

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: November 8, 2011

Time: 6:30 P.M.

COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Bill Jensen, Commissioner

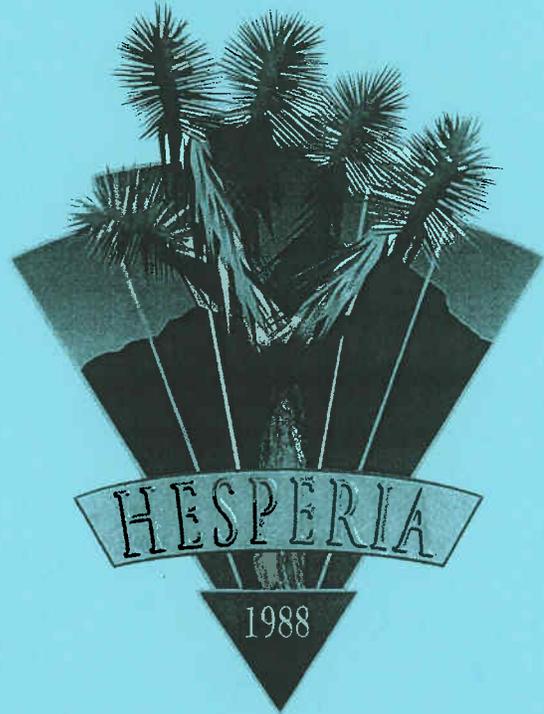
Julie Jensen, Commissioner

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.

November 8, 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: October 13, 2011 Planning Commission Meeting Draft Minutes.

-1-

PUBLIC HEARINGS

1. Consideration of Specific Plan Amendment SPL11-10206, to reclassify property from Neighborhood Commercial to the Commercial Industrial Business Park District of the Main Street and Freeway Corridor Specific Plan on 14.8 gross acres and Conditional Use Permit CUP11-10197, to construct an 11,805 square foot travel center including the sale of beer and wine for off-site consumption on 10.6 gross acres located on the southeast corner of Outpost Road and Joshua Street (Applicant: Love's Travel Stops and Country Stores, Inc.; APNs: 3039-361-01 & 3039-371-01) (Staff Person: Stan Liudahl) 1-1
2. Consideration of Variance VAR11-10267, to install a 175-foot high communications tower which exceeds the 75-foot tower height limitation at 15900 Smoketree Street (Applicant: City of Hesperia; APN: 0407-224-02) (Staff Person: Stan Liudahl) 2-1

PRINCIPAL PLANNER'S REPORT

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

E. DRC Comments

3-1

F. Major Project Update

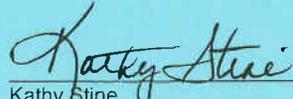
PLANNING COMMISSION BUSINESS OR REPORTS

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

ADJOURNMENT

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

I, Kathy Stine, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, November 3, 2011 at 5:30 p.m. pursuant to California Government Code §54954.2.


Kathy Stine
Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
October 13, 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 6:30 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

Chair Elvert opened Public Comments at 6:32 p.m.

No comments to consider.

Chair Elvert closed Public Comments at 6:32 p.m.

CONSENT CALENDAR

- D. Approval of Minutes: September 8, 2011 Planning Commission Meeting Draft Minutes.**
Motion by Paul Russ to approve September 8, 2011 Planning Commission Meeting Draft Minutes. Seconded by Bill Jensen and passed with the following roll call vote:

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

NOES: None

PUBLIC HEARING

1. Consideration of Specific Plan Amendment SPL11-10206, to reclassify property from Neighborhood Commercial to the Commercial Industrial Business Park District of the Main Street and Freeway Corridor Specific Plan on 14.8 gross acres and Conditional Use Permit CUP11-10197, to construct an 11,805 square foot travel center including the sale of beer and wine for off-site consumption on 10.6 gross acres located on the southeast corner of Outpost Road and Joshua Street (Applicant: Love's Travel Stops and Country Stores, Inc.; APNs: 3039-361-01 & 3039-371-01) (Staff Person: Stan Liudahl) Propose to continue item.

Chair Elvert opened Public Hearing at 6:35 p.m.

No comments to consider.

Chair Elvert closed Public Hearing at 6:35 p.m.

Motion by Paul Russ to continue item to the November 8, 2011 Planning Commission Meeting so that the applicant can consider CalTrans comments. Seconded by Julie Jensen and passed with the following roll call vote:

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

2. Consideration of Conditional Use Permit CUP11-10233 to construct a two-story, 41-bay, 105,094 square foot semi-truck and trailer repair business with driver convenience facilities, a restaurant with on-site sale of alcohol, and long term parking and storage of tractors and trailers on 10 gross acres located on the west side of Caliente Road, 400 feet north of Joshua Street. (Applicant: Eagle Rock Services, LLC - Javier Rodriguez; APN: 3039-321-08) (Staff Person: Daniel Alcayaga)

Senior Planner Daniel Alcayaga gave a PowerPoint presentation.

Julie Jensen asked about the size of the census tract and if the City was going to divide it up. Daniel responded that census tracts were dictated by the Census Bureau.

Chair Elvert opened Public Hearing at 6:42 p.m.

Applicant Javier Rodriguez, manager for Eagle Rock Services, spoke to the Commission and stated that the development will be a full service semi-truck repair shop.

Chris Elvert asked about the hours of operation and Javier Rodriguez responded that the normal hours would be 7:00 a.m. to 7:00 p.m. but at this location they may be open more hours and possibly 24 hours.

Chris Elvert expressed concern regarding drinking and driving of truck drivers.

Paul Russ asked if the applicant was satisfied with the conditions and Javier Rodriguez replied yes.

Paul Russ also expressed concern regarding driving after alcohol consumption.

Javier Rodriguez stated their concept was to make everything convenient for the truck driver so they wouldn't have to go somewhere else.

Chair Elvert closed Public Hearing at 6:51 p.m.

Motion by Julie Jensen to approve RESOLUTION NO. PC-2011-36 as presented, approving CUP11-10233. Seconded by Paul Russ and passed with the following roll call vote:

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

3. Consideration of Development Code Amendment DCA11-10245, to amend the Commercial, Industrial and Public Land Use District regulations. (Applicant: City of Hesperia; Affected area: Citywide) (Staff Person: Daniel Alcayaga)

Daniel Alcayaga gave a brief statement regarding the history of the item and introduced two green sheet letters that requested a continuance.

Chair Elvert opened Public Hearing at 6:56 p.m.

Tom Steeno spoke in favor of a continuation.

Chair Elvert closed Public Hearing at 6:58 p.m.

Motion by Paul Russ to continue item to December 8, 2011 Planning Commission Meeting. Seconded by Bill Jensen and passed with the following roll call vote:

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

4. Consideration of Specific Plan Amendment SPL11-10263 amending the City's Main Street and Freeway Corridor Specific Plan regarding setback and approval procedures (Applicant: City of Hesperia; Area affected: Citywide) (Staff Person: Lisette Sanchez-Mendoza)

Principal Planner Dave Reno, AICP gave a brief presentation and stated that by necessity this item needed to be continued based on the continuation of the prior Development Code Amendment.

Chair Elvert opened Public Hearing at 7:00 p.m.

No comments to consider.

Chair Elvert closed Public Hearing at 7:01 p.m.

Motion by Paul Russ to continue item to December 8, 2011 Planning Commission Meeting. Seconded by Bill Jensen and passed with the following roll call vote:

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

PRINCIPAL PLANNER'S REPORT

Dave Reno stated that the medical marijuana issue is on the Council agenda for October 18th and updated the Commission on new legal actions by the Federal Government. He also stated that IRS is now going after dispensaries for income taxes.

E. DRC Comments

Dave Reno gave an update on recent DRC items.

F. Major Project Update

Dave Reno stated that work is continuing on the Rancho Underpass under a two week reprieve from the Railroad when normally not allowed during this time of year. He stated that Mount Priester was soon to be removed and the Theater will then break ground after civil and building plans are approved.

Bill Jensen asked about the route the dirt haulers were going to take and perhaps a change would be more beneficial for the residents.

Dave Reno stated that he would mention it to Dave Burkett.

Dave Reno gave a presentation of facts regarding Hesperia Road.

Bill Jensen suggested realigning the lanes on the existing asphalt under the bridge to release the flow of traffic.

Dave Reno explained that the changes "play out" in the budget and this was not feasible now although some in-house design can possibly be done and he would let Council know of these concerns.

Discussion ensued.

PLANNING COMMISSION BUSINESS OR REPORTS

No comments.

ADJOURNMENT

Chair Elvert adjourned the meeting at 7:23 p.m. to Tuesday, November 8, 2011.

Chris Elvert
Commission Chair

By: Kathy Stine,
Commission Secretary

THOMAS H. TERPSTRA

ATTORNEY AT LAW
A PROFESSIONAL CORPORATION
578 N. WILMA AVENUE
SUITE A
RIPON, CA 95366

tterpstra@thtlaw.com

209.599.5003
F209.599.5008

October 13, 2011

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

Re: Love's Travel Plaza/Planning Commission meeting of October 13, 2011

Dear Mr. Reno:

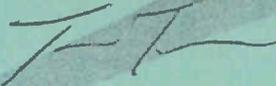
As you know, this office represents Pilot-Flying J in connection with the above-referenced matter. I have reviewed the agenda for tonight's Planning Commission meeting, and noticed that the scheduled public hearing for the Love's Travel Plaza project is proposed for a continuance. The purpose of the continuance is to allow the project applicant time to meet with Caltrans and make necessary revisions to the traffic study. My client supports the continuance.

In the event the hearing is not continued, and moves forward this evening, I want to make the Commission aware that Pilot-Flying J has serious concerns regarding traffic impacts of the proposed project. Our concerns center on trip generation, operational and safety issues. There are also issues of General Plan and Specific Plan consistency, land use, and air quality. As you know, I only recently received the application and supporting studies; therefore, it may be some time before I am prepared to offer technical comments.

Pilot-Flying J does not oppose this project for competitive reasons. However, in order to remain viable, a well-functioning roadway and infrastructure network must be maintained and improved. To the extent this project compromises the efficiency, level of service and safety of the area's roadway and infrastructure network, we must oppose the project. Please include a copy of this letter in the record of tonight's proceedings.

Very truly yours,

Law Office of Thomas H. Terpstra



Thomas H. Terpstra
Attorney-at-Law

Mike Podegracz
City Manager
City of Hesperia

Re: Development Code Amendment DCA 11-10245

Dear Mr. Podegracz:

The Victor Valley Association of REALTORS® (VVAR), representing the more than 1400 real estate professionals doing business in the High Desert, would like to ask for additional information regarding Development Code Amendment, and an opportunity to discuss the proposed changes with staff.

Members of the Government Affairs committee of the VVAR have reviewed the document. We believe this is a well composed document, and applaud the city for the efforts put into this document. That said, we believe it would be helpful to understand this document better, and request the following:

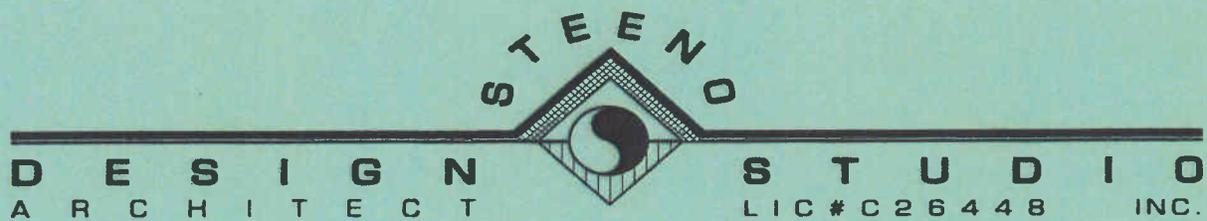
- It would be helpful to see a comparative document that shows what the codes were, compared to what the proposed changes would represent, and
- We, along with interested industry groups, would like the opportunity to meet with staff to better understand the changes, reasoning, and direction.

VVAR believes that through this process we will be able to have greater understanding, direction, and support for the goals that the city is attempting to achieve. We would defer to the expertise of the planning commission as to appropriate next steps and timelines to consider these issues.

Thank you for the opportunity to submit these comments, and we look forward to working with city staff and leadership on this issue.

Sincerely,

Chip Ahlswede
Government Affairs Director
Victor Valley Association of REALTORS®



October 13, 2011

To: Mike Podegracz, City Manager
City of Hesperia

From: Tom Steeno, Steeno Design Studios
Mike Wauhob, Omega Design

Subject: Request for Sixty (60) Day Extension of Time for Review and Highlight of Any Changes with Justification Development Code Amendment DCA11-10245 and Specific Plan Amendment SPL11-10263 Main Street and Freeway Corridors

Please accept this request for an extension of the review period to sixty (60) days from the thirty (30) days allotted. Thirty (30) days has not been sufficient for proper and thorough review. This "wholesale re-format of the Development Code" without red-line high-lights for changes means we have to lay the old document next to the new document, and then determine if there have been any changes, deletions, modifications, limitations etc. Thirty days has not been adequate. The BIA and Board of Realtors have not had the chance to speak with us or the City Staff regarding these amendments.

Additionally, on tonight's Planning Commission Agenda there is a review of the Specific Plan Amendment Main Street & Freeway Corridors Citywide. We are still in the process of trying to reach the BIA and The Board of Realtors to work with them in the review of these documents as well. We would like to make a thorough review of the recommended Amendment changes and changes to the Main and Freeway Corridors Citywide.

A more difficult issue is the lack of Red-Line or High-Lighted indications of the changes, if any, made by staff for us to review and impacts of the changes to the Development Code. The Board of Realtors has expressed concern as to the inability to immediately distinguish between the old document and the new document.

Again, an invitation for input from local community members and local architecture and engineering firm representatives would have been most helpful in keeping your aggressive agenda for changes that will have a long term impact on the City business and constituents. Your cooperation in this request is greatly appreciated and your immediate action requested.

Please pull the subject items from tonight's agenda and have staff provide a high-light to any and all changes for further review as requested. The BIA and The Board of realtors are in concurrence with our request.

Cc: Dave Reno, City of Hesperia
City of Hesperia Planning Commissioners
Carlos Rodriquez, BIA
Don Jensen, CA Assoc. of Realtors
Chip Alswede, Board of Realtors

11774 HESPERIA RD. ♦ SUITE B1 ♦ HESPERIA, CA 92345
760-244-5001 ♦ FAX 760-244-1948
sdsteeno@verizon.net



DATE: November 8, 2011
TO: Planning Commission
FROM: D Dave Reno, AICP, Principal Planner
BY: (SL) Stan Liudahl, AICP, Senior Planner
SUBJECT: Specific Plan Amendment SPL11-10206 and Conditional Use Permit CUP11-10197; Applicant: Love's Travel Stops and Country Stores, Inc.; APNs: 3039-361-01 & 3039-371-01

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2011-31 and PC-2011-32, recommending that the City Council introduce and place on first reading SPL11-10206 and approve CUP11-10197.

BACKGROUND

Proposal: A Specific Plan Amendment from the Neighborhood Commercial (NC) to the Commercial Industrial Business Park (CIBP) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan) on 14.8 gross acres and a conditional use permit to construct an 11,805 square foot travel center including the sale of beer and wine for off-site consumption on 10.6 gross acres (Attachment 1). The Specific Plan Amendment is expanded to include the 4.2-acre property to the south.

Location: The properties are located on the southeast corner of Outpost Road and Joshua Street.

Current General Plan, Zoning and Land Uses: Both properties are within the Neighborhood Commercial (NC) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated and zoned as noted on Attachment 2. The properties are predominantly vacant, with the exception of two billboards, which shall be removed prior to development and a wireless communications facility. The property to the north contains the Outpost Café and the Pilot travel center. The properties to the south, east, and west are vacant (Attachment 3).

The Planning Commission continued this project from its September 8th and October 13th meetings to allow the applicant's agent time to address Caltrans' comments. On October 25, 2011 staff met with the applicant's agent regarding whether the California Department of Transportation (Caltrans) has approved the traffic study and the modeling of the proposed intersection improvements. As of the date of preparation of this report, Caltrans has not approved the design. It is expected that Caltrans will approve the study and the intersection design by November 1, 2011. Staff will brief the Commission regarding the status of Caltrans' approval during the Commission meeting.

ISSUES/ANALYSIS

Land Use: The Specific Plan Amendment would change the zoning of the properties from the Neighborhood Commercial (NC) to Commercial Industrial Business Park (CIBP) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan), as the NC District does not allow a truck stop. The property south of the travel center is included as part of the Specific Plan Amendment to eliminate creation of an incompatible "spot zone." Additionally, the properties are surrounded by land within the CIBP District. Consequently, approval of the Specific Plan Amendment is consistent with the land use pattern of the area.

Conditional Use Permit: This application will allow for construction of a 6,349 square foot Love's Country Store, a 2,824 square foot drive-thru McDonald's Restaurant, a 1,432 square foot Subway Restaurant, and a 1,200 square vehicle service center on 10.6 gross acres. Both the drive-thru and the sale of alcoholic beverages necessitate approval of this conditional use permit. Beer and wine will be sold as part of the Love's store for off-site consumption and will be required to meet all state alcoholic beverage control regulations.

The corporate building architecture of Love's is proposed. The architecture of the McDonald's and Subway restaurants has been modified to blend with that of Love's. The architecture meets the standards of the Specific Plan, incorporating changes in wall and roof planes as well as architectural features. The building exteriors exhibit use of stucco with screed lines, split-face stone veneer, awnings, cornices, sconces, and decorative lighting (Attachment 4).

The project as proposed complies with most development regulations, including the minimum building setback, minimum landscaping area, and number of parking spaces required. In order to meet all applicable regulations, the site design shall require minor adjustments to the site improvements. In order to meet the minimum four-foot landscaping and one-foot sidewalk requirement at the end of all parking space rows of the parking lot designed for passenger vehicles, a slight shift in the spaces will be necessary. In addition, the Specific Plan does not allow chain link fencing. Therefore, the fencing around the used truck tire storage area and the four 12-foot tall above-ground diesel fuel storage tanks shall be constructed of eight-foot high wrought-iron fencing with steel mesh or other decorative fencing or wall material. Installation of landscaping is encouraged around the tanks in addition to the decorative fencing to beautify this area, since the tanks will be visible from the freeway.

The Specific Plan requires that all uses selling alcohol obtain approval of a conditional use permit. A Type 20 license is proposed, which would allow the sale of beer and wine for off-site consumption. The subject property is located in Census Tract 100.17 (Attachment 5). The state Department of Alcoholic Beverage Control (ABC) has determined that the site is located in an over-concentrated census tract, as this census tract currently exceeds its limitation of four licenses. This census tract contains nine off-sale licenses (Table 1). One of the off-sale licenses, located on the northeast corner of Ranchero Road and Escondido Avenue, is not in the City and one has been surrendered and has been replaced, but ABC has not deactivated it (both are shown with red text in Table 1). As such, only seven should be considered active.

Table 1: Existing Off-Sale Licenses in Census Tract 100.17

| Status | Business Name | Business Address | Type of License |
|-------------|-----------------------------|------------------------|---------------------------|
| Active | Pilot Travel Center | 8701 U. S. Highway 395 | 20-Beer and Wine |
| Active | Valero | 13187 Main St. | 20-Beer and Wine |
| Active | Mobil | 13330 Ranchero Rd. | 21-Beer, Wine, and Liquor |
| Surrendered | Summit Inn | 6000 Mariposa Rd. | 20-Beer and Wine |
| Active | Summit Inn | 6000 Mariposa Rd. | 21-Beer, Wine, and Liquor |
| Active | Target | 12795 Main St. | 21-Beer, Wine, and Liquor |
| Active | Arco | 12078 Three Flags Ct. | 20-Beer and Wine |
| Active | Marriott Spring Hill Suites | 9625 Mariposa Rd. | 20-Beer and Wine |
| Active | Union 76 | 6010 Mariposa rd. | 20-Beer and Wine |

ABC's criterion for overconcentration considers population and the need for services based on population. Staff's recommendation for approval is based upon the City's unique commercial development pattern. Unlike other cities, the City of Hesperia offers commercial services primarily along three major thoroughfares. In contrast, other cities typically offer commercial services within every square mile. This results in concentration of commercial uses primarily along Bear Valley Road, Main Street, and portions of Hesperia Road. In this case, the census tract is larger than most. Should this property have been in a smaller census tract, overconcentration would probably not be an issue.

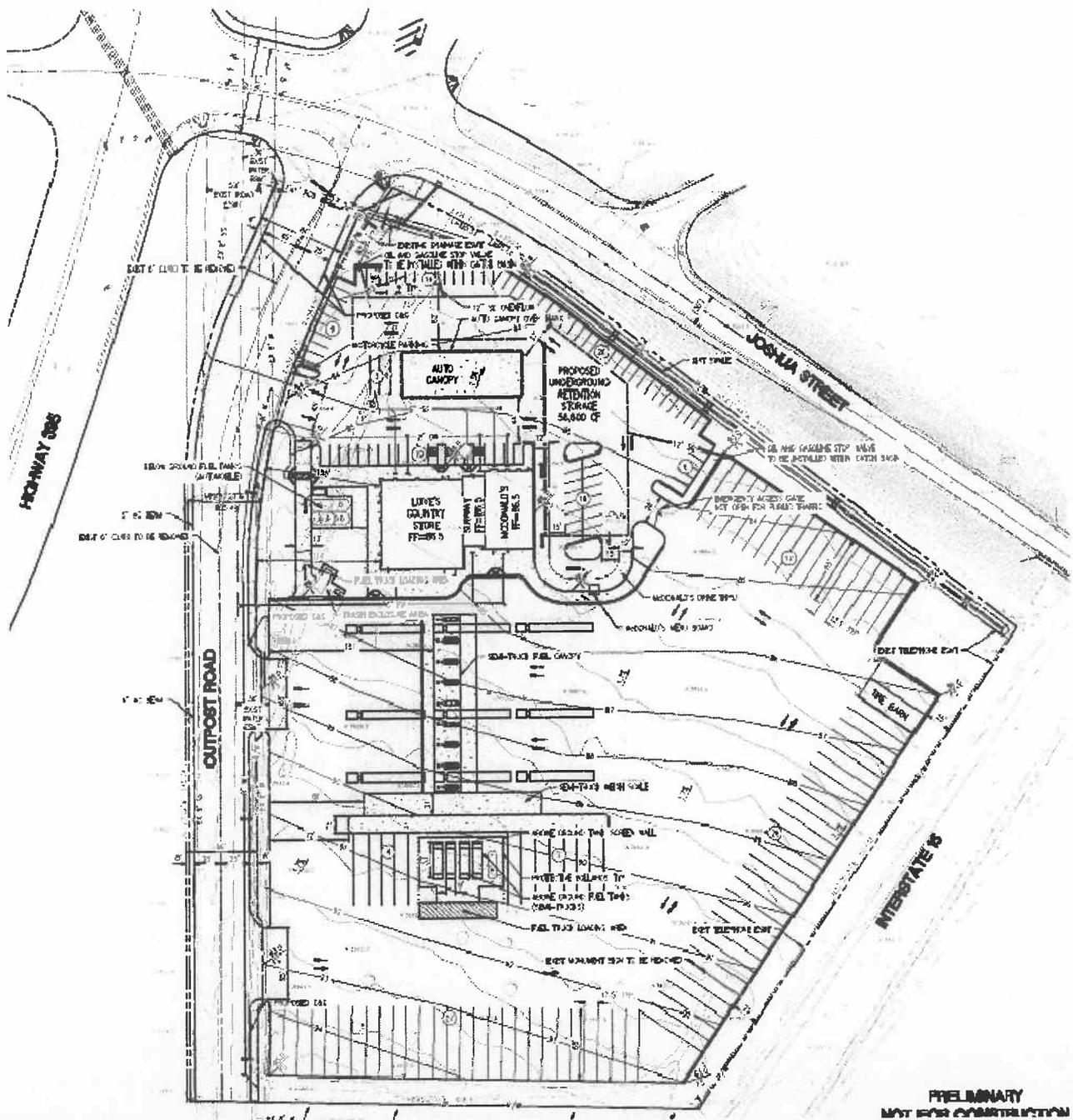
Drainage: The site receives only about 65 cubic feet per second storm water flow from the southwest. This minor drainage will not cause a significant drainage concern. The increase in storm water runoff as a result of construction of this project will be handled within an approved underground retention facility. The underground gasoline storage tanks will be double-walled and the above-ground tanks will be above an approved containment area in accordance with all applicable regulations.

Water and Sewer: The site is served by an eight-inch water line and eight-inch sewer line within the project frontage of Outpost Road.

Street Improvements: A traffic study was submitted with this project, due to the site's proximity to U. S. Highway 395 and potential impacts of vehicular traffic in this area. Based upon this study, off-site street improvements will be required along Joshua Street from U. S. Highway 395 to Outpost Road and a traffic signal will be installed at the intersection of Joshua Street and Outpost Road. This signal will also be synchronized with the signal at U. S. Highway 395. Joshua Street is designated as a Secondary Arterial, which provides four lanes within an 80-foot right-of-way. Outpost Road is a Modified Collector roadway, which provides two lanes within its 66-foot width.

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

ATTACHMENT 1



PRELIMINARY
NOT FOR CONSTRUCTION

APPLICANT(S):
LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC.

FILE NO(S):
SPL11-10206 & CUP11-10197

LOCATION:
ON THE SOUTHEAST CORNER OF OUTPOST ROAD AND
JOSHUA STREET

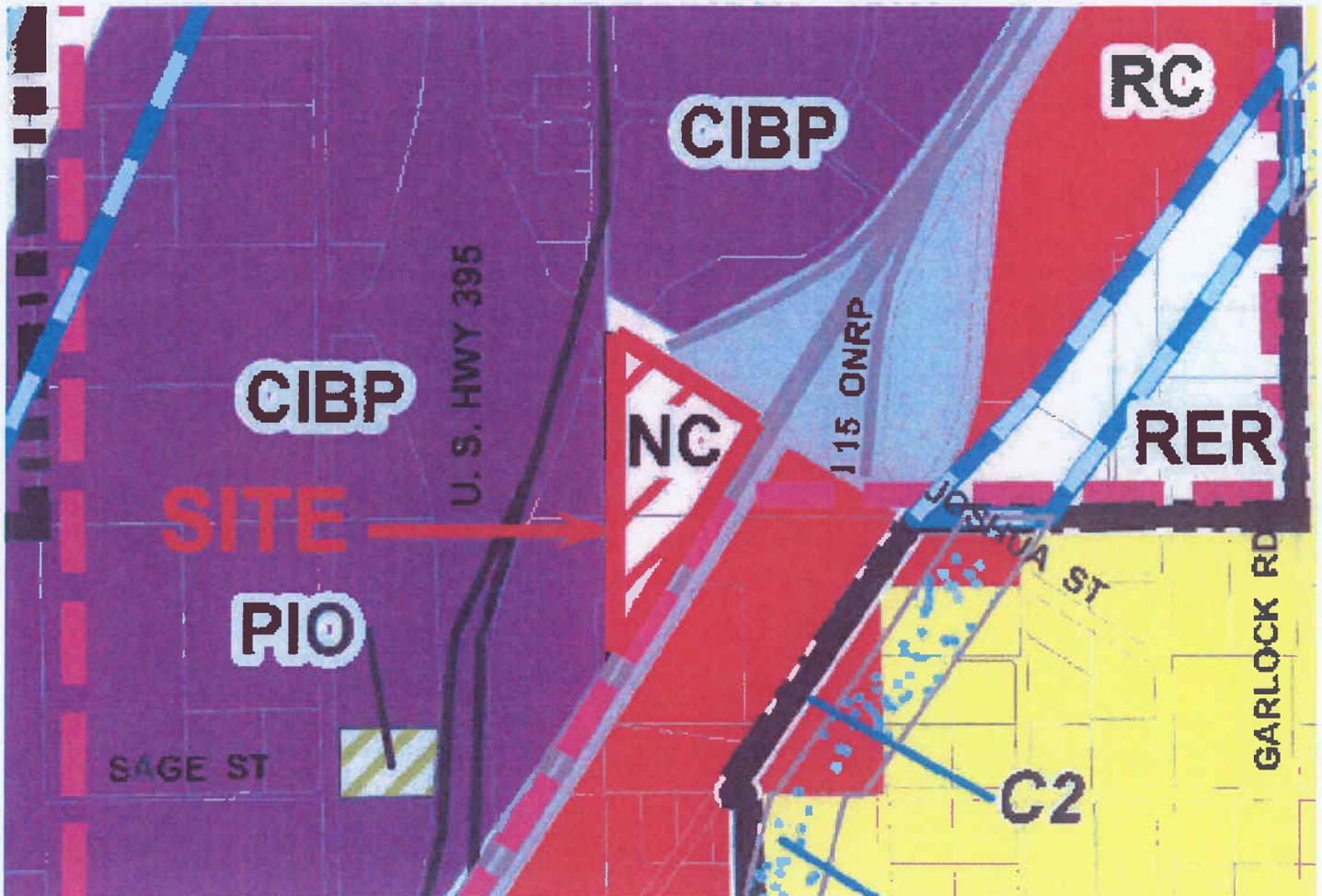
APN(S):
3039-361-01 & 3039-371-01

PROPOSAL:
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT ON 14.8 GROSS ACRES AND A
CONDITIONAL USE PERMIT TO CONSTRUCT AN 11,805 SQUARE FOOT TRAVEL
CENTER INCLUDING THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION ON
THE NORTHERN 10.6 GROSS ACRE PARCEL



SITE PLAN

ATTACHMENT 2



APPLICANT(S):
LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC.

FILE NO(S):
SPL11-10206 & CUP11-10197

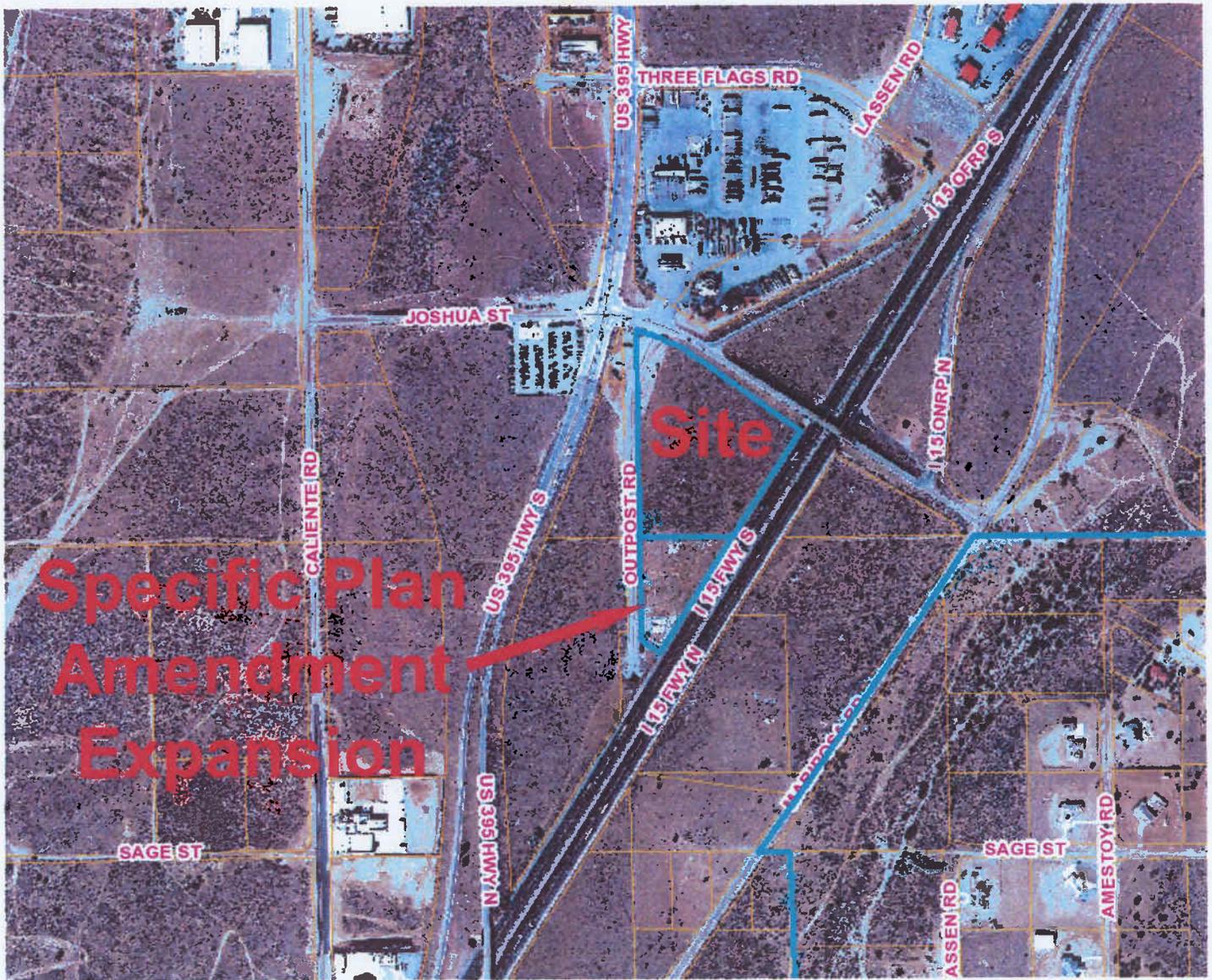
LOCATION:
ON THE SOUTHEAST CORNER OF OUTPOST ROAD AND
JOSHUA STREET

APN(S):
3039-361-01 & 3039-371-01

PROPOSAL:
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT ON 14.8 GROSS ACRES AND A
CONDITIONAL USE PERMIT TO CONSTRUCT AN 11,805 SQUARE FOOT TRAVEL
CENTER INCLUDING THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION ON
THE NORTHERN 10.6 GROSS ACRE PARCEL



ATTACHMENT 3



APPLICANT(S):
LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC.

FILE NO(S):
SPL11-10206 & CUP11-10197

LOCATION:
ON THE SOUTHEAST CORNER OF OUTPOST ROAD AND JOSHUA STREET

APN(S):
3039-361-01 & 3039-371-01

PROPOSAL:
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT ON 14.8 GROSS ACRES AND A CONDITIONAL USE PERMIT TO CONSTRUCT AN 11,805 SQUARE FOOT TRAVEL CENTER INCLUDING THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION ON THE NORTHERN 10.6 GROSS ACRE PARCEL



AERIAL PHOTO

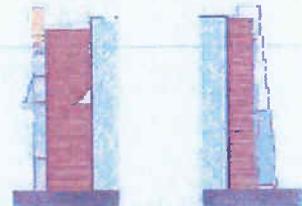
ATTACHMENT 4



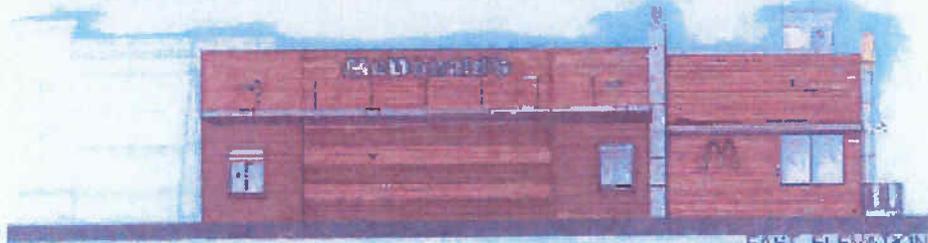
A NORTH ELEVATION
SCALE: 1/8" = 1'-0"



B WEST ELEVATION
SCALE: 1/8" = 1'-0"



F WEST ELEVATIONS
SCALE: 1/8" = 1'-0"



C EAST ELEVATION
SCALE: 1/8" = 1'-0"



D SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

APPLICANT(S):
LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC.

FILE NO(S):
SPL11-10206 & CUP11-10197

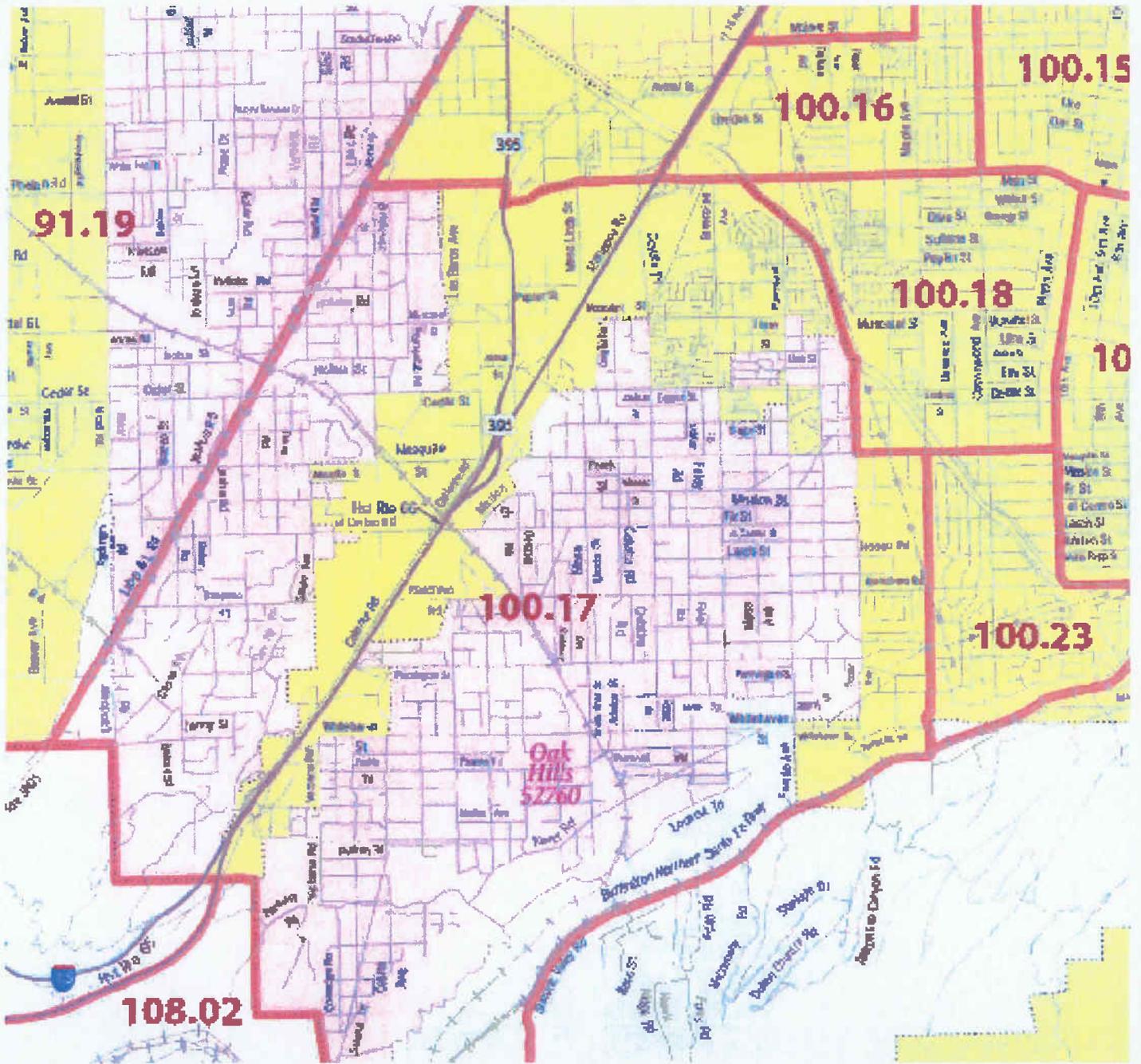
LOCATION:
ON THE SOUTHEAST CORNER OF OUTPOST ROAD AND
JOSHUA STREET

APN(S):
3039-361-01 & 3039-371-01

PROPOSAL:
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT ON 14.8 GROSS ACRES AND A
CONDITIONAL USE PERMIT TO CONSTRUCT AN 11,805 SQUARE FOOT TRAVEL
CENTER INCLUDING THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION ON
THE NORTHERN 10.6 GROSS ACRE PARCEL



ATTACHMENT 5



APPLICANT(S):
LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC.

FILE NO(S):
SPL11-10206 & CUP11-10197

LOCATION:
ON THE SOUTHEAST CORNER OF OUTPOST ROAD AND
JOSHUA STREET

APN(S):
3039-361-01 & 3039-371-01

PROPOSAL:
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT ON 14.8 GROSS ACRES AND A
CONDITIONAL USE PERMIT TO CONSTRUCT AN 11,805 SQUARE FOOT TRAVEL
CENTER INCLUDING THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION ON
THE NORTHERN 10.6 GROSS ACRE PARCEL



CENSUS TRACT 100.17

ATTACHMENT 6

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

NEGATIVE DECLARATION ND-2011-05
Preparation Date: July 22, 2011

Name or Title of Project: Specific Plan Amendment SPL11-10206 and Conditional Use Permit CUP11-10197.

Location: On the southeast corner of Outpost Road and Joshua Street (APNs: 3039-361-01 & 3039-371-01).

Entity or Person Undertaking Project: Love's Travel Stops and Country Stores, Inc.

Description of Project: Consideration of Specific Plan Amendment SPL11-10206, to reclassify property from Neighborhood Commercial to the Commercial Industrial Business Park District of the Main Street and Freeway Corridor Specific Plan on 14.8 gross acres and Conditional Use Permit CUP11-10197, to construct an 11,805 square foot travel center including the sale of beer and wine for off-site consumption on 10.6 gross acres.

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

Mitigation Measures:

1. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.
2. 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.
3. Prior to approval of improvement plans, evidence of approval of the traffic impact analysis by Caltrans shall be submitted. All required mitigation shall be reflected on the improvement plans. All maintenance and jurisdiction for the Hwy 395/Joshua Signal and appurtenances as well as the proposed signal at Joshua and Outpost and appurtenances shall be approved by Caltrans.

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: July 25, 2011 through August 23, 2011.

Adopted the City Council: September 20, 2011.

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

PROJECT DESCRIPTION

1. **Project Title:** Conditional Use Permit CUP11-10197 and Specific Plan Amendment SPL11-10206.
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Stan Liudahl, AICP, Senior Planner
Phone number: (760) 947-1231.
4. **Project Location:** On the southeast corner of Outpost Road and Joshua Street (APNs: 3039-361-01 and 3039-371-01).
5. **Project Sponsor:** Love's Travel Stops and Country Stores, Inc.
Address: PO Box 26120
10601 North Pennsylvania Avenue
Oklahoma City, OK 73126
6. **General Plan & zoning:** Neighborhood Commercial (NC) District of the Main Street and Freeway Corridor Specific Plan.

7. **Description of project:**

A conditional use permit and Specific Plan Amendment to construct a travel center on 10.6 gross acres (APN: 3039-361-01). The travel center includes a 6,349 square foot convenience store and a 1,200 square foot vehicle service center, fuel islands for both semi-trucks and passenger vehicles, and two fast food restaurants totaling 4,256 square feet, one with a drive-thru. The service center is focused on minor vehicle repair; particularly tire repair and tire, battery, and light bulb replacement. It will also provide a scale to weigh semi-trucks and trailers. The convenience store will sell food, gifts, clothing, and other travel oriented merchandise and will contain showers primarily for the convenience of truck drivers. The conditional use permit will also allow the retail sale of beer and wine for off-site consumption. Used tires and batteries will be stored and disposed of in accordance with hazardous material handling (Hazmat) regulations. Retention facilities in accordance with City standards will be constructed, which will filter any contaminants from the travel center. Eight-foot high decorative metal fencing will be installed around the above-ground fuel tanks and outdoor tire storage area. The Specific Plan Amendment will amend the Specific Plan from the Neighborhood Commercial to the Commercial Industrial Business Park District, which is needed to allow the proposed travel center. The Specific Plan Amendment includes the 4.2 gross acres to the south (APN: 3039-371-01). Otherwise, a "spot zone" would be created, potentially leading to future land use incompatibilities.

8. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.) Both properties are within the Specific Plan General Plan Land Use designation and specifically within the Neighborhood Commercial (NC) District of the Main Street and Freeway Corridor Specific Plan and are mostly undeveloped, except for two billboards and a cell site as shown on Attachment "A."

9. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.) Review and approval is required from the City as well as from the California Department of Transportation (Caltrans).

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

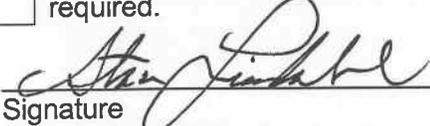
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (Completed by the Lead Agency)

On the basis of this initial evaluation:

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


 Signature
 Stan Liudahl, AICP, Senior Planner, Hesperia Planning Division

7/22/2011
 Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

| I. AESTHETICS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect on a scenic vista (1)? | | | | X |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (1 & 2)? | | | | X |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings (1, 2, 3 & 4)? | | | X | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (6)? | | | X | |

Comments.

A portion of the site has been previously disturbed by past roadway improvements and contains two billboards. A wireless communications facility exists on the adjacent parcel to the south which is included in the Specific Plan Amendment, but not part of the travel center. The site is adjacent to an existing travel center to the north, vacant properties to the south, and Interstate 15 to the east. An existing park-and-ride exists on a property about 200 feet to the west. Therefore, the existing visual quality of the site has been compromised. Consequently, only a slight change in the visual character of the area would occur. An additional environmental impact beyond that identified under the General Plan Update Environmental Impact Report (GPUEIR) is not proposed, as the site is currently designated for commercial development with a maximum Floor Area Ratio (FAR) of 0.23. The proposed development exhibits only a 0.03 FAR (7). Although the site will introduce semi-trucks and trailers to the site, this area is known as and is being used for truck services (1).

The City contains many scenic views of the Mojave Desert, the Mojave River, the San Bernardino and San Gabriel mountains, as well as of the Summit Valley area. The GPUEIR addressed the scenic vistas and focuses on preservation of natural open space to protect sensitive environments and specific amenities like washes, bluffs, Joshua tree forests and juniper woodlands (3). The proposed development is not located in a sensitive environment. Given the existing land uses nearby and the site's proximity to Interstate 15, U. S. Highway 395, Joshua Street and Outpost Road, its development will not substantially degrade the existing visual character or quality of the site and its surroundings. Further, a state scenic highway does not traverse the City (2). State Highways 138 and 173 are eligible for being designated scenic highways within the southern portion of the City. The project site is not in proximity to this area. The City does not contain any registered historic buildings.

The proposed Specific Plan Amendment from the Neighborhood Commercial (NC) to the Commercial Industrial Business Park (CIBP) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan) will change the aesthetic impact of development of the site with regard to the additional semi-truck traffic that will occur. The NC District allows retail commercial uses which would generate semi-truck traffic associated with the deliveries as opposed to the proposed travel center in which a major business component is a truck stop. Due to the potential impact of additional truck and automobile traffic, a traffic study (4) has been submitted for review and approval. The traffic study outlines the impact of the proposed travel center and defines the mitigation measures necessary to reduce the additional impact to a less than significant level.

Development of the travel center is subject to the building setback and outdoor storage fencing standards of the Specific Plan (5), which limit the building height and provide for minimum yard, maximum floor area ratio and architectural standards as well as outdoor storage screening as implemented through the conditional use permit review process. This project is consistent with the General Plan and zoning with approval of the proposed Specific Plan Amendment and is not adjacent to sensitive land uses. The Development Code requires that any light created by the development not exceed 0.5 foot-candle illumination at the site boundary abutting a street (6). Further, all lights shall be hooded and directed downward to reduce the impact upon the nighttime sky in accordance with the General Plan Update, which identifies the impact of development in accordance with the General Plan as less than significant (8). Based upon these regulations, the use will not adversely affect day or nighttime views in the area. Therefore, approval of the proposed conditional use permit and Specific Plan Amendment will not have a significant negative impact upon aesthetics.

| II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and State Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use (9)? | | | | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (10 & 11)? | | | | X |
| c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) (12)? | | | | X |
| d) Result in the loss of forest land or conversion of forest land to non-forest use (12)? | | | | X |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use (11 & 12)? | | | | X |

Comments.

As part of the development approval process, any vacant site other than for a single-family residence permitted as a use by right shall require approval of a land use entitlement. As part of every land use entitlement, the potential impact upon prime farmland, unique farmland, or farmland of statewide importance is evaluated. Prior to development, staff reviews the General Plan and the United States Soil Conservation Service Soil Survey of San Bernardino County, which identifies soils which are suitable for prime farmland, unique farmland, or farmland of statewide importance. The soil at this location is identified as Hesperia loamy fine sand, two to five percent slopes (13). These soils are limited by high soil blowing hazard, high water intake rate, low available water capacity, and low fertility. Further, the proximity of commercial and industrial uses does not make this site viable for agriculture. The U.S.

Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County California Mojave River Area states that “Urban and built-up land and water areas cannot be considered prime farmland...” The City contains few sites currently in agricultural use and only two properties within a Williamson Act contract. This action will not change the zoning of any properties designated as prime or unique farmland and will not negate any Williamson Act contract as the site is currently within the Neighborhood Commercial District of the Main Street and Freeway Corridor Specific Plan (10). The site was also evaluated for past agricultural uses. There is no record of past agricultural activities on the site. Therefore, this project will not have an impact upon agricultural resources.

The City and its Sphere Of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes (14). The southernmost portions of the City and SOI contain a narrow distribution of land within the shrub and conifer woodland bioregions. These bioregions do not contain sufficient forest land for viable timber production and are ranked as low priority landscapes (15). The project site is primarily located in the western portion of the City within the Interstate 15 and U. S. Highway 395 corridor in the urban area and is substantially surrounded by urban development (4). During the nineteenth century, juniper wood from Hesperia was harvested for use in fueling bakery kilns. Use of juniper wood was discontinued when oil replaced wood in the early twentieth century (12). Local timber production has not occurred since that time. Therefore, this project will not have an impact upon forest land or timberland.

| III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Conflict with or obstruct implementation of the applicable air quality plan (16, 17 & 18)? | | | | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (16, 17 & 18)? | | | 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) (16, 17 & 18)? | | | X | |
| d) Expose sensitive receptors to substandard pollutant concentrations (7, 16 & 17)? | | | X | |
| e) Create objectionable odors affecting a substantial number of people (1, 7, 16 & 17)? | | | X | |

Comments.

The General Plan Update and its Environmental Impact Report (EIR) addresses the impact of build-out in accordance with the Land Use Plan, with emphasis upon the impact upon sensitive receptors (16 & 17). Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality. The closest sensitive receptors are the occupants of the single-family residential area located approximately 1,500 feet to the southeast, across Interstate 15.

The Mojave Desert Air Quality Management District (MDAQMD) has published a number of studies that demonstrate that the Mojave Desert Air Basin (MDAB) can be brought into attainment for particulate matter and ozone, if the South Coast Air Basin (SCAB) achieves attainment under its adopted Air Quality Management Plan. The High Desert and most of the remainder of the desert has been in compliance with

the federal particulate standards for the past 15 years (16). The ability of MDAQMD to comply with ozone ambient air quality standards will depend upon the ability of SCAQMD to bring the ozone concentrations and precursor emissions into compliance with ambient air quality standards (16 & 17).

All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD (18). Programs have been established in the Air Quality Attainment Plan which address emissions caused by area sources. Both short-term (construction) emissions and the long-term (operational) emissions associated with the development 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. Construction activities generally do not have the potential to generate a substantial amount of odors. The primary source of odors associated with construction activities are generated from the combustion petroleum products by equipment. However, such odors are part of the ambient odor environment of urban areas. 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 AQMD permits.

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 (19). As part of the General Plan Update Environmental Impact Report (GPUEIR), the impact of industrial development to the maximum allowable density permitted by the Land Use Plan was analyzed. The projected number of vehicles trips and turning movements associated with this project is analyzed within Section XV. Transportation/Traffic. Further, the impact of a travel center on 10.6 gross acres and future development of 4.2 gross acres of industrial park does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment Plan (18).

| IV. BIOLOGICAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (20 & 24)? | | | | 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 & 20)? | | | | 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 & 20)? | | | | 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, 20 & 24)? | | X | | |

| | | | | |
|---|--|---|--|---|
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (20 & 21)? | | 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 (22)? | | | | X |

Comments.

Neither site is expected to support the Mohave ground squirrel, given the very low population levels of the species in the region and proximity to existing development. Further, the travel center site is outside the area considered suitable habitat for the species (23). The desert tortoise is also not expected to inhabit the site, given its proximity to Interstate 15 and U. S. Highway 395 (1). The site is also outside the range of the arroyo toad, which has been documented to inhabit a portion of the Rancho Las Flores Specific Plan and adjacent areas (24).

Since the travel center site contains native plant species, a biological survey was conducted by RCA Associates, LLC to determine the presence of the desert tortoise, Mohave ground squirrel, burrowing owl, loggerhead shrike, and sharp-skinned hawk (20). The biological report states that none of these nor any other threatened or endangered species inhabit the site. Since the burrowing owl is not sensitive to development and may occupy the site at any time, a mitigation measure requiring another biological survey to determine their presence shall be submitted no more than 30 days prior commencement of grading activities. The report did not address the 4.2-acre site, as development is not proposed at this time.

A protected plant plan was prepared as part of the biological report. This protected plant plan will ensure that 30 of the travel center site's 36 Joshua Trees, which are protected under the City's Native Plant Protection Ordinance, will be relocated or protected in place (20). The six which will not be protected are unsuitable for transplanting and/or are unhealthy. The grading plan for the project shall stipulate that all protected plants identified within the report will be relocated or protected in place. The mitigation measure is listed on page 24.

The project site is not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest communities, exist within the Rancho Las Flores Specific Plan and vicinity (25). The project site is located approximately six miles to the northwest within a developed portion of the City. Consequently, approval of the conditional use permit and Specific Plan Amendment 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 (26)? | | | | X |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (26)? | | | | X |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (27)? | | | X | |

| | | | | |
|---|--|--|---|--|
| d) Disturb any human remains, including those interred outside of formal cemeteries (28)? | | | X | |
|---|--|--|---|--|

Comments.

Based upon a site visit and review of the aerial photos, there is no evidence that historic resources exist within the project site or the 4.2-acre site to the south. In addition, the site is not on the list of previously recorded cultural resources (26). This list, which was compiled as part of the 2010 General Plan Update; was compiled from the inventory of the National Register of Historic Properties, the California Historic Landmarks list, the California Points of Historic Interest list, and the California State Resources Inventory for San Bernardino County. Past records of paleontological resources were also evaluated as part of the General Plan. This research was compiled from records at the Archaeological Information Center located at the San Bernardino County Museum. Based upon this review, paleontological resources are not expected to exist on the project site. Further, the Cultural Resources Sensitivity Map indicates that the site has a low sensitivity potential for containing cultural resources (27). Consequently, a cultural resource survey is not required prior to issuance of a grading permit.

In the event that human remains are discovered during grading activities, grading shall cease until the County Coroner has made the necessary findings in accordance with the California Environmental Quality Act (CEQA) (28). Should the Coroner determine that the remains are Native American, the Native American Heritage Commission (NAHC) shall be contacted and the remains shall be handled in accordance with Public Resources Code Section 5097.98. The NAHC has indicated that the City and Sphere of Influence does not contain any sacred lands (29). Consequently, approval of the conditional use permit and Specific Plan Amendment is not expected to have an impact upon cultural resources.

| VI. GEOLOGY AND SOILS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (31, 32 & 33). | | | | X |
| ii) Strong seismic ground shaking (30 & 34)? | | | X | |
| iii) Seismic-related ground failure, including liquefaction (13 & 30)? | | | | X |
| iv) Landslides (30)? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil (13)? | | | 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 (13 & 30)? | | | | 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 (13)? | | | | X |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (13)? | | | | X |

Comments.

The project site contains generally flat topography with slopes of between two and five percent. No large hills or mountains are located within the project site. According to Exhibit SF-1 of the General Plan Safety Element, no active faults are known or suspected to occur near or within the project site and the site is not within an Alquist-Priolo Special Studies Zone or Earthquake Fault Zone (31). The City and Sphere of Influence (SOI) is near several major faults, including the San Andreas, North Frontal, Cleghorn, Cucamonga, Helendale, and San Jacinto faults (31 & 32). The nearest fault to the site is the North Frontal fault, located approximately five miles to the east of the City.

The Alquist-Priolo Earthquake Fault Zoning Act prohibits structures designed for human occupancy within 500 feet of a major active fault and 200 to 300 feet from minor active faults (33). The project site is not located in an Alquist-Priolo Earthquake Fault Zone or within 500 feet of a fault (31 & 32). Further, the soil at this site does not have the potential for landslides, lateral spreading, subsidence, liquefaction, or collapse (13).

The soil at this location is identified as Hesperia loamy fine sand, two to five percent slopes (13). This soil is limited by high soil blowing hazard, high water intake rate, and moderate to high available water capacity. The site's shallow slope and moderately rapid permeability negates the potential for soil instability. During construction, soil erosion will be limited through compliance with an approved erosion control plan in accordance with National Pollution Discharge Elimination System (NPDES) and Storm Water Prevention Plan (SWPP) regulations. Although disturbance of the soil will result in significant soil loss due to wind erosion, the site will be fully developed with a building, paved parking, and landscaping (7). These improvements will ensure that soil disturbance will not result in significant soil erosion.

As a function of obtaining a building final, the proposed travel center will be built in compliance with the Hesperia Municipal Code and the Building Code (35), which ensures that the buildings will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soil study is required, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be performed in accordance with all development codes to assure that all structures will not be negatively affected by the soil. Consequently, the impact upon geology and soils associated with the proposed conditional use permit and Specific Plan Amendment 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 (36)? | | | X | |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases (36, 37 & 38)? | | | 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 (39). 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)(36). The CAP provides policies along with implementation and monitoring which will enable the City of Hesperia to reduce greenhouse emissions 28 percent below business as usual by 2020, consistent with AB 32 (37).

Development of the proposed travel center and the Specific Plan Amendment will not increase the greenhouse gas (GHG) emissions beyond that analyzed within the General Plan Update Environmental Impact Report (GPUEIR). In addition, the site is optimally situated at the intersection of Interstate 15 and U. S. Highway 395 and is adjacent to another truck stop in an area which is frequented by trucking (1). The site is also adjacent to an existing Park-and-Ride, which will also encourage carpooling. The proposed use will provide fuel and tire replacement service, food, and showers for the motoring public (7), which will reduce vehicle trips needed to obtain these services at separate establishments. The additional job creation from this development will also reduce the number of residents commuting to other communities for work, reducing vehicle miles traveled and resulting in additional GHG reductions. Providing more opportunities for consumers to purchase food will also result in additional reductions.

The main building will be equipped with energy efficient mechanical systems for heating and cooling. That, in combination with use of dual pane glass and insulation meeting current Building Code regulations (35) will cause a reduction in GHG emissions from use of less efficient systems, resulting in additional community emission reduction credits.

Although the proposed use will result in an additional number of vehicle trips than a retail center constructed in accordance with the Neighborhood Commercial (NC) District of the Specific Plan would as analyzed by the GPUEIR, the proposed travel center is uniquely situated between Interstate 15 and U. S. Highway 395. This location will draw customer base from an existing exit from both the freeway and the highway, resulting in only a minor increase in traffic, if any to the area. Additionally, the use will provide additional jobs to the area, creating a small reduction in the number of commuters into the Inland Empire. The development's proximity to the established Park-and-Ride to the west will likely be another incentive for carpooling as well. Consequently, the impact upon GHG emissions associated with the proposed conditional use permit and Specific Plan Amendment is less than significant.

| VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (4 & 39)? | | | X | |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (4 & 39)? | | | X | |

| | | | | |
|---|--|--|--|---|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (4)? | | | | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment (4)? | | | | 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 (10)? | | | | 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 (40)? | | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (41)? | | | | 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 & 7)? | | | | X |

Comments.

The project includes the routine transport and storage of hazardous wastes comprising mainly gasoline and diesel fuel. Established Department of Transportation (DOT) standards minimizing the risk of an accidental spill or other hazards from transport of fuel are will be met. These flammables will be transported on trucks with placards identifying the type of hazardous materials being shipped and the drivers are required to carry "detailed material data sheets," allowing emergency responders the ability to quickly assess the hazard in the event of an incident (42). These regulations have reduced the potential for release of hazardous substances to a significant level.

Leaky underground fuel storage tanks are the main cause of groundwater contamination (42). Both underground gasoline and above-ground diesel storage tanks are proposed as part of the travel center. The underground tanks will be double walled, consistent with state requirements (42). The above-ground diesel tanks will also be subject to current containment regulations to prevent groundwater contamination. The State Water Resources Control Board (SWRCB) is responsible for development of regulations and policies regarding underground fuel storage tanks. SWRCB declared that all leaky underground tanks were remediated as of January 2010.

Prior to storing batteries or any other hazardous materials, a Hazardous Materials Business Plan (HMBP) shall be approved (42), which shall be subject to review and approval by the San Bernardino County Fire Department. These materials shall be stored and transported/disposed of in accordance with the HMBP and shall be included as a mitigation measure for the project. Although these issues pose a potential health risk, compliance with the HMBP will reduce the possibility of an accidental release to an acceptable level.

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

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

sites that have known contamination or sites that may have reason for further investigation. There are no known Site Mitigation and Brownfields Reuse Program sites in the City of Hesperia.

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

The site is just less than one-mile from the nearest school (Summit Leadership Academy and Elementary School) at 12850 Muscatel Street (1). Any use which includes hazardous waste as part of its operations is prohibited within 500 feet of a school (43). The proposed use is approximately 4,000 feet southwest of the school. Consequently, HMBP compliance will provide sufficient safeguards to prevent health effects. Since the facility is limited in size to about 11 acres and the acreage would be used primarily for vehicle parking, the impact of a limited amount of hazardous materials will not pose a significant health threat.

The proposed travel center will not conflict with air traffic nor emergency evacuation plans. The site is approximately five miles from the Hesperia Airport to the southeast and is therefore not within a restricted use zone associated with air operations (44). Consequently, implementation of the project will not cause safety hazards to air operations. The site is also not along an emergency evacuation route or near a potential emergency shelter (41) and will not interfere with emergency evacuation plans.

The project's potential for exposing people and property to fire and other hazards was also examined. The site is located within an urbanized area and is not in an area susceptible to wildland fires. The southernmost and westernmost portions of the City are at risk, due primarily to proximity to the San Bernardino National Forest (45 & 46). All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. In addition, all hazardous materials will be stored and transported in accordance with an approved Hazardous Materials Business Plan (HMBP) (42). Consequently, approval of the conditional use permit and Specific Plan Amendment will not have any impact upon or be affected by hazards and hazardous materials with compliance with an approved HMBP and fuel storage tank regulations.

| IX. HYDROLOGY AND WATER QUALITY. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Violate any water quality standards or waste discharge requirements (47 & 48)? | | | | 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) (49 & 50)? | | | 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 (45)? | | | | 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 (7 & 45)? | | | 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 (52)? | | | X | |
| f) Otherwise substantially degrade water quality (52)? | | | 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 (7, 53 & 61)? | | | | X |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (7, 45 & 61)? | | | | 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 (10 & 45)? | | | | X |
| j) Inundation by seiche, tsunami, or mudflow (31)? | | | | X |

Comments.

Development of the travel center will disturb more than one-acre of land area. Consequently, the project will be required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to land disturbance (54). Issuance of a Storm Water Pollution Prevention Plan (SWPPP) will also be required, which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting storm water (54). Obtaining the NPDES and implementing the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). These are mandatory and NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts to water quality during project construction.

The development may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff (7). Therefore, the project shall retain the drainage created on-site beyond that which has occurred historically within an approved drainage system in accordance with City of Hesperia Resolution 89-16 (51). The site is not impacted directly or indirectly by a wash. The site is also not within a Flood Zone, based upon the latest Flood Insurance Rate Maps (61). The retention

facilities required by the City will ensure that no additional storm water runoff impacts the area and that any contaminants will be filtered from storm water runoff prior to any release into a street.

The City is downstream of three dams. These are the Mojave Forks, Cedar Springs, and Lake Arrowhead Dams. In the event of a catastrophic failure of one or more of the dams, the project site would not be inundated by floodwater (10). The areas most affected by a dam failure are located in the low lying areas of southern Rancho Las Flores, most of the Antelope Valley Wash, and properties near the Mojave River. The City of Hesperia is located just north of the Cajon Pass at an elevation of over 2,500 feet above sea level, which is over 60 miles from the Pacific Ocean. As such, the City is not under threat of a tsunami, otherwise known as a seismic sea wave (30). Similarly, the potential for a seiche to occur is remote, given the limited number of large water bodies within the City and its sphere. A seiche would potentially occur only in proximity to Silverwood Lake, Hesperia Lake and at recharge basins (30). The subject property exhibits between a two and five percent slope. In addition, the water table is significantly more than 50 feet from the surface. The area north of Summit Valley contains steep slopes which have the potential to become unstable during storm events (55). Therefore, the mechanisms necessary to create a mudflow; a steep hillside with groundwater near the surface, does not exist at this location.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin (49).

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere Of Influence (SOI). The UWMP indicates that the City is currently using less than half of its available water supply and that supply is projected to exceed demand beyond the year 2030 (50). The HWD has maintained a water surplus through purchase of water transfers, allocations carried over from previous years, and recharge efforts. Therefore, the impact upon hydrology and water quality associated with the conditional use permit and Specific Plan Amendment is considered less than significant.

| X. LAND USE AND PLANNING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Physically divide an established community (1)? | | | | X |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (10)? | | | X | |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan (25)? | | | | X |

Comments.

The travel center site contains two billboards, which shall be removed and the adjacent property to the south included in the Specific Plan Amendment only has an existing wireless communications facility. The project is within an existing area with truck related uses consistent with the proposed Commercial Industrial Business Park (CIBP) land use designation (1). Changing the designation from Neighborhood Commercial (NC) to CIBP will bring the land use designation into conformity with the adjacent area and will therefore not physically divide an established community. The proposed travel center is consistent with the adjacent land uses, but requires approval of a Specific Plan Amendment (7) as well as a conditional use permit. 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. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest community, exist within the Rancho Las Flores Specific Plan and vicinity (25). The project site is located approximately five miles northwest of this specific plan within the developed portion of the City. Therefore, the conditional use permit and Specific Plan Amendment would have a less than significant impact upon land use and planning.

| XI. MINERAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (57)? | | | | 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 (57)? | | | | 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 (57). Known mineral resources within the City and sphere include sand and gravel, which are prevalent within wash areas and active stream channels. Sand and gravel is common within the Victor Valley. Although the project contains a wash, which contains sand and gravel, the mineral resources within the property are not unique locally or regionally and need not be preserved. Consequently, the proposed conditional use permit and Specific Plan Amendment would not have an impact upon mineral resources.

| XII. NOISE. Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (1, 7 & 58)? | | | X | |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (58 & 59)? | | | X | |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (60)? | | | X | |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (60)? | | | 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 (10 & 44)? | | | | 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 (44)? | | | | X |

Comments.

Approval of the proposed conditional use permit will result in both construction noise and operational noise, mostly associated with trucks and vehicular traffic to and from the site. According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles and aircraft (58). Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Noises associated with this type of project will be mostly from traffic caused by arriving and departing vehicles, especially semi-trucks (employees, customers, vehicle service, and deliveries).

Construction noise levels associated with any future construction activities will be slightly higher than the existing ambient noise levels in the vicinity of the project site. Noise generated by construction equipment, including trucks, graders, backhoes, well drilling equipment, bull-dozers, concrete mixers and portable generators can reach high levels and is typically one of the sources for the highest potential noise impact of a project. However, the construction noise would subside once construction is completed. The proposed project must adhere to the requirements of the City of Hesperia Noise Ordinance (58). The Noise Ordinance contains an exemption from the noise level regulations during grading and construction activities occurring between 7:00 A.M. and 7:00 P.M., Monday through Saturday, except federal holidays.

The project site will be subjected to higher levels of noise, due to its proximity to Interstate 15 and U. S. Highway 395. However, industrial uses are not sensitive to noise and may be subjected to up to 70 dB (A) all day and night (58 & 59). The project site currently receives 67 dB (A) from Interstate 15. A noise level of 70 dB (A) is expected upon build-out in accordance with the General Plan, based upon a 50-foot distance from Interstate 15 (60). Since industrial activities are not sensitive to excessive noise and vibration and the freeway exempt from noise and vibration standards, the impact of noise and vibration upon the proposed use is not significant.

Certain activities particularly sensitive to noise include sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration, which will not be impacted. Hospitals and convalescent homes, churches, libraries, and childcare facilities are also considered noise-sensitive uses as are residential and school uses. The nearest sensitive uses to the site are the single-family residences to the east, which are located on the opposite side of Interstate 15 and will be impacted more by the freeway than by the proposed use (1).

Operation of the travel center will create additional noise associated with truck and passenger vehicle traffic. The General Plan Update Environmental Impact Report (GPUEIR) accounts for the usual truck traffic in this area caused by industrial activities. Joshua Street is a Secondary Arterial roadway, which is designed to link Collector roadways with Arterial and Major Arterials (67). Although the use will generate a significant increase in vehicular traffic, the site's location adjacent to both the freeway and U. S. Highway 395 will reduce the impact of noise upon sensitive uses due to this unique location. Therefore, noise mitigation is unnecessary.

The project site is approximately five miles north of the Hesperia Airport. At this distance, the project is not impacted by any safety zones associated with this private airport (44). The project site is even farther from the Southern California Logistics Airport (SCLA) and the Apple Valley Airport and will not be affected by any safety zones for these airports.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the noise impact upon build-out of the General Plan to the maximum allowable density permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with noise impacts (19). Inasmuch as this project is consistent with the adjacent land uses and is a change from the Neighborhood Commercial (NC) to the Commercial Industrial Business Park (CIBP) District, the difference in noise impact is not significant.

| XIII. POPULATION AND HOUSING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (7)? | | | X | |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere (1)? | | | | X |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere (1)? | | | | X |

Comments.

The proposed project is consistent with the General Plan Land Use designation of the adjacent properties, with approval of a conditional use permit (10). Establishment of the proposed travel center will not create a direct increase in the demand for housing. Since it is designed to be a fuel and convenience stop for truckers and other motorists traveling along Interstate 15 and U. S. Highway 395, its indirect impact upon population growth is very small. As per the Transportation/Traffic Section, approximately 9 daily vehicle trips would be generated by this project (62). Further, the site is in close proximity to water and other utility systems (63). As a result, development of the project would not require significant extension of major improvements to existing public facilities. The site is vacant and is identified for development of commercial land uses (1 & 10) and the proposed Specific Plan Amendment will also not allow residential land uses. Therefore, the project will not displace any existing housing, necessitating the construction of replacement housing elsewhere.

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

| XIV. PUBLIC SERVICES. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services (64): | | | X | |
| Fire protection? (64) | | | X | |
| Police protection? (64) | | | X | |
| Schools? (64) | | | X | |
| Parks? (64) | | | X | |
| Other public facilities? (64) | | | X | |

Comments.

Although the proposed travel center will create an increase in demand for public services (7), that increase is consistent with that anticipated as part of the General Plan Update Environmental Impact Report (GPUEIR). The site also served by both sewer and water lines adequate to serve the development (63). Full street improvements comprised of curb, gutter, and sidewalk will be constructed along the project frontage for the travel center site as part of development of the use (65). Additionally, development impact fees will be assessed at the time that building permits are issued for construction of the site (66). These fees are designed to ensure that appropriate levels of capital resources will be available to serve any future development. Therefore, the impact of the conditional use permit and Specific Plan Amendment upon public services is less than significant.

| XV. RECREATION. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (7)? | | | | 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 (7)? | | | | X |

Comments.

As evaluated previously, approval of the conditional use permit will induce population growth indirectly, as the travel center is to provide goods and services for the motoring public. A modest demand for new employees will result from its development and the proposed travel center will not include any recreational facilities (7). Therefore, the proposed conditional use permit and Specific Plan Amendment will have a small indirect impact upon recreation.

| XVI. TRANSPORTATION / TRAFFIC. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (68)? | | X | | |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways (69 & 70)? | | 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 (40)? | | | | X |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (1 & 65)? | | X | | |
| e) Result in inadequate emergency access (7)? | | | | X |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities (71)? | | | | X |

Comments.

The proposed travel center fronts upon Joshua Street and Outpost Road. Joshua Street is to be constructed as a Secondary arterial roadway. Outpost Road is a local road, which is therefore not shown on the General Plan Traffic Circulation Plan, which identifies the arterial road network (67). As part of development of this project, both streets will be constructed to City standards, including curb, gutter, and sidewalk across the project frontage and pavement tapers beyond the frontage (65). The traffic study requires street improvements beyond the half-width project frontage and signalization at the corner of Joshua Street and Outpost Road (4). As such, the intersection does not form a hazardous design feature and the improvements will make the intersection wider, improving safety. These improvements will not conflict with the Traffic Circulation Plan, nor will they be inconsistent with an ordinance or policy establishing measures of effectiveness for the performance of the circulation system, with the recommended mitigation. The project's proximity to an existing Park-and-Ride will further promote carpooling with the services proposed. The City's General Plan includes a non-motorized transportation network (72). The site fronts upon Joshua Street, which is part of the Bikeway System Plan. However, the site is not adjacent to a bus route. Therefore, a bus stop is not warranted at this location.

Access to and within the site has been evaluated by both the City and the San Bernardino County Fire Department. The project provides three driveways accessing Outpost Road to the two separate fueling and parking areas. One area is for passenger and light trucks and the other is for semi-trucks. An emergency vehicle drive aisle with a knox box system is also provided to provide a link between the two parking areas.

The City's Circulation Plan is consistent with the Congestion Management Program (CMP) for San Bernardino County (73). 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 Joshua Street will not be significantly negatively affected by the increased number of vehicle trips to be created by the conditional use permit with the mitigation measures outlined within the traffic study. The Specific Plan Amendment which will change the designation of the 4.2 acres to the south of the travel center will reduce the impact upon traffic, as uses allowed within the Commercial industrial business Park District generally create fewer vehicle trips than that allowed by the existing Neighborhood Commercial District.

The project site is located approximately five miles from the Hesperia Airport and is not within an airport safety zone (44). Consequently, the project will not cause a change in air traffic patterns nor an increase in traffic levels or location. The project site will also not impact the air traffic patterns for the Southern California Logistics Airport nor the Apple Valley Airport.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the impact upon transportation at build-out of the General Plan to the maximum allowable density permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with transportation impacts (19).

The traffic study prepared for the travel center requires additional mitigation for traffic impacts due to the number of vehicle trips and the intersection's proximity to U. S. Highway 395. Prior to approval of improvement plans, evidence of approval of the traffic impact analysis by Caltrans shall be submitted. All required mitigation shall be reflected on the improvement plans. The mitigation measure is listed on page 24. The effect of the Specific Plan Amendment will reduce the number of vehicle trips. Consequently, approval of the conditional use permit and adoption of the Specific Plan Amendment will provide satisfactory levels of public services, subject to the enclosed mitigation measures.

| XVII. UTILITIES AND SERVICE SYSTEMS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (74)? | | | | 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 (75)? | | | | X |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (65)? | | | X | |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (49 & 50)? | | | 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 (75)? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (56 & 62)? | | | X | |
| g) Comply with federal, state, and local statutes and regulations related to solid waste (76)? | | | X | |

Comments.

The proposed travel center will increase the amount of wastewater but the additional amount was considered as part of the GPUEIR. The development will be connected to the existing eight-inch lines within the City's sewer and water system (63). Therefore, water and sewer capacity will be sufficient for the use.

As part of construction of the travel center, the City requires installation of an on-site retention facility which will retain any additional storm water created by the impervious surfaces developed as part of the project (65). Incorporation of double-lined underground fuel tanks, containment beneath the above-ground tanks, and filters as part of the on-site retention facility will ensure that the use will not have a negative impact upon adjacent properties. Consequently, based upon a 100-year storm event, development of this project will not increase the amount of drainage impacting downstream properties beyond that which would occur prior to its development. Additionally, the retention facility will contain a filtration system preventing contamination of the environment.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, in a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin (49).

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere Of Influence (SOI). The UWMP evidences that the City is currently using less than half of its available water supply and that supply is projected to exceed demand beyond the year 2030 (50). The HWD has maintained a surplus water supply through purchase of water transfers, allocations carried over from previous years, and recharge efforts.

The City is in compliance with the California Integrated Waste Management Act of 1989, which requires that 50 percent of the solid waste within the City be recycled (76). Currently, approximately 69 percent of the solid waste within the City is being recycled (56 & 62). About 168 tons of solid waste is disposed at the landfill and 243 tons are recycled of the total solid waste produced by the City per day. The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 600 tons per day in order to accommodate future development. Therefore, the conditional use permit and Specific Plan Amendment will not cause a significant negative impact upon utilities and service systems.

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

Comments.

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

XIV. EARLIER ANALYSES.

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

The Certified General Plan Environmental Impact Report.

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

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

1. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavaceae family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.
2. 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.
3. Prior to approval of improvement plans, evidence of approval of the traffic impact analysis by Caltrans shall be submitted. All required mitigation shall be reflected on the improvement plans. All maintenance and jurisdiction for the Hwy 395/Joshua Signal and appurtenances as well as the proposed signal at Joshua and Outpost and appurtenances shall be approved by Caltrans.

Authority: Public Resources Code Sections 21103 and 21107.

| |
|-------------------|
| REFERENCES |
|-------------------|

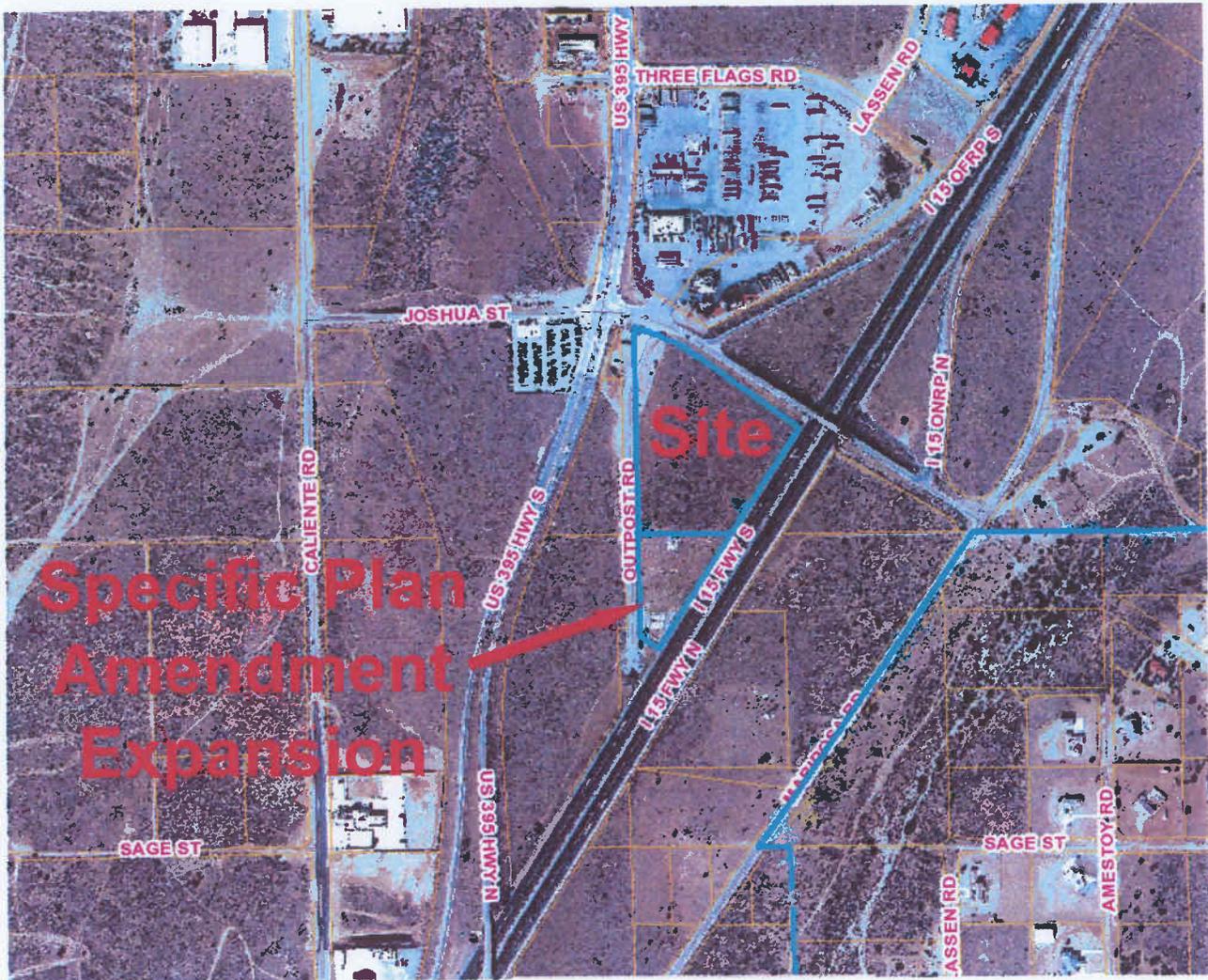
- | |
|---|
| (1) Aerial photos of the City of Hesperia taken February, 2010. |
| (2) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-7. |
| (3) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-8. |
| (4) Traffic Impact Analysis for the Love's Travel Center prepared by Hall & Foreman, Inc. dated July 1, 2011. |
| (5) Section H of Chapter 9 of the Main Street and Freeway Corridor Specific Plan, pages 203 thru 207. |
| (6) Section 16.20.085 of the Hesperia Municipal Code. |
| (7) Conditional Use Permit CUP11-10197 application and related materials. |
| (8) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-9. |
| (9) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-1 |
| (10) Official Maps showing the General Plan Land Use and zoning of the City of Hesperia and its sphere of influence. |
| (11) Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2 |
| (12) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34. |
| (13) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 30 and Page 44. |
| (14) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5. |
| (15) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4. |
| (16) Air Quality Section of the 2010 City of Hesperia General Plan Update, pages CN-47 thru CN-50. |

-
- (17) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
-
- (18) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
-
- (19) Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR).
-
- (20) Sensitive Wildlife Survey & Protected Plant Plan for the site prepared by RCA Associates, LLC, May 27, 2011.
-
- (21) Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
-
- (22) Section 3.4 of the 2010 City of Hesperia General Plan Update Biological Resources Element background technical report, page 30.
-
- (23) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-5.
-
- (24) Section 3.3.2 of the 2010 City of Hesperia General Plan Update Conservation Element background technical report, pages 14 thru 25.
-
- (25) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-3.
-
- (26) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, C-1 thru C-34.
-
- (27) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibit 5d.
-
- (28) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
-
- (29) Section 8 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, page 64.
-
- (30) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
-
- (31) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1.
-
- (32) Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, Figure 1-2.
-
- (33) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
-
- (34) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-23 thru 1-36.
-
- (35) 2010 California Building Code.
-
- (36) Section 1 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 1.
-
- (37) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
-
- (38) Table 5 of Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, pages 20 and 21.
-
- (39) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
-
- (40) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-60 and LU-61.
-
- (41) Potential Emergency Shelters and Evacuation Routes shown within the 2010 Hesperia General Plan Safety Element, Exhibit SF-4.
-

-
- (42) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-32 and SF-33.
-
- (43) California Health and Safety Code Section 25232 (b) (1) (A-E).
-
- (44) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, Exhibit LU-3.
-
- (45) Map showing very high fire hazard areas, flood zones, and significant hazardous materials sites of the 2010 City of Hesperia General Plan Update Safety Element, Exhibit SF-2.
-
- (46) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
-
- (47) Section 3.8.2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
-
- (48) Section 3.8.5 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-20 thru 3.8-22.
-
- (49) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
-
- (50) Mojave Water Agency letter dated March 27, 1996.
-
- (51) Flooding Hazards Section of the 2010 City of Hesperia General Plan Update Safety Element, pages SF-16 thru SF-18.
-
- (52) Section 4.3.8 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 4-9.
-
- (53) 1992 Victorville Master Plan of Drainage Volume I, identifying future drainage improvements for the area.
-
- (54) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
-
- (55) Table 3.6-2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.6-24.
-
- (56) Quarterly data of the San Bernardino County Disposal Reporting System for the 2nd quarter 2010.
-
- (57) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
-
- (58) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
-
- (59) Section 16.20.125 of the Hesperia Municipal Code, pages 464 thru 467.
-
- (60) Table 3.11-10 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.11-45.
-
- (61) FEMA flood map, City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
-
- (62) 2009 California Department of Resources, Recycling and Recovery Annual AB939 Report.
-
- (63) Current Hesperia water and sewer line atlas, page M5.
-
- (64) Section 4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-13 thru 4-18.
-
- (65) Conditions of approval for CUP11-10197.
-
- (66) 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.
-

-
- (67) Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, page CI-17.
-
- (68) Table 4-4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, page 40.
-
- (69) Section 2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 2-19.
-
- (70) Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 4 thru 6.
-
- (71) Sections 6.3 and 6.4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 74 thru 76.
-
- (72) Exhibit CI-22 showing the Urban Design Framework within the 2010 City of Hesperia General Plan Update Circulation Element, page CI-55.
-
- (73) Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 4 thru 6.
-
- (74) Section 3.8 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-8 thru 3.8-14.
-
- (75) 2010 California Plumbing Code.
-
- (76) California Integrated Waste Management Act (AB 939).

Attachment "A"



ATTACHMENT 7

RESOLUTION NO. PC-2011-31

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND THE OFFICIAL GENERAL PLAN LAND USE AND ZONING MAP BY RECLASSIFYING CERTAIN REAL PROPERTY HEREIN DESCRIBED WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM THE NEIGHBORHOOD COMMERCIAL TO THE COMMERCIAL INDUSTRIAL BUSINESS PARK DISTRICT ON 14.8 GROSS ACRES LOCATED ON THE SOUTHEAST CORNER OF OUTPOST ROAD AND JOSHUA STREET (SPL11-10206)

WHEREAS, on September 7, 2010, the City Council of the City of Hesperia adopted the City's 2010 General Plan Update, which is currently applicable in regards to development within the City; and

WHEREAS, Love's Travel Stops and Country Stores, Inc. has filed an application requesting approval of SPL11-10206 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 10.6 gross acres within the Neighborhood Commercial (NC) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan) located on the southeast corner of Outpost Road and Joshua Street and consists of Assessor's Parcel Number (APN) 3039-361-01. The Specific Plan Amendment is being expanded to include the 4.2 gross acre parcel to the south which is known as APN 3039-371-01; and

WHEREAS, the Application, as contemplated, proposes to change the District of the subject property within the Specific Plan from the Neighborhood Commercial (NC) to the Commercial Industrial Business Park (CIBP) District; and

WHEREAS, Love's Travel Stops and Country Stores, Inc. has also filed an application requesting approval of Conditional Use Permit CUP11-10197, to construct an 11,805 square foot travel center including the sale of beer and wine for off-site consumption on the 10.6 gross acre site; and

WHEREAS, the subject sites are vacant, with the exception of a wireless communications facility and two billboards; which shall be removed prior to development. The northern parcel is partially graded due to road improvements at the intersection of Outpost Road and Joshua Street. The property to the north contains a travel center. The sites are bounded to the south, east, and west by vacant properties; and

WHEREAS, the subject property is currently within the Neighborhood Commercial (NC) District of the Specific Plan. The properties to the north and west are within the Commercial Industrial Business Park (CIBP) District. The properties to the south and east beyond Interstate 15, are within the Regional Commercial (RC) District of the Specific Plan; and

WHEREAS, an environmental Initial Study for the proposed project was completed on July 22, 2011, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND-2011-05 was subsequently prepared; and

WHEREAS, on November 8, 2011, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced November 8, 2011 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2011-05 and the initial study which supports the Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed Specific plan Amendment will have a significant effect on the environment.
- (b) The site of the proposed amendment to the Specific Plan is suitable for any of the land uses permitted within the proposed District, because the land uses can meet the standards for setbacks, parking, circulation, and access within the proposed Specific Plan District.
- (c) The current Neighborhood Commercial (NC) District within the Specific Plan does not permit a truck stop or truck repair and the proposed Commercial Industrial Business Park (CIBP) District provides for the proposed travel center. In addition, properties within the CIBP District exist north and west of the subject property. Therefore, the proposed Specific Plan Amendment is reasonable and beneficial at this time, because it will facilitate the planning and development of this area that is needed to support the well-planned growth of Hesperia.
- (d) The proposed Specific Plan Amendment will not have a significant adverse impact on surrounding properties or the community in general, because the project will be subject to the City's policies governing design and the mitigation measures for ND-2011-05.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia, with approval of this Specific Plan Amendment.

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 recommends approval of Specific Plan Amendment SPL11-10206, amending the Official General Plan and Zoning Map of the City of Hesperia as shown on Exhibit "A."

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

ADOPTED AND APPROVED on this 8th day of November 2011.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 8

RESOLUTION NO. PC-2011-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A CONDITIONAL USE PERMIT TO CONSTRUCT AN 11,805 SQUARE FOOT TRAVEL CENTER INCLUDING THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION ON 10.6 GROSS ACRES LOCATED ON THE SOUTHEAST CORNER OF OUTPOST ROAD AND JOSHUA STREET (CUP11-10197)

WHEREAS, Love's Travel Stops and Country Stores, Inc. has filed an application requesting approval of Conditional Use Permit CUP11-10197 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 10.6 gross acres within the Neighborhood Commercial (NC) District of the Main Street and Freeway Corridor Specific Plan, located on the southeast corner of Outpost Road and Joshua Street and consists of Assessor's Parcel Number 3039-361-01; and

WHEREAS, the Application, as contemplated, proposes to construct an 11,805 square foot travel center including the sale of beer and wine for off-site consumption; and

WHEREAS, Love's Travel Stops and Country Stores, Inc. has also filed an application requesting approval of Specific Plan Amendment SPL11-10206, to amend the Main Street and Freeway Corridor Specific Plan (Specific Plan) from the Neighborhood Commercial (NC) to the Commercial Industrial Business Park (CIBP) District to allow the proposed travel center with approval of a conditional use permit; and

WHEREAS, the subject site is vacant, with the exception of two billboards; which shall be removed prior to development. The site is partially graded due to road improvements at the intersection of Outpost Road and Joshua Street. The property to the north contains a travel center. The site is bounded to the south, east, and west by vacant properties; and

WHEREAS, the subject property is currently within the Neighborhood Commercial (NC) District of the Specific Plan. The properties to the north and west are within the Commercial Industrial Business Park (CIBP) District. The properties to the south and east beyond Interstate 15 are within the Regional Commercial (RC) District of the Specific Plan; and

WHEREAS, an environmental Initial Study for the proposed project was completed on July 22, 2011, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND-2011-05 was subsequently prepared; and

WHEREAS, on November 8, 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 PLANNING COMMISSION OF THE CITY OF HESPERIA AS FOLLOWS:

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced November 8, 2011 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2011-05 and the initial study which supports the Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed conditional use permit will have a significant effect on the environment.
- (b) 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.
- (c) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the project is adjacent to properties within the Commercial Industrial Business Park (CIBP) District of the Main Street and Freeway Corridor Specific Plan. In addition, the property to the north is developed with similar uses. The site of the proposed change in district classification is suitable for any of the land uses permitted within the proposed zone district, because the land uses can meet the standards for setbacks, parking, circulation, and access within the proposed zone district. The development also complies with the Americans with Disability Act (ADA) by providing the required accessible parking spaces and path of travel. Additionally, the development will be constructed pursuant to the California Building and Fire Codes and adopted amendments.
- (d) The current Neighborhood Commercial (NC) Specific Plan District does not permit a truck stop and truck repair. The proposed Commercial Industrial Business Park (CIBP) District provides for the approval of the travel center with a conditional use permit. Therefore, the proposed Specific Plan Amendment is reasonable and beneficial at this time, because it will facilitate the planning and development of this area that is needed to support the well-planned growth of Hesperia.
- (e) The proposed use is conditionally allowed within, and would not impair the integrity and character of, the Commercial industrial Business Park (CIBP) 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 sale of alcoholic beverages is restricted to the sale of beer and wine.

- (f) The site for the proposed use will have adequate access based upon the site's access from Joshua Street and Outpost Road, which will be constructed to City standards as well as the off-site improvements identified within the revised traffic study prepared for this development.
- (g) The proposed truck stop, drive-thru and sale of beer and wine are consistent with the adopted General Plan of the City of Hesperia with approval of the Specific Plan Amendment and conditional use permit.
- (h) 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 health, safety or general welfare with construction of the improvements identified in the traffic study. Further, the proposed sale of beer and wine as part of the Love's store will not have a detrimental impact on adjacent properties.
- (i) The proposed sale of beer and wine for off-site consumption is consistent with the objectives, policies, general land uses and programs of the General Plan, Specific Plan and Development Code. The sale of beer and wine is consistent with the allowable uses within the Commercial Industrial Business Park (CIBP) District with approval of a conditional use permit.
- (j) There are adequate provisions for sanitation, water and public utilities and other services to ensure the public health, safety and general welfare. The proposed use will occur in a travel center with adequate infrastructure. The transportation infrastructure enhanced by the improvements identified in the traffic study will be 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 recommends that the City Council approve Conditional Use Permit CUP11-10197, subject to the Conditions of Approval as set forth in ATTACHMENT "A."

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

ADOPTED AND APPROVED this 8th day of November, 2011.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP11-10197

Approval Date: November 15, 2011

Effective Date: January 5, 2012

Expiration Date: January 5, 2015

This list of conditions apply to a Conditional Use Permit to construct a travel center including a drive-thru restaurant and the sale of beer and wine for off-premise consumption on 10.6 gross acres located on the southeast corner of Outpost Road and Joshua Street. Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: Love's Travel Stops and Country Stores, Inc.; APN: 3039-361-01).

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:

Zoning. These conditions are concurrent with Specific Plan Amendment SPL11-10206 becoming effective. (P)

- _____ 1. **Title Report.** The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)

- _____ 2. **Plan Check Fees.** Prior to improvement plan submittal, the Developer shall pay applicable plan-checking fees. Fees must be paid along with plan submittal. The Improvement Plans and requested studies must be submitted as a package. (E)

- _____ 3. **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)

- _____ 4. **Utility Non-interference/Quitclaim Documents.** 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)

- _____ 5. **Offer of Dedication (I.O.D.)**. The Developer shall submit "Offer of Dedications" 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)
- _____ 6. **Percolation Test**. Where onsite retention/detention is proposed, the applicant shall submit a percolation test, performed by a California licensed civil or soils engineer, and approved by the San Bernardino County Department of Environmental Health Services. The applicability of any percolation test for use in designing the retention/detention method shall be subject to review and approval by the Building and Safety Division. In the event a tract map or parcel map has previously been recorded on the project site, the City of Hesperia has a percolation test on file, and no unusual conditions apply, this requirement may be waived by the Building and Safety Division. (B)
- _____ 7. **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. Include "R" value testing and pavement recommendations for public streets. (E, B)
- _____ 8. **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)
- _____ 9. **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 collection during construction. (E)
- _____ 10. **Grant of Easement**. The Developer shall submit a "Grant of Easement" 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)
- _____ 11. **Specialty Plans**. The following additional plans/reports shall be required for businesses with special environmental concerns: (B)
- A. Restaurants and food handling facilities shall submit plans to the San Bernardino County Department of Environmental Health Services. One set of the approved plans shall be submitted to the Building Division with the required application fees.
- B. Three sets of plans for underground fuel storage tanks shall be submitted to the Building Division with required application fees.
- _____ 12. **Building Construction Plans**. Five complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division with the required application fees for review. (B)

- _____ 13. **Construction Plans for High Pile Storage.** Five complete sets of construction plans shall be submitted for all high pile storage. The plans shall be prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect and shall be submitted to the Building Division with the required application fees for review. (B)
- _____ 14. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

- _____ 15. **Approval of Improvement Plans.** All improvement plans shall be prepared by a Registered Civil Engineer per City Standards and shall be approved and signed by the City Engineer. (E)
- _____ 16. **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)
- _____ 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. No clearing or grading shall commence until the SWPPP has been accepted and the perimeter protection required in the plan is installed and approved by the City. (E)

- _____ 18. **Off-Site/On-Site Improvements.** The Developer shall design the following off-site/on-site improvements:
- _____ A. **Improvement Plans (Streets, Water, Sewer, Grading, Storm Drain, etc.).** (E)
- _____ i. **Dedication(s) City.** The Developer shall grant to the City an Irrevocable Offer of Dedication for Outpost Road across the project frontage. The right-of-way full-width for Outpost Road shall be sixty-six (66) 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.
- _____ ii. **Dedication(s) CalTrans.** The Developer shall also obtain an Irrevocable Offer of Dedication for Joshua Street across the project frontage and from U. S. Highway 395 to Outpost Road. This right-of-way shall be dedicated to CalTrans. The right-of-way full-width for Joshua Street shall be one-hundred (100) feet. **Corner cut-off right of way dedication per City standards is required at all intersections, including interior roadways.** (E)
- _____ iii. **Grant of Easement(s).** 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)
- _____ iv. **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. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)
- _____ v. **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, Engineering Department for plan review with the required checking fees. All Public Works plans shall be submitted as a complete set. (E)
- _____ vi. **Grading Requirements.** The site grading and building pad preparation shall incorporate the recommendations provided by the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations and the finish grade (fg) elevations. All block walls shall be under a separate permit through the Building and Safety Department.(E)

_____ vii. **On-site Retention (Fueling Station).** 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. It is the Developer's responsibility to remove existing on-site storm drain facilities per the City Inspector. **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. The Developer shall provide an E.P.A. approved oil and gasoline stop valve for the proposed on-site retention system. The documentation shall be provided to the City for their review. (E)**

_____ B. **Street Improvements.** The Developer shall design street improvements in accordance with City standards, any CalTrans requirements from the approved Traffic Impact Analysis and these conditions.

Outpost Road:

_____ i. Construct full-width street improvements Outpost Road across the project frontage, based on City's 70-foot Commercial/Industrial Collector Roadway Standard. The curb face is to be located at 23' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

1. 8" Curb and Gutter per City standards.
2. Sidewalk (width = 6 feet) per City standards.
3. Roadway drainage device(s).
4. Streetlights per City standards.
5. Intersection improvements at Joshua Street including ADA accessibility per CalTrans standards.
6. Commercial driveway approaches per City standards.
7. Pavement transitions per City Standards.
8. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 12 and per the soils report.
9. Full traffic signal improvements per CalTrans Standards at Joshua Street Intersection
10. Provide a signage and striping plan per City standards.

Joshua Street (Off-Site):

_____ ii. Construct street improvements on Joshua Street from Highway 395 to Outpost Road per CalTrans requirements and standards. Improvements shall include an ADA accessible path of travel from Highway 395 to the project.

_____ C. **Utilities.** (E)

1. 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.**
2. 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.

_____ D. **Water Improvements.**

1. Domestic and fire connections shall be made from the new PVC water line at the project site per City Standards. The existing AC water line shall be relocated or replaced at the City Engineers discretion.
2. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer. (E)
3. Connection for fire service shall require a City approved back flow device. (E)
4. Design fire hydrant(s) within 150 feet of each building. (F)

_____ E. **Sewer Improvements.** (E)

1. The Developer will be required to connect to the existing 8" PVC sewer main in Outpost Road per City standards.

_____ 19. **Traffic Study.** A Final Traffic Impact Analysis shall be prepared by a Registered Traffic Engineer and submitted to Caltrans for review. Upon approval by Caltrans, the report shall be submitted to the City for review. It is the City's understanding that all operations at the intersection of Joshua Street and Outpost Road will fall under Caltrans's jurisdiction. All required improvements for this intersection shall be issued by Caltrans and forwarded to the City. Prior to approval of improvement plans by the City Engineer, the City shall receive written approval from Caltrans of the Traffic Impact Analysis as well as the improvement plans (street, signal, striping, and any other Caltrans required improvements). In addition, the City shall receive written documentation from Caltrans that they will own, operate, and maintain all facilities at the Joshua Street / Outpost Road intersection, including the new signal. (E)

- _____ 20. **Fire Protection.** Plans for fire protection requirements shall be submitted to the Building Division as follows: (F)
- A. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property.
- _____ 21. **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)
- _____ 22. **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)
- _____ 23. **Protected Plants.** Three copies of a protected plant plan shall be submitted to the Planning Division showing the present location and proposed treatment of species in the Dalea and Spinosa (smoketree); Agavaceae (century plants, nolinias, and yuccas, including Joshua Trees); Prosopis (mesquites); Larrea (Creosote rings ten feet or greater in diameter); and all plants protected by the State Desert Native Plants Act, which shall be handled in accordance with the provisions of the Development Code and State law. The grading plan shall be consistent with the approved protected plant plan. Ground disturbing activities shall not commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)
- _____ 24. **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)
- _____ 25. **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 above-ground fuel tanks and outdoor tire storage area shall be screened by a wrought-iron fence with mesh or other decorative view-obscuring metal fencing as approved by Planning staff. Landscaping may also be incorporated to reduce the visual impact;
- B. The drive-thru lane shall be a minimum of 12 feet wide, with a minimum 13-foot width on each curve between curb faces;

- C. The on-site lighting shall be designed to provide minimum 0.1 foot-candle illumination within the entire parking lot while not exceeding 0.5 foot-candle illumination at the property lines abutting the streets. A photometric plan shall be submitted evidencing compliance with the minimum and maximum illumination standard;
- D. A minimum four-foot wide landscaping and one-foot sidewalk in combination with the required six-inch concrete curbing shall be provided at both ends of every row of parking spaces designed for automobiles in accordance with the Development Code.

_____ 26. **Existing Billboards.** Prior to issuance of a grading permit, a demolition permit for removal of the billboards shall be obtained and the signs removed. (P)

_____ 27. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. Per the Professional Land Surveyors Act, a record of survey shall be completed and filed with the County Surveyors office. (B)(E)

_____ 28. **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]

_____ 29. **Access.** The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. [F-41]

A. **Single Story Road Access Width.** All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

B. **Multi-Story Road Access Width.** Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

_____ 30. **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]

_____ 31. **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:

- _____ 32. **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)

- _____ 33. **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)

- _____ 34. **Development Fees.** The Developer shall pay required development fees as follows:
 - A. School Fees (B)

- _____ 35. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

- _____ 36. **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)

- _____ 37. **Fire Sprinkler-NFPA #13.** An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans to the Building and Safety Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufacturer's specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. [F-59]

- _____ 38. **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:

- _____ 39. **As-Built Plans.** The Developer shall provide as-built plans in AutoCAD 2010 Format. (E)
- _____ 40. **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. All documentation required by CalTrans shall be received by the City(E)
- _____ 41. **Development Fees.** The Developer shall pay required development fees as follows:
- A. Development Impact Fees (B)
 - B. Utility Fees (P)
- _____ 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. 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)
- _____ 44. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. [F80]

- _____ 45. **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]
- _____ 46. **Condition Compliance**. All conditions are subject to review during the Plans Review Process. [F87]

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

- _____ 47. **ABC Requirements**. The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. (P)
- _____ 48. **Battery and Used Tire Storage**. All used batteries and storage of all other vehicle parts shall be handled in accordance with Fire Department hazardous material regulations. (F)

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: November 8, 2011
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Stan Liudahl, AICP, Senior Planner
SUBJECT: Variance VAR11-10267; Applicant: City of Hesperia; APN: 0407-224-02

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2011-37, approving VAR11-10267.

BACKGROUND

Proposal: A variance to install a 175-foot high communications tower which exceeds the 75-foot tower height limitation.

Location: 15900 Smoketree Street (Attachment 1).

Current General Plan, Zoning and Land Uses: The site is within the Public Institutional Overlay (PIO) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated as noted on Attachment 2. The site is occupied by the High Desert Government Center and is bounded to the north by a senior apartment complex, to the south by Hesperia City Hall, to the east by single-family residences, and to the west by the Hesperia Police Station (Attachment 3). The property is part of the overall Civic Plaza project, which will include a combination of service and retail businesses to support a vibrant, pedestrian-oriented civic center.

This application would allow for installation of a 175-foot high communications tower on the north side of the High Desert Government Center (HDGC) building. The tower will provide primary two-way communications systems for the San Bernardino County Public Safety Operations Center (PSOC), which is to be established on the second floor of the HDGC. The tower will also contain communications equipment for daily use by the San Bernardino County Sheriff's Department dispatch center and other essential governmental communications. The County courthouse, District Attorney, and jail will continue to use the facilities on Quartzite Mountain. This tower will also provide redundancy, ensuring that emergency law enforcement calls will be secure in the event of a disaster. This tower location is preferred over adding capacity to the Quartzite Mountain site, as it will reduce the potential for signal disruption inherent with remote antennae locations.

This tower will provide multiple communication pathways to the PSOC through a link with the Strawberry Peak tower in Lake Arrowhead and a future tower in Oak Hills. The proposed height is needed to provide the necessary signal coverage for the County's far reaching High Desert service area. The tower will provide signal coverage to the outlying areas, including Pinon Hills, Phelan, Kramer Hills, Apple Valley, and Summit Valley. In the event of a major disaster, this communications facility may be the only working communications facility for the Victor Valley.

ISSUES/ANALYSIS

The Specific Plan limits the height of structures in this area to a maximum of 35 feet. Structures located a minimum of 10 feet beyond the minimum yard setback may exceed the height limitation by 10 feet for every 10 additional feet of setback. The proposed tower is proposed 60 feet from the rear property line, which is 40 feet beyond the 15-foot minimum rear yard setback. Therefore, the tower is limited to 75 feet in height. As part of this variance application, the applicant is required to provide justification for the additional height beyond 75 feet. A service plan (Attachment 4) has been submitted, which identifies the signal coverage afforded by this facility. The tower height enables communication with mobile radios as far away as Pinon Hills, Phelan, Kramer Hills, Apple Valley, and Summit Valley. This range is necessary to meet the County's region-wide service area.

The County has submitted photo simulations, which illustrate how the tower will appear from several angles (Attachment 5). The bottom 15 feet of the tower will be clad using sheet metal to discourage climbing. The sheet metal will be painted to match the building directly behind it as viewed from the apartments to the north. The remainder of the tower would not be clad. Cladding the entire structure would increase its surface area and would require that the structure be strengthened due to the increased wind load. In addition, cladding would make the structure more visible. A rotating beacon may be installed atop the tower. Federal Aviation Administration guidelines don't require a beacon until a structure exceeds 200 feet in height. However, if a beacon is installed, it will be shielded to prevent glare directly below.

It is unlikely that this facility will have any effect upon the health of persons in proximity to the tower. Many studies have been conducted to determine the extent to which electromagnetic fields effect health. To date, a clear causal relationship between exposure and the incidence of disease has not been found. The National Research Council (NRC) spent more than three years reviewing more than 500 scientific studies that had been completed over a 20-year period and found no conclusive and consistent evidence that electromagnetic fields harm humans.

Only 282 parking spaces are required for the government center, based upon the number of employees, County vehicles, and the average daily number of visitors to the facility. The County employs 184 people, maintains 36 County vehicles, and is visited by approximately 62 visitors daily. The site will contain 316 spaces after elimination of nine parking spaces for both the tower and a second emergency generator. Consequently, a 34-space surplus would result.

A public outreach meeting was held at the library on October 25, 2011. Staff mailed 463 notices and 275 notices were hand delivered to the residents of the two apartment complexes closest to the Government Center, inviting public participation. Only five members of the public attended the meeting; none chose to comment. Staff received one comment in writing prior to the meeting, which supports the tower (Attachment 6).

The Hesperia Development Code allows a variance to be granted if the following findings can be made:

- There is an unusual circumstance applicable to the property that does not generally apply to other properties in the vicinity;
- The applicant is deprived of privileges enjoyed by other property owners in the same zone;

- The enforcement of the code would result in a physical hardship;
- The granting of the variance will not constitute a grant of a special privilege; and
- The granting of the variance will not be detrimental to the public health, safety, and welfare to properties in the vicinity.

Staff believes that the findings can be made by considering the unique communications requirements for the PSOC combined with the advantages of providing redundancy and reducing the potential for signal disruption. Granting this variance would also not constitute a special privilege, as this tower height is needed to provide communications for region-wide government operations. Further, the granting of the variance will promote the public, health, safety, and welfare, particularly in providing emergency communications.

Drainage: The tower and generator will not cause an increase in storm water runoff, since the tower and the generator are proposed on an existing paved area. Consequently, the communications facility will not increase surface drainage flow.

Water and Sewer: The site is served from an existing water and sewer line.

Street Improvements: The streets were paved to City standards when the government center was developed.

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

Conclusion: The project conforms to the policies of the City's General Plan as well as the Specific Plan, with approval of the variance. Staff believes that the findings needed to approve the proposed variance can be made due to the advantages of providing redundancy and reducing the potential for signal disruption. Further, approval of the 175-foot communications tower is supportive of the government land uses intended within the PIO District of the Specific Plan.

FISCAL IMPACT

None.

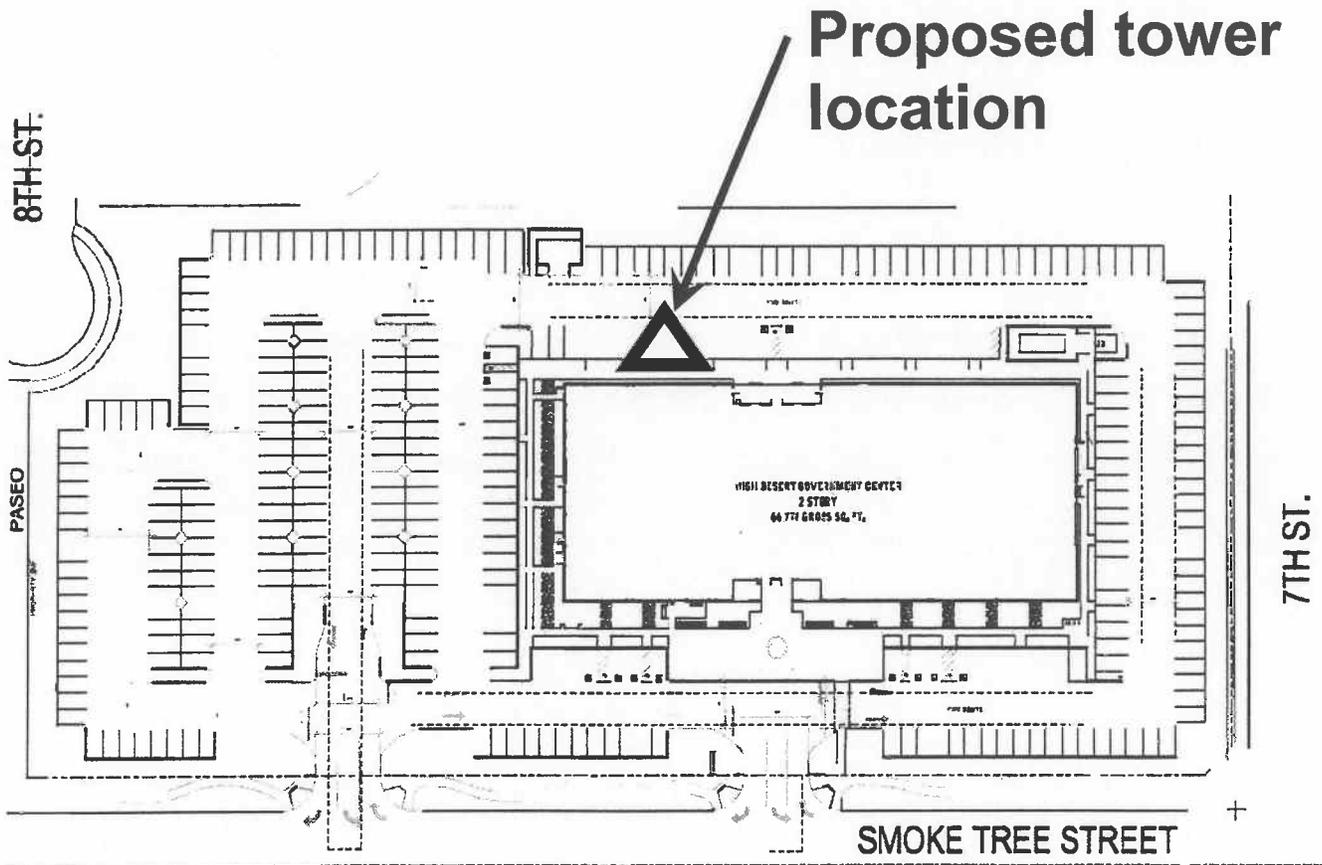
ALTERNATIVES

1. The Planning Commission could deny the variance, necessitating that the tower be constructed elsewhere within the High Desert, since Quartzite Mountain cannot be expanded. This will require selection of another site for the tower, which will necessitate another communications link between the tower and the PSOC, which adds another link to the communications network which could fail. The tower also provides redundancy, affording a second two-way communications network that may be critical during a disaster. Consequently, staff does not support this alternative.
2. Provide alternative direction to staff.

ATTACHMENTS

1. Site plan
2. General Plan land use map
3. Aerial photo
4. Service plan
5. Photo simulations
6. Letter from Linda Hernandez dated October 18, 2011
7. Negative declaration No. 2011-08 and the initial study
8. Resolution No. PC-2011-37

ATTACHMENT 1



APPLICANT(S):
CITY OF HESPERIA

FILE NO(S):
VAR11-10267

LOCATION:
15900 SEVENTH AVENUE

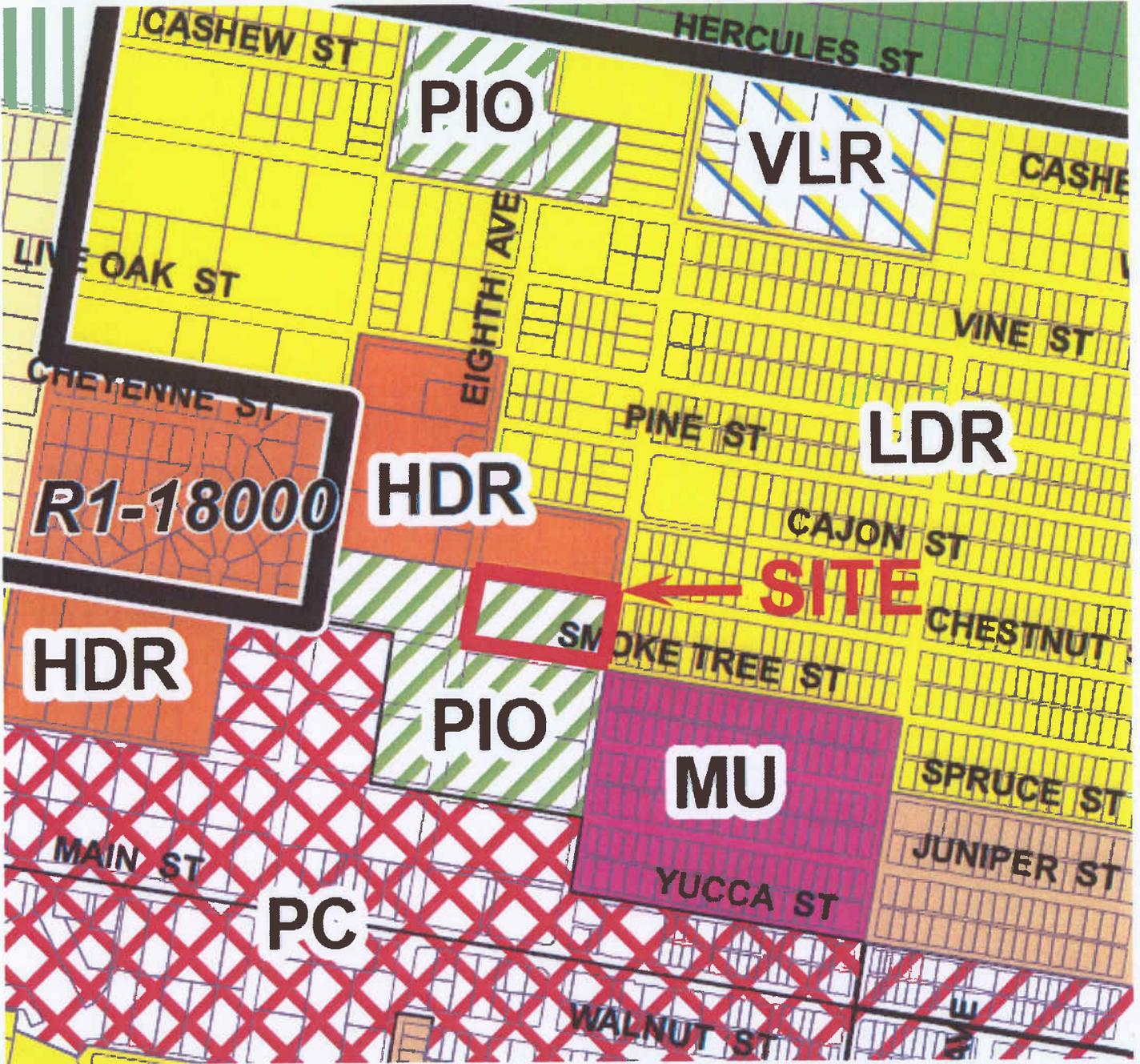
APN(S):
0407-224-02

PROPOSAL:
CONSIDERATION OF A VARIANCE TO INSTALL A 175-FOOT HIGH COMMUNICATIONS TOWER WHICH EXCEEDS THE 75-FOOT TOWER HEIGHT LIMITATION



SITE PLAN

ATTACHMENT 2



APPLICANT(S):
CITY OF HESPERIA

FILE NO(S):
VAR11-10267

LOCATION:
15900 SEVENTH AVENUE

APN(S):
0407-224-02

PROPOSAL:
CONSIDERATION OF A VARIANCE TO INSTALL A 175-FOOT HIGH COMMUNICATIONS TOWER WHICH EXCEEDS THE 75-FOOT TOWER HEIGHT LIMITATION



GENERAL PLAN LAND USE MAP

ATTACHMENT 3



APPLICANT(S):
CITY OF HESPERIA

FILE NO(S):
VAR11-10267

LOCATION:
15900 SEVENTH AVENUE

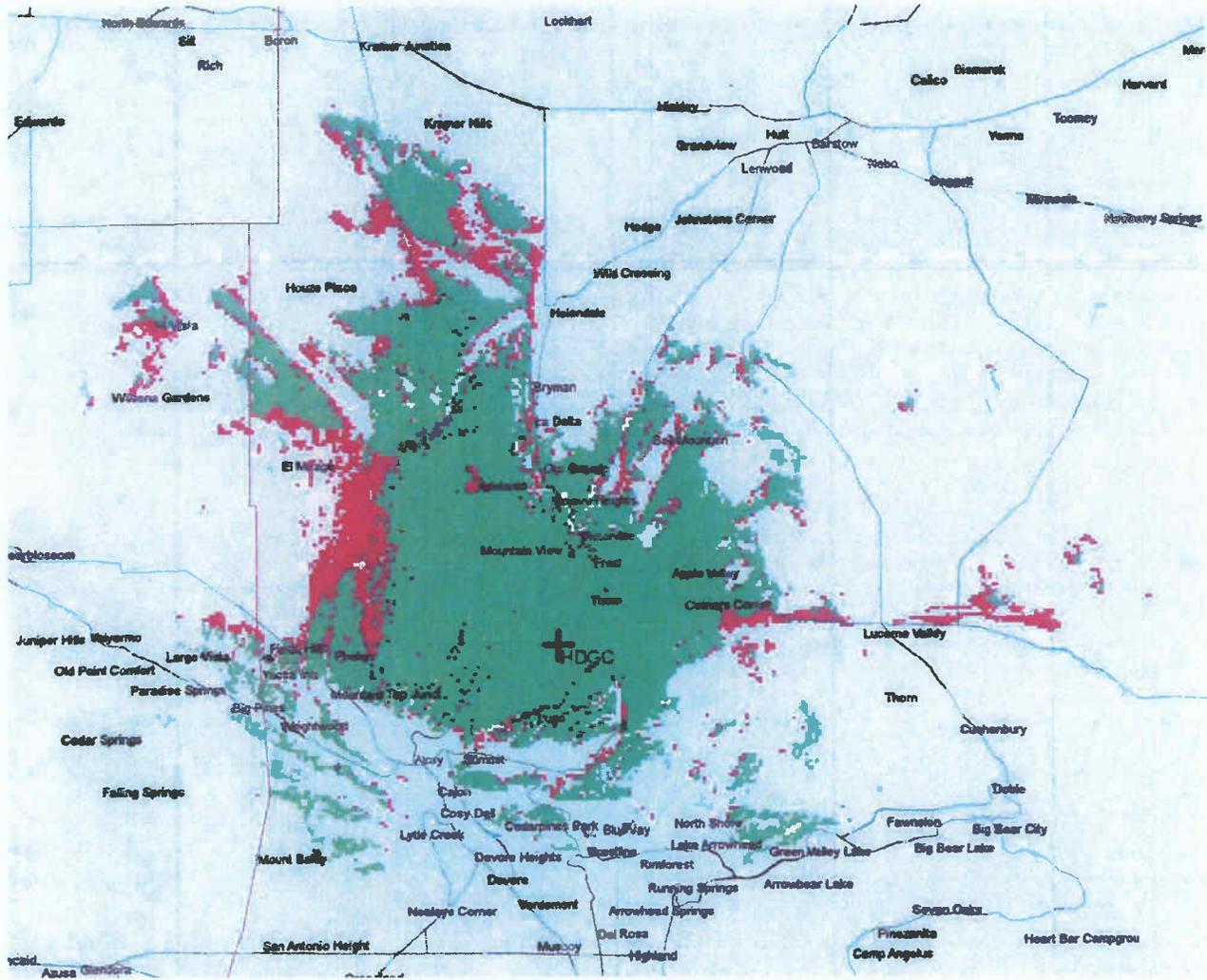
APN(S):
0407-224-02

PROPOSAL:
CONSIDERATION OF A VARIANCE TO INSTALL A 175-FOOT HIGH COMMUNICATIONS TOWER WHICH EXCEEDS THE 75-FOOT TOWER HEIGHT LIMITATION



AERIAL PHOTO

ATTACHMENT 4



APPLICANT(S):
CITY OF HESPERIA

FILE NO(S):
VAR11-10267

LOCATION:
15900 SEVENTH AVENUE

APN(S):
0407-224-02

PROPOSAL:
CONSIDERATION OF A VARIANCE TO INSTALL A 175-FOOT HIGH COMMUNICATIONS TOWER WHICH EXCEEDS THE 75-FOOT TOWER HEIGHT LIMITATION



ATTACHMENT 5



View from the north



View from the south



View from the east



View from the west

APPLICANT(S):
CITY OF HESPERIA

FILE NO(S):
VAR11-10267

LOCATION:
15900 SEVENTH AVENUE

APN(S):
0407-224-02

PROPOSAL:
CONSIDERATION OF A VARIANCE TO INSTALL A 175-FOOT HIGH COMMUNICATIONS TOWER WHICH EXCEEDS THE 75-FOOT TOWER HEIGHT LIMITATION



PHOTO SIMULATIONS

ATTACHMENT 6

Oct 18, 2011

Mr Stan Lundahl,

It was nice talking
to you regarding Communications
Tower. ~~Will~~ not attend the Meeting
October 25, 2011 due to the fact
that I live very far from Heperew.
Hoping the Tower will
add Community Safety. I vote for
the improvement to this areas
safety.

Respectfully,
Linda Hernandez
(5th generation
American of Spanish descent.)

My parcel No. is 407-112-09
I am 83 years old and maybe I
should sell my lot. I will know
soon if I want to list it with
a broker or sell it for sale
by owner.

(805) 693-8989

ATTACHMENT 7

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

NEGATIVE DECLARATION ND-2011-08
Preparation Date: October 17, 2011

Name or Title of Project: Variance VAR11-10267.

Location: 15900 Smoketree Street (APN: 0407-224-02).

Entity or Person Undertaking Project: City of Hesperia.

Description of Project: Consideration of a variance to install a 175-foot high communications tower which exceeds the 75-foot tower height limitation.

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

Mitigation Measures:

1. The sheet metal base shall be painted to match the color of the exterior wall of the adjacent government building to the south.
2. If a rotating beacon is installed atop the tower, a shield shall be installed to eliminate glare directly below.

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

Public Review Period: October 20, 2011 through November 8, 2011.

Adopted the Planning Commission: November 8, 2011.

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

PROJECT DESCRIPTION

1. **Project Title:** Variance VAR11-10267.
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Stan Liudahl, AICP, Senior Planner
Phone number: (760) 947-1231.
4. **Project Location:** 15900 Smoketree Street (APN: 0407-224-02).
5. **Project Sponsor:** City of Hesperia
Address: 9700 Seventh Avenue
Hesperia, CA 92345
6. **General Plan & zoning:** Public Institutional Overlay (PIO) District of the Main Street and Freeway Corridor Specific Plan.
7. **Description of project:**

This application would allow for installation of a 175-foot high communications tower at 15900 Smoketree Street, which exceeds the 75-foot tower height limitation. The tower is proposed north of the High Desert Government Center building, in close proximity to the PSOC. The tower will provide primary two-way communications systems for the San Bernardino County Public Safety Operations Center (PSOC), the San Bernardino County Sheriff's Department dispatch center, and other essential governmental communications. The county courthouse, District Attorney, and jail will continue to use the facilities on Quartzite Mountain. This tower is proposed to provide communications for the PSOC and an expanded Sheriff's Department. It will also provide redundancy, ensuring that emergency law enforcement calls will be secure in the event of a disaster. This tower location is preferred over adding capacity to the Quartzite Mountain site, as it will reduce the potential for signal disruption inherent with remote antennae locations.

The tower will contain both mobile radio-type antennae and microwave dishes. In addition to providing needed redundancy, this facility will provide multiple communication pathways to the PSOC through a link with the Strawberry Peak tower in Lake Arrowhead and a future tower in Oak Hills. The proposed height is needed to provide the necessary signal coverage for the County's far reaching High Desert service area. The tower will provide signal coverage to the outlying areas, including Pinon Hills, Phelan, Kramer Hills, Apple Valley, and Summit Valley. In the event of a major disaster, this communications facility may be the only working communications facility for the Victor Valley.

The tower is proposed north of the High Desert Government Center building, in close proximity to the PSOC. Installation of the tower will eliminate four parking spaces. Five additional spaces would be eliminated with installation of the emergency power generator. A large portion of the second floor is reserved for the PSOC, and houses just 69 permanent employees. Only 282 parking spaces are needed for the building and 316 will be provided, based upon the number of employees and the average daily number of visitors to the facility. Consequently, a 34-space surplus would result. Therefore, installation of the tower and its backup generator will not cause a parking space deficiency.

8. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.) The site is within the Hesperia Civic Plaza and is surrounded by development. A senior apartment complex is north, City Hall is to the south, single-family residences are to the east and the police station occurs to the west of the site as shown on Attachment "A."

9. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.) Review and approval is required from the City.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

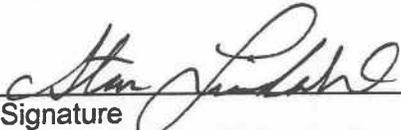
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (Completed by the Lead Agency)
 On the basis of this initial evaluation:

| | | |
|---|--|--|
| | I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. | |
| X | I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. | |
| | I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. | |
| | 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. | |
| | 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. | |

"De minimis"


 Signature
 Stan Liudahl, AICP, Senior Planner, Hesperia Planning Division

10/17/2011
 Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is provided for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting information sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

| I. AESTHETICS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect on a scenic vista (1)? | | | | X |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (1 & 2)? | | | | X |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings (1, 2, 3 & 4)? | | X | | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (5)? | | X | | |

Comments.

The site contains the two-story, 66,778 square foot High Desert Government Center (government center) (1) and is surrounded by development. The site is fully developed and does not contain native trees, rock outcroppings or historic buildings nor is it adjacent to a state scenic highway. The existing visual quality of the adjacent properties shall consider the impact of the existing two-story government building. Consequently, the tower will not impact a scenic vista. The bottom 15 feet of the 25-foot wide

base of the tower will be clad with solid sheet metal to prevent climbing. Cladding the entire structure would cause excessive wind load and would make it more visible. The sheet metal base shall be painted to match the color of the exterior wall of the adjacent government building to help conceal it. This requirement is included as a mitigation measure as listed on page 20. The tower width tapers down to approximately 6 feet at its highest point, which also reduces its visual impact. Although the tower would be the tallest structure in the City, its width and skeletal structure minimizes the visual impact. Consequently, the tower will not pose a significant change in the visual character of the area.

The City contains many scenic views of the Mojave Desert, the Mojave River, the San Bernardino and San Gabriel Mountains, as well as the Summit Valley area. The GPUEIR addresses these scenic vistas and focuses on preservation of natural open space to protect sensitive environments and specific amenities like washes, bluffs, Joshua tree forests and juniper woodlands (3). In this case, the site and the surrounding area do not contain any sensitive environments. Given the existing land uses nearby and the site's existing two-story government building, its development will not substantially degrade the existing visual character or quality of the site and its surroundings. Further, a state scenic highway does not traverse the City (2). State Highways 138 and 173 are eligible for being designated scenic highways. Both highways are within the southern portion of the City and the project site is not in proximity to this area. The City does not contain any registered historic buildings.

The proposed tower will change the aesthetic impact of the site. However, the Development Code allows communications towers 75 feet or lower in height without approval of a variance (4). Additionally, the City currently has 34 commercial wireless communications facilities within its incorporated limits which were granted approval of a variance, many of which are 75 feet in height. Therefore, similar visual impacts exist elsewhere within the City.

The Development Code requires that any light created by the development not exceed 0.5 foot-candle illumination at the site boundary abutting a street or residentially designated property and that glare would be minimized, due to the proximity of residences and other sensitive uses (5). Federal Aviation Administration (FAA) guidelines don't require a beacon on structures less than 200 feet tall. Should an illuminated rotating beacon be installed atop the tower, it shall be shielded to eliminate glare directly below. This mitigation measure is also listed on page 20. Based upon the enclosed mitigation measures, the use will not have a significant negative impact upon aesthetics.

| II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and State Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use (1, 6 & 7)? | | | | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (6, 7 & 8)? | | | | X |

| | | | | |
|--|--|--|--|---|
| c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) (6, 7 & 8)? | | | | X |
| d) Result in the loss of forest land or conversion of forest land to non-forest use (8)? | | | | X |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use (6 & 8)? | | | | X |

Comments.

Should the proposed tower be no taller than 75 feet tall, approval of a land use entitlement would not be required. As part of every land use entitlement, the potential impact upon prime farmland, unique farmland, or farmland of statewide importance is evaluated. Prior to development, staff reviews the General Plan and the United States Soil Conservation Service Soil Survey of San Bernardino County, which identifies soils which are suitable for prime farmland, unique farmland, or farmland of statewide importance. In this case, the site is fully developed (1). The project impact upon agricultural land was evaluated as part of the approval of the government building. This action will not change the zoning of any properties designated as prime or unique farmland and will not negate any Williamson Act contract as the site is currently within the Public Institutional Overlay (PIO) District of the Main Street and Freeway Corridor Specific Plan (7 & 11). The site was also evaluated for past agricultural uses prior to development of the government building. There is no record of past agricultural activities on the site. Therefore, this project will not have an impact upon agricultural resources.

The City and its Sphere Of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes (9). The southernmost portions of the City and SOI contain a narrow distribution of land within the shrub and conifer woodland bioregions. These bioregions do not contain sufficient forest land for viable timber production and are ranked as low priority landscapes (10). During the nineteenth century, juniper wood from Hesperia was harvested for use in fueling bakery kilns. Use of juniper wood was discontinued when oil replaced wood in the early twentieth century (8). Local timber production has not occurred since that time. The project site is primarily located in the western portion of the City within the Interstate 15 corridor in the urban area and is substantially surrounded by urban development (1). Therefore, this project will not have an impact upon forest land or timberland.

| III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Conflict with or obstruct implementation of the applicable air quality plan (12, 13 & 14)? | | | | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (12, 13 & 14)? | | | | X |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) (12, 13 & 14)? | | | | X |
| d) Expose sensitive receptors to substandard pollutant concentrations (7, 12 & 13)? | | | | X |
| e) Create objectionable odors affecting a substantial number of people (1, 7, 12 & 13)? | | | | X |

Comments.

The General Plan Update and its Environmental Impact Report (EIR) addresses the impact of build-out in accordance with the Land Use Plan, with emphasis upon the impact upon sensitive receptors (12 & 13). Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality. The tower and its operations will not have any impact upon air quality, except for its dedicated generator (15). Inasmuch as the generator will only be in use during power outages or testing, its impact upon air quality is not significant.

The Mojave Desert Air Quality Management District (MDAQMD) has published a number of studies that demonstrate that the Mojave Desert Air Basin (MDAB) can be brought into attainment for particulate matter and ozone, if the South Coast Air Basin (SCAB) achieves attainment under its adopted Air Quality Management Plan. The High Desert and most of the remainder of the desert has been in compliance with the federal particulate standards for the past 15 years (14). The ability of MDAQMD to comply with ozone ambient air quality standards will depend upon the ability of SCAQMD to bring the ozone concentrations and precursor emissions into compliance with ambient air quality standards (13 & 14).

All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD (14). Programs have been established in the Air Quality Attainment Plan which address emissions caused by area sources. Both short-term (construction) emissions and the long-term (operational) emissions associated with the development were considered. Short-term airborne emissions will occur during the construction phase related to demolition, site preparation, land clearance, grading, and excavation; 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. Construction activities generally do not have the potential to generate a substantial amount of odors. The primary source of odors associated with construction activities are generated from the combustion petroleum products by equipment. However, such odors are part of the ambient odor environment of urban areas. 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 AQMD permits.

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 (16). As part of the General Plan Update Environmental Impact Report (GPUEIR), the impact of industrial development to the maximum allowable density permitted by the Land Use Plan was analyzed. The traffic impact of this project is analyzed within Section XV. Transportation/Traffic. Further, the impact of this communications facility apart from the emergency generator will be limited to infrequent maintenance trips, which does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment Plan (14).

| IV. BIOLOGICAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1, 15 & 17)? | | | | 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, 15 & 17)? | | | | 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, 15 & 17)? | | | | 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, 15 & 17)? | | | | X |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (1, 15, 17 & 18)? | | | | 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 (17)? | | | | X |

Comments.

Based upon the site being fully developed, biological resources do not exist within the project site (1). Therefore, installation of the tower will not impact any biological resources.

| 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 (1 & 15)? | | | | X |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (1 & 15)? | | | | X |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (1 & 15)? | | | | X |
| d) Disturb any human remains, including those interred outside of formal cemeteries (15)? | | | | X |

Comments.

Based upon the site being fully developed, historic resources do not exist within the project site (1). As part of developing the site, any cultural resources present would have been unearthed. Therefore, installation of the tower will not impact any cultural resources.

| VI. GEOLOGY AND SOILS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (20, 21 & 22). | | | | X |
| ii) Strong seismic ground shaking (23 & 24)? | | | X | |
| iii) Seismic-related ground failure, including liquefaction (25 & 26)? | | | | X |
| iv) Landslides (25 & 26)? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil (25)? | | | | 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 (25 & 26)? | | | | X |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (25)? | | | | X |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (25)? | | | | X |

Comments.

The project site contains generally flat topography with slopes of under two percent. No large hills or mountains are located within the project site. According to Exhibit SF-1 of the General Plan Safety Element, no active faults are known or suspected to occur near or within the project site and the site is not within an Alquist-Priolo Special Studies Zone or Earthquake Fault Zone (20). The City and Sphere of Influence (SOI) is near several major faults, including the San Andreas, North Frontal, Cleghorn, Cucamonga, Helendale, and San Jacinto faults (20 & 21). The nearest fault to the site is the North Frontal fault, located approximately five miles to the east of the City. The Alquist-Priolo Earthquake Fault Zoning Act prohibits structures designed for human occupancy within 500 feet of a major active fault and 200 to 300 feet from minor active faults (22). The project site is not located in an Alquist-Priolo Earthquake Fault Zone or within 500 feet of a fault (20 & 21). Further, the soil at this location is identified as Cajon sand, zero to two percent slopes (25). This soil is limited by high soil blowing hazard, high water intake rate, slope considerations, and low fertility. The site's shallow slope and moderately rapid permeability negates the potential for soil instability. Further, digging the four footings to support the tower and a slab for the emergency generator will not result in significant soil loss due to wind erosion, given its limited scope (15).

As a function of obtaining a final, the proposed communications tower will be built in compliance with the Building Code (27), which ensures that the tower will adequately resist the forces of an earthquake. Consequently, the impact upon geology and soils associated with the proposed communications tower 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 (28)? | | | X | |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases (28, 29 & 30)? | | | | 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. 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). 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 (28, 29 & 30).

Development of the proposed communications tower will not increase the greenhouse gas (GHG) emissions beyond that analyzed within the General Plan Update Environmental Impact Report (GPUEIR). The emissions associated with its development are primarily due to its installation. Once installed, the tower will only cause an increase in greenhouse gases due to maintenance and repair activities. The site's proximity to the government building will eliminate the additional greenhouse gases which would result from trips up Quartzite Mountain if this communications facility was located at that remote site (15).

The proposed communications facility will not cause but a small number of vehicle trips associated with its maintenance and from limited operation of the emergency generator. Therefore, the impact of the facility will create a very slight increase in the number of vehicle trips that are occurring at this government building. The traffic resulting from establishment of the government building is less than what was analyzed by the GPUEIR for this property. Consequently, the impact upon GHG emissions associated with the proposed communications facility is less than significant.

| VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (15)? | | | | 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 (31)? | | | | 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 (15)? | | | | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment (32)? | | | | 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 (1 & 15)? | | | | 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 (1 & 15)? | | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (33)? | | | | 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)? | | | | X |

Comments.

The project does not involve routine use nor transport of hazardous materials (15). Leaky underground fuel storage tanks are the main cause of groundwater contamination. Studies of electromagnetic waves on humans have not conclusively shown that these facilities pose any health risks. Further, the project site is not listed in any of the following hazardous sites database systems, so it is unlikely that hazardous materials exist on-site:

- National Priorities List www.epa.gov/superfund/sites/query/basic.htm. List of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. There are no known National Priorities List sites in the City of Hesperia.
- Site Mitigation and Brownfields Reuse Program Database www.dtsc.ca.gov/database/Calsites/Index.cfm. This database (also known as CalSites) identifies sites that have known contamination or sites that may have reason for further investigation. There are no known Site Mitigation and Brownfields Reuse Program sites in the City of Hesperia.
- Resource Conservation and Recovery Information System www.epa.gov/enviro/html/rcris/rcris_query_java.html. Resource Conservation and Recovery Information System is a national program management and inventory system of hazardous waste handlers. There are 53 Resource Conservation and Recovery Act facilities in the City of Hesperia, however, the project site is not a listed site.

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

The proposed communications tower will not conflict with air traffic nor emergency evacuation plans. The site is approximately four miles from the Hesperia Airport and is therefore not within a restricted use zone associated with air operations (7). Federal Aviation Administration (FAA) regulations don't require a beacon on structures less than 200 feet tall. Should an illuminated rotating beacon be installed atop the tower, a shield shall be installed to eliminate glare directly below. Consequently, the communications facility will not pose a safety hazard to air operations or a nuisance to persons in its vicinity. The site is also not along an emergency evacuation route or near a potential emergency shelter and will not interfere with emergency evacuation plans (33).

The project's potential for exposing people and property to fire and other hazards was also examined. The site is located within an urbanized area and is not in an area susceptible to wildland fires. The southernmost and westernmost portions of the City are at risk, due primarily to proximity to the San Bernardino National Forest (34 & 35). This communications tower will be constructed to the latest building standards (27), including applicable fire codes. Consequently, approval of this variance will not have any impact upon or be affected by hazards and hazardous materials.

| IX. HYDROLOGY AND WATER QUALITY. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Violate any water quality standards or waste discharge requirements (36 & 37)? | | | | 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) (38 & 39)? | | | | 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 (34)? | | | | 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 (15 & 34)? | | | | 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 (40)? | | | | X |
| f) Otherwise substantially degrade water quality (40)? | | | | 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 (7, 41 & 42)? | | | | X |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (7, 34 & 42)? | | | | 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 (34)? | | | | X |
| j) Inundation by seiche, tsunami, or mudflow (20)? | | | | X |

Comments.

Installation of the communications tower and emergency generator will disturb less than one-acre of land area. Consequently, the project will not be required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to land disturbance (43). The communications facility will not change absorption rates and potential drainage patterns, nor affect the amount of surface water runoff, as the tower and generator are to be placed over an existing paved area (15). The site is also not impacted directly or indirectly by storm water flow. The City constructed a drainage facility to convey storm water underground from Main Street to Willow Street. Further, the site is not within a Flood Zone, based upon the latest Flood Insurance rate Maps (42). In addition, the existing underground retention facilities will ensure that no additional storm water runoff impacts the area and that any contaminants will be filtered from storm water runoff prior to any release into a street.

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

The City of Hesperia is located just north of the Cajon Pass at an elevation of over 2,500 feet above sea level, which is over 60 miles from the Pacific Ocean. As such, the City is not under threat of a tsunami, otherwise known as a seismic sea wave (45). Similarly, the potential for a seiche to occur is remote, given the limited number of large water bodies within the City and its sphere. A seiche would potentially occur only in proximity to Silverwood Lake, Hesperia Lake and at recharge basins (45). The subject property has less than a two percent slope. In addition, the water table is significantly more than 50 feet from the surface. The area north of Summit Valley contains steep slopes which have the potential to become unstable during storm events (46). Therefore, the mechanisms necessary to create a mudflow; a steep hillside with groundwater near the surface, do not exist at this location.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the

overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment “to secure supplemental water as necessary to fully implement the provisions of this Judgment.” Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City’s Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, a letter dated May 21, 1997 from the MWA’s legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin (47).

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere Of Influence (SOI). The UWMP indicates that the City is currently using less than half of its available water supply and that supply is projected to exceed demand beyond the year 2030 (47 & 48). The HWD has maintained a water surplus through purchase of water transfers, allocations carried over from previous years, and recharge efforts. Therefore, the impact upon hydrology and water quality associated with the project is considered less than significant.

| X. LAND USE AND PLANNING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Physically divide an established community (1)? | | | | X |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (7)? | | X | | |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan (19)? | | | | X |

Comments.

The site is currently developed with a government office building consistent with the Public Institutional Overlay (PIO) District of the Main Street and Freeway Corridor Specific Plan (7). The proposed communications tower and emergency generator are allowable accessory uses, but the tower is limited to a maximum height of 75 feet.

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. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest community, exist within the Rancho Las Flores Specific Plan and vicinity (19). The project site is located approximately four miles northwest of this specific plan within the developed portion of the City. Therefore, this project will have a less than significant impact upon land use and planning.

| XI. MINERAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (49)? | | | | 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 (49)? | | | | 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 (49). 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. This project would occupy a small portion of an already developed site which does not contain a wash, which would include sand and gravel. Consequently, the proposed variance would not have an impact upon mineral resources.

| XII. NOISE. Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (1, 15 & 50)? | | | X | |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (50 & 51)? | | | X | |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (51)? | | | | X |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (15 & 52)? | | | X | |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels (7)? | | | | 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 (7)? | | | | X |

Comments.

Approval of the proposed communications tower will result in both construction noise and operational noise, but mostly noise would be associated with construction of the facility. Noise levels associated with construction activities will be slightly higher than the existing ambient noise levels in the vicinity of the project site. Noise generated by construction equipment, including trucks, backhoes, concrete mixers and portable generators can reach high levels and is typically one of the sources for the highest potential noise impact of a project. However, the construction noise would end once construction is completed. The proposed project must adhere to the requirements of the City of Hesperia Noise Ordinance, which restricts construction activity to between 7:00 A.M. and 7:00 P.M., Monday through Saturday, except federal holidays (51).

According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles and aircraft (50). Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Noises associated with the communications facility will be mostly from the emergency generator. Since the generator will only operate when it is tested or when a power failure occurs, its impact will be very infrequent. The area will also be subjected to noise due to its proximity to Seventh Avenue. The project site currently receives 69 dB (A) from Seventh Avenue. The expected noise level upon build-out will not change, based upon a 50-foot distance from the closest lane (52).

Operational noise from the communications facility would be limited to the noise generated by the backup generator, which will only operate during infrequent periods for testing and during power outages. Therefore, the noise produced by the communications tower would not be significant.

| XIII. POPULATION AND HOUSING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (7 & 15)? | | | | X |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere (1)? | | | | X |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere (1)? | | | | X |

Comments.

The proposed communications tower is accessory to the primary government use, which is consistent with the General Plan Land Use designation of the property. Approval of this variance application is solely due to the tower exceeding 75 feet in height (53). Establishment of the proposed communications tower will not have either a direct or indirect increase in the demand for housing. The tower will only provide a local platform for emergency and non-emergency communications throughout the Victor Valley and regions beyond. As a result, installation of the communications tower would not require extension of public facilities. Therefore, the project will not displace any existing housing, necessitating the construction of replacement housing elsewhere nor will it serve as an inducement for more residential development.

| XIV. PUBLIC SERVICES. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services (55): | | | | X |
| Fire protection? (55) | | | | X |
| Police protection? (55) | | | | X |

| | | | | |
|-------------------------------|--|--|--|---|
| Schools? (55) | | | | X |
| Parks? (55) | | | | X |
| Other public facilities? (55) | | | | X |

Comments.

The proposed communications tower will not create an increase in demand for public services (15). The site is currently connected to the electric power grid, and that power is adequate for the use (55). Therefore, the impact of the proposed use upon public services is insignificant.

| XV. RECREATION. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (15)? | | | | 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 (15)? | | | | X |

Comments.

As evaluated previously, approval of the variance will not induce population growth, as the project only involves development of a communications tower for use by the government center. The facility will not create a need for new employees and will not cause a demand for additional recreational facilities (15). Therefore, the proposed variance will have no impact upon the demand for recreation.

| XVI. TRANSPORTATION / TRAFFIC. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (56)? | | | | X |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways (56, 57 & 58)? | | | | 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 (7)? | | | | X |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (1, 7 & 59)? | | | | X |
| e) Result in inadequate emergency access (15)? | | | | X |

| | | | | |
|---|--|--|--|---|
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities (56)? | | | | X |
|---|--|--|--|---|

Comments.

The proposed communications facility will not cause an increase in the number of employees, as the area of the second floor devoted to the Public Safety Operations Center (PSOC) is only manned during an emergency or emergency drill and many of those within the PSOC are county employees that have offices within the building. 282 parking spaces are required for normal daily operations at the county government center and 316 parking spaces are provided, resulting in 34 surplus parking spaces. The tower and emergency generator would eliminate nine spaces north of the building outside the two-way drive aisle. Consequently, it will not impact accessibility on-site (7).

The project site is located approximately five miles from the Hesperia Airport and is not within an airport safety zone (7). Consequently, the project will not cause a change in air traffic patterns or an increase in traffic levels or location. The project site will also not impact the air traffic patterns for the Southern California Logistics Airport or the Apple Valley Airport. In addition, a beacon is only required atop any structure 200 feet and taller, consistent with Federal Aviation Administration (FAA) guidelines. Approval of the variance will maintain a sufficient number of parking spaces and will not interfere with air transportation. Therefore, granting of the variance will not have a negative impact upon transportation or traffic.

| XVII. UTILITIES AND SERVICE SYSTEMS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (60)? | | | | 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 (15)? | | | | X |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (15)? | | | | X |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (38 & 39)? | | | | 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 (15)? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (62 & 63)? | | | | X |
| g) Comply with federal, state, and local statutes and regulations related to solid waste (64)? | | | | X |

Comments.

The proposed communications facility will not increase the amount of wastewater. The development is currently connected to the existing sewer system (54) and the proposed communications facility will not increase the amount of wastewater to the system. Storm water from upstream properties is conveyed by the underground storm water system in Ninth Avenue.

As part of development of the government center, an on-site retention facility was constructed, which retains the additional storm water created by the impervious surfaces. Installation of the communications tower will not cause an increase in the amount of storm water runoff. Consequently, based upon a 100-year storm event, approval of the communications facility will not increase the amount of drainage impacting downstream properties beyond that which would occur prior to its development. Additionally, the existing retention facility contains a filtration system preventing contamination of the environment.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, in a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin (47).

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere Of Influence (SOI). The UWMP evidences that the City is currently using less than half of its available water supply and that supply is projected to exceed demand beyond the year 2030 (48). The HWD has maintained a surplus water supply through purchase of water transfers, allocations carried over from previous years, and recharge efforts.

The City is in compliance with the California Integrated Waste Management Act of 1989, which requires that 50 percent of the solid waste within the City be recycled (64). Currently, approximately 69 percent of the solid waste within the City is being recycled (62 & 63). About 168 tons of solid waste is disposed at the landfill and 243 tons are recycled of the total solid waste produced by the City per day. The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 600 tons per day in order to accommodate future development. Since the communications facility won't increase the number of employees within the government center, the variance will not cause a significant negative impact upon utilities and service systems.

| XVIII. MANDATORY FINDINGS OF SIGNIFICANCE. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | | | | X |

| | | | | |
|---|--|---|--|---|
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | | | | X |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | | X | | |

Comments.

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

XIV. EARLIER ANALYSES.

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

The Certified General Plan Environmental Impact Report.

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

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

1. The sheet metal base shall be painted to match the color of the exterior wall of the adjacent government building to the south.
2. If a rotating beacon is installed atop the tower, a shield shall be installed to eliminate glare directly below.

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

- (1) Aerial photos of the City of Hesperia taken February, 2010.
- (2) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-7.
- (3) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-8.

-
- (4) Section 16.20.060 of the Hesperia Municipal Code.
-
- (5) Section 16.20.135 of the Hesperia Municipal Code.
-
- (6) Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2
-
- (7) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, Exhibit LU-3, showing the General Plan Land Use of the City of Hesperia and its sphere of influence, Page LU-25; and the Official map of the Main Street and Freeway Corridor Specific Plan.
-
- (8) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34.
-
- (9) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
-
- (10) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
-
- (11) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-1.
-
- (12) Air Quality Section of the 2010 City of Hesperia General Plan Update, pages CN-47 thru CN-50.
-
- (13) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
-
- (14) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
-
- (15) Variance VAR11-10269 application and related materials.
-
- (16) Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR).
-
- (17) Section 3.4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.4-1 thru 3.4-30.
-
- (18) Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
-
- (19) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-3.
-
- (20) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1.
-
- (21) Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, Figure 1-2.
-
- (22) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
-
- (23) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
-
- (24) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-23 thru 1-36.
-
- (25) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 31 and Page 27.
-
- (26) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
-
- (27) 2010 California Building Code.
-
- (28) Section 1 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 1.
-

-
- (29) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
-
- (30) Table 5 of Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, pages 20 and 21.
-
- (31) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
-
- (32) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.7-1.
-
- (33) Potential Emergency Shelters and Evacuation Routes shown within the 2010 Hesperia General Plan Safety Element, Exhibit SF-4.
-
- (34) Map showing very high fire hazard areas, flood zones, and significant hazardous materials sites of the 2010 City of Hesperia General Plan Update Safety Element, Exhibit SF-2.
-
- (35) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
-
- (36) Section 3.8.2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
-
- (37) Section 3.8.5 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-20 thru 3.8-22.
-
- (38) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
-
- (39) Mojave Water Agency letter dated March 27, 1996.
-
- (40) Section 4.3.8 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-8 and 4-9.
-
- (41) 1996 Hesperia Master Plan of Drainage Volume III, identifying future drainage improvements for the area.
-
- (42) FEMA flood map within the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
-
- (43) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
-
- (44) Section 3.2 the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 3-18 thru 3-23.
-
- (45) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, page SF-8.
-
- (46) Table 3.6-2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.6-24.
-
- (47) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-11.
-
- (48) Mojave Water Agency letter dated March 27, 1996.
-
- (49) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
-
- (50) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
-
- (51) Section 16.20.125 of the Hesperia Municipal Code, pages 464 thru 467.
-
- (52) Table 3.11-10 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.11-45.
-
- (53) Section 4.4 (1) of Chapter 7 within the Main Street and Freeway Corridor Specific Plan, page 109.
-

-
- (54) Current Hesperia water and sewer line atlas, page I13.
-
- (55) Section 4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-13 thru 4-18.
-
- (56) Section 2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 2-19.
-
- (57) Table 4-4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, page 43.
-
- (58) Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 4 thru 6.
-
- (59) Conditions of approval for Variance VAR11-10267.
-
- (60) Section 3.8 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-8 thru 3.8-14.
-
- (61) 2010 California Plumbing Code.
-
- (62) Quarterly data of the San Bernardino County Disposal Reporting System for the 2nd quarter 2010.
-
- (63) 2009 California Department of Resources, Recycling and Recovery Annual AB939 Report.
-
- (64) California Integrated Waste Management Act (AB 939).

VAR11-10267 initial study

Attachment "A"



ATTACHMENT 8

RESOLUTION NO. PC-2011-37

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, TO INSTALL A 175-FOOT HIGH COMMUNICATIONS TOWER WHICH EXCEEDS THE 75-FOOT TOWER HEIGHT LIMITATION AT 15900 SMOKETREE STREET (VAR11-10267)

WHEREAS, the City of Hesperia has filed an application on behalf of the County of San Bernardino, requesting approval of Variance VAR11-10267 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a 5.6 gross acre parcel within the Public Institutional Overlay (PIO) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan) at 15900 Smoketree Street and consists of Assessor's Parcel Number 0407-224-02; and

WHEREAS, the Application, as contemplated, proposes to install a 175-foot high communications tower which exceeds the 75-foot tower height limitation; and

WHEREAS, the subject property is occupied by the High Desert Government Center (HDGC) and is bounded to the north by a senior apartment complex, to the south by Hesperia City Hall, to the east by single-family residences, and to the west by the Hesperia Police Station; and

WHEREAS, the County of San Bernardino proposes to establish the Public Safety Operations Center (PSOC) within the HDGC, which necessitates the communications tower; and

WHEREAS, the subject property is currently within the Public Institutional Overlay (PIO) District of the Specific Plan. The property to the north is within the High Density Residential (HDR) District, the properties to the south and west are within the PIO District, the properties to the east are within the Low Density Residential (LDR) District of the Specific Plan; and

WHEREAS, an environmental Initial Study for the proposed project was completed on October 17, 2011, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND-2011-08 was subsequently prepared; and

WHEREAS, on November 8, 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 the Planning Commission during the above-referenced November 8, 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 additional tower height is needed to provide communications for region-wide government operations.
- (b) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone inasmuch as installation of the tower at this specific location adjacent to the High Desert Government Center building serves the unique communications requirements for the PSOC and the Sheriff's Department combined with the advantages of providing redundancy and reducing the potential for signal disruption.
- (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 does not apply in this case, as the High Desert Government Center is a unique site with two-way communications needs that are not needed in other areas within the same zone.
- (d) The granting of the variance would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because of the unique communications needs of this government use.
- (e) The granting of the variance will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity, as the facility is required to comply with all other local, state and federal regulations regarding communications facilities.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR11-10267, subject to the Conditions of Approval as set forth in ATTACHMENT "A."

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

ADOPTED AND APPROVED this 8th day of November, 2011.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Variance VAR11-10267

Approval Date: November 8, 2011
Effective Date: November 19, 2011
Expiration Date: November 19, 2014

This list of conditions apply to a Variance to construct a 175-foot high communications tower exceeding the 75-foot tower height limitation and a generator to provide backup power for the communications facility at 15900 Smoketree Street. Any change of use or expansion of area may require approval of another variance application (Applicant: City of Hesperia; APN: 0407-224-02).

The use shall not be established until all conditions of this variance application have been met. This approved variance 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

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 1. **Sheet Metal.** The sheet metal base shall be painted to match the color of the exterior wall of the adjacent government building to the south. (P)

- _____ 2. **Beacon.** If a rotating beacon is installed atop the tower, a shield shall be installed to eliminate glare directly below. (P)

- _____ 3. **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)

- _____ 4. **Fish & Game Fee.** San Bernardino County 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)

- _____ 5. **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)

- _____ 6. **Solid Masonry Wall/Fencing.** The Developer shall submit four sets of masonry wall plans to the Building Division with the required application fees for the proposed wall around the new generator. This wall shall match the wall around the existing generator and shall be in accordance with the Development Code. (P)
- _____ 7. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)
- _____ 8. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 9. **Utility Clearance(s)/Certificate of Occupancy.** The Building Division will provide utility clearances on the tower and the generator after required permits and inspections and after the issuance of a Certificate of Occupancy. Utility meters shall be permanently labeled. (B)
- _____ 10. **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 tower shall be designed consistent with the design shown upon the approved photo simulations identified as Exhibit "A." Any exceptions shall be approved by the Director of Development Services. (P)

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

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



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, OCTOBER 12, 2011**

A. PROPOSALS:

1. SYBAC PHOTOVOLTAICS, LLC (SPR11-10249)

Proposal: A site plan review to install a solar farm on a 5 gross acre developed single-family residential lot.

Location: 11778 Cambria Road (APN: 3064-531-03)

Planner: Stan Liudahl

Action: Administrative Approval

2. CITY OF HESPERIA (VAR11-10267)

Proposal: A variance to install a 175-foot high communications tower exceeding the 52.5-foot tower height limitation and a generator to provide backup power for the communications tower.

Location: 15900 Smoketree Street (APN: 0407-224-02)

Planner: Stan Liudahl

Action: Forwarded to November 8, 2011 Planning Commission



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345**

**BEGINNING AT 10:00 A.M.
WEDNESDAY, OCTOBER 26, 2011**

A. PROPOSALS:

1. SYBAC PHOTOVOLTAICS, LLC (SPR11-10250)

Proposal: A site plan review to install a solar farm on a 10 gross acre zoned A-2.

Location: South side of Rock Springs Road, approximately 420 feet east of Glendale Avenue. (APN: 0398-031-53)

Planner: Daniel Alcayaga

Action: Administrative Approval

2. COVENANT AMERICAN 1, LLC (SPR11-10256)

Proposal: An extension for approved Site Plan Review SPR-2008-34, to construct a 137,523 square foot professional/medical condominium development on 11.7 gross acres within the Regional Commercial District of the Main Street and Freeway Specific Plan.

Location: East side of the logical extension of Cataba Road, approximately 1,130 feet north of Amargosa Road. (APN's: 3064-461-05 & 3064-481-01)

Planner: Daniel Alcayaga

Action: Administrative Approval