL IMPROVEMENT PROGRAM (CIP)

CIP PROJECT LISTING

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CAPITAL IMPROVEMENT PROGRAM (CIP)

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**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, MARCH 16, 2011**

A. PROPOSALS:

1. ABDI NAZIRI (SPR11-10127)

Proposal: An extension of time for approved Site Plan Review SPR-2007-20, to construct a 19,435 square foot commercial building on 1.6 gross acres zoned C-2.

Location: South side of Bear Valley Road, approximately 532 feet east of Seventh Avenue

Planner: Stan Liudahl

2. RODNEY BUELL (ME11-10129)

Proposal: A minor exception to allow a 499 square foot shed which exceeds the 1,722 square foot maximum allowable accessory building area requirement in combination with an existing 1,480 square foot detached garage.

Location: 7513 Dayton Avenue

Planner: Stan Liudahl

3. WLPX HESPERIA, LLC (MA11-10139)

Proposal: A revised site sign plan to allow a second 70-foot high freeway sign for the High Desert Gateway Shopping Center.

Location: 12801 Main Street

Planner: Daniel Alcayaga

4. RENEWED LIFE CHRISTIAN CENTER - ALICIA GEORGE (SPR11-10133)

Proposal: A revised site plan review to expand the use of an existing 2,490 square foot church facility to include a day care center.

Location: 17166 Sequoia Avenue

Planner: Daniel Alcayaga

5. WALTER SARRATT (ME11-10134)

Proposal: A minor exception to construct a 1600 square foot garage in excess of 6.5% of the accessory building regulations zoned R1-18000.

Location: 17826 Westlawn Street

Planner: Holly Effiom

6. WEST COAST PATIENTS GROUP (DCA11-10103)

Proposal: A development code amendment to amend Sections 16.08.513 and 16.16.073 of the Development Code to allow for the establishment of medical cannabis dispensing collective.

Location: Citywide

Planner: Lisette Sanchez-Mendoza

7. CAROLINA RAMIREZ (CUP11-10135)

Proposal: A conditional use permit to establish the sale of beer and wine at an existing restaurant on 0.6 acres zoned Neighborhood Commercial.

Location: 16301 Main Street

Planner: Lisette Sanchez-Mendoza



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, MARCH 30, 2011**

A. PROPOSALS:

1. CUSTOM CREATIONS (CUP10-10190)

Proposal: A revised conditional use permit to allow an auto body shop.

Location: 10180 I Avenue, Unit A, B and C

Planner: Dan Alcayaga

2. HESPERIA HOUSING INVESTORS, LP (SPR11-10141)

Proposal: An extension of time for approved Site Plan Review SPR-2006-22, to construct a two-story, 67-unit affordable housing development on 5.2 gross acres within the Medium Density Residential District of the Main Street and Freeway Corridor Specific Plan.

Location: Northwest corner of Olive Street and H Avenue

Planner: Lisette Sanchez-Mendoza

3. CITY OF HESPERIA (CUP11-10147 / VAR11-10144 / TPM11-10145)

Proposal: A conditional use permit to construct a 12-screen, 37,168 square foot motion picture theatre with ancillary uses including the on-site sale of beer and wine on 5.0 gross acres with a variance to allow a height in excess of the maximum allowable 35-foot building height and 52.5-foot tower height limitation and a tentative parcel map (PM-19317) to create three parcels on 5.0 gross acres.

Location: Southeast corner of Smoketree Street and Ninth Avenue

Planner: Stan Liudahl

4. HESPERIA JUNIOR HIGH SCHOOL (SPR11-10148)

Proposal: A public facility review for the construction of a gymnasium and alternations to an existing shower locker room at the Hesperia Junior High School zoned PIO.

Location: 10275 Cypress Avenue

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, APRIL 13, 2011**

A. PROPOSALS:

1. T-MOBILE WEST CORP (CUP11-10116)

Proposal: A conditional use permit to construct a 75-foot high wireless communications facility adjacent to the play fields within Hesperia Junior High.

Location: 10275 Cypress Avenue (APN:0408-232-08)

Planner: Stan Liudahl

2. RITA KITTERLE (ME11-10150)

Proposal: A minor exception to install a 397 square foot shed in conjunction with an existing 720 square foot detached garage which exceeds the 5% allowable accessory building limitation.

Location: 15149 Kimball Street (APN: 0405-851-10)

Planner: Lisette Sanchez-Mendoza

3. GABRIELLE MAJOR (CUP11-10151)

Proposal: A conditional use permit to allow for the sale of beer and wine in conjunction with an existing restaurant/catering business.

Location: 13567 Main Street (APN: 3057-011-10)

Planner: Lisette Sanchez-Mendoza