PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: December 8, 2011

Time: 6:30 P.M.

COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Bill Jensen, Commissioner

Julie Jensen, Commissioner

_____, 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.

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.

DECEMBER 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. Installation of Newly Appointed Planning Commissioner and Administration of Oath of Office
B. Pledge of Allegiance to the Flag
C. Invocation
D. Roll Call:

Chair Chris Elvert
Vice Chair William Muller
Commissioner Bill Jensen
Commissioner Julie Jensen
Commissioner _____

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

E. Approval of Minutes: November 8, 2011 Planning Commission Meeting Draft Minutes. -1-

PUBLIC HEARINGS

1. Consideration of an appeal of the approval of Site Plan Review SPR11-10249, to install a solar farm on a five gross acre developed single-family residential lot at 11778 Cambria Road (APE11-10280; Appellant: Eric Elkins; APN: 3064-531-03) and consideration of an appeal of the approval of Site Plan Review SPR11-10250, to install a solar farm on a vacant ten gross acre parcel located on the south side of Rock Springs Road, approximately 420 feet east of Glendale Avenue (APE11-10286; Appellant: Al Vogler; APN: 0398-031-53) (Staff Person: Stan Liudahl) 1-1

2. Consideration of Conditional Use Permit CUP11-10217, to allow for an expansion of an existing material recovery facility on 14.5 acres zoned General Manufacturing (G-I) at 17105 Mesa Street (Applicant: Advance Disposal; APNs: 0415-201-06, 07, 10 & 24) (Staff Person: Daniel Alcayaga) 2-1

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) 3-1

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: Dave Reno) 4-1

PRINCIPAL PLANNER'S REPORT

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

F. DRC Comments 5-1

G. Major Project Update

H. Discussion item regarding Development Code Section 16.16.060, Uses provided for in any zone or land use district (Additional Uses). 6-1

PLANNING COMMISSION BUSINESS OR REPORTS

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

ADJOURNMENT

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

I, Kathy Stine, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, December 1, 2011 at 5:30 p.m. pursuant to California Government Code §54954.2.

Kathy Stine
Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
NOVEMBER 8, 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

Principal Planner Dave Reno, AICP announced that Paul Russ had resigned his position as Planning Commissioner.

JOINT PUBLIC COMMENTS

Chair Elvert opened public comments at 6:34 p.m.

No comments to consider.

Chair Elvert closed public comments at 6:34 p.m.

CONSENT CALENDAR

D. Approval of Minutes: October 13, 2011 Planning Commission Meeting Draft Minutes.

Motion by Chris Elvert to approve October 13, 2011 Planning Commission Meeting Draft Minutes. Seconded by Bill Jensen and passed with the following roll call vote:

AYES: **Chris Elvert, William Muller, Julie Jensen, Bill Jensen**
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)

Senior Planner Stan Liudahl gave a PowerPoint presentation and introduced three green sheet items. He stated that staff recommended that the Commission forward a recommendation of approval to City Council.

Rob Kilpatrick of Hall and Foreman, Representative for applicant spoke and gave a presentation and a traffic simulation.

Chris Elvert asked about "Opticom" on the signals regarding police and fire traffic.

Chair Elvert opened Public Hearing at 7:59 p.m.

Tom Terpstra, Attorney on behalf of Pilot Travel Center spoke in opposition to the project because of the traffic situation. He requested the Commission postpone the item to have time to review the latest traffic study.

Mike Howarth felt his adjoining property would be greatly impacted and requested that improvements also be required on the street in front his property.

Mehdi Mostaedi representative for the adjacent property owner stated the area is being master planned for development and spoke in opposition.

Jason Lamoreaux from Coldwell Banker Commercial was concerned with the traffic and would like more time to study the impact.

Chair Elvert closed Public Hearing at 8:30 p.m.

Dave Reno gave an explanation regarding the Cal Trans traffic review process.

Bill Jensen asked if other areas can be paved.

Dave Reno responded that the City is not in the place to make improvements on un-entitled projects.

Bill Muller stated that he was concerned with the increased traffic the project will generate especially with McDonalds and Subway.

Motion by Bill Jensen to approve Resolution No. PC-2011-31 and PC-2011-32, as presented recommending that the City Council introduce and place on first reading SPL11-10206 and approve CUP11-10197. Seconded by William Muller and passed with the following roll call vote:

AYES: **Chris Elvert, William Muller, Bill Jensen**
NOES: **Julie Jensen**

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)

Stan Liudahl gave a PowerPoint presentation and stated that staff recommended that the Commission forward a recommendation of approval to City Council.

Mary O'Toole, representative from the County started the PowerPoint presentation. She introduced the 15 person team from the County.

Captain Rod Torres gave part of the PowerPoint presentation and explained the Public Safety Operation Center (PSOC) and its functions.

John McMahon, Assistant Sheriff spoke about the capabilities of the PSOC.

Dan Odom spoke regarding the Fire Department operations of the PSOC.

Joel Golub spoke regarding the technology of the PSOC and stated facts regarding the tower.

Jim Wirick spoke regarding the site plan.

Joel Golub spoke again regarding the radio system at the present time and stated the organizations that used the technology. He explained that they choose 175' height because it would include full coverage in the Adelanto area.

Dave Reno gave a presentation and stated the responses from the public.

Bill Jensen asked about the failure rate at wind speeds and earthquakes.

Jim Wirick responded and stated that it is build with the same standards as buildings.

Dave Reno stated that local airports were notified and no comments were received from Hesperia and Apple Valley.

William Muller asked when the proposed Oak Hills tower would be complete.

Mary O'Toole responded that the timeline is on the same track as this project.

Joel Golub stated that they are working on the proposed coverage for the Oak Hill area.

Chair Elvert opened Public Hearing at 6:44 p.m.

Marie Purviance stated her concerns regarding health issues and said she was opposed to the project.

Gerald Bowen stated that he was concerned about his pacemaker being affected.

Joel Golub responded that the tower would be built to FCC regulations and they were not aware of any affects this had on pacemakers. He stated that towers were built with safety regulations throughout the country.

Chair Elvert closed Public Hearing at 7:49 p.m.

Motion by Chris Elvert to approve Resolution No. PC-2011-37, as presented recommending that the City Council approve VAR11-10267. Seconded by Julie Jensen and passed with the following roll call vote:

AYES: **Chris Elvert, William Muller, Julie Jensen, Bill Jensen**
NOES: **None**

PRINCIPAL PLANNER'S REPORT

E. DRC Comments

F. Major Project Update

Dave Reno gave update on Ranchero Road, Lead Track and VVTA project. He stated that the Engineering Department was performing traffic counts on Hesperia Road and reviewing the right of way as follow-up to concern expressed by the Commission.

Dave Reno explained approval procedures for additional uses and stated that a discussion would be placed on the agenda for the December meeting for the Commission's review.

PLANNING COMMISSION BUSINESS OR REPORTS

ADJOURNMENT

Chair Elvert adjourned the meeting at 9:13 to December 8, 2011.

Chris Elvert,
Commission Chair

By: Kathy Stine,
Commission Secretary

GLOBAL ACCESS

RECEIVED

NOV 03 2011

CITY OF HESPERIA
COMMUNITY DEVELOPMENT

October 31, 2011

Stan Liudahl
City of Hesperia
9700 Seventh Ave.
Hesperia, CA 92345

RE: Development Code Amendment DCA10-10226,
Specific Plan Amendment SPL10-10259,
Negative Declaration ND-2011-03,
Variance VAR11-10267, and
Negative Declaration ND-2011-08

Dear Mr. Liudahl:

On behalf of the Southern California Logistics Airport (SCLA), I have reviewed the Notice of Intent for the aforementioned project. Although SCLA does not believe the project will affect flights to and from VCV, SCLA did consult with the Federal Aviation Administration regarding the height of 175-feet and it was FAA's advice that the proponent be required to file FAA Form 7460, Notice of Proposed Construction or Alteration to initiate an airspace study. FAA Form 7460 can be found on FAA.gov.

Sincerely,

Keith C. Metzler /JT

Keith C. Metzler
Assistant City Manager

KCM/jrt

cc:

SOUTHERN CALIFORNIA LOGISTICS AIRPORT
18374 Phantom / Victorville, CA 92394
t: 760.243.1900 / f: 760.243.1929 / www.globalaccessvcv.com

THOMAS H. TERPSTRA

ATTORNEY AT LAW
A PROFESSIONAL CORPORATION

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209.599.5003
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November 4, 2011

Mr. Stan Liudahl
City of Hesperia
9700 Seventh Avenue
Hesperia, California 92345

Re: Love's Travel Plaza/Planning Commission Meeting of November 8, 2011

Dear Mr. Liudahl:

I tried to reach you yesterday to express my concerns on this matter. You will recall my Public Records Act request dated September 8, 2011 and the follow up letter of September 27, 2011, as well as the attached email dated October 26, 2011, requesting ALL project documentation (particularly traffic-related documents) for the Love's Project. I was stunned to find out yesterday that two weeks prior to my October 26th email, the City received a substantially revised Traffic Study, which ostensibly supports the Negative Declaration issued in July. Despite my clear written requests, the October traffic study was never sent to me, and has never been mentioned in any of my conversations with you or Mr. Reno.

To make matters worse, the staff report published yesterday relies upon a letter from the Department of Transportation *which has not yet been provided to the City or to the public.* This so-called "clearance letter" will presumably constitute Caltrans' concurrence with the Traffic Study and the generalized mitigation strategies outlined in the staff report. The public has a right to review ALL documentation supporting the Negative Declaration in advance of the meeting. The Caltrans letter is an integral part of the environmental review for this project, and cannot be injected at the last minute, and without public review.

My client has attempted to participate in this process, but has been consistently thwarted in its attempts to obtain even the most basic information. The City initially hid behind, and later failed to comply with, the clear requirements of the Public Records Act. We urge the City to postpone Tuesday night's hearing to allow for a more meaningful public comment period.

Very truly yours,

Law Office of Thomas H. Terpstra

Thomas H. Terpstra
Attorney-at-Law

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING
464 WEST 4th STREET, 6th FLOOR, MS 725
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-5936
TTY (909) 383-6300

Flex your power!
Be energy efficient!

November 7, 2011 08-SBD-395 P.M. R4.51

City of Hesperia
Attn: Stan Liudahl
9700 Seventh Avenue
Hesperia, CA 92345

Re: Traffic Impact Analysis Second Review - Love's Travel Center Project

Dear Mr. Liudahl:

The California Department of Transportation has reviewed the Traffic Impact Analysis for the second time, for the proposed Love's Travel Center project, located off of Joshua Street at Outpost Road, between I-15 freeway and US 395, in the City of Hesperia. Please consider the following comments:

Traffic Operations

1. The queue length analysis on Figure 10C and Figure 15C shows the queue length but it does not show the storage length.

2. At the intersection of Joshua Road and Outpost Road, a single left lane, through and right for the southbound direction for year 2035 is not shown on Figure 15B as stated in future year 2035 mitigation on page 41 of the updated traffic report.

3. Exhibit A, B: Wheel chair ramp on the south end off the 100ft segment appears to be overlapping with the right turn lane. Please correct.

4. Show concurrent truck turn templates for the southbound dual left turns.

5. Indicate whether or not the queue lengths are adequate.

Electrical Operations

1. Since the intersection at Joshua Street/Outpost is not within state right-of-way, any signalization there is the sole responsibility of the City of Hesperia.

2. The State will not operate nor maintain the installation of a traffic signal at the intersection of Joshua Street and Outpost Road.

3. The Synchro runs give an acceptable LOS. Two independent synchronized, control systems should improve the LOS.

Forecasting

1. Please explain how truck percentages were determined for future year conditions. In the reply to this comment, it states that "The truck percentages were interpolated from Year 2012 truck estimates." In Order t interpolate you must have an existing and future forecasted truck percentage. These forecasted volumes usually come from a Transportation Demand Model such as SCAG 2035 Model. Was a growth factor used and if so what growth percentage was used, and how was it determined?

2. Please recheck lane configurations used. There are still some inconsistencies with the lane configurations used in the intersection analysis.

3. Please arrange Appendix in the same order as the Traffic Impact Analysis report. All existing condition analysis should be first followed by Year 2012 analysis with and without project, and then Year 2035 analysis with and without project.

Please address all comments above as part of the Encroachment Permit application. Issuance of a Caltrans Encroachment Permit will be required prior to any construction within the Right of Way and shall be in compliance to all current design standards, applicable policies, and construction practices. Please reference the Encroachment Permits Manual at: http://www.dot.ca.gov/hq/traffops/developserv/permits/

If you have any questions regarding this letter, please contact Dan Kopulsky at (909) 383-4557 for assistance.

Sincerely,

DANIEL KOPULSKY
Office Chief
Community Planning, Local Development Review

C: Robert Kilpatrick

City of Hesperia
STAFF REPORT

DATE: December 8, 2011

TO: Planning Commission

FROM: Dave Reno, AICP, Principal Planner

BY: Stan Liudahl, AICP, Senior Planner

SUBJECT: Administrative Appeal APE11-10280 and APE11-10286; Appellants: Eric Elkins and Al Vogler; APNs: 3064-531-03 & 0398-031-53

RECOMMENDED ACTION

It is recommended that the Planning Commission deny Resolution Nos. PC-2011-39 and PC-2011-40, denying APE11-10280 and APE11-10286, upholding the Development Review Committee's approval of Site Plan Reviews SPR11-10249 and SPR11-10250.

BACKGROUND

Proposal: An appeal was filed by Eric Elkins on October 24, 2011 to overturn the Development Review Committee's approval of a solar farm on a developed five gross acre single-family residential lot (Attachment 1). An appeal was also filed by Al Vogler on November 10, 2011 to similarly overturn the DRC's approval of a solar farm on a vacant 10 gross acre parcel (Attachment 2). The solar farms were approved by the Development Review Committee (DRC) on October 12th and October 26th, respectively. Given the similar issues and applications being considered, the two appeals have been combined into one staff report. However, separate resolutions have been provided to enable independent consideration of each appeal.

Location: The five-acre project site is at 11778 Cambria Road and the 10-acre project site is located on the south side of Rock Springs Road, approximately 420 feet east of Glendale Avenue.

Current General, Plan, Zoning and Land Uses: The five-acre site is within the Rural Estate Residential (RER) District of the Main Street and Freeway Corridor Specific Plan. The 10-acre site is within the General Agriculture (A2) General Plan Land Use District. The five-acre site is adjacent to single-family residences on the west. The properties to the north, south, and east are vacant (Attachment 3). The 10-acre site is adjacent to a single-family residence to the north and by field crops to the south. The properties to the east and west are vacant (Attachment 4).

ISSUES/ANALYSIS

Issues presented by both appellants

Both appeals were filed primarily due to anticipated negative visual and land use impacts upon surrounding residential properties. The application for each appeal is attached (Attachments 5 and 6). Both appellants believe the proposed solar farms pose a negative visual impact upon the nearby properties. The appellant opposing the 5-acre solar farm states that the use should be located in a more remote location. However, should the DRC approval be affirmed, a seven-

foot high wall should replace the proposed six-foot high view-obscuring fence. Both appellants consider the use to be a commercial/industrial use, which should not be allowed in any residential designation and believe a block wall and/or landscaping should be constructed along the uses' perimeter.

Staff considers residential and agricultural designated properties on the fringe of the City as most desirable for locating solar farms. Commercial and industrial designated properties should be reserved for tax producing and employment generating land uses. Installation of a solar farm does not open the area to commercial or industrial development, as its approval would not change the land use designation. Staff also believes that the negative visual impact of a solar farm can be adequately mitigated with six-foot high chain link fencing with slats and landscaping, which has been incorporated into the project design of the 10-acre solar farm. Installation of a taller fence than 6 ½ feet would require approval of a variance.

The A2 designation currently allows an unlimited number of accessory structures on a lot which contains a single-family residence. All other designations limit accessory structures to 10 percent of the lot area. Consequently, a solar farm could be approved administratively on the 10-acre site if it contained a single-family residence.

Additional issues presented by the appellant of the 5-acre solar farm

The appellant states within the documents submitted November 28, 2011 (Attachment 5) that the solar farm will have a negative impact on future development in the area. A map showing a proposed tentative tract map is included with the comments. Although a tentative map has yet to be submitted for review by the City at this location, the site is within the Low Density Residential (LDR) District of the Main Street and Freeway Corridor Specific Plan, which allows residential development between two and eight dwelling units per acre. Staff cannot determine what impact, if any, installation of a solar farm will have on the surrounding properties. A line-of-sight study hasn't been filed for alternative energy projects in the past. These studies are used to ensure that roof-mounted equipment isn't visible from the street. A protected plant plan ensuring relocation of all healthy and transplantable Joshua trees shall be approved prior to establishment of the use in accordance with Condition 4.

Additional issues presented by the appellant of the 10-acre solar farm

In addition to the visual and land use impacts, the appellant for 10-acre site also identifies concerns regarding the approval procedures followed by the DRC. The DRC approved both applications in accordance with Section 16.16.060 "Additional Uses". This section allows solar farms and other uses in all land use designations with approval of a site plan review application (Attachment 7). The DRC has discretion pursuant to Section 16.12.085 "Site Plans and Revised Site Plans" (Attachment 8) to approve a solar farm subject to meeting notification procedures. Staff actually exceeded the notification requirements within the Development Code for the 10-acre site. Instead of sending notices to property owners within 300 feet of the solar farm, a 900-foot radius was used.

Drainage and runoff concerns were raised by the appellant for the 10-acre site. Since the site is not being graded, on-site retention is not required. The panels themselves are not considered as impervious area because rainwater will sheet off of the panels and fall onto native un-compacted land and percolate into the soil. Once the soil becomes saturated, the storm water will continue along its historical flow path.

Lightning strikes were also listed as a concern. Staff is unaware of any studies that indicate an increased incidence of lightning strikes in proximity to the 10-acre project site. Solar panels are equipped with lightning arresters, ground wires, and surge protection devices, which will protect its components and the converter. While metal objects attract electric charges, the tallest structures are generally most at risk. The solar panels are proposed about eight feet above the ground, limiting their exposure (Attachment 9). One online video indicates that the incidence of lightning strikes will increase any time metal is outdoors, but also states that it isn't much of a problem, although staff learned that a southern Australia solar farm was taken offline after it was hit by lightning in 2005. A map showing the incidence of lightning strikes developed by NASA shows that the City is in an area with between 1.4 and 5 strikes per square kilometer. This is about average for the world.

The existence of a historic road was also identified. As part of the application, a cultural resources study was prepared. No cultural resources were found onsite during a survey of the property on August 19, 2011. The report states that the historic Coxey Road is within the property to the north, across Rock Springs Road and that a prehistoric campsite is located on the parcel immediately to the west.

It was also suggested by the appellant that heat reflection and bird strikes would also occur with installation of the solar panels. The panels are designed to absorb sunlight (Attachment 10), not reflect sunlight like the solar farms which focus the light from mirrors to a central light and heat absorbing apparatus to generate electricity. Bird kills have been associated with wind farms, not solar farms. Solar farms have been found to impact upon plants and animals due to habitat removal when the areas are graded. In the case of the five-acre site, the solar farm would be installed on a developed residential property. A biological survey was conducted on the 10-acre site. The August 29th survey indicates that no endangered or threatened species, nor the Burrowing Owl, occur on the site. Other issues include the loss of property value and whether the applicant was the owner of the 10-acre parcel. Staff cannot determine what impact to property values, if any, would result from installation of the solar farm. While it isn't a concern whether the applicant owns the property or not, records currently show that the applicant doesn't own the property. Staff has received documentation evidencing that the applicant is negotiating with the owner to purchase the 10-acre site. The application also raises concerns regarding noise. Inasmuch as only the converter will produce noise, staff believes that the use will meet the maximum allowable 55 dB (A) evening noise limitation.

Environmental: Denial of a project is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Section 15270, Projects Which Are Disapproved. The approval of 10-acre site included a mitigated negative declaration (Attachment 11). The five-acre site is exempt from the requirements of the CEQA by Section 15332, In-fill Development Projects. This applies to developments on sites no larger than five acres, which are consistent with the General Plan and the applicable zoning district, substantially surrounded by urban uses, having no value as habitat for threatened or endangered species, and served by utilities and other public services.

CONCLUSION

Staff supports development of both solar farms, as development of renewable energy is consistent with the General Plan as well as state mandates under AB 32 / SB 375 and federal incentives. Neither appeal provides valid justification to overturn the DRC's decision.

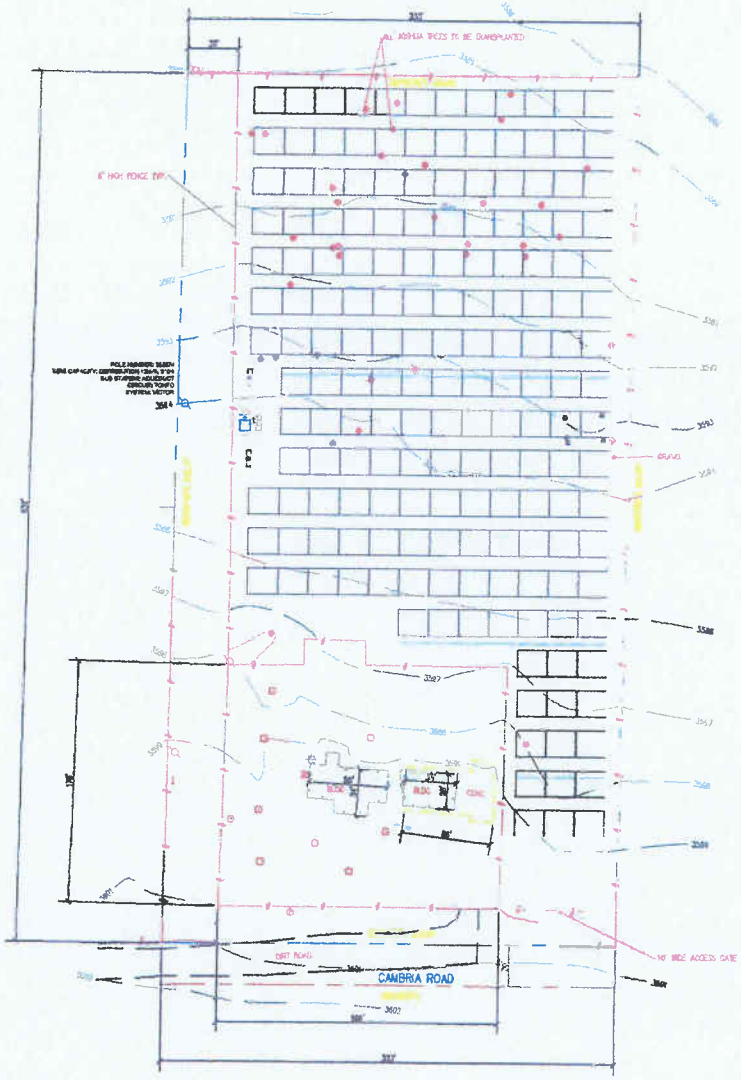
ALTERNATIVES

1. The Commission may approve either or both of the appeals, denying the installation of a solar farm. Staff does not support this alternative, as the proposed solar farms will further development of renewable energy, consistent with the City's General Plan as well as state and federal incentives.
2. The Commission may amend the conditions of approval to require a taller view-obscuring fence (Attachment 12). Staff believes that approval of a taller fence won't fully conceal either solar farm completely, due to differences in elevation surrounding the solar farms. In addition, approval of a fence exceeding six feet in height which is not justified by a significant slope will set a precedent. Therefore, staff does not support this alternative.
3. Provide alternative direction to staff.

ATTACHMENTS

1. Site Plan for SPR11-10249 (APE11-10280)
2. Site Plan for SPR11-10250 (APE11-10286)
3. Aerial Photo for SPR11-10249
4. Aerial Photo for SPR11-10250
5. Appeal application for SPR11-10249 (APE11-10280) and comments received 11/28/11
6. Appeal application for SPR11-10250 (APE11-10286)
7. Section 16.16.060 of the Development Code
8. Section 16.12.085 of the Development Code
9. Elevation of solar panels
10. Sample aerial photo of a solar farm
11. Negative declaration and initial study for SPR11-10250
12. Conditions of approval for SPR11-10249 and SPR11-10250
13. Resolution No. PC-2011-39, approving APE11-10280 and overturning the Development Review Committee's approval of Site Plan Review SPR11-10249
14. Resolution No. PC-2011-40, approving APE11-10286 and overturning the Development Review Committee's approval of Site Plan Review SPR11-10250

ATTACHMENT 1



LEGEND

SCALE: 1" = 40'

BASIS OF BEARINGS:

THE SOUTH LINE OF PARCEL 3 BEING N88°58'53"W, AS SHOWN ON PARCEL MAP NO. 8834 FILED IN BOOK 68, AT PAGES 47 AND 48 OF PARCEL MAPS, RECORDS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

BENCHMARK:

RAILROAD SPIKE IN PP#2341816E, 30 NORTH OF MISSCADEL STREET AND 30' WEST OF CALENTE ROAD PER CSFB 4152/542. ELEVATION = 3838.98' (BOND "28)

LEGAL DESCRIPTION:

PARCEL 3 AS SHOWN ON PARCEL MAP NO. 8834 FILED IN BOOK 68, AT PAGES 47 AND 48 OF PARCEL MAPS, RECORDS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

A.P.N. 3064-531-43

EASEMENT NOTE:

EASEMENTS OF RECORD AFFECTING THIS PROPERTY HAVE NOT BEEN PLOTTED AS A TITLE REPORT WAS NOT AVAILABLE AT THE TIME THIS PLAT WAS PRODUCED

ELECTRICAL SPECIFICATIONS

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST BUILDING CODES OF THE STATE OF CALIFORNIA BUILDING CODE. ALL LOCAL CODES, ORDINANCES AND REGULATIONS OF THE UTILITY SOUTHERN CALIFORNIA EDISON (SCE). INSTALL ALL WORK PER THE 2011 N.E.C. INCLUDING ARTICLE 690.
2. ALL WIRE SHALL BE COPPER TYPE "THWN FOR ALL SIZES MINIMUM WIRE SIZE SHALL BE #12 AWG.
3. ALL BRANCH AND FEEDER CIRCUITS SHALL CONTAIN A SEPARATE GROUNDING CONDUCTOR AND SEPARATE NEUTRAL CONDUCTOR AND SHALL BE SIZED AND RUNNED IN ACCORDANCE WITH ARTICLE 250 OF THE N.E.C.
4. ALL CONDUIT INSTALLED IN INTERIOR LOCATIONS SHALL BE TYPE E.M.T. WITH SET SCREW STEEL CONNECTORS AND COUPLINGS. ALL BAY SHALL BE A MINIMUM 1/2". ALL CONDUIT INSTALLED IN EXTERIOR LOCATIONS ABOVE GRADE SHALL BE GALVANIZED RIGID CONDUIT. ALL CONDUIT BELOW GRADE SHALL BE SCHEDULE 40 P.V.C.
5. CONTRACTOR SHALL COORDINATE TO LOCATION AND ACTUAL PHYSICAL DIMENSIONS OF ALL DEVICES WITH THE OWNER'S REPRESENTIVE PRIOR TO INSTALLATION.
6. DRAWINGS ARE DIAGRAMMATIC. CONTRACTOR SHALL REFER TO FIELD CONDITIONS FOR ALL DIMENSIONS
7. INSTALL SERVICE ENTRANCE EQUIPMENT, METERING, TRANSFORMER PAD, ETC. PER SCE REQUIREMENTS.

ACCESSIBILITY SECTION

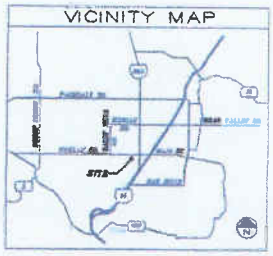
1. [illegible] OF WORK, THE ENTIRE WIRING SYSTEM SHALL BE TESTED AND SHALL BE IN PROPER WORKING CONDITION IN ACCORDANCE WITH PLANS OF [illegible] AND DRAWINGS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO MAKE ALL SYSTEMS READY FOR OPERATION AND TO MAKE AN ELECTRICIAN AVAILABLE TO OPERATE SAME IN ACCORDANCE WITH AND UNDER THE [illegible]

RESPONSIBILITY OF THE PROPERTY REPRESENTATIVE OF THE ARCHITECT/ENGINEER. THE CONTRACTOR SHALL BE [illegible] IN ORDER OF REPAIRS OF PARTS, [illegible], ETC., TO ASSIST INSPECTION AS REQUIRED.

AS-BUILT DRAWINGS

[illegible]

VICINITY MAP

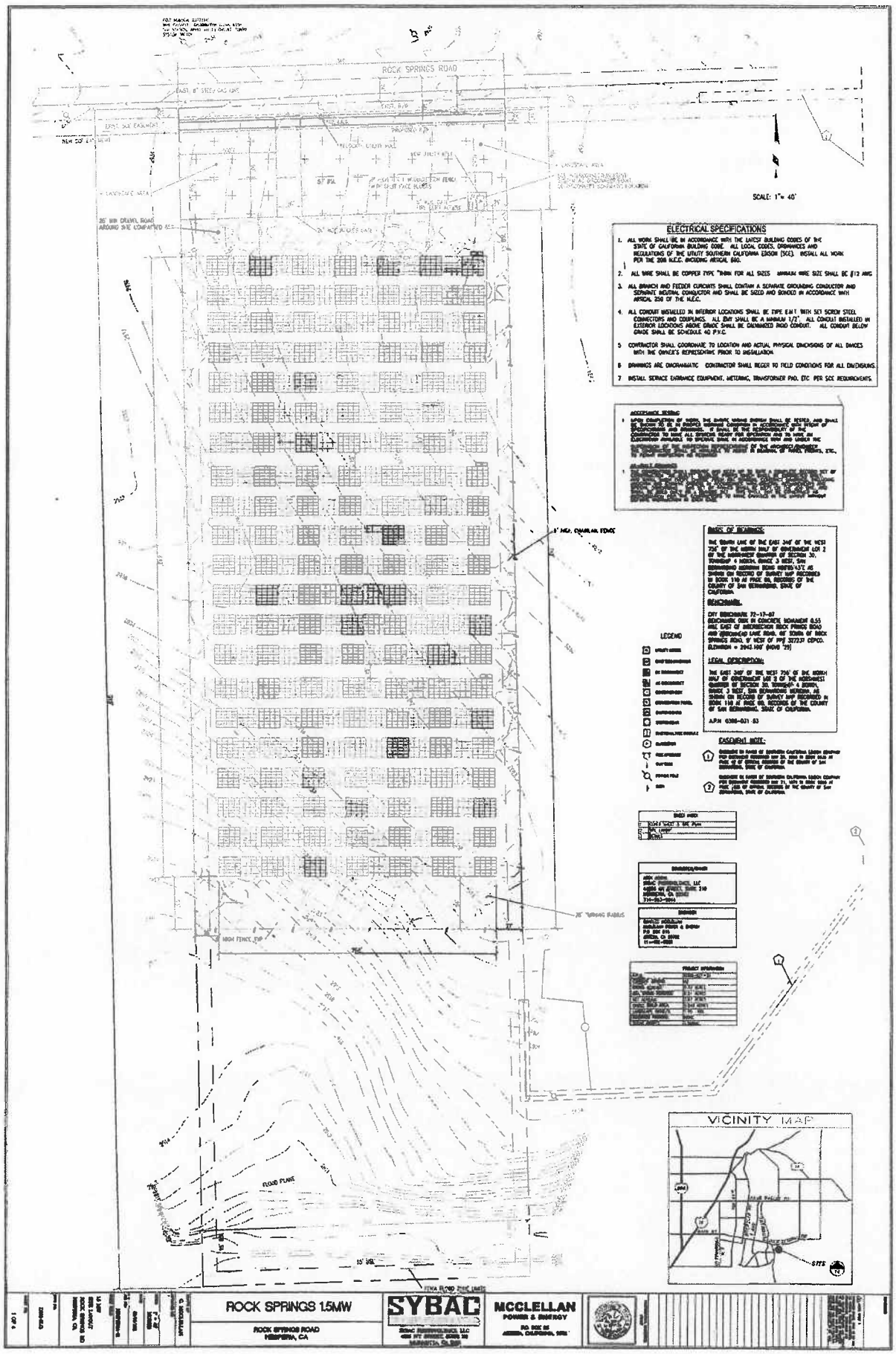


CAMBRIA RID 1008MW

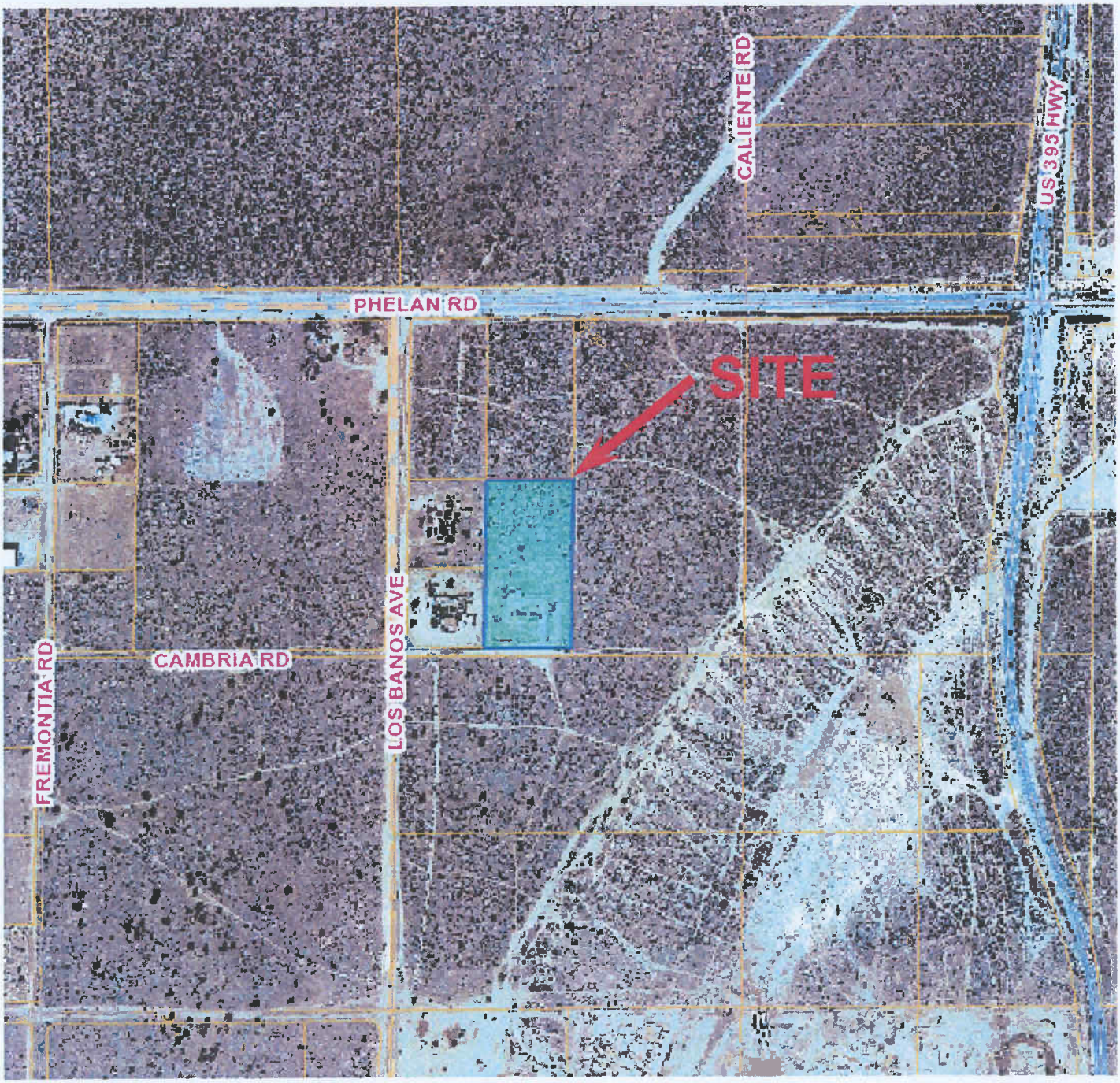
9779 CAMBRIA ROAD
HESPERIA, CA

SYBAC

ATTACHMENT 2



ATTACHMENT 3



APPELLANT(S): ERIC ELKINS	**FILE NO(S):** APE11-10280
LOCATION: 11778 CAMBRIA ROAD	**APN(S):** 3064-531-03
PROPOSAL: CONSIDERATION OF AN APPEAL OF THE APPROVAL OF SITE PLAN REVIEW SPR11-10249, TO INSTALL A SOLAR FARM ON A FIVE GROSS ACRE DEVELOPED SINGLE-FAMILY RESIDENTIAL LOT	N ↑

AERIAL PHOTO

ATTACHMENT 4

APPELLANT(S): AL VOGLER	**FILE NO(S):** APE11-10286
LOCATION: ON THE SOUTH SIDE OF ROCK SPRINGS ROAD, APPROXIMATELY 420 FEET EAST OF GLENDALE AVENUE	**APN(S):** 0398-031-53
PROPOSAL: CONSIDERATION OF AN APPEAL OF THE APPROVAL OF SITE PLAN REVIEW SPR11-10250, TO INSTALL A SOLAR FARM ON A TEN GROSS ACRE PARCEL	N ↑

AERIAL PHOTO

ATTACHMENT 5

City of Hesperia

Community Development Department
9700 Seventh Avenue
Hesperia, CA 92345
760.947.1200

APPLICATION FOR APPEAL

APE11-10280

FEES

$335.88 ($311.00 + 8% Automation Surcharge) **Appeal to Planning Commission**

$349.92 ($324.00 + 8% Automation Surcharge) **Appeal to City Council or Board of Directors**

NOTICE: This form must be filed prior to the effective action date for the project action being appealed (10 days). Appeal applications received after this time period **will not be accepted**.

As every project action is based upon a set of findings and conditions, appeals should focus on changing those findings, and / or conditions. For assistance, contact the City of Hesperia Planning Division at 760.947.1200.

For appeals to the Hesperia City Council, completed application should be submitted with the specified fee to the City Clerk's Office, 9700 Seventh Avenue, Hesperia, CA 92345.

For appeals to the Hesperia Planning Commission, completed application should be submitted with the specified fee to the Community Development Department, 9700 Seventh Avenue, Hesperia, CA 92345.

Additional pages or other documentation may be attached to the application.

Project Action Date: 10/25/2011

File No.: SPR11-10249 Date Appeal Filed: 10/21/2011

Project Applicant(s): Sybac Photovoltaics, LLC

Appellant's Name(s): Eric Eakins

Appellant's Address: 6820 SUL Box

City & Zip Code: Victorville, CA 92395 Phone No.: (760) 288-5900

Assessor's Parcel No. of Subject Property; 3064-531-03

General Location of Property: Phelan Rd & Los Banos Ave

APPEAL STATEMENT

1. I / We hereby appeal to the City of Hesperia (check one):

   ☒ Planning Commission

   ☐ City Council

2. I / We are appealing the project action taken to:

   ☒ **DENY** the project

   ☐ **DENY** the project without prejudice

   ☐ **APPROVE** the project

   ☐ **APPROVE** the project with conditions (attach a copy of the conditions, if they are the subject of the appeal)

   ☐ **ADOPT** a Negative Declaration

   ☐ **OTHER** (specify) _____

3. Detail **what** is being appealed and **what** action or change you seek. Specifically address the findings, mitigation measures, conditions and / or policies with which you disagree. Also, state exactly what action / changes you would favor.

_____

_____

_____

4. State why you are appealing (be specific). Reference any errors or omissions and attach any supporting documentation.

_____

_____

_____

I / We certify that I / We are the:

☒ Legal Owner(s)

☐ Authorized Legal Agent(s)
(include notarized authorization from affected party)

☐ Eligible Government Entity

Eric Elkin
Signature of Appellant(s)

10/21/2011
Date

Eric Elkins, PE
6820 SVL Box
Victorville, CA 92395

Stan Liudahl, Senior Planner
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345

Re: SPR11-10249 Sybac Photovoltaics, LLC; 11778 Cambria Road

Mr. Liudahl:

I own the adjacent property to the South (APN 3064-541-01 & 02, 40 acres) and to the East (APN 3064-531-06, 20 acres) of the proposed solar farm. I feel five acres of 8' high solar panels on a residential lot could be an enormous eye sore for future residence and hinder the surrounding property from achieving is highest and best use. The parcels directly to the South of the proposed solar farm are zoned 2-8 housing units per acre. The project will be visible from several vantage points including Main Street, which is only 330' to the North and the proposed Victor Valley West Campus, which is only a quarter mile to the East. Any future retail associated with Main Street, State Route 395, or the College will suffer. The proposed solar farm does not create jobs for the High Desert and does not generate sales tax for the City. The project does nothing to improve onsite or offsite infrastructure.

Because of the negative visual affects of this project, I am respectfully requesting the project be moved to a more remote area that is not slated for future retail and residential growth. If the project cannot be moved, then I am asking that a full privacy fence be constructed around the project. Because the solar panels are 8' high I am asking that the fence be 7' high and constructed of slats, not netting. I would also ask that if retail or residential projects were to be built on an adjacent parcels that the privacy fence be replaced with a 7' block wall.

Sincerely,

Eric Elkins

Eric Elkins

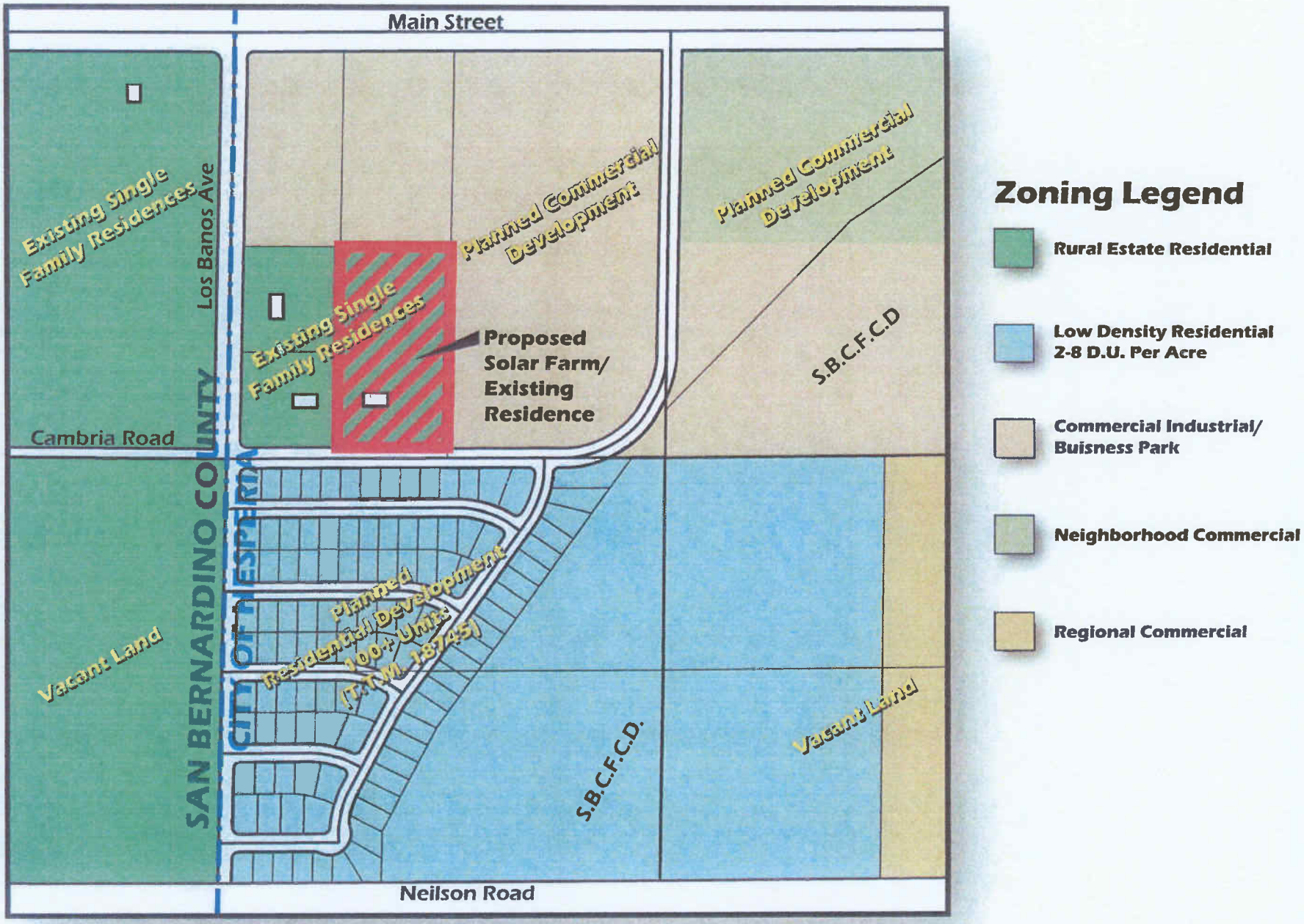
RECEIVED
NOV 28 2011
CITY OF HESPERIA
COMMUNITY DEVELOPMENT

KEY POINTS

- A solar farm will hurt future development in the immediate area.
- Hesperia Municipal Code does not support a one-megawatt industrial solar farm on residential property that was built solely to sell power to Southern California Edison.
- A solar farm will not generate taxes for the City.
- A solar farm employs only two or three people for a few months.
- Housing tracts and industrial projects require landscaping plans and/or block walls. Why not this solar farm?
- Does Sybac Solar have a disposal plan? Solar panels generally contain silicon tetrachloride, cadmium, selenium and sulfur hexafluoride, which are toxic and cannot go into a landfill.
- Has Sybac Solar conducted a line of sight study or Joshua Tree study?

Proposed Sybac One Megawatt Solar Farm

Scale: 1" = 100'



HESPERIA MUNICIPAL CODE

SECTION 16.16.064

ALTERNATIVE ENERGY PERMITTING REQUIREMENTS

Rural residential, as well as single-family residential, rural residential and agricultural districts within Specific Plan and Planned Development districts.

Roof-Mounted Solar Energy Systems:

Allowed as an accessory structure on a developed lot. Roof-mounted solar systems should be designed approximately parallel to the roof plane or integral to the roof material. The angle may be reduced from the optimal angle provided it does not cause greater than a 20% reduction in efficiency or increase its cost more than $2,000 over the original design's cost. Satisfactory scientific evidence providing the optimal angle and specific costs shall be submitted to the City. Allowed as an accessory structure on a developed lot.

Ground-Mounted Solar Energy Systems:

Allowed as an accessory structure within the **rear yard** of a developed lot **if** a roof-mounted system is deemed infeasible. Approval shall be subject to the determination that the configuration and location of buildings, orientation of the roof planes, tree locations, or other factors which negatively affect system efficiency, prevent installation on the roof.

ATTACHMENT 6

City of Hesperia

Community Development Department
9700 Seventh Avenue
Hesperia, CA 92345
760.947.1224

APPLICATION FOR APPEAL

APE 11-10286

FEES

$335.88 ($311.00 + 8% Automation Surcharge) **Appeal to Planning Commission**

$349.92 ($324.00 + 8% Automation Surcharge) **Appeal to City Council or Board of Directors**

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For appeals to the Hesperia Planning Commission, completed application should be submitted with the specified fee to the Community Development Department, 9700 Seventh Avenue, Hesperia, CA 92345.

Additional pages or other documentation may be attached to the application.

Project Action Date: ARC 10/26/11

File No.: SPR11-10250 Date Appeal Filed: 11/2/11

Project Applicant(s):

Appellant's Name(s): AL Volcker

Appellant's Address: 17612 DANBURY AV

City & Zip Code: HESPERIA CA 92345 Phone No.: 760 244 5091

Assessor's Parcel No. of Subject Property;

General Location of Property: ROCK SPRINGS ROAD | GLENDALE AV

APPEAL STATEMENT

1. I / We hereby appeal to the City of Hesperia (check one):

   ☒ Planning Commission

   ☐ City Council

2. I / We are appealing the project action taken to:

   ☐ **DENY** the project

   ☐ **DENY** the project without prejudice

   ☒ **APPROVE** the project

   ☐ **APPROVE** the project with conditions (attach a copy of the conditions, if they are the subject of the appeal)

   ☐ **ADOPT** a Negative Declaration

   ☐ **OTHER** (specify) _____

3. Detail **what** is being appealed and **what** action or change you seek. Specifically address the findings, mitigation measures, conditions and / or policies with which you disagree. Also, state exactly what action / changes you would favor.

4. State why you are appealing (be specific). Reference any errors or omissions and attach any supporting documentation.

   SEE ATTACHED

I / We certify that I / We are the:

☐ Legal Owner(s)

☐ Authorized Legal Agent(s)
(include notarized authorization from affected party)

☐ Eligible Government Entity

Albert H Vogler
Signature of Appellant(s)

11/2/11
Date

City of Hesperia
9700 Seventh Ave.
Hesperia, California 92345

10-28-2011

Attention: City Manager
Mike Podegracz

Regarding: DRC meeting of 1-26-2011
Item # 1
Sybac Photvoltaics, LLC

Letter of Objection to procedures leading up to the DRC meeting, the actual meeting, and the final decison of the DRC staff to grant approval of the project.

Prior to the DRC meeting, city staff met with representatives of Sybac on an unknown number of occasions. The purposes of the meetings were to decide upon conditions for the project approval. Although Sybac was afforded the opportunity to meet with staff and influence the staff decision, the public was not.

Prior to the DRC meeting by one day, I had the opportunity to briefly examine the staff file for the project. At that time I observed a minimum number and variety of conditions and concerns that staff had prior to project approval.

Prior to the DRC I filed a letter requesting a postponement of the meeting because I did not receive a meeting notification.

On 10-26-2011 I attended the DRC meeting and suggested to staff, prior to the meeting commencement, that the meeting should be recorded due to the seriousness and scope of the project. I was told that there was no recorder and that notes would be taken. I suggested that note taking is less accurate than recording but nevertheless was again advised that there was not a recorder.

Shortly after 10:00 AM the meeting began. I first asked that a recorder be obtained for a permanent record of the meeting and was again told that the meeting would not be recorded but notes might be taken.

I also asked that my request for the meeting postponement be ruled upon. The response was that the meeting would not be postponed.

I became the first public speaker, by my request, and I raised a wide variety of points, none of which were answered or seriously considered by staff, based upon their reaction in the meeting and their subsequent recommendation after the meeting to approve the project, with NO consideration of any of the points that several speakers made during the meeting.

That the decision to approve this matter was made prior to the DRC, was obvious.

Initially I asked if the assembly was a meeting or a public hearing or simply a hearing. I asked for a document to define the three and the difference in legal ramifications. I was not supplied a document or an answer. I also requested a written

document stating the cities policy, not procedure or practice, of allowing a simple meeting in which to approve a major project and deviation in land use in a controversial area. Also, a written document defining and justifying the assignments of various types of projects to either DRC, the planning commission or the city council for approval was requested. Neither document was given to us and no comment about the documents was made by staff.

The DRC meeting was stated as final to approve the project. How odd? Neither the planning commission nor the city council was deemed appropriate for approval. Also noted was the absence of Mr. Dave Reno, which set the stage for two subordinates to make project approval. However, as was the case in a prior decision, Mr. Reno had the primary responsibility to direct his subordinates decisions and to guide them to approve or disapprove.

What was so much more compelling for Mr. Reno to attend to rather than appearing in the DRC, which he had prior knowledge of being controversial and hotly contested?

Why has this project been "fast tracked" and what are the politics behind such a decision?

In a Daily Press article dated September 29, 2011, reporter Beau Yarbrough quoted Mr. Reno as stating "...we just got these(applications). We're not even done accepting them as complete. We're not looking at hearings for a while." As of approx. September 28, 2011 the applications were not even complete and by 10-26-2011 a meeting, not a public hearing or hearing, was used as the device for approval. In less than a month, in theory, the application was completed and the decision was made. This action is certainly contrary to normally accepted understandings of appropriate time lengths between various aspects of any approval. The newspaper quote was highly misleading although it may have been accurate. We felt that surely we must have had 60 to 90 days prior to a meeting and then additional time until the planning commission and the city council hearings or public hearings,

Mr. Reno has made prior statements that he intends to see the Rock Springs Rd. and Glendale Ave. corridor become the industrial/commercial doorway into the eastern part of Hesperia. His understanding of the sentiments of many surrounding property owners apparently held no sway in his opinion. His opinion, despite his prior knowledge of project disapproval directly across the street from the applicants project, biased the decision of the DRC.

To continue, I am requesting written documents giving full definition, description and the authority and the methods of procedures of the DRC. It is incredible to imagine that two subordinate DRC staffers have the authority to approve of a major project, when clearly it should be the responsibility of the planning commission and/or the City Council.

The project as presented was not simply a matter of small importance but rather a matter affecting the plans and land use of an entire area including covering 7 acres of prime A-2 zoned land with solar collectors, and all that is implied, and the conversion of a very quiet residential neighborhood into an industrial/ commercial complex.

To continue with the DRC meeting, I stated that since a disclaimer had not been made by the city, that my comments would not be limited in a court of law.

A request was made for a waiver of appeal fees due to not assigning the project approval in the first place to the planning commission.

Next, I referred to the staff report as describing the property adjacent to the project as being vacant land. Such is not the case. Crops are regularly grown on the easterly land which has received notoriety several times in the newspaper including a front page article. Those crops are grown to donate to churches and charities. It was noted, that the westerly adjacent land has an approved subdivision.

Also noted was the description that the subdivision was held to one development standard but that the applicants project was held to a far less stringent standard. No comment or opinion was made by staff or DRC members about this assertion. The subdivision required, I believe, DRC meetings, planning commission consideration and, finally, city council approval.

It was stated that the project did not qualify for approval under the following sections: 16:16:060 A1 or 16:16:060 A2 or under 16:16:060 A2H. No answer was made to this point to either explain staff's position or to offer a written explanation of the staff position.

Staff stated that the project would not require a zone change, as the approval would pass through a site review approval process. We contended that an approval would be tantamount to a zone change and would result in spot zoning. No comments were made by staff or the applicant in response. We asked if staff were required to approve a project under a site approval or if the approval was optional and that a denial could be made and, that we requested a written, documented regulation defining our question. No answer was given to us nor was a comment made. We also requested in writing the reasons that any of our points were not considered, if the project was approved, and the specific reasons for not considering or deeming the points to be strong enough. No mention of any of our points is contained in the DRC ruling of approval, that we were able to find. Why, specifically?

The project was stated as being allowed in an A-2 zone as an electrical generating station. We supplied a definition of an electrical generating station and noted that the city was using a definition which is decades old and not appropriate. No comment or explanation was offered.

We further made statements about environmental effects and endangered species and other animals. It was noted that the staff use of the environmental check sheet was superficial and understated many potential problems or simply did not address them.

Of particular note, was the lack of a staff requirement of the applicant for a drainage study. The subject property slopes to the Northeast perhaps by 3 to 4 per cent. The project anticipates the use of several hundred we believe, 10 foot by 4 foot(?), solar panels.

The panels will be mounted and slanted toward the south so that their ultimate height will be approx. 8 feet including the mounts, or higher. When rain and wind blown rain strike the panels the water will run off to the ground in front of the panels. Since the amount of water that each panel will shed would be the believed equivalent of 40 square feet, that means that the total water for each panel will be concentrated into a much smaller area.

When the concentrated amount of water for each panel begins to move and drain it will cut(erode) what will be small ditches at first. These individual ditches will join with hundreds of other similar ditches and become much bigger and will carry higher water

volumes at higher velocity than would be the case of rain naturally percolating over the 40 square feet of any individual panel.

The result will be erosion and water movement onto and destructing adjacent property and adjacent private roadways. In the wisdom of the DRC and staff, not even a containment pit or a grading plan was required. The westerly adjacent parcel had requirements for a drainage plan, a retention(containment) pit and a percolation well. Why has staff refused to place these basic requirements on this project? Is the city of Hesperia willing to assume the liability for destruction of adjacent property, in the context of a prior request for simple erosion/runoff requirements? Why did the applicants representative deny that any such erosion would take place when elementary physics and logic suggests otherwise?

Wind noise due to pressuring, panel and mounting strength, the history of a higher than normal amount of lightning strikes in the area due to unique climatological and geographic conditions, the presence of a large earthquake escarpment in the area, the certainty of cultural remnants including a historical road, the reflection of heat and the possibility of birds striking the reflection of the panels, increased dust production due to the increased wind velocity through the structures, the need for underground electrical connectors and fixtures, the need for a concrete block wall perimeter(similar to the approved subdivision), the concentration of elements from the cleaning process of the panels directly adjacent to food production, were all raised. In almost every case the applicant denied or minimized any of the described actions or needs to prevent them.

Other issues not directly related to the fast-tracked environmental check sheet were the loss of value to property and subdivision owners, the large loss of view due to a permanently erected solar panel array of approximately 8 feet height, covering 7 acres, and the fact that the project will not blend with the surrounding developments and that it will stand out and detract due to its size and coloration and height.

We noted that the developer, as a compromise, offered to make the perimeter chain-link fence 7 feet in height instead of the recommended 6 feet. The staff approval made no mention of the 7 foot fence.

The property owners in opposition to the project suggested that even though their opposition was to the entire project that the solution to one of the many problems would be a concrete block perimeter wall. The wall could be a color matching the native soil and it would contain any trash and refuse from leaving the project site as well as tending to secure the project from the effects of the native adjacent property burrowing animals, while protecting a wide variety of species such as eagle, hawk, raven, turkey buzzard, fox, coyote, badger, squirrel, rabbit, burrowing owl, quail, lizard, mountain lion and occasional ducks and birds which are in the winter flyway, as well as others.

The project area is truly a unique environment that is nearly adjacent to the flow of the Mojave River and the increasingly larger amounts of water being released from the Rock Springs turn-out and Lake Silverwood. The described water, as well as the newly to be constructed percolation basins by the Mojave Water Agency and existing percolation basins of Lake Arrowhead water, all demonstrate the abundance of water and the attraction of large numbers and varieties of animals.

My letter of objection to the project based upon the fast track approval and lack of significant environmental constraints is symbolic of the need for compliance with CEQA and a complete and full environmental impact report.

We will be filing an appeal to the planning commission and we are requesting a waiver of those fees. Additionally, should the planning commission rule unfavorably, an appeal will be filed with the Hesperia City Council and a request will be made for a waiver of those fees.

I have made mention of several documents, the official titles of which are unknown to me, but nevertheless are important in presenting our issues. The need for this information and answers to questions raised by several DRC attendees, is immediate as the deadline for filing our planning commission appeal is, I believe, November 7, 2011.

We inquired during the DRC meeting if the applicant was the owner. There was no response to the question. We understand that the applicant is not the owner but rather a lessee/optioner.

We are concerned that your grossly liberal approval conditions of the project, which may not be built, will lead to other applications in the area for industrial/commercial sized and type of developments, which will lead to further deterioration of our community and area. It is not perceived that the City of Hesperia will benefit from this project and that it will cause ill-will and a further erosion of trust by Hesperia taxpayers in any faith that they have in their leaders.

To summarize, the copy of the DRC staff approval of the project does not mention any of the concerns of the public and the property owners and, as such, would appear to be an incomplete document.

In my opinion, the decision of the DRC meeting should be invalidated and the matter be referred to the Hesperia Planning Commission as a first level hearing or public hearing.

Please respond in timely fashion.

Sincerely,

16.16.060 - Uses provided for in any zone or land use district.

A. Land uses listed in Section 16.16.060(A)(2) may be permitted in any zone or land use district subject to a site approval in accordance with the provisions of Section 16.12.080 et seq. when one or more of the conditions cited in Section 16.16.060(A)(1) have been met.

1. Condition of Uses.

a. The location of land use is determined by other land uses which are directly supposed by the proposed use; or

b. The land use is part of the community or regional infrastructure; or

c. The location of the proposed use is determined by the location of raw materials in their natural state such as mineral deposits, natural vegetation and energy sources; or

d. The character of the proposed use is such that it requires a remote location away from other land uses; or

e. The land use is deemed essential or desirable to the public convenience or welfare.

2. Land Uses Permitted Subject to Site Approval.

a. Temporary and permanent governmental facilities and enterprises (federal, state and local) where buildings and/or property are publicly owned or leased;

b. Temporary support facilities associated with the construction of highways and other public facilities including, but not limited to, batch plants and equipment storage yards;

c. Transportation facilities principally involved in the movement of people together with the necessary buildings, apparatus or appurtenances incidental thereto, including, but not limited to, airports, train stations, bus stations and carpool facilities;

d. Institutional uses including, but not limited to, schools and universities, conference centers, hospitals, churches, rehabilitation centers and organizational camps;

e. Cemeteries, including pet cemeteries;

f. Solid waste disposal sites, rubbish incinerators and recycling centers;

g. Sewer plants and sewage disposal sites;

h. Electrical generating stations;

i. Public utilities and public service uses of structures including, but not limited to, reservoirs, pumping plants, electrical substations, central communication office, microwave and repeater huts and towers and satellite receiving stations;

j. Radio and television stations or towers;

k. Development of natural resources including, but not limited to, mineral deposits, natural vegetation and energy sources, together with the necessary buildings, apparatus or appurtenances incidental thereto;

l. Racetracks or stadiums;

m. Campgrounds not exceeding a density of four sites per acre;

n. Sport oriented recreational uses requiring remote locations including, but not limited to, rifle and archery ranges, sky diving jump sites, off-road vehicle parks, marinas, golf courses, hunting and fishing clubs, ski resorts and recreational camps.

B. Unless preempted by state or federal law, the specific land uses listed in Section 16.16.060(B)(2) shall be permitted in any zone or land use district when, in the opinion of the planning officer, the conditions cited in Section 16.16.060(B)(1) have been met.

1. Condition of Permitted Uses.

a. The land use has been approved at public hearing by a state or federally appointed body or commission empowered to approve or license the land use;

b. Notice has been given so as to provide an opportunity for those interested or affected by the proposed use to take part in local public hearings conducted by the state or federal body or commission approving the land use;

c. The review process used by the approving agency has substantially addressed the same issues and concerns that would be addressed in applicable city review and approval process;

d. The approving state or federal body or commission has made a reasonable effort to respond to concerns expressed by the city of Hesperia.

e. The approval of the land use would not have a substantial detrimental effect on the public health, safety and welfare;

f. Approval of the land use has complied with applicable provisions of the California Environmental Quality Act;

g. The land use is consistent with the city's general plan.

2. Permitted Uses.

a. Projects approved by the State Energy Commission;
b. Projects approved by the U.S. Forest Service;
c. Projects approved by the Bureau of Land Management;
d. Projects approved by the State Lands Commission;
e. State or federal water projects.

(Ord. 250 (part), 1997; Ord. 208 Exh. A (part), 1995; SBCC § 87.1901)

16.12.085 - Approval required.

A. No person shall undertake, conduct or use, or cause to be undertaken, conducted or used, any development projects which require site plan review, without having first complied with the provisions of this article.

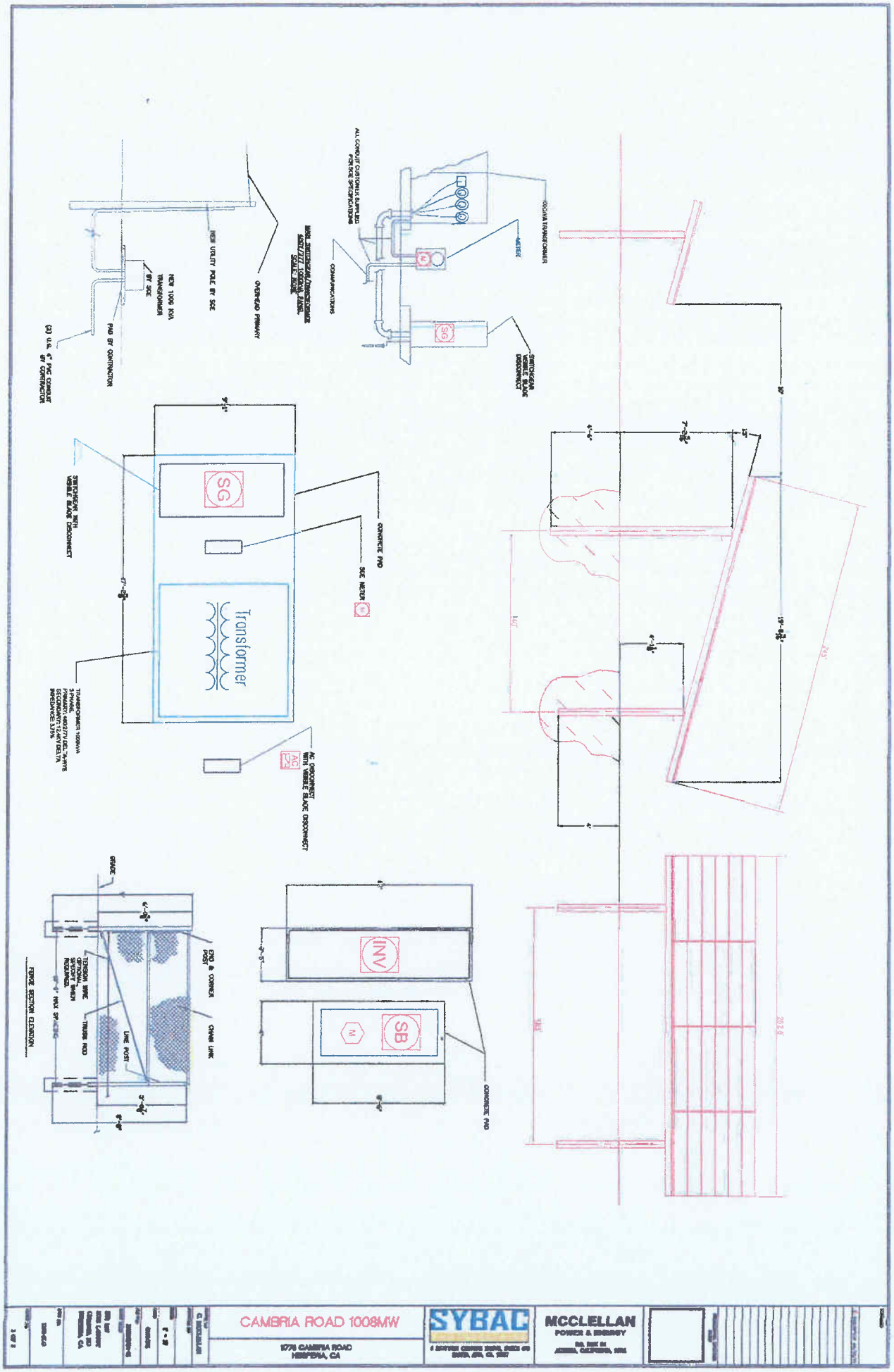
B. The following uses have been determined to be exempt from site plan review requirements:
   1. Interior remodels which do not result in substantial changes in the character of the occupancy or use, or cause greater impact on traffic or waste disposal, as determined by the building official with concurrence from other affected city agencies;
   2. Alterations to building exteriors not resulting in significant changes of use, drainage patterns, parking, traffic, easements, or greater impacts on infrastructure and public services, as determined by the building official and planning director with concurrence from other city agencies;
   3. Repair and maintenance of structures or parking areas, unless constrained by existing waste disposal systems and existing drainage patterns and/or easements;
   4. Replacement and/or repair of a structure partially destroyed by fire, flood or other natural occurrence, when the repair of such structure is determined by the building official to be consistent with the design, use and intensity of the original structure, and consistent with the zoning and general plan designations;
   5. Expansions to multiple residential, commercial or industrial buildings or structures of less than twenty-five (25) percent in total floor area or less than one thousand five hundred (1,500) square feet, where the proposed expansion will not result in a change in the land use or intensity, or cause increased impacts on existing infrastructure and public services, as determined by the planning director;
   6. Revisions to previously approved site plans comprising less than a twenty-five (25) percent expansion to the building area or developed area of the site;
   7. Single-family residential development (one residence per parcel), on previously subdivided parcels.

C. Where permitted by the zone and unless otherwise specified, site plan review and approval for the following development application proposals will be through the administrative review with notice procedure, pursuant to Section 16.12.005. Examples shall include, but not be limited to the following:
   1. Residential development of two, three or four dwelling units;
   2. Additions to existing multiple residential, commercial or industrial structures which will result in an increase in total floor area of twenty-five (25) percent or greater, or expansions of one thousand five hundred (1,500) square feet or greater;
   3. Revisions to previously approved site plans comprising more than a twenty-five (25) percent expansion to the building area or developed area of the site;
   4. Projects involving a change or intensification of land use, such as the conversion of an existing building to a restaurant, or the conversion of a residential structure to an office or commercial use, unless such conversion is determined by the planning director to be inconsistent with the zoning and general plan, and may result in additional impacts on existing infrastructure and public services;
   5. Projects which have been recommended for administrative approval by the development review committee, based upon the following criteria:
      a. The project will not have significant or long-range impacts on surrounding properties, city services, or the environment,
      b. The project will not establish a new or different pattern of land uses or intensities in the area,
      c. The project has not generated controversy or opposition, and
      d. The project is consistent with the city's general plan goals, policies and maps.

D. Where permitted by the zone and unless otherwise specified, site plan review for the following development application proposals will be through a planning commission public hearing, pursuant to Section 16.12.005
   1. Residential development of more than four dwelling units;
   2. Retail commercial uses;
   3. Office or administrative/professional uses;
   4. Industrial uses;
   5. Wholesale and service commercial uses;
   6. Public or quasi-public uses which are subject to review by the city;
   7. Projects which have been recommended by the planning director or the development review committee to the planning commission for a decision;
   8. Any project which requires preparation of an environmental impact report.

(Ord. 192 Exh. A (§ 83.02.020), 1994)

ATTACHMENT 9



System Size:	27,000 KW
Date of Commission	December 2010
Number of Modules:	150,000
Module area:	2,000,000 square feet

Sybac Solar GmbH, Rote Hohl 10, 56729 Kehrig – Germany, Phone: +49 2651 70 57 70
Sybac Photovoltaics LLC, 6 Hutton Centre Drive, Ste 600, South Coast Metro(Santa Ana); CA 92707 phone: +1 714 553 89 44
Mail: usa@sybac-solar.eu Internet: www.sybac-solar.eu

ATTACHMENT 11

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

MITIGATED NEGATIVE DECLARATION ND-2011-09
Preparation Date: October 4, 2011

Name or Title of Project: Site Plan Review (SPR11-10250)

Location: 420 feet east of Glendale Avenue, on the south side of Rock Springs Road (APN: 0398-031-53)

Entity or Person Undertaking Project: Sybac Photovoltaics, LLC

Description of Project: A site plan review to install 273 solar energy panels on 7 acres.

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

Mitigation Measure:

1. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.

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

Public Review Period: October 6, 2011 thru October 26, 2011

Public Hearing Date: October 26, 2011

Adopted by the City Council: n/a

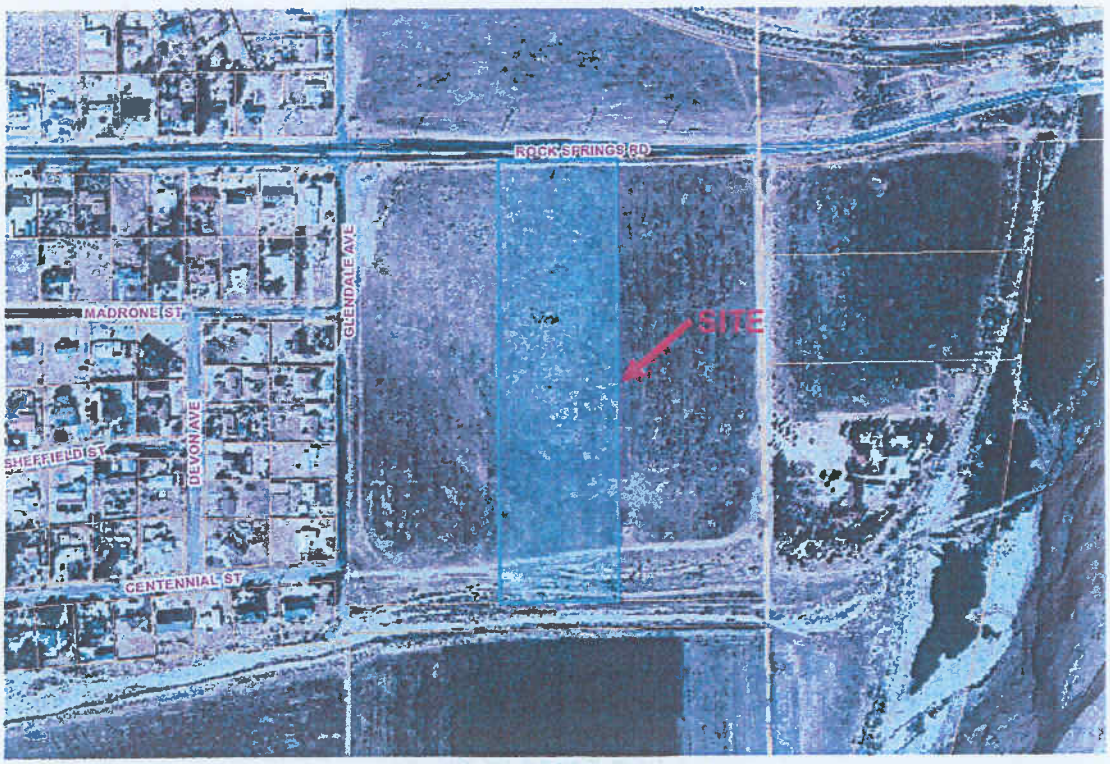
Attest:

_____

DAVE RENO, AICP, PRINCIPAL PLANNER

PROJECT DESCRIPTION

1. **Project Title:** SPR11-10250
2. **Lead Agency Name:** City of Hesperia Planning Division
   Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Daniel S. Alcayaga, AICP, Senior Planner
   Phone number: (760) 947-1330.
4. **Project Location:** The project site is located 420 feet east of Glendale Avenue, on the south side of Rock Springs Road (APN: 0398-031-53).



5. **Project Sponsor:** Sybac Photovoltaics, LLC
   Address: 41856 IVY Street, Suite 210
   Murrieta, CA 92562
6. **General Plan/Zoning Designation:** General Agricultural (A2)
7. **Description of project:**

A site plan review to install 273 solar energy panels on 7 acres. The entire property is 10 acres in size; however, 3 acres on the south side of the property will remain vacant.

8. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.)

All properties surrounding, including the project, are currently vacant and designated A-2. Rock Springs Road fronts the property to the north.

10. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.) This project is subject to review and approval by the City of Hesperia.

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.

	Aesthetics		Agricultural Resources		Air Quality
	Biological Resources		Cultural Resources		Geology / Soils
	Hazards & Hazardous Materials		Hydrology / Water Quality		Land Use / Planning
	Mineral Resources		Noise		Population / Housing
	Public Services		Recreation		Transportation / Traffic
	Utilities / Service Systems		Mandatory Findings of Significance		

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

		"De minimis"
	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.	

Signature 10-4-11 Date
Daniel S. Alcayaga, AICP, Senior Planner, Hesperia Planning Division

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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 & 2)**?				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 & 4)?**			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area **(2 & 6)**?			X	

Comments.
The site is currently vacant **(1)**. Section 16.16.060 permits electrical generating stations in the City with approval of a site plan review **(5)**. Approval of a site plan review will allow 273 solar energy panels on 7 acres **(7)**. The panels are 22 feet and 20 feet in size. The highest point of the system will be less than 10 feet from the ground.

Photo Representation

The closest residential area is located 450 feet to the west and there is a single family home located 600 feet to the east. The solar panels will comply with the setback and height limitations of A2 zone **(1, 2 & 3)**. There is zero distance between each panel system side-by-side and there is an 11 feet to 15 feet separation between each row.

The site is located is in proximity to the Mojave River and Rock Springs Road fronts the project to the north. Glendale Avenue is located 420 feet to the west. These roadways are not scenic highways. 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. Additionally, the cultural resources assessment dated August 2011 did not identify any scenic resources, historic buildings, or scenic highways **(4)**.

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 General Plan Update Environmental Impact Report (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 **(2)**. The project is not located in a sensitive environment. Given the existing land uses nearby and the site's proximity to existing roads, its development will not substantially degrade the existing visual character or quality of the site and its surroundings.

The purpose of the system is to absorb as much sunlight as possible. Therefore, the system is designed to create no glare. The project will also not produce any light **(7)**. Therefore, the project would not have an overall negative impact upon lighting and glare.

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 and all lights shall be hooded and directed downward to reduce the impact upon the nighttime sky in accordance with the General Plan Update **(2 & 6)**. The project does not proposed, nor is required to have lights to operate the facility. Based upon these regulations, the use will not adversely affect day or nighttime views in the area. Therefore, approval of the proposed site plan review 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 **(8 & 9)**?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract **(8, 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)) **(8 & 12)**?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use **(8 & 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 **(8, 11 & 12)**?				X

Comments.
The site is currently within the A-2 designation of the Hesperia General Plan **(10)**. Historically, the site has been used for alfalfa farming. The California Farmland Mapping and Monitoring Program (FMMP) designate the property as farmland of statewide importance **(9)**. The California Department of Conservation (CDC) established the FMMP in 1982. The FMMP is a non-regulatory program and provides a consistent and impartial analysis of agricultural land use and land use changes throughout California. The FMMP produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status. A description of the Farmland of Statewide Importance category applicable to the City of Hesperia is provided below:

- Farmland of Statewide Importance: Farmland of statewide importance is similar to prime farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

In 2009, San Bernardino County had approximately 6,747 acres classified as farmland of statewide importance **(78)**. Conversion of the property to a non-agricultural use will account for approximately 1/10th of a percent of the total agricultural land in the County under this classification. It is economically infeasible to continue the alfalfa farm because of the water cost and the water use limitations placed by the Mojave Water Agency. Alfalfa farming is limited to only one property located 1,350 feet to the south near the golf course. The property has not been used for farming for more than a decade. The City contains only two properties within a Williamson Act contract and the project site is not one of these properties **(8)**. The soil at this location is identified as Cajon sand, two to nine percent slopes **(13)**. These soils are limited by high soil blowing hazard, high water intake rate, low available water capacity, and low fertility.

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 eastern portion of the City. 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 residential area is located 450 feet to the west and there is a single family home located 600 feet to the east. However, this distance is sufficient to separate these residences from the project.

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.

Long-term emissions refer to those air quality impacts that occur after construction has been completed and these impacts will continue over the operational life of the development. The long-term air quality impacts associated with this project are mainly associated with mobile emissions created by maintenance vehicles. The proposed project involves installation of 273 solar energy panels **(7)**. No daily trips will be generated by the project. The only trips generated by the project will be quarterly, for maintenance. Therefore, no fugitive emissions and odors are released by the project. The proposed facility would also be required to obtain permits from the MDAQMD.

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 GPUEIR, the impact of residential development to the maximum allowable density permitted by the Land Use Plan was analyzed. Further, the impact of the project 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.
The site is not expected to support the Mohave ground squirrel, given the very low population levels of the species in the region and proximity to existing development. Further, the project site is outside the area considered suitable habitat for the species **(23)**. The desert tortoise is also not expected to inhabit the site, given its proximity to residences and because the site was previously used as agriculture **(1 & 20)**. 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)**.

A Biological Survey Report for Sensitive Wildlife Species (2011) 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. Additionally, no Joshua trees exist on 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 mitigation measure is listed on page 22.

The project site is not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities. 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 northeast within a developed portion of the City. Consequently, approval of the site plan review will not have an impact upon biological resources, subject to the enclosed mitigation measures.

V. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 **(4, 26, 27, & 28)**?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 **(4, 26, 27, & 28)**?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature **(4, 26, 27, & 28)**?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries **(4 & 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 **(1)**. 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. The Cultural Resources Sensitivity Map indicates that the site has a high sensitivity potential for containing cultural resources **(27)**. This is likely due to the proximity of the property to the Mojave River. However, a Cultural Resources Assessment prepared by Cogstone (2011) determined that there are no cultural resources on the property **(4 & 28)**. Consequently, approval of the site plan review is not expected to have an impact upon cultural resources.

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)**.

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. The project is in proximity to the Mojave River **(1)**. 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 Cajon sand, two to nine 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.

As a function of obtaining a building final, the project 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 site plan review 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)**.

Since the project complies with the A-2 designation of the General Plan, the impacts have already been analyzed by the GPUEIR. The site will not include any buildings, workspace or office floor area. No workers will be on the premises. Therefore, no daily trips will be generated by the project. The only trips generated by the project will be quarterly for maintenance. Each quarter, the glass is cleaned by a small maintenance crew. This task should be completed in a few days. The greenhouse gas emissions generated by vehicular trips for maintenance are significantly off-set by the positive impacts of the proposed solar energy project. The power created by the project will be put into the electrical grid. The project will provide an alternative to coal burning. **(1 & 7)** Consequently, the impact upon GHG emissions associated with the proposed site plan review 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 **(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?				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?				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 involves installation of 273 solar energy panels. No hazardous waste for disposal purposes would be generated from the project. No buildings or restroom facilities will be built. The system is constructed primarily of glass and aluminum. The foundation and poles are made of concrete and steel. The entire facility will be fully secured with a six-foot chain link fence and block wall along the front and panels will be elevated a minimum of no more than 10 feet feet from the ground.

The site is just a half-mile from the nearest school (Carmel Elementary School)**(1)**. Any use which includes hazardous waste as part of its operations is prohibited within 500 feet of a school **(43)**. 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 project will not conflict with air traffic nor emergency evacuation plans. The site is approximately five miles from the Hesperia Airport to the southwest, and is therefore, not within a restricted use zone associated with air operations **(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. Consequently, approval of the site plan review 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 **(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.
The solar energy system will be elevated above the ground to protect them from storm water runoff. The site will remain 100% pervious due to the small footprints of the foundations. As a result, the project will not change absorption rates, drainage patterns, or the amount of surface water runoff in the area. A hydrology study was prepared to analyze off-site and on-site tributary flows **(20)**. According to the study, there is a master plan of drainage facility located 200 to 300 feet to the south of the property. In addition, the project is not within a Flood Zone, based upon the latest Flood Insurance Rate Maps **(61)**. The northernmost portion of the site is within Flood Zone AE; however, the project will not be developed on this portion of the property.

Development of the site will disturb more than one-acre of land area. Consequently, the project will be required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to land disturbance **(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 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 minimally impacted due to the nature of the proposed project **(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 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 site is currently vacant **(1)** and is designated General Agricultural (A2) by the General Plan. Section 16.16.060 permits electrical generating stations throughout the City with approval of a site plan review. The City's review of such projects includes review and approval of site plans, building plans, and an environmental evaluation to comply with CEQA. These approvals will include conditions of approval for the project. It is concluded that compliance with the terms and requirements of the HMC is adequate mitigation to reduce the potential for land use conflicts associated with implementation of the project to a less than significant level.

The impact of development within the property was assessed as part of the General Plan Environmental Impact Reports (EIR). No additional impact beyond that identified within the EIR would occur. No disruption or division of the physical arrangement of the established community will occur. The site does contain any known habitat or natural community conservation plans.

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 site plan review 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. Consequently, the proposed site plan review would not have an impact upon mineral resources.

XII. NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies **(1, 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 site plan review will result in construction 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.

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, 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 highest noise levels near the site are located along Rock Springs Road from vehicles. However, the project does not generate any noise and is not sensitive to any noise from exterior sources. 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 located 450 feet to the west and 600 feet to the east **(1)**.

The project site is approximately four and one-half miles northeast 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 intensity permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with noise impacts **(19)**. Inasmuch as this project is consistent with the adjacent land uses, the noise impact generated by the project 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 project will not induce substantial population growth, directly or indirectly. The project includes the installation of 273 solar energy panels for the production of solar power **(7)**. The site is already served by electricity. The power generated by the project will be put into the electrical grid. The project is intended to be an alternative to coal producing electricity and will not consume any electricity.

Inasmuch as the project site is identified as a public land use, no alteration, or change in the distribution of human population in the area will occur. In regards to the project's growth inducing impacts, the site is currently served electricity and other utility systems. Therefore, development of the project would not require the extension of major improvements to existing public facilities **(63)**. The project, on either site, will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere as the property is vacant.

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.
The project includes the installation of 273 solar energy panels **(7)**. No buildings or other structures will be built. The facility will also not be staffed and maintenance will only occur quarterly. The project will not create any housing, or need for housing, for employees. Therefore, the project will not create a need for additional government, police, schools, and park services. The demand on fire protection is limited as the materials used are non-combustible. In the event of a fire, the damage will be minor and isolated. The County of San Bernardino Fire Department requires the applicant to mow any brush on the property at least once a year. Therefore, the impact on fire protection 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.
The project includes 273 solar panels on 7 acres **(7)**. Approval of the site plan review will not induce population growth. Therefore, the proposed site plan review will not have an 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)**?			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 site will not include any buildings, workspace or office floor area **(7)**. The facility will not be staffed and no daily trips will be generated by the project. The only trips generated by the project will be quarterly, for maintenance. Each quarter, the glass on the panel is cleaned by a small maintenance crew. This task should be completed in a few days. The traffic generated by a small maintenance team is significantly off-set by the positive impacts of the proposed solar energy project. The project will put new power created by solar energy into the electrical grid. The project will provide an alternative to coal burning. Therefore, the project will not increase traffic in relation to traffic load and capacity. The project will also not exceed the current level of service on Rock Springs Road.

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 property is currently not served by City water or sewer. Since no buildings are proposed, the project is not required to connect to sewer. In terms of water, the site plan shows landscaping and fire hydrants within the property; and therefore, water would need to be extended to the site. The closest water line is a 12-inch PVC line along Glendale Avenue **(63)**. Since the site will remain mostly as is, the project will not include a drainage system **(65)**.

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. The project would not create any solid waste once the project is operational. Therefore, the site plan review 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 a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects which will cause substantial adverse affects on human beings, either directly or indirectly?			X	

Comments.
Based upon the analysis in this initial study, a Mitigated 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.

XIX. 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. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

(1) Aerial photos of the City of Hesperia taken February, 2010.

(2) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Pages 3.1-6 thru 3.1-10 (Aesthetics).

(3) Chapter 16.16, Article VIII. General Agricultural (A-2) District of the Hesperia Development Code

(4) Cultural Resources Assessment for the Rock Springs Road 1500 KW Ground Mounted Solar P.V. System project prepared by Cogstone dated August 2011.

(5) Section 16.16.060 of the Hesperia Municipal Code

(6) Section 16.20.085 of the Hesperia Municipal Code.

(7) Conditional Use Permit CUP11-10233 application and related materials.

(8) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Pages 3.2-10 thru 3.2-14 (Agricultural Resources).

(9) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-1 - Farmland Map

(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 3.3-16 thru 3.3-30 (Air Quality).

(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) Biological Survey Report for Sensitive Wildlife Species for the site prepared by RCA Associates, LLC, August 29, 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 4 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibit 5f.
(28)	Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 56 thru 61.
(29)	Section 6 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, page 62.
(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 Hesperia 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.
(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 CUP11-10233.
(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 43.
(69)	Section 2.0 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 2 thru 19.
(70)	Drainage Study for Sybac Photovoltaics prepared by Cubit Engineering Inc. dated August 17, 2011.
(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)	Intentionally left blank
(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).

(77) Chapter 16.16, Article VIII. General Agricultural (A-2) District of the Hesperia Development Code

(78) California Department of Conservation Division of Land Resources Protection – Farmland Mapping and Monitoring Program (2008), September 2009

ATTACHMENT 12

ATTACHMENT 'A'

List of Conditions for Site Plan Review SPR11-10249

Approval Date: October 12, 2011
Effective Date: October 25, 2011
Expiration Date: October 25, 2014

This list of conditions apply to a Site Plan Review to install a solar farm on a developed five gross acre single-family residential lot at 11778 Cambria Road. Any change of use or expansion of area may require approval of a revised site plan review application (Applicant: Sybac Photovoltaics, LLC; APN: 3064-531-03).

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

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

SUBMITTAL OF PUBLIC IMPROVEMENT PLANS SHALL INCLUDE THE FOLLOWING:

___ _____ 1. **Building Construction Plans.** Five complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division with the required application fees for review. (B)

___ _____ 2. **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:

___ _____ 3. **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)

___ _____ 4. **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, nolinas, 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)

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

___ _____ 7. **Identify.** Provide all Marking required for responding Fire Fighter safety to identify Photovoltaic System. (F)

___ _____ 8. **Access.** Provide a 5-foot clear access around Photovoltaic System for ventilation. (F)

___ _____ 9. **Brush removal.** Maintain 6-foot brush clearance around entire project. (F)

___ _____ 10. **Clearance.** Maintain 26-foot clearance around project. (F)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

___ _____ 11. **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)

___ _____ 12. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

___ _____ 13. **Fencing.** The solar farm shall be surrounded by six-foot high view-obscuring chain link fencing with slats. The fencing shall not encroach within 50 feet of the front property line as approved by Planning staff. (P)

___ _____ 14. **Utility Clearance(s)/Certificate of Occupancy.** The Building Division will provide a utility clearance on the solar farm after required permits and inspections. Utility meters shall be permanently labeled. (B)

___ _____ 15. **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 solar farm shall be designed consistent with the design shown upon the approved exhibits filed with the application. Any exceptions shall be approved by the Director of Development Services. (P)

___ _____ 16. **Storage of Solar Panels.** In order to reduce the risk of fire, any uninstalled solar panels shall be stored within metal cargo containers unless an alternative method of storage is approved by the City and the San Bernardino County Fire Department. A maximum of two containers shall be stored on the subject property a minimum of 50 feet from the front and 30 feet from the side and rear property lines. Further, a building permit shall be issued prior to placement of any cargo containers. (P)

THE FOLLOWING IS A CONTINUING CONDITION:

___ _____ 17. **Abandonment of the Facility.** Should the facility fail to be used as approved for more than 180 consecutive days or should its 25-year effective life expire, then the applicant shall cause the removal of the solar panels and all related equipment at its sole cost and expense. The solar panels and related equipment shall be removed no later than 30 days after the facility has been abandoned. Failure to remove the facility in accordance with this condition may result in code enforcement action to cause its removal. (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**

ATTACHMENT 'A'

List of Conditions for Site Plan Review SPR11-10250

Approval Date: October 26, 2011
Effective Date: November 8, 2011
Expiration Date: November 8, 2014

This list of conditions apply to a Site Plan Review to install a solar farm on 10 acres zoned A-2 located on the south side of Rock Springs Road, approximately 420 feet east of Glendale Avenue. Any change of use or expansion of area may require approval of a revised site plan review application (Applicant: Sybac Photovoltaics, LLC; APN: 0398-031-53).

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

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

SUBMITTAL OF PUBLIC IMPROVEMENT PLANS SHALL INCLUDE THE FOLLOWING:

___ _____ 1. **Geotechnical Report.** The Developer shall provide two copies of the soils report with the grading plan. The soils report shall substantiate with all grading, building, and public improvement plans. In addition, a percolation report shall be performed to substantiate the percolation of the on-site drainage retention areas. Include "R" value testing and pavement recommendations for public streets (E, B)

___ _____ 2. **Title Report.** The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)

___ _____ 3. **Plan Check Fees.** Along with improvement plan submittal, the Developer shall pay applicable plan-checking fees. **Improvement Plans and requested studies shall be submitted as a package. (E)**

___ _____ 4. **Erosion Control.** The Developer shall provide an erosion control plan with the improvement plans submittal per City Standards. (E)

___ _____ 5. **NPDES.** The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E)

___ _____ 6. **Storm Water Pollution Prevention Plan.** The Developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off control during construction. (E)

___ _____ 7. **Irrevocable Offer Of Dedication.** The Developer shall submit an "Offer of Dedication" to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)

___ _____ 8. **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)

___ _____ 9. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

___ _____ 10. **Approval of Improvement Plans.** All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

___ _____ 11. **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)

___ _____ 12. **Dedication(s).** The Developer shall grant to the City an Irrevocable Offer of Dedication for Rock Springs Road. The right-of-way full-width for Rock Springs Road shall be 100 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 approach that encroach onto private property. (E)

___ _____ 13. **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)

___ _____ 14. **Storm Water Pollution Prevention Plan.** All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. (E)

___ _____ 15. **Street Improvement Plan.** The Developer shall design street improvements in accordance with City standards and as indicated below. (E)

___ _____ 16. **Rock Springs Road.** Saw-cut, (2-foot min.), and match-up asphalt pavement on Rock Springs Road across the project frontage, based on City's 100-foot Arterial Roadway Standard. The curb face is to be located at 36' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

A. 8" Curb and Gutter per City standards.
B. Sidewalk (width = 6 foot meandering) per City standards.
C. Commercial driveway approach per City standards.
D. Pavement transitions per City Standards.
E. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
F. Cross sections every 50-feet per City standards.
G. Traffic control signs and devices as required by the traffic study and /or the City Engineer.
H. Provide a signage and striping plan per City standards.
I. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards.
J. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

___ _____ 17. **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)

___ _____ 18. **Cultural Resources.** If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

___ _____ 19. **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, nolinas, 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)

___ _____ 20. **Pre-construction Meetings.** Pre-construction meetings shall be held between the City, the Developer, grading contractors, and special inspectors to discuss permit requirements, monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B, P)

___ _____ 21. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

___ _____ 22. **Identify.** Provide all markings required for responding Fire Fighter safety to identify Photovoltaic System. (F)

___ _____ 23. **Access.** Provide a 5-foot clear access around Photovoltaic System for ventilation. (F)

___ _____ 24. **Brush removal.** Maintain 6-foot brush clearance around entire project. (F)

___ _____ 25. **Clearance.** Maintain 26-foot clearance around project. (F)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

___ _____ 26. **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)

___ _____ 27. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

___ _____ 28. **Wrought Iron Fencing with Split Face Pilasters.** The Developer shall submit four sets of wrought iron fencing plans to the Building Division with the required application fees for the proposed fence. A six-foot high wrought iron fence shall be located along the frontage of the property and shall include split face pilasters. The design of the fence and its location shall be consistent with the approved elevations. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

___ _____ 29. **As-Built Plans.** The Developer shall provide as-built plans. (E)

___ _____ 30. **Public Improvements.** All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

___ _____ 31. **Fencing.** The solar farm shall be surrounded by six-foot high view-obscuring chain link fencing with slats, except along the front side, the fence shall be wrought iron with split face pilasters. The fencing shall not encroach within 50 feet of the front property line as approved by Planning staff. (P)

___ _____ 32. **Utility Clearance(s)/Certificate of Occupancy.** The Building Division will provide a utility clearance on the solar farm after required permits and inspections. Utility meters shall be permanently labeled. (B)

___ _____ 33. **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 solar farm shall be designed consistent with the design shown upon the approved exhibits filed with the application. Any exceptions shall be approved by the Director of Development Services. (P)

___ _____ 34. **Storage of Solar Panels.** In order to reduce the risk of fire, any uninstalled solar panels shall be stored within metal cargo containers unless an alternative method of storage is approved by the City and the San Bernardino County Fire Department. A maximum of two containers shall be stored on the subject property a minimum of 50 feet from the front and 30 feet from the side and rear property lines. Further, a building permit shall be issued prior to placement of any cargo containers. (P)

THE FOLLOWING IS A CONTINUING CONDITION:

___ _____ 35. **Abandonment of the Facility.** Should the facility fail to be used as approved for more than 180 consecutive days or should its 25-year effective life expire, then the applicant shall cause the removal of the solar panels and all related equipment at its sole cost and expense. The solar panels and related equipment shall be removed no later than 30 days after the facility has been abandoned. Failure to remove the facility in accordance with this condition may result in code enforcement action to cause its removal. (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

ATTACHMENT 13

RESOLUTION NO. PC-2011-39

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, OVERTURNING THE DEVELOPMENT REVIEW COMMITTEE'S APPROVAL OF SITE PLAN REVIEW SPR11-10249, TO INSTALL A SOLAR FARM ON A FIVE GROSS ACRE DEVELOPED SINGLE-FAMILY RESIDENTIAL LOT AT 11778 CAMBRIA ROAD (APE11-10280)

WHEREAS, Eric Elkins has filed an application requesting denial of Site Plan Review SPR11-10249 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to an approved wind farm on a five gross acre developed single-family residential lot at 11778 Cambria Road and consists of Assessor's Parcel Number 3064-531-03; and

WHEREAS, the Application, as contemplated, proposes to appeal the approval of a solar farm on the subject property; and

WHEREAS, a single-family residence exists on the five gross acre site. Single-family residences exist on the properties to the west. The properties to the north, south and east are vacant; and

WHEREAS, the subject property is currently within the Rural Estate Residential (RER) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The properties to the north and east are within the Commercial Industrial Business Park (CIBP) District, the properties to the south are within the Low Density Residential (LDR) District, and the properties to the west are within the RER District of the Specific Plan; and

WHEREAS, denial of a project is exempt from the requirements of the California Environmental Quality Act; and

WHEREAS, on December 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 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 December 8, 2011 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

(a) The proposed project is inconsistent with and contrary to the goals and policies of the General Plan.

(b) The proposed project does not conform to the regulations of the Development Code and all applicable City Ordinances.

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

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby grants approval of Appeal APE11-10280, denying Site Plan Review SPR11-10249.

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

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

_____
Chris Elvert, Chair, Planning Commission

ATTEST:

_____
Kathy Stine, Secretary, Planning Commission

ATTACHMENT 14

RESOLUTION NO. PC-2011-40

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, OVERTURNING THE DEVELOPMENT REVIEW COMMITTEE'S APPROVAL OF SITE PLAN REVIEW SPR11-10250, TO INSTALL A SOLAR FARM ON A VACANT TEN GROSS ACRE PARCEL LOCATED ON THE SOUTH SIDE OF ROCK SPRINGS ROAD, APPROXIMATELY 420 FEET EAST OF GLENDALE AVENUE (APE11-10286)

WHEREAS, Al Vogler has filed an application requesting denial of Site Plan Review SPR11-10250 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to an approved wind farm on a ten gross acre vacant lot located on the south side of Rock Springs Road, approximately 420 feet east of Glendale Avenue and consists of Assessor's Parcel Number 0398-031-53; and

WHEREAS, the Application, as contemplated, proposes to appeal the approval of a solar farm on the subject property; and

WHEREAS, the ten gross acre site is currently vacant. Field crops exist on the property to the east. The properties to the north, south and west are vacant; and

WHEREAS, the subject property is currently within the General Agriculture (A2) designation. The properties to the north and east are also within the A2 designation, the properties to the south are within the Flood Plain (FP) designation, and the properties to the west are within the Single-family Residence with a minimum lot size of 18,000 square feet (R1-18000) designation; and

WHEREAS, denial of a project is exempt from the requirements of the California Environmental Quality Act; and

WHEREAS, on December 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 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 December 8, 2011 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

(a) The proposed project is inconsistent with and contrary to the goals and policies of the General Plan.

(b) The proposed project does not conform to the regulations of the Development Code and all applicable City Ordinances.

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

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby grants approval of Appeal APE11-10286, denying Site Plan Review SPR11-10250.

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

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

_____
Chair, Planning Commission

ATTEST:

_____
Kathy Stine, Secretary, Planning Commission

City of Hesperia
STAFF REPORT

DATE: December 8, 2011

TO: Planning Commission

FROM: Dave Reno, AICP, Principal Planner

BY: Daniel S. Alcayaga, AICP, Senior Planner

SUBJECT: Conditional Use Permit CUP11-10217; Applicant: Advance Disposal; APNs: 0415-201-06, 07, 10 & 24

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2011-38, approving CUP11-10217.

BACKGROUND

Proposals: A Conditional Use Permit to allow for an expansion of an existing material recovery facility on 14.5 acres (Attachment 1).

Location: 17105 Mesa Street

Current General Plan, Zoning and Land Uses: The site is within the General Manufacturing (I2) General Plan Land Use designation and subject to the development regulations in Chapter 16.16, Article XII, of the Development Code. Currently, a 58,500 square foot material recovery facility and a 3,082 square foot administrative/maintenance building exist on the property. The surrounding land is designated as noted on Attachment 2. The majority of the surrounding properties are vacant. There is a salvage yard to the south and an existing light industrial development to the north (Attachment 3).

ISSUES/ANALYSIS:

Land Use: Advance Disposal is the City's solid waste hauler and has operated at this location since 1993. The Material Recovery Facility (MRF) is presently permitted for 600 tons per day (TPD) and is proposing to increase capacity to 1,500 TPD. Advance Disposal provides pick-up services to residences, as well as commercial and industrial businesses. The facility also processes and recycles greenwaste, waste wood, and construction and demolition (C&D) debris. The public is allowed to self-haul waste to the facility.

Assembly Bill (AB) 939 requires a diversion of 50 percent of all solid waste through source reduction and recycling activities. Accordingly, the municipal solid waste entering the MRF is sorted by Advance Disposal to recover valuable materials such as paper, glass, plastics, metals, and wood. Non-recoverable waste is loaded into large transfer trucks and transported to the Victorville landfill. Currently, approximately 69% percent of the solid waste within the City is being recycled. The facility's diversion of 35% is different because the City accounts for recycling activities and programs done by entities other than Advance Disposal that occur within the City.

The new MRF building will total 123,000 square feet in size comprising of the 58,500 square foot existing MRF and a newly expanded area of 64,500 square feet. The project is planned in one phase and the expansion includes additional parcels of land and on-site improvements. Technological upgrades to the equipment inside of the building and improvements to on-site circulation patterns will allow for more efficient material handling and greater control over noise and odor.

The new on-site circulation pattern includes separate lanes for transfer/commodity trucks, collection trucks, and self-haul. A 20-foot wide one-way fire lane will be provided along the perimeter of the site and identification of the fire lane as one-way. The facility will provide a total of 125 parking spaces for the public and employees. All parking areas and driveway lanes will be paved, and comply with the on-site parking/circulation regulations. Architectural plans were also submitted consistent with City requirements (Attachment 4).

Drainage: The Hesperia Master Plan of Drainage identifies a regional facility (H0-1 line) along the southern boundary of the site. Currently, there is an 80- to 100-foot wide drainage easement between the project property and adjacent property. A hydrology study has been prepared to analyze off-site and on-site tributary flows. The study recommends constructing a channel along the existing drainage course with a retaining wall along the northern boundary of the drainage easement.

Additionally, the City requires on-site drainage to be handled so that the development contains the additional storm water associated with the impervious surfaces created by the expansion. Consequently, Advance Disposal will provide two retention/detention basins to retain the additional drainage created by the expansion. One basin will be located on the southeast portion of the property and the other on the west end of the property.

Water and Sewer: The project property is connected to an existing 12-inch water line in Mesa Street. The development is not required to install sewer lines unless the proposed septic system cannot meet the Lahontan Regional Water Quality Control Board's requirements.

Street Improvements: Currently, street improvements exist on Mesa Street along the street frontage of the existing facility. As part of development of this project, street improvements, including curb, gutter, and sidewalk, are required to be extended along the frontages on both sides of the existing facility and pavement tapers beyond the frontage. The existing drive approaches are being relocated to fit the new on-site circulation pattern.

Traffic/Circulation: The traffic study for the project concludes that the proposed facility, at build-out, generates a total of 387 vehicles per day. Traffic at the facility is comprised of collection trucks, transfer trucks, recyclable material trucks, employee vehicles, and the public. At the ultimate capacity of 1,500 TPD, it is estimated that 193 collection trucks, 98 self-haul loads, 54 transfer trucks, and 42 employee vehicle trips will be generated each day.

Trucks associated with the operation of Advance Disposal use the following routes:

- Collection trucks travel on "E" Avenue, "I" Avenue, Lemon Street, and Main Street to access the facility (Attachment 5).
- Transfer trucks, going to the landfill, travel east on Mesa Street, south on "G" Avenue, east on "E" Avenue, north on "I" Avenue, west on Bear Valley Road, north on Hesperia Road (Attachment 6). Trucks follow the same route in reverse coming back to the MRF.

- Transfer trucks with recovered materials head west on Mesa Road, south on Santa Fe Avenue, east on Lemon Street, south on "I" Avenue, and west on Main Street to Interstate 15.

Several lane and intersection improvements are required to mitigate anticipated roadway level of service deficiencies. The traffic study concludes that the proposed project shall contribute on a fair share basis, through development impact fees, in the implementation of the recommended intersection or freeway improvements. The City has established a Traffic Impact Mitigation Fee Program as part of the Development Impact Fee (DIF) to fund the construction of traffic improvements to maintain adequate levels of service. The Development Impact Fees are imposed on new development and collected as part of the building permit process. Advance Disposal is required to pay all applicable City Development Impact Fees towards these regional improvements, in addition to the street improvements mentioned above.

Odors: Odors are controlled by processing materials indoors and by curtailing operations during wind speeds above 25 mph. All vehicles and trucks entering the facility must be covered. Odorous materials are expedited through the process or transported directly to the landfill. No composting is done on-site, reducing the potential for odors. If Advance Disposal receives an odor complaint, a log and investigating system is in place by the facility to identify and eliminate the odor. Additionally, the MRF is cleaned on a daily basis and designated areas are watered to reduce dust.

Environmental: Approval of this Conditional Use Permit requires adoption of a mitigated negative declaration pursuant to the California Environmental Quality Act (CEQA). The mitigated negative declaration and initial study (Attachment 7) prepared for the project conclude that there are not significant adverse impacts resulting from the development. A cultural report prepared for the project reported that the potential for cultural resources occurring on the property are low and no further archaeological work is recommended. The biological assessment shows that the site does not contain habitat for the desert tortoise nor any other threatened or endangered species. A pre-construction survey for the burrowing owl are required to be conducted prior to the issuance of a grading permit. A protected plant plan ensures that 12 transplantable Joshua trees protected by the City's Ordinance will be handled in accordance with the City's Protected Plant Ordinance.

Conclusion: The project conforms to the policies of the City's General Plan and development of the site will comply with municipal codes, standards, and policies. Approval of this CUP and subsequent development will resolve existing code enforcement issues.

FISCAL IMPACT

The development will be subject to payment of development impact fees.

ALTERNATIVE

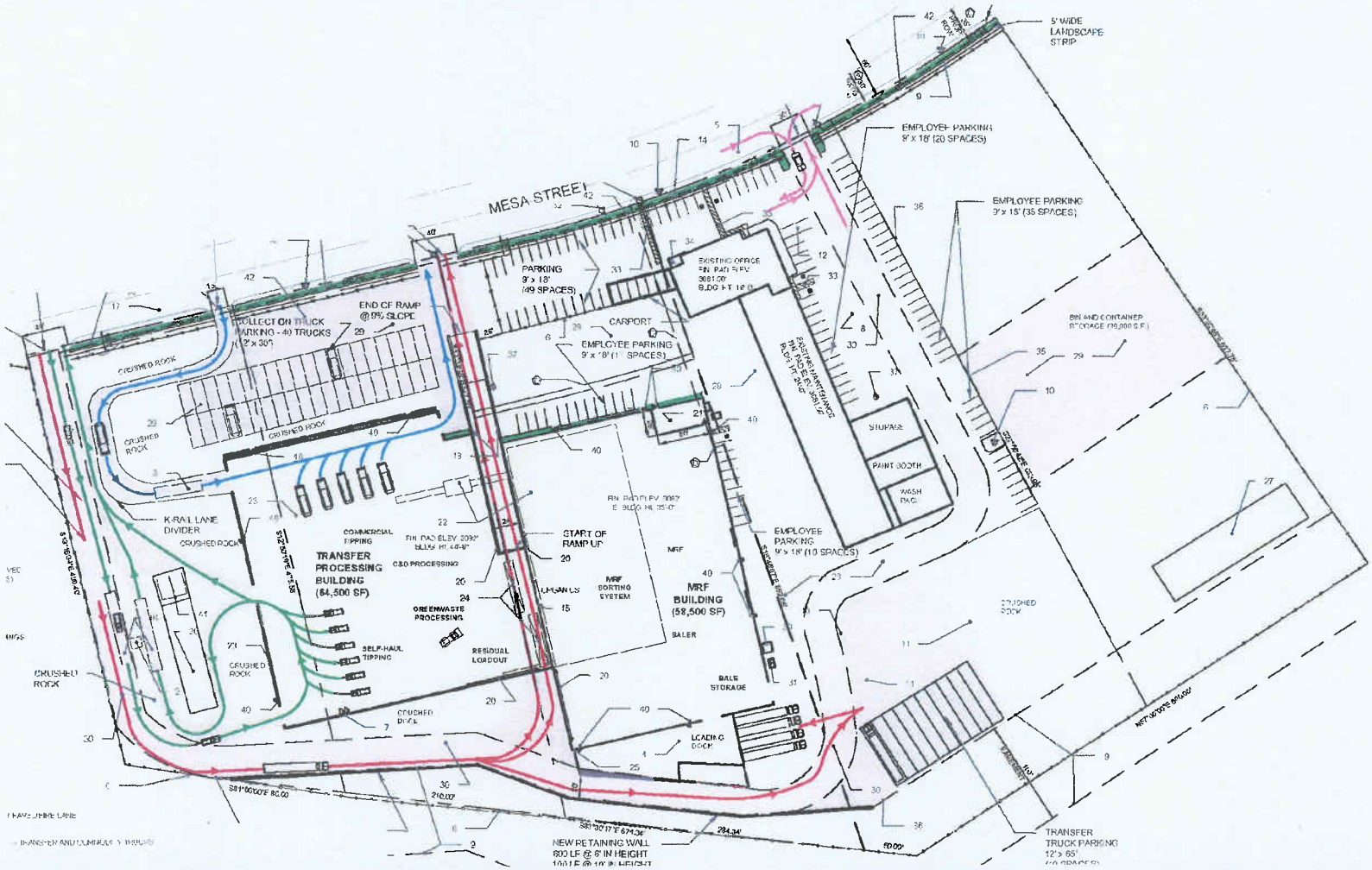
1. Provide alternative direction to staff.

ATTACHMENTS

1. Site plan
2. General Plan Land Use map
3. Aerial photo

4. Architectural elevations
5. Traffic Route – Collection trucks
6. Traffic Route – Tranfer trucks
7. Mitigated Negative Declaration ND-2011-10, with Initial Study
8. Resolution No. PC-2011-38, with conditions of approval (Conditional Use Permit)

ATTACHMENT 1



APPLICANT(S): ADVANCE DISPOSAL

FILE NO(S): CUP11-10217

LOCATION: 17105 MESA STREET

APNs: 0415-201-06, 07, 10 & 24

PROPOSAL:
A CONDITIONAL USE PERMIT TO ALLOW FOR AN EXPANSION OF AN EXISTING MATERIAL RECOVERY FACILITY

N
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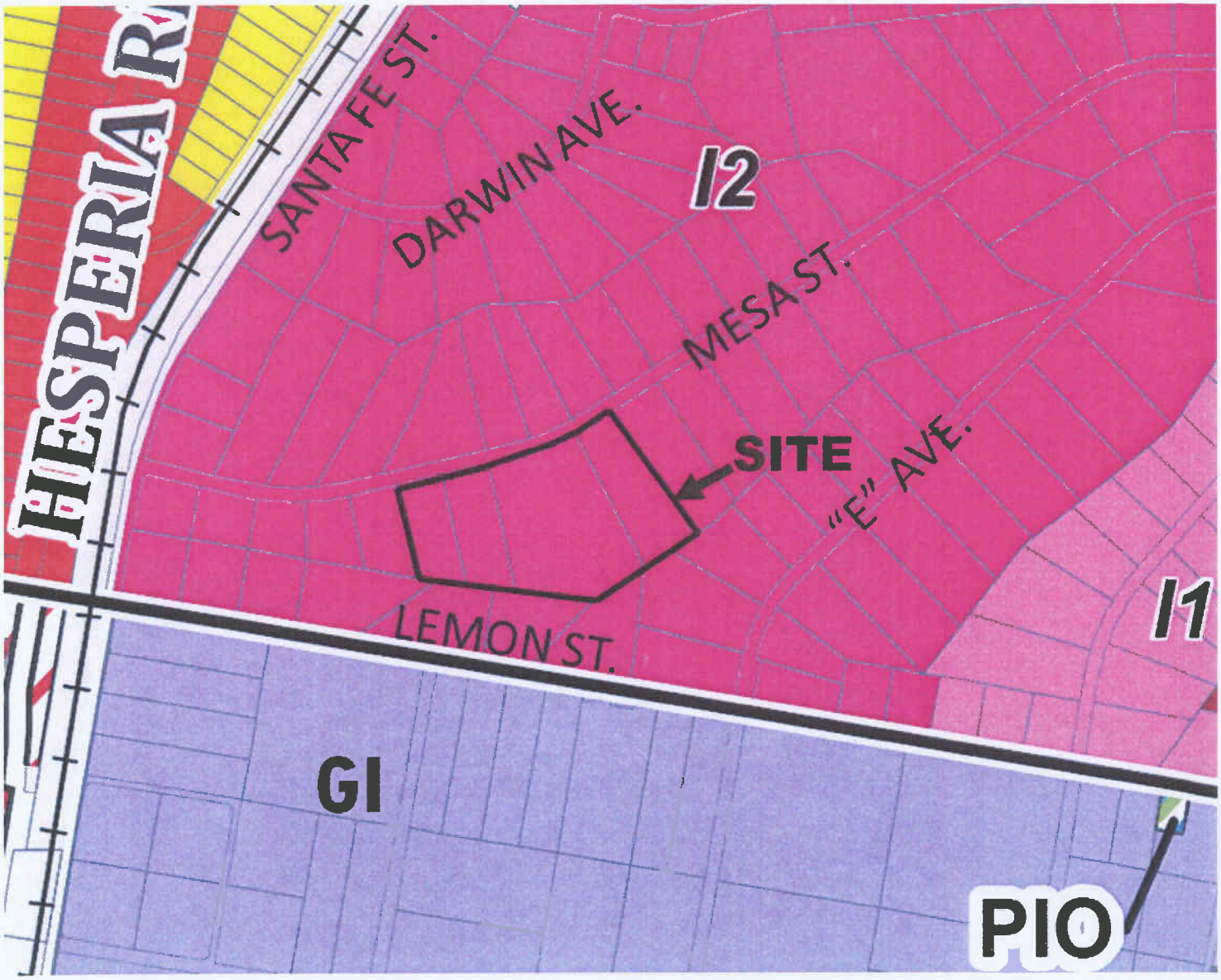
SITE PLAN

ATTACHMENT 2



APPLICANT(S): ADVANCE DISPOSAL	**FILE NO(S):** CUP11-10217
LOCATION: 17105 MESA STREET	**APNs:** 0415-201-06, 07, 10 & 24
PROPOSAL: A CONDITIONAL USE PERMIT TO ALLOW FOR AN EXPANSION OF AN EXISTING MATERIAL RECOVERY FACILITY	N ↑

GENERAL PLAN LAND USE MAP

ATTACHMENT 3

APPLICANT(S): ADVANCE DISPOSAL

FILE NO(S): CUP11-10217

LOCATION: 17105 MESA STREET

APNs: 0415-201-06, 07, 10 & 24

PROPOSAL:
A CONDITIONAL USE PERMIT TO ALLOW FOR AN EXPANSION OF AN EXISTING MATERIAL RECOVERY FACILITY

N
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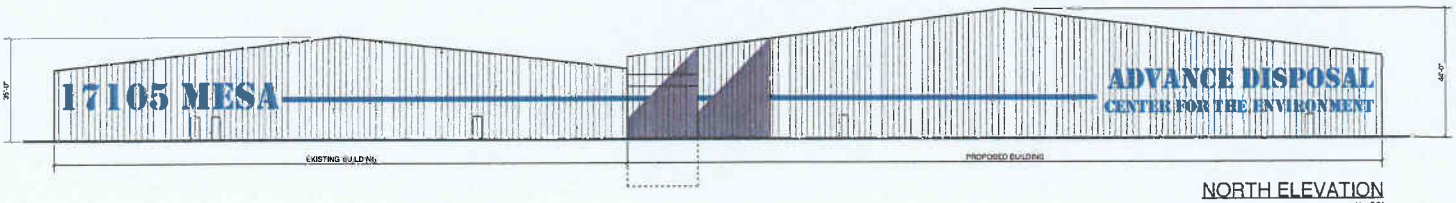
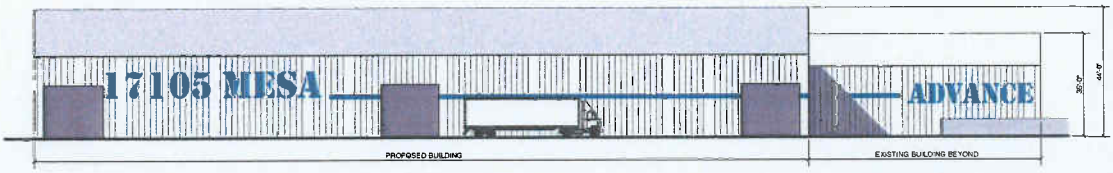
AERIAL PHOTO

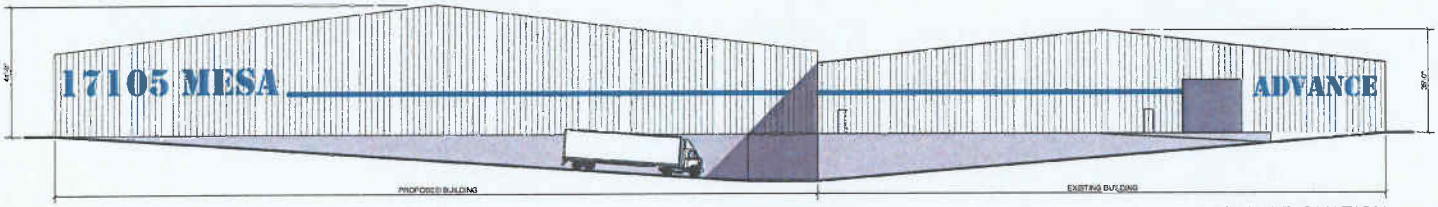
ATTACHMENT 4



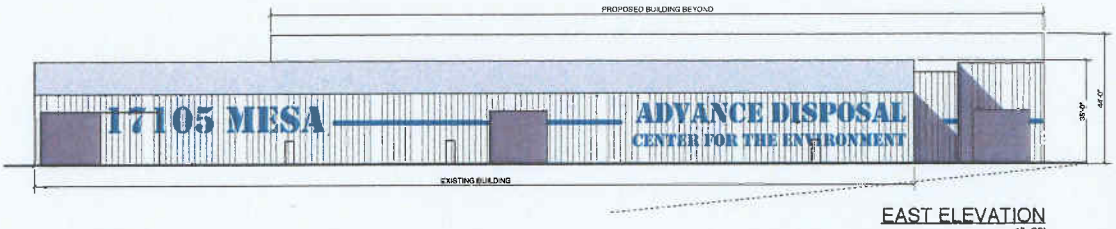
NORTH ELEVATION
1"=20'



WEST ELEVATION
1"=20'



SOUTH ELEVATION
1"=20'



EAST ELEVATION
1"=20'

APPLICANT(S): ADVANCE DISPOSAL	**FILE NO(S):** CUP11-10217
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PROPOSAL: A CONDITIONAL USE PERMIT TO ALLOW FOR AN EXPANSION OF AN EXISTING MATERIAL RECOVERY FACILITY	**N** ↑

ARCHITECTURAL ELEVATIONS

ATTACHMENT 5

APPLICANT(S): ADVANCE DISPOSAL	**FILE NO(S):** CUP11-10217
LOCATION: 17105 MESA STREET	**APNs:** 0415-201-06, 07, 10 & 24
PROPOSAL: A CONDITIONAL USE PERMIT TO ALLOW FOR AN EXPANSION OF AN EXISTING MATERIAL RECOVERY FACILITY	**N** ↑

COLLECTION TRUCKS – OFF-SITE TRAFFIC PATTERNS

ATTACHMENT 6

APPLICANT(S): ADVANCE DISPOSAL	**FILE NO(S):** CUP11-10217
LOCATION: 17105 MESA STREET	**APNs:** 0415-201-06, 07, 10 & 24
PROPOSAL: A CONDITIONAL USE PERMIT TO ALLOW FOR AN EXPANSION OF AN EXISTING MATERIAL RECOVERY FACILITY	N ↑

TRANSFER TRUCKS - OFF-SITE TRAFFIC PATTERNS

ATTACHMENT 7

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

MITIGATED NEGATIVE DECLARATION ND-2011-10
Preparation Date: November 07, 2011

Name or Title of Project: Conditional Use Permit CUP11-10217.

Location: 17105 Mesa Street (APNs: 0415-201-06, 07, 10, & 24)

Entity or Person Undertaking Project: Advance Disposal

Description of Project: Consideration of a conditional use permit to allow for an expansion of an existing material recovery facility on 14.5 acres zoned I2.

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. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
2. The facility shall utilize Best Management Practices (BMPs) to control odors.

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

Public Review Period: November 8, 2011 until December 7, 2011

Adopted the Planning Commission: December 8, 2011

Attest:

_____

DAVE RENO, AICP, PRINCIPAL PLANNER

CITY OF HESPERIA INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM

PROJECT DESCRIPTION

1. **Project Title:** Conditional Use Permit CUP11-10217.
2. **Lead Agency Name:** City of Hesperia Planning Division
   Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Daniel S. Alcayaga, AICP, Senior Planner
   Phone number: (760) 947-1330.
4. **Project Location:** 17105 Mesa Street (APNs: 0415-201-06, 07, 10, & 24).
5. **Project Sponsor:** Advance Disposal
   Address: PO BOX 400997
   Hesperia, CA 92345
6. **General Plan & zoning:** General Manufacturing (I2)
7. **Description of project:**

Consideration of a conditional use permit to allow for an expansion of an existing material recovery facility. The Material Recovery Facility (MRF) is presently permitted for 600 tons per day (TPD) and is proposing to increase capacity to 1,500 TPD. The size of the existing facility is 58,500 square feet. The facility includes an existing 3,082 square foot administrative office and maintenance building. The size of the expansion is 64,500 square feet totaling 123,000 square feet. This major expansion of the facility will include additional parcels of land and on-site improvements that will allow for more efficient material handling as well as greater environmental control. The modifications proposed are as follows:

- Increase capacity from 600 to 1,500 TPD.
- Expand this site to include the two existing parcels as well as two adjacent parcels to the west of the site (4.34 acres) and one adjacent parcel to the east of the site (3.13 acres), increasing the total site acreage to 14.48 acres.
- A 64,500 square foot expansion to the waste receiving/processing building.
- Relocate outdoor greenwaste chipping and grinding operations and construction and demolition (C&D) debris processing inside the new expansion area.
- Place storage of roll-off boxes and bins on eastern parcel.
- Add driveways and container storage as shown on the site plan.
- Move collection truck parking north of the new building and transfer truck parking to the south of the existing maintenance building.
- Improve frontage along new parcels: landscaping, sidewalk, curb and gutter; widen and pave street.
- Enhance and upgrade the existing MRF with new sorting equipment.
- Add up to 15 new employees as needed to process MSW, greenwaste and C&D material as volumes grow.
- A projected average vehicle count increase to 387 per day. (Advance Disposal MRF, 2011)

Site plan - facility layout

A site plan for the proposed facility expansion and modifications is shown in Exhibit "A". The site plan shows the new parcels, building expansion, new bin and container storage area, proposed gates, scales, new building with tipping areas, processing areas, storage areas, waste transfer tunnel, parking areas, offices, truck washing, and maintenance areas. On-site parking is available for all employees and visitors. Collection vehicles and public self-haul have independent circulation patterns.

The proposed five-year average daily throughput for the facility is 690 TPD. The maximum peak load capacity and the maximum daily throughput will be equal to the facility's proposed design capacity of 1,500 TPD, which equates to 6,000 cubic yard (cy) at a density of 500 lbs/cy. Peak days occur during high generating seasons, after a holiday, or as the result of infrequent anomalies in waste generation, and are no more than 5% of the average daily volume.

The current permitted vehicle count is 217 vehicles per day. The proposed expansion will require permitting 388 vehicles per day. Off-street parking is provided for all company collection trucks, transfer trucks, employees, company vehicles, visitors and other users of the site.

Existing facility

Currently, loads of residential, commercial, and industrial waste are delivered to the MRF and sorted to recover valuable materials such as paper, glass, plastics, metals, and wood. Approximately 35% of the municipal solid waste (MSW) entering the MRF is recovered for recycling. Non-recoverable waste is loaded into large transfer trucks and transported to the Victorville landfill. Loads of commercial and industrial waste with high putrescible and organic content (e.g. food waste from restaurants and horse manure) bypass the facility and proceed directly to the nearest landfill or composting operations in the area.

The facility also processes and recycles greenwaste, waste wood, and mixed construction and C&D Debris. The facility accepts e-Waste; however, it is not processed, just stored on-site for transfer to e-waste recycling facilities.

Advance Disposal and the public currently deliver approximately 400 TPD of MSW to the facility. This consists of MSW from residential, commercial, institutional, and industrial sources. Residential waste, originating from single-family and multi-family dwellings, comprises about 40% of the MSW currently received. This includes 10-40 TPD of greenwaste from curbside recycling programs, the public, or sorted *out* of the MSW delivered to the plant.

Commercial waste from the business and institutional sectors comprises 30% of the MRF wastestream. The majority of this waste is processed to recover recyclable materials. Waste loads received at the MRF are enhanced through routing of collection trucks to concentrate recyclables and non-recyclables. Grease trap pumpings from restaurant kitchens are collected and handled by a separate service and are not a part of this program, although a future off-site composting operation may be able to accept this material.

Industrial waste, originating from manufacturing facilities, factories, refineries, construction and demolition projects, and/or solid waste placed in debris boxes comprises roughly 30% of the MRF wastestream. No hazardous or special waste, liquids, agricultural crop residues, animal manures, mining waste or fuel extraction waste, forestry waste, or ash from industrial boilers, furnaces or incinerators are accepted at the facility.

E-Waste is delivered to the facility through specific collection programs as well as public drop off. Approximately one to five tons per month of e-waste is received. The e-waste is stored in outside the southeast comer of the existing MRF building. See Exhibit "A" - Site Plan for the e-waste storage locations. The e-waste is wrapped and stored in bins and on pallets until transferred to permitted e-waste recycling facilities to be processed. Twice a year, usually in April and October, the City designates a "Free Dump Day". On these two days, in addition to MSW, the City sponsors events to receive tires and e-waste.

Currently, approximately 69% percent of the solid waste within the City is being recycled **(56 & 62)**. The facility's diversion of 35% is different because the City accounts for recycling activities and programs done by entities other than Advance Disposal that occur within the City.

The facility is permitted to operate 24 hours per day, 7 days per week, with up to three 8-hour shifts when needed for processing; and 7 days per week from 6:00 a.m. to 10:00 p.m. for receiving of waste and other materials. In addition, the facility is permitted to receive loads of street sweepings as early as 4:30 a.m. in the morning. The operating day begins at 12:01 a.m. Actual hours of operation are: 7:30 a.m. - 4:00 p.m. Monday through Friday for receiving, and 6:00 a.m. - 3:00 p.m. Monday through Friday for plant operations. The facility is closed on the following holidays: New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day, and Christmas Day.

Current waste handling procedures

Residential, commercial, and industrial waste are collected and delivered to the facility as described below (See Site Plan):

1. All collection vehicles enter from Mesa Street through a dedicated gate near the western end of the property and weigh-in on a 45 - foot automated inbound scale. This scale has the capability to store vehicle tare weights so that it is not necessary for collection vehicles to weigh-out. A second inbound scale may be added in the future, as traffic dictates. Self-haul vehicles have a separate entrance and scale to maintain separation from the collection fleet.

2. After weighing-in, collection trucks are directed to their own tipping areas as shown on the site plan. Clean loads of commingled recyclables also tip near the sorting system infeed. Clear space delineation is maintained between the tipping areas for MSW and recyclables so that cross-contamination does not occur. Greenwaste, woodwaste and C&D loads are directed to the appropriate tipping area of the MRF building. Clean loads of homogenous recyclables that need no sorting may be tipped adjacent to the baler in the existing MRF building.

3. After the waste is tipped, bulky salvageable material such as wood, appliances, (white goods), mattresses, tires, and scrap metal are manually separated from the waste by facility employees ("spotters"), and loaded into bins or stock-piled out of the way for recycling or disposal. Spotters also continuously inspect for hazardous waste, which may have been inadvertently brought to the facility.

4. Self-haul loads enter a dedicated floor area of the new building, tip their loads and exit through their own exit. Vehicles with recorded tar weights exit the facility, while others weigh out on the outbound scale prior to exiting.

5. The proposed enhanced mixed waste processing system may be comprised of the following equipment:

- Metering Bin (50 cy): Feeds material to system at a continuous, steady rate to enhance processing efficiency. The bin also allows the loader operator to attend to other activities while the bin is emptying.
- Bag Breaker: Cuts open plastic bags to allow contents to be sorted.
- OCC Separator: A screen that "scalps" off cardboard while allowing the rest of the material to continue through the system.

- Debris Roll Screen: A screen that removes small, heavy debris like dirt, rocks, and broken glass. These "fines" are stockpiled in the building and loaded as needed into roll-off containers that are then hauled to composting operations or the landfill for use as Alternate Daily Cover (ADC).
- Polishing Screen: Recovers mixed paper from the remaining material.
- Magnet: Removes ferrous metal.
- Air Classifier: Separates light and heavy materials
- Elevated Sorting Platform: Manned by sorters who selectively recover aluminum cans, glass, plastic beverage containers, and other recyclables.
- Walking Floor Bunkers: Automatically move recovered material onto the baler feed conveyor for baling. Residue remaining after all this sorting has occurred is conveyed to the load out ports for loading into transfer trucks and hauled to the landfill.

6. Finished bales are stored inside the building until sufficient quantities have accumulated to load and transport the material to market. Bins and drop boxes of recyclables are stored inside the building pending transportation.

7. Greenwaste and woodwaste is received, ground in the designated area of the building. The ground material is loaded into transfer trucks for haul to the landfill for use as ADC, or to composting operations. Only non-hazardous wood is accepted at the facility. However, should incidental hazardous treated wood be discovered, it will be set aside and transported to a proper disposal site.

8. C&D debris is tipped in the designated area shown on the Site Plan, where it is sorted by manual and mechanical means to recover non-toxic wood, concrete, asphalt, dirt and greenwaste. Residue is loaded into transfer trucks or roll offs for haul to recycling facilities or landfills.

9. Transfer trucks are weighed on axle scales as they are being loaded to ensure maximum, yet legal, axle weights. Once loaded, they drive up the transfer tunnel ramp, place litter control screens over the top of the trailer, and proceed to county-owned landfills. Trucks carrying recyclable or compostable material head for various markets. Any waste not hauled to the landfill late in the day, may be stored overnight in transfer trucks until it is transported the next day. These loads will be covered overnight. At the proposed maximum capacity of 1,500 TPD, the material inflows are anticipated to be roughly as follows:

- 10 TPD source-separated recyclables
- 1,360 TPD of mixed waste for sorting off the elevated line
- 70 TPD of greenwaste and woodwaste
- 60 TPD of C&D debris

Throughput for the sorting system is 35 TPH, and an overall diversion through the facility of 40% to 50% is expected. At average daily capacity, the MRF will operate one or two 8-hour shifts. At maximum capacity, the facility will operate three 8-hour shifts. The Vermeer grinder for the greenwaste and woodwaste is capable of processing up to 50 tons per hour, well beyond the needed throughput capacity. The following general procedures are followed for public drop-off of MSW, C&D or greenwaste:

1. Individuals proceed through the main gate and to the scalehouse where they verify that the waste is from the City of Hesperia.
2. The load is weighed in over the scale.

3. The driver is directed to dump in the appropriate area of the MRF depending on the type of materials. See the Site Plan for tipping areas. If any hazardous waste is found, the load is rejected.
4. If it is e-waste, the driver is directed to drop-off the material inside the MRF, where it will be wrapped and stored for transfer.
5. After unloading, the vehicle exits the MRF building, weighs out, and pays the fee at the scalehouse.

In the normal course of operations, waste materials are removed from the site at the end of each working day and the tipping floor cleaned by dry cleaning methods. Title 14, Article 6, Section 17410.1 (a)(2) of the CCR requires that residual materials be shipped out within 48 hours.

The conditions of approval require that all loose trash and materials be gathered, baled, and stored or removed from the site each day. Loose residuals which, for unforeseen circumstances, are not hauled out the same day they are stored overnight in covered transfer trucks for hauling the following day. Baled materials, scrap metal, and glass are stored at the station for a maximum of one month. Greenwaste will be ground and hauled from the facility within 48 hours of receipt (or up to seven days with the California Department of Resources Recycling and Recovery (CalRecycle) and local enforcement agencies (LEA) approval); recyclable inerts are removed within 90 days.

Exhibit A – Site Plan

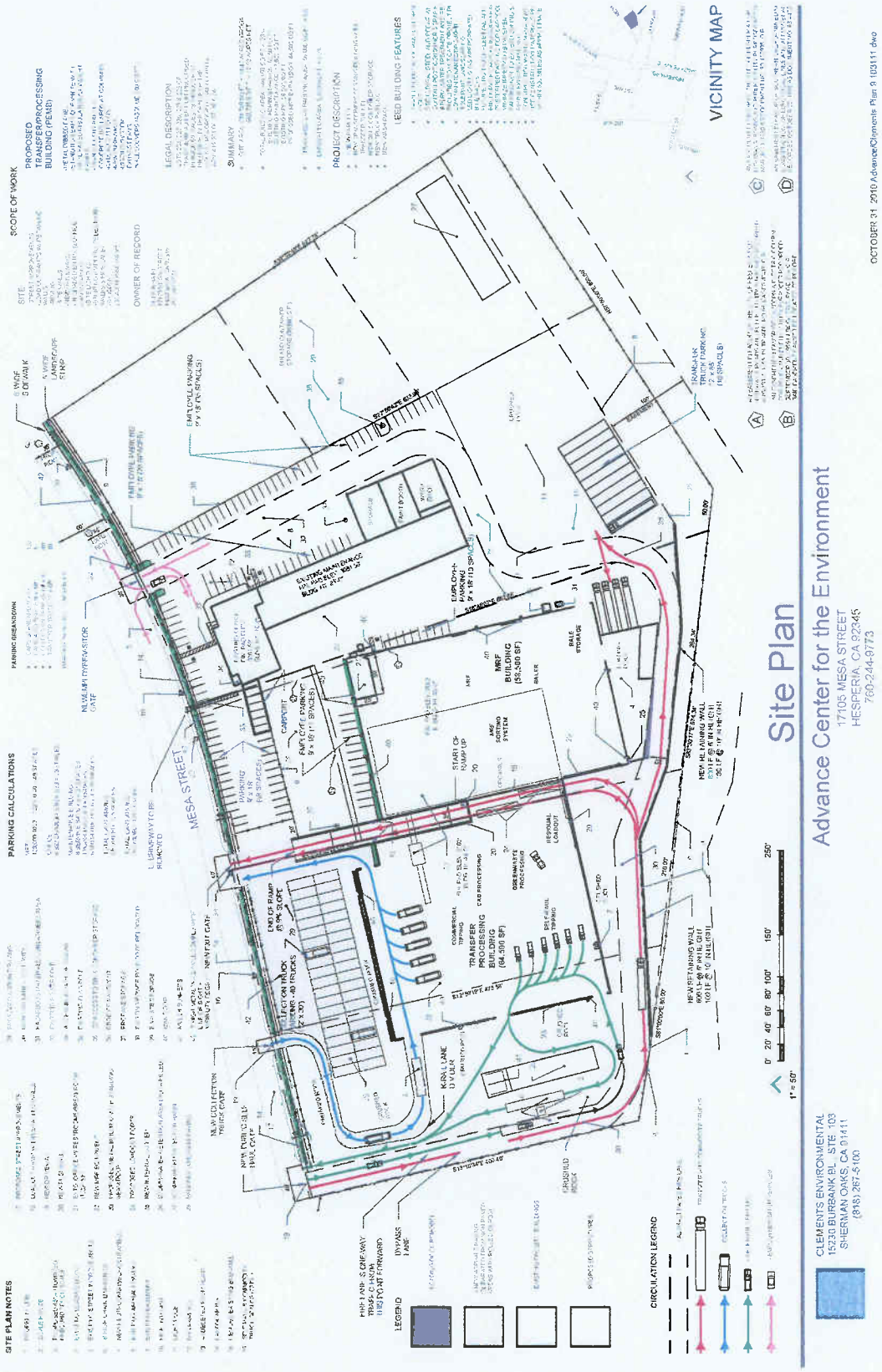
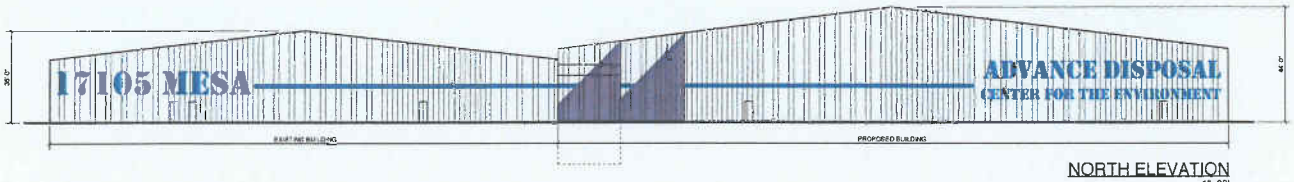
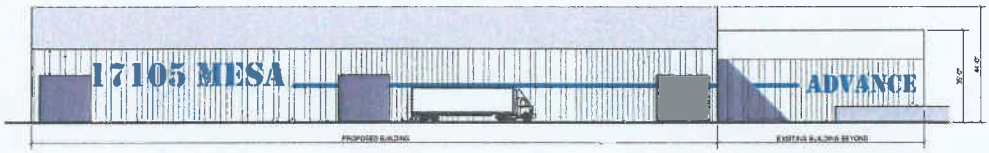


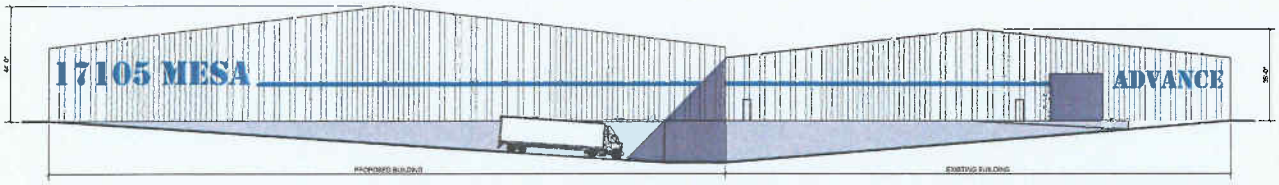
Exhibit "B" - Building Elevations



NORTH ELEVATION
1"=20'



WEST ELEVATION
1"=20'



SOUTH ELEVATION
1"=20'

EAST ELEVATION
1"=20'

Exhibit "D" - Aerial Photo

8. Surrounding land uses and setting: (Briefly describe the project's surroundings.) The use is consistent with the General Manufacturing (I2) zone district, which typically permits the most intense industrial uses. The facility is surrounded by compatible industrial land use designations. The adjacent properties are also zoned I2 and are vacant except on the south by which the property is occupied by an automobile scrap yard. The nearest residentially zoned land is 1,500 feet west of the site.

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 Resources Recycling and Recovery (CalRecycle) and local enforcement agencies (LEA)

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.

☐	Aesthetics	☐	Agriculture & Forestry Resources	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Geology / Soils
☐	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials	☐	Hydrology / Water Quality
☐	Land Use / Planning	☐	Mineral Resources	☐	Noise
☐	Population / Housing	☐	Public Services	☐	Recreation
☐	Transportation / Traffic	☐	Utilities / Service Systems	☐	Mandatory Findings of Significance

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

		"De minimis"
	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.	

Signature — Date: 11-7-11

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

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is provided for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-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)?**				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.
Since the facility is existing and has operated since 1993, the existing visual quality of the site has already been altered. Consequently, only a slight change in the visual character of the area would occur. Additionally, the facility operation is screened from view off Mesa Street by buildings, the office and MRF, fencing, and landscaping along the Mesa Street frontage. All waste processing is located out of view within the buildings.

The following procedures are from Advance Disposal (2011) that are followed to control litter:

- All processing takes place inside the buildings.
- A fence has been constructed around the site perimeter to contain litter.
- All trucks and trailers are covered with tarps or screens when traveling to and from the site to prevent windblown litter.
- The yard, driveways, and internal roads are patrolled by a litter crew three days a week, or more frequently as needed. Under 24-hour per day operation, litter control will be performed on a daily basis, or more frequently as needed. Should litter continue to be a challenge, Advance will purchase a mechanical street sweeper to clean the paved areas of the site, the driveways, and Mesa Street from Santa Fe to 100 yards east of the property **(4).**

The facility has indoor and outdoor lighting sufficient to conduct operations during non-daylight hours. Outdoor lighting consists of pole- and building-mounted fixtures directed to the interior of the site to reduce glare. The facilities will introduce additional lighting to the area; however, compliance with the maximum illumination limitation of 0.5 foot-candles at the property lines will ensure that neither facility will have a negative impact upon enjoyment of the nighttime sky by nearby residents **(6)**.

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 general industrial development. 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 expansion is not located in a sensitive environment. The expansion 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, but the project site is not in proximity to this area. The City does not contain any registered historic buildings. The expansion is subject to approval of this land use entitlement process **(5)**, which restricts the building height and provides for minimum yard, maximum floor area ratio and architectural standards as well as outdoor screening as implemented through the conditional use permit process. This project is consistent with the General Plan and zoning. Based upon the regulations in the Development Code, approval of the proposed expansion 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, the expansion is permitted subject to approval of a conditional use permit. As part of the land use entitlement, the potential impact upon prime farmland, unique farmland, or farmland of statewide importance is evaluated. Accordingly, 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 Byman loamy fine sand, five to nine percent slopes **(13)**. This soil is limited by high soil blowing hazard, high water intake rate, slope considerations, and low fertility. Further, the site is already developed and surrounded by similar industrial uses. Therefore, the site is not viable for agriculture. The U.S. Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County California Mojave River Area states that "Urban and built-up land and water areas cannot be considered prime farmland..." The 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. 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 northern portion of the City in proximity to Bear Valley Road in the urban area and is substantially surrounded by urban development **(1)**. 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 Advance Disposal Facility is situated in an industrial area surrounded by vacant properties and an automobile scrap yard. The site is zoned General Manufacturing (I2). The nearest sensitive receptor (a residential neighbor) is roughly 1,500 feet to the west, upwind of the facility. All material receiving, processing, and load out occurs within fully-enclosed buildings. The facility is a chipping and grinding operation where green material and woodwaste is received, ground, and consolidated into large transfer trucks for hauling to composting facilities, biomass power plants and other users. The facility also receives and processes mixed loads of Construction, Demolition and Inert debris (CDI debris), and MSW. There are no current plans for composting at the Advance site. This greatly reduces the potential for odor **(4)**.

All incoming loads not in packer trucks, including loads brought in by the public, are required to be covered. Signs are posted at the entrance clearly indicating the tarping requirement. Violators are warned and refused entry for subsequent violations **(4)**.

Under one-shift operation, the tipping floor is swept daily, major equipment is cleaned daily, and the entire facility is washed down quarterly to eliminate the build-up of dust and residue. Under 24-hour operation (3-shifts), the tipping floor will be swept after each 8-hour shift, the major equipment will be cleaned after every shift, and the facility will be washed down monthly **(4).**

A misting system constructed of Schedule 40 PVC piping has been installed on the ceiling over the load out ports to control dust. To provide a safe and healthful work place for its employees, the facility complies with all OSHA requirements regarding indoor air quality. In particular, the requirements of Title 8, Section 5144 of the California Code of Regulations are met (Respiratory Protection Program) **(4).**

In this regard, Advance Disposal has created a company Respiratory Protection Program that is detailed in its Operations Manual. As part of this plan, workers in the tipping area and on the sorting lines are provided with NIOSH-approved dust masks. In additions, all waste tipping occurs in the new building, separate from the MRF system and workers, providing them with a much cleaner environment **(4).**

The Odor Impact Minimization Plan (OIMP) has been developed to provide guidance to on-site personnel in the handling, storage, and removal of compostable materials, in accordance with 14 CCR 17863.4. This OIMP will be revised as necessary to reflect any changes in the design or operation. A copy of the revisions will be provided to the enforcement agency within 30 days of the changes. In addition, this OIMP will be reviewed annually to determine if any revisions are necessary **(4).**

The major weather events in the Hesperia area that could impact operations are high winds and high heat. The prevailing winds are from the west, which tend to blow any potential odors away from populated areas. During heavy wind episodes (above 25 mph) with higher potential for dust and odor problems, grinding and material load out may be curtailed. The facility is situated in a high-desert environment, which receives an average of six inches of rain a year **(4).**

If an odor complaint is received, Advance Disposal staff will go to the location of the complaint to verify the presence and intensity of the odors. If the odor can be detected at the complainant's home or business, Advance Disposal staff will trace the odor by conducting odor checks around the general vicinity. If the odor was determined to be generated offsite, Advance Disposal staff will contact the complainant notifying them of the source of the odors. If however, Advance Disposal staff determines that the odor is generated by the facility, Advance Disposal staff will immediately identify the source of the odor and mitigate it as outlined below. All odor complaints will be entered in the Log of Special Occurrences **(4).**

If the facility receives more than three different complaints within a one month period or two complaints from the same individual within a one month period, Advance Disposal staff will meet with the LEA and the complainant (if possible) within a reasonable time to discuss the source of the odor and discuss operational changes that would minimize odors in the future. The presence of odor is also monitored at the site boundary prior to commencing and closing daily operations. The level of offensiveness from on-site odors at the property boundary is based on a scale of 1 to 5 as follows **(4)**:

1. No noticeable odor
2. Slight odor
3. Moderate odor (noticeable)
4. Strong odor (objectionable)
5. Stench (noxious)

Should an odor problem occur at a level 3 or above, the following steps will be taken:

- Identify the source of the odor.
- Determine possible cause(s) and select remedial action.
- In the event the odors cannot be controlled by any of the selective remedies, truck the odorous material to a landfill. **(4).**

TABLE 1

Sources of Odor and Possible Management Techniques

Source of Odor	Possible Cause	Management Approach
Feedstock Receiving	Material sitting too long prior to processing	Expedite material processing
Stockpiles	Long retention time	Load out processed material more frequently; Turn piles more frequently; Mix odorous material with non-odorous material

Source: Advance Disposal (2011)

In order to minimize the development of conditions that could lead to odor problems, all material receiving, processing, and load out occurs within fully-enclosed buildings. The compostable material handling areas were designed based on the nature and quantity of materials to be received and stored, climatological factors, adjacent land use, grading, and drainage controls **(4).**

Greenwaste materials received and approved for this facility will be stockpiled adjacent to the chipping and grinding equipment for a maximum of 48 hrs or up to seven days if approved by the LEA. The material accepted at this facility is of a brushy nature and does not easily start composting until processed into finer material. Upon grinding, this finished material is stockpiled for no more than 48 hours or up to seven days if approved by the LEA. Seasonal variations in wind velocity and direction will not affect the containment of odor causing material due to the fact that all handling occurs inside a fully-enclosed building **(4).**

Odor is potentially generated by anaerobic conditions in the ground material stockpiles. To avoid this, the site loads out stockpiled material within 48 hours and often immediately upon grinding. If stockpiled material is identified as a source of odor, it is immediately mixed with other material and aerated by a wheeled-loader. Advance also eliminates, to the extent practicable, sources which could generate odors, such as stale grass, ponded water, and the covering of material which could shut off the supply of oxygen **(4).**

Adequate water is added before and after grinding on an as needed basis to maintain optimal moisture content, to reduce dust and yet not saturate the material which could lead to anaerobic conditions. Most of the material received consists of dry, woody materials with a small percentage of materials that have a high moisture content, such as grass clippings. The feedstock consists of green material, yard trimmings, wood waste, and CDI debris as they are defined in 14 CCR 17852 **(4).**

In order to reduce airborne emissions, water is used during the chipping and grinding and screening processes. In addition, the stockpiles of CDI debris and ground material are also watered as needed to minimize particulate emissions. All water applied is absorbed into the material **(4).**

All equipment is powered by diesel engines and fuel is maintained onsite. Incoming feedstock is handled, processed and stockpiled utilizing the following medium to large diesel powered equipment, all of which is dedicated to the site **(4)**:

- Portable diesel wood grinder (1)
- Excavators (1)
- Electronic Truck Scales (1)
- Wheeled-loaders (3)

Personnel have been trained in subjects pertinent to site operation and maintenance, such as this OIMP, load checking procedures and heavy equipment operations (loader and grinder). The owner/operator maintains personnel training records **(4).**

Odor from this facility may occur during grinding and when loading product for shipment to market. If stockpiled for an extended period of time, the ground product may result in an anaerobic condition and create objectionable odors. As a result, the operator works diligently to load out ground product from the site as soon as possible **(4).**

All incoming feedstock is checked for materials which could lead to the generation of odors such as food waste, grass clippings, and decayed greenwaste. A spotter is onsite during operating hours to inspect each load **(4).**

Per the new regulations, the maximum storage time for compostable material is 48 hours, unless approved by the LEA for storage up to seven days. The number and dimensions of storage piles is constantly changing as material is received and processed. The operation is dynamic in nature, and therefore does not lend itself to static pile locations and dimensions. Biofiltration equipment is not utilized at this site **(4).**

Operation of the facility will present the potential to create significant odors to nearby residents. The facility will use latest odor reduction methods used in trash disposal facilities. Use of these Best Management Practices (BMPs) will reduce the impact to acceptable levels. The mitigation measure is listed on page 38.

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 nearest sensitive receptor (a residential neighbor) is roughly 1,500 feet to the west, upwind of the facility. The closest resident neighborhood to the east is 3,200 feet.

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 intensity permitted by the Land Use Plan was analyzed. The projected number of vehicle trips associated with this project is analyzed within Section XV. Transportation/Traffic. Further, the impact of a expansion does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment Plan **(18)**. Consequently, approval of the project will not have a significant impact upon air quality, subject to the enclosed mitigation measure.

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)**?				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)**?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means **(1)**?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites **(1 & 24)**?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance **(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.
The site is not expected to support the Mohave ground squirrel, given the very low population levels of the species in the region and proximity to existing development. Further, the project site is outside the area considered suitable habitat for the species **(23)**. The desert tortoise is also not expected to inhabit the site, given its proximity to existing development **(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 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 **(22)**. The biological report states that none of these nor any other threatened or endangered species inhabit the site. However, since the burrowing owl is not sensitive to development and may occupy the site at any time, a mitigation measure requiring a biological survey to determine its presence on-site shall be submitted no more than 30 days prior commencement of grading activities. The mitigation measure is listed on page 38.

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 expansion to the material recovery facility will not have an impact upon biological resources, subject to the enclosed mitigation measure.

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.
A cultural resource assessment was conducted and prepared for the project area prepared by Analytic Archaeology, LLC dated December 2010 indicates that there is a low probability for encountering prehistoric archaeological resources, historic archaeological resources and historic resources within the project area **(78)**. Based upon a site visit and review of the aerial photos, there is no evidence that historic resources exist within the project site. In addition, the site is not on the list of previously recorded cultural resources **(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. Further, the Cultural Resources Sensitivity Map indicates that the site has a low sensitivity potential for containing cultural resources **(27)**. Consequently, additional investigation is not required prior to issuance of a grading permit, nor monitoring for cultural resources during grading activities.

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 expansion to the material recovery facility 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 not exceeding 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 **(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 Byman loamy fine sand, five to nine percent slopes **(13)**. 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. 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 buildings, pavement, compacted gravel, 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 expansion 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 expansion to the material recovery facility 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)**.

Below is the U.S. EPA Waste Reduction Model (WARM) Greenhouse Gas (GHG) Emission Analysis Summary Report for the Advance Disposal facility **(8)**. Included is a GHG Equivalence table that translates GHG savings into more commonplace terms, such as passenger cars not driven for one year.

The GHG Emission Analysis was calculated per month using the material expected to be received at the proposed 1,500 tons per day (TPD) facility. The Baseline Waste Management scenario is simply landfilling all the material received. The Alternative Waste Management scenario is to recycle most the material except for the mixed organics which are composted, and the yard trimmings and mixed MSW which are sent to the landfill as Alternate Daily Cover (ADC) or for disposal.

The Baseline scenario calculated to -7,545 metric tons of carbon dioxide equivalent (MTC02E) (since Victorville landfill has landfill gas-to-energy, it is actually an emission reduction). The Alternative scenario however is -24,526 MTC02E. So therefore, the total change in GHG emissions is -16,981 MTC02E per month (the Alternative scenario minus the Baseline) or -203,772 MTC02E per year. The calculations use the approximate miles to the landfill (16.4 miles), the average miles to recycling facilities (60 miles), and the average miles to the composting facility (19.8 miles).

(Please note that a negative value (i.e. a value in parentheses) indicates an emission reduction; a positive value indicates an emission increase).

Prepared by **Clements Environmental**
Reporting Period for this Analysis is from 1/1/11 to 2/1/11 (one month)

Monthly GHG Emissions from Baseline Waste Management ($MTCO^2E$): (7,545)

Material	Tons Recycled	Tons Landfilled	Tons Combusted	Tons Composted	Total MTCO2E
Aluminum Cans	0	17	0	N/A	1
Steel Cans	0	42	0	N/A	2
HDPE	0	519	0	N/A	20
PET	0	34	0	N/A	1
Corrugated Boxes	0	1,545	0	N/A	(1,186)
Newspaper	0	152	0	N/A	(193)
Yard Trimmings	N/A	2,361	0	0	(1,034)
Mixed Paper (general)	0	2,702	0	N/A	(1,970)
Mixed Metals	0	717	0	N/A	27
Mixed Organics	N/A	9,360	0	0	(1,220)
Mixed MSW	N/A	21,039	0	N/A	(2,012
Concrete	0	497	N/A	N/A	19
Tires	0	15	0	N/A	1

Monthly GHG Emissions from Alternative Waste Management Scenario ($MTCO^2E$): (24,526)

Material	Tons Source Reduced	Tons Recycled	Tons Landfilled	Tons Combusted	Tons Composted	Total MTCO2E
Aluminum Cans	0	17	0	0	N/A	(231)
Steel Cans	0	42	0	0	N/A	(75)
HDPE	0	519	0	0	N/A	(711)
PET	0	34	0	0	N/A	(51)
Corrugated Boxes	0	1,545	0	0	N/A	(4,788)
Newspaper	0	152	0	0	N/A	(423)
Yard Trimmings	0	N/A	2,361	0	0	(1,034)
Mixed Paper (general)	N/A	2,702	0	0	N/A	(9,469)
Mixed Metals	N/A	717	0	0	N/A	(9,469)
Mixed Organics	N/A	N/A	0	0	9,360	(1,220)
Mixed MSW	N/A	N/A	21,039	0	N/A	(2,012)
Concrete	N/A	497	0	N/A	N/A	(1)
Tires	0	15	0	0	N/A	(6)

Total Change in GHG Emissions per Month: (16,981) $MTCO^2E$

Annual GHG Equivalence Table

This is equivalent to...		
Removing annual emissions from:	**37,323**	Passenger Vehicles
Conserving:	**23,130,011**	Gallons of Gasoline
Conserving:	**84,906,416**	Cylinders of Propane Used for Home Barbeques
Conserving:	**1,064**	Railway Cars of Coal

Since Advance Disposal recycles waste material and disposes material in a gas-to-energy landfill, the expansion of the facility will reduce the greenhouse gas (GHG) emissions consistent the City's Climate Action Plan and General Plan Update. Consequently, the impact upon GHG emissions associated with the proposed public facility review 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.
A hazardous waste load checking program has been implemented at the facility to ensure that no hazardous waste is brought to the facility, and that no hazardous waste is transferred to the landfill. Liquid, hazardous, and/or special wastes (medical wastes, dead animals, and sludge), agricultural crop residues, animal manures, mining waste or fuel extraction waste, forestry waste, or ash from industrial boiler, furnaces, or incinerators are not accepted at the facility. Only municipal solid waste (MSW) from residential, commercial, and industrial sources, source-separated recyclables, greenwaste, wood waste, mixed C&D debris, and e-waste are accepted.

The facility does not accept any special or universal wastes. Special waste includes medical waste that has not been properly autoclaved (red bags), non-hazardous sludge, and universal waste (neon light bulbs, mercury thermometers, or unknown wastes in drums). Any special wastes discovered are placed in a container and carefully moved to the designated hazardous materials storage area on the site. Environmental Health Services of San Bernardino County is notified and the waste removed by a licensed hazardous waste hauler and disposed in a Class 1 disposal site or an approved medical waste treatment and disposal facility **(4).**

Any universal waste discovered incidentally in the material received is placed directly on pallets and shrink-wrapped, or placed inside designated containers and hauled out by a permitted hauler for recycling or proper disposal. The facility accepts e-waste; however it is not processed, just stored on-site for transfer to e-waste recycling facilities. If any dead animals are discovered, the facility will isolate the carcass and call Animal Control to come and collect it **(4).**

A record of all complaints regarding this facility is maintained along with the operator's actions taken to resolve these complaints. The LEA will be notified within 24 hours of any complaint received. Facility records are kept in the corporate office at 17105 Mesa Street, and are available for inspection by contacting the facility operator between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday **(4).**

Employee training records are kept in the corporate office at 17105 Mesa Street, and are available for inspection by contacting the facility operator between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday. These include: health and safety, equipment operation, storm water Best Management Practices, and others **(4).**

Should the facility accidentally receive burning wastes or experience accidental ignition of wastes on the tipping floor, the following will occur:

- If the fire is small and manageable, the floor workers and loader operators will put it out with water hoses and portable extinguishers.
- If the fire appears to be a greater threat, 911 will be called immediately for assistance from the Fire Department. Loader operators may be able to isolate the burning material, to minimize spread of the fire until help arrives. In either case, the facility will back track the waste to alert the generator and eliminate future occurrences **(4).**

Use of any hazardous substances 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 condition of approval 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 proposed project will not conflict with air traffic nor emergency evacuation plans. The site is approximately five miles from the Hesperia Airport to the northeast 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 expansion to the material recovery facility will not have any impact upon or be affected by hazards and hazardous materials with compliance with an approved HMBP.

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 storm water 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.
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)**. Cubit Engineering has prepared a Preliminary Drainage Plan which shows the calculations, locations, and dimensions of the storm water retention basin; retaining wall at the flood control easement; and other drainage features **(79)**. The storm water retention basin and areas will be designed and constructed to meet all requirements of the City of Hesperia and the State. The site is 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.

It is Advance Disposal's policy that drainage areas are kept free of debris and vegetation to facilitate runoff Storm water sampling is conducted in accordance with the facility's storm water permit. Site personnel routinely inspect the floor for any evidence of ponding or drainage problems. Any static water that is discovered is absorbed with the chipped material. Any depressions that could lead to ponding are patched and leveled **(4)**.

Wastewater generated by the facility will be minimized as a result of dry sweeping methods employed at the facility. Handling all waste including MSW, greenwaste, and C&D occurs within the buildings to eliminate contact with storm water. The facility has filed a Notice of Intent for the General Industrial Storm Water Permit and developed a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program Plan (MPP), which describe best management practices to be employed at the facility **(4)**.

Wastewater from the facility is generated from the following sources:

- Sanitary wastewater from the restrooms
- Storm water runoff
- Truck washing facilities

Sanitary wastewater comes from restrooms. Since there is no sewer system at the site, this wastewater is directed to a septic tank with a dry sewer installation, and then either to a leach field or percolation pit **(4)**.

The facility has an NPDES General Industrial Activity Storm Water Discharge Permit from the Lahontan Regional Water Quality Control Board and has implemented best management practices for storm water pollution prevention. In years with sufficient rainfall, storm water runoff will be monitored as per the discharge requirements of the Storm water Permit. Storm water is directed to a retention basin and detention areas and the natural drainage course per the Drainage Plan and permit conditions.

Advance Disposal proposes to install a new, closed-loop truck washing operation system that has no discharge. No other wastewater is generated by clean-up operations as dry sweeping methods are used predominantly. Any water that is used for cleaning is absorbed by the MSW.

Development of the site will disturb more than one-acre of land area. Consequently, the project will be required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to land disturbance **(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 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 about 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 **(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 expansion of the material recovery facility 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 facility is within the General Manufacturing (I2) zone district. The original site plan review was approved by the Planning Commission in 1992 and the facility has been in operation since 1994. A conditional use permit is required for the expansion of the solid waste process facility required by the current code. The proposed expansion is consistent with existing land use on the property and the adjacent land uses. The project will not physically divide an established community. The project is consistent with the City's development code, zoning, and General Plan.

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 project would have a less than significant impact upon land use and planning.

XI. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state **(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 expansion to the material recovery facility 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.
In December 1999, the City conducted noise readings at the facility to ensure that there would be no noise problems with the extension in operating hours. The readings showed that noise generated by the facility is within all ordinance requirements, and does not create a nuisance to nearby residents (the closest residences are 1,500 feet west of the site) **(4).**

To further control noise, all waste receiving, processing, and load out is confined to inside the buildings and all on-site vehicles (forklifts, trucks) are properly sound-proofed and muffled. In fact, the operation should be quieter than in the past as the outdoor C&D and greenwaste operations are moved indoors **(4).**

To protect the hearing of employees working inside the MRF building, Advance Disposal has initiated a Hearing Conservation Program. This program identifies areas of high noise exposure and sets up proper practices of wearing protective hearing equipment. In this regard, workers inside the building are issued earplugs on an optional basis for hearing protection **(4).**

Approval of the proposed expansion 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 trucks and trailers. Operation of the material recovery facility will create additional noise associated with its equipment. The General Plan Update Environmental Impact Report (GPUEIR) accounts for the usual vehicular traffic in this area caused by business activities **(67)**.

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.

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 receptor (a residential neighbor) is roughly 1,500 feet to the west, upwind of the facility **(1 & 7)**.

The project site is approximately five miles northeast 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 intensity permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with noise impacts **(19)**. Inasmuch as this project is consistent with the Land Use Element of the General Plan Update, which identified the project site as industrial, the noise impact is less than 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 Development Code and the General Plan Land Use Element, with approval of a conditional use permit application **(10)**. Establishment of the expansion will not create a direct increase in the demand for housing, as it will not increase residential density in the area. The project will add up to 15 new employees as needed to process MSW, greenwaste and C&D material as volumes grow. Further, the site is in proximity to water and other utility systems **(63)**. As a result, expansion of the material recovery facility would not require significant extension of major improvements to existing public facilities. The expansion is allowable with approval of this conditional use permit and is necessary to allow for continued growth. 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. The proposed expansion of the existing facility will not directly induce substantial population growth, as the development will provide the solid waste capacity necessary to allow for orderly development in accordance with the General plan.

Based upon the limited size and specialization of the use proposed, approval of the conditional use permit 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.
The facility is constructed to meet all applicable fire safety codes and fire protection development requirements, including a monitored, alarmed sprinkler system throughout the entire facility. On-site hydrants, fire flows and off-site protection water system and other measures have been incorporated as required by the California and San Bernardino County Fire codes. As tonnage increases, stockpiling of material will be monitored to make sure there is no additional fire hazard. A fire lane has been provided around and through the site **(4)**.

Portions of the site that carry vehicular traffic are paved, as are the parking and container storage areas. Should dust become a nuisance, Advance Disposal will purchase a mechanical street sweeper to clean the paved areas of the site, the driveways, and Mesa Street from Santa Fe Avenue to 100 yards east of the property **(4)**.

The expansion is consistent with the impacts to public services 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 and maintained along the project frontage as part of development of the use **(65)**. Therefore, the impact of the conditional use permit 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 not induce population growth indirectly, as the facility will increase solid waste capacity **(7)**. This facility was accounted for in the General Plan Update and its Environmental impact Report. Therefore, the proposed project will not have a 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.
Kunzman Associates completed a traffic study for the proposed project in November 2010. It concluded that "the proposed development is projected to generate a total of approximately 1,002 additional daily vehicle trips in passenger car equivalents" **(80)**. Several lane and intersection improvements are outlined in the traffic study which would be required to mitigate anticipated roadway operational deficiencies.

The proposed project shall contribute on a fair share basis, through an adopted traffic impact fee program, in the implementation of the recommended intersection land improvements or freeway improvements. Refuse and greenwaste collection trucks, transfer trucks, recyclable material trucks, employee vehicles, and the public comprise the traffic at the facility. At the ultimate capacity of 1,500 TPD, it is estimated that 193 collection truck loads, 98 self-haul loads, 54 transfer trucks loads, and 42 employee vehicle trips will be generated each day for a total of 387 vehicles per day.

Refuse collection vehicles using the site travel on E Avenue, I Avenue, Lemon Street, and Main Street to access the facility. Immediate access to the site is from Mesa Street. These streets are all capable of

supporting truck traffic and are currently supporting existing collection truck traffic. However, intersection improvements, as described in the traffic study, will be required for increased traffic from the proposed project.

Collection truck routes are shown in Exhibit D. Outbound transfer trucks, going to the landfill, travel east on Mesa Street, south on G Avenue, east on E Avenue, north on I Avenue, west on Bear Valley Road, north on Hesperia Road, west on D Street, north on 1-15, north on Stoddard Wells Road to the Victorville County Landfill. Trucks follow the same route in reverse coming back to the MRF. This routing is shown in Exhibit E. The company dictates the designated routes which their collection and transfer drivers follow. Outbound trucks with recovered materials head west on Mesa Road, south on Santa Fe Avenue East, east on Lemon Street, south on I Avenue, and west on Main Street to the Interstate 15 **(4).**

Traffic at the facility is comprised of collection trucks, transfer trucks, recyclable material trucks, employee vehicles, and the public. Collection vehicles include, but are not limited to: roll-offs; side-loading; rear-loading; and front-loading trucks **(4).**

Exhibit D
Collection Trucks
Off-site Traffic Patterns

Clements Environmental (2011)

Exhibit E

Transfer Trucks
Off-site Traffic Patterns

Clements Environmental (2011)

Access to the site is from Mesa Street. On-site traffic will be controlled by the following means:

- Designated traffic lanes
- Enforced speed limit of 5 mph
- Tipping directions from scale house operator
- Sufficient queuing space
- The controlled metering of trucks into the tipping areas as necessary by the site Supervisor, traffic controller, or lead floor man

As part of development of this project, Mesa Street will be constructed and maintained to City standards, including curb, gutter, and sidewalk across the project frontage and pavement tapers beyond the frontage **(65)**. None of the intersections form a hazardous design feature and the improvements will make the intersections 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 conditions of approval for the conditional review permit.

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 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 intensity permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with transportation impacts **(19)**. Consequently, approval of the conditional use permit will not cause a significant impact upon transportation/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 **(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 potable water supply is provided by the City of Hesperia. As part of construction of the project, the City requires installation of an on-site retention facility which will retain any additional storm water created by the impervious surfaces developed as part of the project **(65 & 79)**. 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 wastewater treatment plant will provide additional water for use in landscaped areas, thereby providing additional water supply through water reuse.

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)**. The facility's diversion of 35% is different because the City accounts for recycling activities and programs done by entities other than Advance Disposal that occur within the City. The waste disposal hauler for the City desires to increase the capacity of its Materials Recovery Facility (MRF) to 1,500 tons per day in order to accommodate future development. Since the proposed facilities are unmanned, approval of this expansion 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 affects on human beings, either directly or indirectly?		X		

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

XIV. EARLIER ANALYSES.
Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case a discussion identifies the following: The Certified General Plan Environmental Impact Report.
a) **Earlier analyses used.** Earlier analyses are identified and stated where they are available for review.
b) **Impacts adequately addressed.** Effects from the above checklist that were identified to be within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards are noted with a statement whether such effects were addressed by mitigation measures based on the earlier analysis.
a) **Mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project are described.

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

1. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
2. The facility shall utilize Best Management Practices (BMPs) to control odors.

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)	Advance Disposal Material Recovery Facility, Transfer/Processing Report dated October 10, 2011
(5)	Intentionally left blank
(6)	Section 16.16.465 of the Hesperia Municipal Code.
(7)	Conditional Use Permit CUP11-10217 application and related materials.
(8)	Greenhouse Gas Emissions Analysis Summary Report Prepared by Clements Environmental October 4, 2011

(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 31 and Page 27.
(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, Advance Disposal Facility Expansion project prepared by RCA Associates, LLC dated August 12, 2010. Addendum updated October 3, 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 5b.
(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 (Geoviewer)

(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 CUP11-10217.

(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 43.

(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).

(77) Trip Generation Manual, Seventh Edition, Institute of Traffic Engineers.

(78) Cultural Resource Assessment for APNs 0415-201-06 thru 11 prepared by Analytic Archaeology, LLC dated December 2010.

(79) Drainage Study for APN 0415-201-06 thru 10 prepared by Cubit Engineering dated October 3, 2011.

(80) Traffic Impact Analysis, Hesperia Material Recovery Facility prepared by Kunzman Associates dated November 2, 2010.

ATTACHMENT 8

RESOLUTION NO. PC-2011-38

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR AN EXPANSION OF AN EXISTING MATERIAL RECOVERY FACILITY ON 14.5 ACRES ZONED GENERAL MANUFACTURING (I2) AT 17105 MESA STREET (CUP11-10217)

WHEREAS, Advance Disposal has filed an application requesting approval of Conditional Use Permit CUP11-10217 for an expansion of an existing material recovery facility on 14.5 acre lot (hereinafter referred to as "Application"); and

WHEREAS, the property is located at 17105 Mesa Street and consists of Assessor's Parcel Numbers 0415-201-06, 07, 10 & 24; and

WHEREAS, the site includes an existing material recovery facility. The majority of the surrounding properties are vacant. There is a salvage yard to the south and one property developed with a light industrial use located on the opposite side of the street to the north; and

WHEREAS, the subject property as well as surrounding properties are currently designated General Manufacturing (I2) on the City's Land Use map; and

WHEREAS, an environmental Initial Study for the proposed Conditional Use Permit was completed on November 7, 2011, and no significant adverse impacts were identified. Mitigated Negative Declaration ND-2011-10 was subsequently prepared; and

WHEREAS, on December 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 CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

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

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

(a) The site for the proposed use is adequate in size and shape to accommodate the proposed use. The site is approximately 14.5 acres and can accommodate the expansion to the existing material recovery facility. On-site improvements required by the Hesperia Development Code can be constructed on the property including 125 parking spaces, drive aisles, landscaping, trash enclosures, and loading areas. The proposed expansion also meets all of the San

Bernardino County Fire Department standards for fire lanes, fire truck turn-around, and fire hydrants. The proposed development also complies with all state and federal regulations, including the Americans with Disabilities Act (ADA). The project is designed with two on-site retention/detention basins to accommodate the required capacity of a 100-year storm.

(b) The proposed use will not have a substantial adverse effect on abutting properties, or the permitted use thereof because the proposed project is consistent with the City's General Manufacturing (I2) General Plan Land Use designation. The project is designed with two retention/detention basins to accommodate the required capacity of a 100-year storm. The City has established Traffic Impact Mitigation Fee Program to fund the construction of traffic improvements to maintain adequate levels of service standards. Advance Disposal is required to pay all applicable City development impact fees towards these improvements.

(c) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the development complies with standards for landscaping, driveway aisles, parking stall dimensions, building heights, fire lanes and turn-arounds, trash enclosures, and loading areas. The development complies with Americans with Disabilities Act (ADA) by providing five handicap parking spaces with loading areas and a 4-foot-wide path of travel to the streets, parking spaces, and all buildings. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development must comply with the project's condition of approval for off-site and on-site improvements required prior to grading and building construction and prior to issuance of a Certificate of Occupancy.

(d) The site for the proposed use will have adequate access based upon the site's current accessibility to arterials in proximity to the project. Refuse collection vehicles use "E" Avenue, "I" Avenue, Lemon Street, and Main Street to access the facility. Outbound transfer trucks, going to the landfill, travel east on Mesa Street, south on "G" Avenue, east on "E" Avenue, north on "I" Avenue, west on Bear Valley Road, north on Hesperia Road. Trucks follow the same route in reverse coming back to the MRF. Outbound trucks with recovered materials head west on Mesa Road, south on Santa Fe Avenue East, east on Lemon Street, south on "I" Avenue, and west on Main Street to the Interstate 15. The development will have four drive approaches on Mesa Street. Advance Disposal is required to construct and extend street improvements along the frontage of new properties being developed. The City has established a Traffic Impact Mitigation Fee Program as part of the Development Impact Fee (DIF) to fund the construction of traffic improvements to maintain

adequate levels of service. Advance Disposal is required to pay all applicable City development impact fees towards these improvements.

(e) Based upon Mitigated Negative Declaration ND-2011-10 and the initial study which supports the Mitigated Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed conditional use permit will have a significant effect on the environment.

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

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP11-10217, subject to the Conditions of Approval as set forth in ATTACHMENT "A."

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

ADOPTED AND APPROVED this 8th day of December 2011.

_____
Chris Elvert, Chair, Planning Commission

ATTEST:

_____
Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP11-10217

Approval Date: December 8, 2011
Effective Date: December 20, 2011
Expiration Date: December 20, 2014

This list of conditions applies to a Conditional Use Permit to allow for an expansion of an existing material recovery facility on 14.5 acres zoned General Manufacturing (I2) at 17105 Mesa Street. Any change of use or expansion of area may require approval of a revised Conditional Use Permit application (Applicant: Advance Disposal; APNs: 0415-206-06, 07, 10 & 24).

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

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

SUBMITTAL OF PUBLIC IMPROVEMENT PLANS SHALL INCLUDE THE FOLLOWING:

___ _____ 1. **Drainage Study.** The Developer shall submit a Final Hydrology/Hydraulic study identifying the method of collection and conveyance of tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E)

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

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

___ _____ 4. **Erosion Control.** The Developer shall provide an erosion control plan with the improvement plans submittal per City Standards. (E)

___ _____ 5. **NPDES.** The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E)

___ _____ 6. **Storm Water Pollution Prevention Plan.** The Developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off control during construction. (E)

___ _____ 7. **Utility Non-interference / Quitclaim Document(s).** The Developer shall provide non-interference and or quitclaim letter(s) from any applicable utility agencies for *any* utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. **The improvement plans will not be accepted without the required documents and approval from the affected agencies.** (E)

___ _____ 8. **Plan Check Fees.** Along with improvement plan submittal, the Developer shall pay applicable plan-checking fees. **Improvement Plans and requested studies shall be submitted as a package. (E)**

___ _____ 9. **Irrevocable Offer Of Dedication.** The Developer shall submit an "Offer of Dedication" to the City's Engineering Department for review and approval. At time of submittal, the developer shall complete the City's "application for document review" and pay all applicable fees. (E)

___ _____ 10. **Easements (Water, Sewer and Storm Drain).** The Developer shall submit a "Grant of Easement" to the City's Engineering Department for review and approval if needed. At time of submittal, the developer shall complete the City's "application for document review" and pay all applicable fees. (E)

___ _____ 11. **Building Construction Plans.** Five complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division with the required application fees for review. (B)

___ _____ 12. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

___ _____ 13. **Approval of Improvement Plans.** All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

___ _____ 14. **Dedication(s).** The Developer shall grant to the City an Irrevocable Offer of Dedication for Mesa Street. The right-of-way full-width for Mesa Street shall be specified as 70 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. (E)

___ _____ 15. **Grant of Easement for Double Detector Check Valve.** The Developer shall grant to the City an easement for *any* part of a required double-detector check valve that encroaches onto private property. (E)

___ _____ 16. **Utility Non-interference/Quitclaim Document(s).** The Developer shall provide non-interference and or quitclaim letter(s) from *any* applicable utility agencies for *any* utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. **Grading permits will not be issued until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developer's responsibility.** (E)

___ _____ 17. **NPDES.** The Developer shall provide a copy of the approved original NPDES (National Pollutant Discharge Elimination System) permit from the Regional Water Quality Control Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department. (E)

___ _____ 18. **Storm Water Pollution Prevention Plan.** All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. (E)

___ _____ 19. **Grading Plan.** The Developer shall design a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building "footprints" and proposed development of the retention basins, as a minimum. The site grading and building pad preparation shall include the recommendations provided by the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw), top of footing (tf), and the finish grade (fg) elevations. (E)

___ _____ 20. **Off-Site Grading Letter(s).** It is the Developer's responsibility to obtain signed Off-Site Grading Letters from *any* adjacent property owner(s) who are affected by any Off-Site Grading that is needed to make the site work. The Off-Site Grading letter, along with the latest grant deed, must be submitted to the City's Engineering Department for plan check approval. (E)

___ _____ 21. **Drainage Acceptance Letter(s).** It is the Developer's responsibility to obtain signed Drainage Acceptance Letters from *any* adjacent property owner's who are affected by concentrated off-site storm water discharge from any on-site retention basins and storm water runoff. The Acceptance letter, along with the latest grant deed, must be submitted to the City's Engineering Department for plan check approval. (E)

___ _____ 22. **On-site Retention.** The Developer shall design/construct on-site retention facilities, which have minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells/injection wells. All dry wells/injection wells shall be 2-phase systems with debris shields and filter elements. All dry wells/injection wells shall have a minimum depth of 30' with a max depth to be determined by soils engineer at time of boring test. Per Resolution 89-16 the Developer shall provide on-site retention at a rate of 13.5 Cu. Ft per every 100 Sq. Ft. of impervious materials. **Any proposed facilities, other than a City approved facility that is designed for underground storage for on-site retention will need to be reviewed by the City Engineer. The proposed design shall meet City Standards and design criteria established by the City Engineer. A soils percolation test will be required for alternate underground storage retention systems.** (E)

___ _____ 23. **Street Improvement Plan.** The Developer shall design street improvements in accordance with City standards and as indicated below. (E)

___ _____ 24. **Mesa Street.** Saw-cut (2-foot min.) and match-up asphalt pavement on Mesa Street across the project frontage, based on City's 70-foot Industrial Collector Roadway Standard. The curb face will match existing so that there is not any deviation at this site. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

A. 8" Curb and Gutter per City standards.
B. Sidewalk (width = 6 feet) per City standards.
C. Commercial driveway approaches per City standards.
D. Pavement transitions per City Standards.
E. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
F. Cross sections every 50-feet per City standards.
G. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
H. Provide a signage and striping plan per City standards.
I. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration/deceleration tapers per City standards.
J. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

___ _____ 25. **Utility Plan.** The Developer shall design a Utility Plan for service connections and or private hydrant and sewer connections. **Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed/replaced or relocated and shall be constructed per City standards at the Developer's expense.** (E)

A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.

B. The Developer shall design a Utility Plan for service connections and/or private water and sewer connections. Domestic and fire connections shall be made from the existing 12" DIP water line in Mesa Street per City Standards.

___ _____ 26. **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)

___ _____ 27. **Cultural Resources.** If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

___ _____ 28. **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)

___ _____ 29. **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, nolinas, 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)

___ _____ 30. **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)

___ _____ 31. **Design for Required Improvements.** Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this conditional use permit application with the following revisions made to the improvement plans: (E, P)

A. A minimum four-foot wide landscaped area and a one-foot sidewalk in addition to the six-inch concrete curb shall be installed at the end of all parking space rows as approved by Planning staff;

___ _____ 32. **Lot Merger.** A lot merger for APNs: 0415-206-06, 07, 10 & 24 shall be submitted, approved, and recorded. The lot merger and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)

___ _____ 33. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

___ _____ 34. **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]**

___ _____ 35. **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]**

___ _____ 36. **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:

___ _____ 37. **Construction Waste.** 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. (B)

___ _____ 38. **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)

___ _____ 39. **School Fees.** The Developer shall pay required school fees. (B)

___ _____ 40. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

___ _____ 41. **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)

___ _____ 42. **Access.** The development shall have a minimum of one point of vehicular access. These are for fire/emergency equipment access and for evacuation routes.

i. **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. **Exception: One-Way access roads may have an unobstructed width of not less than 20 feet and required identification is provided indicating one–way access.**

ii. **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. **[F-41]**

___ _____ 43. **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**]

___ _____ 44. **Fire Alarm**. A **manual, automatic or manual and automatic** fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [**F-62a**]

___ _____ 45. **Haz-Mat Approval.** The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8401 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials. [**F94**]

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

___ _____ 46. **As-Built Plans.** The Developer shall provide as-built plans. (E)

___ _____ 47. **Public Improvements.** All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

___ _____ 48. **Development Fees.** The Developer shall pay required development fees as follows:

A. Development Impact Fees (B)
B. Utility Fees (P)

___ _____ 49. **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)

___ _____ 50. **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)

___ _____ 51. **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]**

___ _____ 52. **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]**

___ _____ 53. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. **[F88]**

___ _____ 54. **Override Switch**. Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required. **[F86]**

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

___ _____ 55. **Truck Operating Restrictions.** Truck traffic to and from this facility shall be limited to the hours of 6:00 a.m. and 10:00 p.m. (P)

___ _____ 56. **Evidence of Approval from the LEA.** The applicant shall provide the Planning Department an approved copy of the revised report of station information and any other documents evidencing that the increased capacity and operations of this facility has been approved by the Local Enforcement Agency. (P)

___ _____ 57. **Dust.** The processing area shall be sprayed by water when needed to control dust.

___ _____ 58. **Greenwaste.** As mandated in the existing permit, greenwaste will be stored on-site no longer than 48 hours.

___ _____ 59. **Odors.** The facility shall utilize Best Management Practices (BMPs) to control odors.

___ _____ 60. **Truck routes.** Trucks associated with the operation of Advance Disposal shall use the following routes:

i. Collection trucks shall substantially travel on "E" Avenue, "I" Avenue, Lemon Street, and Main Street to access the facility.

ii. Transfer trucks, going to the landfill, shall substantially travel east on Mesa Street, south on "G" Avenue, east on "E" Avenue, north on "I" Avenue, west on Bear Valley Road, north on Hesperia Road. Trucks shall substantially follow the same route in reverse coming back to the MRF.

iii. Transfer trucks with recovered materials shall substantially travel west on Mesa Road, south on Santa Fe Avenue, east on Lemon Street, south on "I" Avenue, and west on Main Street to Interstate 15.

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
STAFF REPORT

DATE: December 8, 2011

TO: Planning Commission

FROM: Dave Reno, AICP, Principal Planner

BY: Daniel S. Alcayaga, AICP, Senior Planner

SUBJECT: Development Code Amendment DCA11-10245 to amend the Commercial, Industrial and Public Land Use District regulations; Applicant: City of Hesperia; Affected area: Citywide

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2011-34, approving DCA11-10245, amending the Commercial, Industrial and Public Land Use District regulations.

BACKGROUND

The Development Code (Hesperia Municipal Code, Title 16) regulates land uses throughout the City, including commercial and industrial uses of varying intensities. This Development Code Amendment (DCA) pertains to development standards in three commercial and two industrial land use designations that are not part of the Main Street and Freeway Corridor Specific Plan. The three commercial designations include: Convenience Commercial (C1), General Commercial (C2), and Service Commercial (C3). The two industrial designations include: Limited Industrial (I1) and General Industrial (I2). The amendments include the Public (P) Land Use designation.

ISSUES/ANALYSIS

The Development Code Amendment was continued from the Planning Commission meetings of September 8, 2011 and October 13, 2011 in order to obtain input from the Building Industry Association (BIA), Victor Valley Association of Realtors (VVAR), Tom Steeno (Steeno Design Studio), and Mike Wauhob (Omega Design Group). All individuals and/or groups were contacted and were provided a web link to the staff report and proposed ordinance. Additionally, the DCA was published in the BIA Mt. Baldy View newsletter dated September 26, 2011.

On October 31, 2011, City staff met with the individuals listed below to review and provide clarification on the proposed Ordinance, as well as past and planned amendments being considered by the City. Staff received positive feedback from all individuals and they have not suggested any changes as of the preparation date of this report. Individuals in attendance included:

- Carlos Rodriguez, BIA President
- Jeffrey M. Simonetti, BIA Vice President Government Affairs
- Bo Goulet, Shear Realty, representing VVAR
- Tom Steeno, Steeno Design Studio
- Chip Ahlswede, Government Affairs Strategies, VVAR

The primary purpose of the DCA is to make the Development Code consistent with the General Plan and to update Chapter 16.16: Land Use Designations. The proposed Development Code Amendment creates five articles. They include:

- Article IX: Commercial and Industrial Land Use Designations
- Article X: Commercial and Industrial Development Standards
- Article XI: Commercial Design Guidelines
- Article XII: Industrial Design Guidelines
- Article XIII: Public Land Use Designation

Article IX: Commercial and Industrial Land Use Designations. Article IX establishes which land uses are permitted in a commercial and industrial designation and identifies if a land use requires a site plan review, conditional use permit, or is not permitted. Under the proposed Ordinance, land uses would continue to be listed in a table; and there would be fewer land uses because they have been consolidated using land use categories from the Specific Plan. The format change would make the method of allowing uses and permitting uses the same as the Specific Plan. The change would only apply to areas not in Specific Plan and is currently the format in Specific Plan areas.

Although there would be fewer land uses listed, the new format of allowing and permitting uses is more inclusive of the variety of businesses that may be proposed to be established. Similar to the Specific Plan, a land use is allowed or permitted if it is similar to a listed land use; and if it meets the intent of the land use designation. Additionally, an inventory of land use determinations would be kept on file in the Development Services Department. Therefore, the land uses permitted and permit requirements would not change from the current to the proposed code. The Adminstrative and Professional Office (AP) District is proposed to be deleted, as the General Plan map no longer has properties that are designated AP.

The format of allowing and permitting uses is already in place in areas that are within the Specific Plan, which became effective in October 2008. The amendments would apply to areas outside the Specific Plan. The change is being proposed so that the City has a consistent format throughout the City. Additionally, new types of businesses are constantly being created and the proposed format allows the City to be able to consider these new uses without the necessity of amending the code.

The proposed Ordinance changes one commercial designation from Neighborhood Commercial (C1) to Convenience Commercial (C1). This change would apply to areas outside the Specific Plan, as there is already a Neighborhood Commercial district in the Specific Plan. The C1 designation is intended to be less-intensive and conveniently located in proximity to residential areas. If the Ordinance is adopted, staff will automatically amend the General Plan map with this change.

Article X: Commercial and Industrial Development Standards. The basic development standards (i.e. setback, height, lot size, etc.,) would not change and are shown in a table so that the information is located in one place and easy to use. Other changes in Article X include:

- The amendments propose to adopt development standards for outdoor dining from the Specific Plan. The Development Code currently provides front yard setback reductions, if certain development amenities are provided. One of these amenities includes outside

dinning. The amendments provide standards for outdoor dining that are needed to comply with the reduced setback criteria.

- Additional standards for vehicle service uses, including car sales, car washes, and car repairs from the Specific Plan are being proposed. The intent of the standards is to minimize the negative visual effect of car repair, car storage and maintenance work conducted outdoors and/or facing the street.

- The floor area ratios (FAR) for new commercial and industrial developments are proposed to be added in the Development Code. The FAR standard is currently required by the General Plan. The FAR in the C2, I1, and I2 designations is 1.0; and the FAR in the C1 and C3 designations is 0.5. A FAR of 1.0 means a building can occupy 100% of the property and a FAR of 0.5 means a building can occupy 50% of the property, provided that the other development standards are met.

Article XI & Article XII: Commercial/Industrial Design Guidelines. The DCA proposes to adopt the architectural guidelines from the Main Street and Freeway Corridor Specific Plan. The guidelines would apply to new commercial and industrial developments outside the Specific Plan. The architectural standards are already required, except that the standards would be more specific, by including pictures, detailed descriptions, and illustrations. The proposed changes are intended to improve the quality of new developments in the City.

Article XIII: Public Land Use Designation. The General Plan identifies public facilities as Public School (P-School), Park & Recreation (P-Park/REC), or Government (P-GOVT). The amendments would tie these designations to the Development Code. The General Plan requires a FAR of 2.0 for P-GOV and the amendments would include the FAR standard.

Environmental: Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 16.12.415(B)(10) of the City's CEQA Guidelines. The proposed Ordinance does not expand the allowable uses, change intensities, or grant entitlements not already permitted by the Development Code or General Plan.

Conclusion: The proposed Development Code Amendment makes the code consistent with the General Plan and reformats the Commercial/Industrial Land Use Designation regulations making it easy to use. The proposed Ordinance is intended to improve the overall quality of new developments in the City.

FISCAL IMPACT

None.

ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENT

1. Current Commercial and Industrial District regulations
2. Resolution No. PC-2011-34, adopting DCA11-10245, with Exhibit "A"

ATTACHMENT 2

RESOLUTION NO. PC-2011-34

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT TO AMEND THE COMMERCIAL, INDUSTRIAL AND PUBLIC LAND USE DESIGNATION REGULATIONS (DCA11-10245)

WHEREAS, On January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, The City of Hesperia Development Code regulations pertain to Commercial, Industrial and Public Land Use Designations; and

WHEREAS, The City finds that it is necessary to amend the Commercial, Industrial, and Public Land Use Designation regulations to be consistent with the City's recently adopted General Plan Land Use designations; and

WHEREAS, The proposed Development Code amendment is exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as Development Code Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan. The proposed Ordinance does not expand the allowable uses, change densities, or grant entitlements not already permitted by the Development Code and General Plan; and

WHEREAS, On September 8, 2011, October 13, 2011, and December 8, 2011, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and concluded said hearing on December 8, 2011; and

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

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

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

Section 2. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA11-10245, amending the Commercial, Industrial and Public Land Use Designation regulations as shown on Exhibit "A."

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

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

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

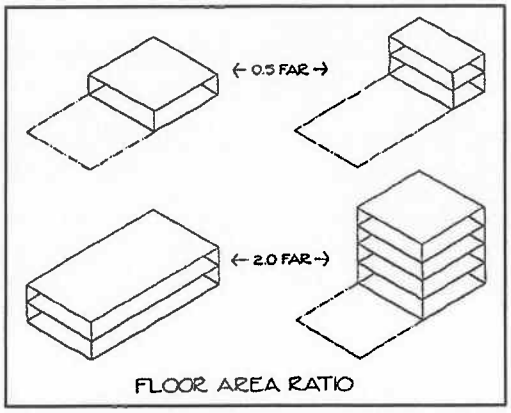
EXHIBIT "A"

The following definition shall be added to Chapter 16.08, as follows:

16.08.237 Floor-area ratio.

The "Floor-area ratio" or "FAR" means the ratio of the total gross floor area of all buildings on a lot to the total gross area of the lot or parcel. Exhibit "A" provides examples of the calculation of the FAR on a specific piece of property.

Exhibit "A"



Article IX. Adminstrative and Professional Office (AP) District shall be deleted in its entirety and replaced with the following:

ARTICLE IX. COMMERCIAL & INDUSTRIAL LAND USE DESIGNATIONS

16.16.310 Commercial and Industrial Land Use Designations.

A. Purpose: This Article lists the land uses that may be allowed within the commercial and industrial land use designations established by the General Plan and determines the permit process required for each use. All commercial and industrial land use designation regulations in this Article are intended to be used concurrently with the General Plan and other chapters in this Development Code, including Articles X and XI, or XII in this Chapter. The Commercial and Industrial Land Use Designations are as follows:

1. **Convenience Commercial (C1):** The Convenience Commercial (C1) designation is intended to meet the needs of local neighborhood residents. Businesses within the C1 designation should be smaller in floor area than the other commercial designations and should be less-intense in impacts such as traffic and noise due to the proximity of residentially designated properties. Uses within convenience commercial areas should include convenience-type goods and services intended to provide for the daily (short-term) needs of surrounding residential neighborhoods.

2. **General Commercial (C2):** The General Commercial (C2) designation is intended for goods and services of a general nature as well as professional offices that will meet both the short and long-term needs of the City's population.

Examples of commercial uses

3. **Service Commercial (C3):** The Service Commercial (C3) designation is intended for utilization as a buffer between residential or commercial uses and industrial uses. Service commercial uses include business-to-business retail and wholesale sales and services. All business operations shall be conducted within an enclosed building, and no outdoor storage shall be permitted.

4. **Limited Industrial (I1):** The Limited Industrial (I1) designation is intended to include lighter industrial uses and supportive service commercial uses. Wholesale or retail sale of industrial supplies, transportation equipment, building equipment and materials, indoor manufacturing uses, and similar uses may be permitted in this designation. In addition, supportive commercial uses such as restaurants or convenience markets that serve consumers within the industrial area may be allowed.

5. **General Industrial (I2):** The General Industrial (I2) designation is intended to permit the establishment of manufacturing and related uses within the City in areas which are protected from encroachment by incompatible residential uses. This designation permits the heaviest types of manufacturing and industrial uses with approval of a site plan or conditional use permit. Manufacturing, warehousing, and fabrication uses are all appropriate for this designation.

Examples of appropriately designed industrial uses

16.16.315 Permitted Uses and Permit Requirements.

The permitted uses and permit requirements in this Article are provided in a table format. Land uses are provided in the first (vertical) column of the table and commercial/industrial land use designation in the top (horizontal) row. In order to determine which permit process is applicable or if the land use is allowed, the use must be matched up with the corresponding land use designation. Once the land use and land use designation are matched, the symbol in the box represents the applicable process. The following key legend demonstrates which symbol corresponds with the applicable permit process. Footnotes are also provided and considered part of this Development Code.

Key to Permit Requirements

Symbol	Applicable Process
A	Accessory Use
CUP	Requires a Conditional Use Permit
NP	Not Permitted
P	Permitted Use
R	Requires a Site Plan Review

16.16.320 Commercial and Industrial Uses.

	Land Use Designations				
Land Uses	C1	C2	C3	I1	I2
A. Art studio/gallery (including photo)	R	R	R	R	
B. Assemblies of people- entertainment (e.g., theater - live performance, auditorium, banquet hall, nightclub, etc.) [1]		R	R	R	R
C. Auction service, exchange or barter			R	R	R
D. Automotive parking	R	R			
E. Bank and financial institution/service	R	R			
F. Bar, saloon, cocktail lounge and tavern		CUP			
G. Business support services and facilities (including graphic reproduction, computer-service, uniform store, etc.)		R	R	R	R
H. Catering establishment		R	R	R	R
I. Cemetery	R	R	R	R	R
J. Club or lodge (non-profit), fraternal or religious association	CUP	R			
K. Composting plant	NP	NP	NP	NP	CUP
L. Contractors and building trades	R	R	R	R	R
M. Equipment sales and rental - indoors		R	R	R	
N. Grocery store	R	R	R	NP	NP
O. Health and fitness club	R	R	R	R	R
P. Heavy equipment sales and rental				R	R

Q. Helicopter landing and take-off pad		CUP		CUP	CUP
R. Historical and monument site	R	R	R	R	R
S. Home improvement sales and service, retail (e.g, hardware, lumber and building materials stores)	R	R	R		
T. Hospital		CUP	CUP	CUP	CUP
U. Hotel/motel		R			
V. Impound/towing [2]	NP	NP	NP	CUP	CUP
W. Industrial uses (includes outdoor storage [3])	NP	NP	NP	P	P
X. Institutional uses	R	R	R	R	R
Y. Kennel - boarding of domestic animals		CUP	CUP	R	R
Z. Laboratory - research		CUP		R	R
AA. Machine shop/repair				R	R
BB. Manufactured housing (sales)				R	R
CC. Manufacturing/warehouse (includes outdoor storage [3])				R	R
DD. Medical services (not including hospitals)		R	R	NP	NP
EE. Microwave and radio communication towers and facilities			R	R	R
FF. Mini-storage [2]	NP	NP	R	R	R
GG. Mortuary, not include crematory		R			
HH. Museum, library and reading room	R	R	R		
II. Office/professional buildings	R	R	R	R [5]	R [5]
JJ. Parking/storage of recreational vehicles			R	R	R
KK. Personal services (e.g, spas, salons, and massage facilities)	R	R	R		
LL. Planetarium, aquarium, botanical garden and zoo		R			
MM. Publishing and printing		R	R	R	
NN. Processing (recycling) facility [4]	NP	NP	NP	CUP	CUP
OO. Recreational facility - commercial		R	R	R	
PP. Recycling center - large collection facility [4]	NP	NP	NP	NP	CUP
QQ. Repair shop - small items	R	R	R	R	R
RR. Restaurant (sit down and takeout), including outdoor dining [2]	R	R	R		
SS. Retail sales	R	R	R	R [6]	R [6]
TT. School - trade, community college, university		R	R	R	R
UU. School - specialty non-degree (e.g., dance and martial arts)	R	R	R	R	R
VV. Semi-truck repair and storage				CUP	CUP
WW. Shopping center	R	R	R		
XX. Terminal (bus and truck)		CUP		CUP	CUP

4

YY. Theater	NP	NP	NP	NP	NP
ZZ. Upholstery and furniture repair/refinishing		R	R	R	R
AAA. Vehicle fuel station [2]	R	R	R		
BBB. Vehicle parts and accessories sales		R	R		
CCC. Vehicle repair facility- major		R	R	R	R
DDD. Vehicle repair facility- minor		R	R	R	R
EEE. Vehicle sales/rentals and leasing - new and used [2]		R			
FFF. Vehicle wash facility [2]		R	R	R	
GGG. Veterinary services - clinics and small animals hospitals (short term boarding)	R	R	R		
HHH. Warehousing and wholesale distribution center				R	R
III. Wrecking yard [2]	NP	NP	NP	NP	CUP

Notes:

1. Shall not include a motion picture theater.
2. Shall correspond with standards in Section 16.16.365 (Specific land use standards).
3. Shall be subject to Section 16.16.360(4).
4. Shall be subject to Section 16.16.070 (Recycling facilities).
5. Shall be supportive to a manufacturing/industrial use.
6. May sell products manufactured or distributed on-site pursuant to Section 16.16.360 (3)(A).

16.16.325 Interpretation of Land Uses.

1. Land Use Not Listed or No Key Provided. All uses not specifically listed or where there is no key provided for a particular use in Section 16.16.320 are prohibited. However, the Development Services Director or his/her designee may determine that:

a) Any use not listed is comparable to a listed use; or
b) A listed use without a key is comparable to a listed use with a key, in which the applicable permit process may be used for the listed use without a key; and
c) Meets the intent of the land use designation as described in Section 16.16.310; and
d) Such use shall be reviewed and conditioned in a similar manner to a permitted or conditionally permitted use.

Such determination is appealable to the Planning Commission. A list of comparable use determinations shall be kept on file in the Development Services Department.

2. Other Similar Uses. The Development Services Director or his/her designee shall permit other similar uses or uses customarily incidental to land uses outlined in Section 16.16.320. In interpreting and applying the provisions of this Article, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Whenever there is any question regarding the interpretation of the provisions of this Article or their application to any specific case or situation, the Development Services Director or his/her designee shall interpret the intent of this Article.

Chapter 16.16, Article X (Reserved) shall be amended to include the following:

ARTICLE X. COMMERCIAL & INDUSTRIAL DEVELOPMENT STANDARDS

16.16.350 Commercial and Industrial Development Standards.

1. New and existing developments in commercial and industrial land use designations shall be subject to the development standards in this Article, unless otherwise specified.
2. The development standards in this table shall be required within each land use designation:

	C1	C2	C3	I1	I2
A. Maximum floor area ratio (FAR)	0.5	1.0	0.5	1.0	
B. Height	35' [1]			50' [1]	
C. Minimum lot area (gross)	2 ½ acres [2]	5 acres [2]	2 ½ acres [2]	1 acre [2]	2 ½ acres [2]
D. Minimum lot dimension - Width, includes corner lots	300'			150'	300'
E. Minimum lot dimension – Depth, includes corner lots	300'			200'	300'
F. Front Yard Setback	25' [3]				
G. Side Street Yard Setback -Corner Lot	15' [3]			15' [4]	
H. Side Yard Setback	0'				
I. Side Yard Setback, when adjacent to residential	20' [4]			50' [4]	
J. Rear Yard Setback	0'				
K. Rear Yard Setback, when adjacent to residential	20' [4]			50' [5]	
L. Landscaping	Chapter 16.20, Article XII				
M. Signs	Section 16.16.095				
N. Parking	Section 16.20.080 through 16.20.120				

Notes:
1. Proposals for development exceeding this height shall be subject to Chapter 16.16, Article VI (Variances and Minor Exceptions) of this Development Code.
2. The minimum site size and dimensions for new lots in this designation are as listed here, except in the case when a site plan review, conditional use permit or planned development is submitted, in which case, no minimum is established. This exception is only applicable when the site is being developed as one integrated development and appropriate measures are taken to ensure reciprocal access, parking and maintenance.
3. Minimum landscaping of 8 feet is required adjacent to the property lines, pursuant to Chapter 16.20, Article XII (Landscaping Regulations) of this Development Code.
4. Minimum landscaping of 5 feet is required adjacent to the property lines, pursuant to Chapter 16.20, Article XII (Landscaping Regulations) of this Development Code.

5. Minimum landscaping of 10 feet is required adjacent to the property lines, pursuant to Chapter 16.20, Article XII (Landscaping Regulations) of this Development Code.

16.16.355. Street Setback Reduction.

A. The following table lists the reduced setback distances permitted in the commercial and industrial designations (providing all required street improvements are incorporated into the developed area) and provides the minimum building and landscaping features required when granting the reductions.

B. When approving a minor exception consistent with Section 16.12.220 for commercial and industrial developments, the reviewing authority may require pedestrian oriented features in Section 16.16.360(C)(7) and/or Chapter 16.16, Article XI (Design Guidelines) to be integrated into the development.

C. The reviewing authority is responsible for the granting these variable building setbacks. The reviewing authority may require submittal of renderings and landscape design (including plant species photography) and/or an architectural palate prior to approval of variable setbacks.

D. In industrial developments, the outdoor dining feature may be substituted for outdoor seating, public art, and/or other similar feature deemed appropriate by the reviewing authority. If location and physical limitations exist, the reviewing authority may only require the architectural and landscaping features.

Required Street Setback	Building Features	Landscaping Features
15 feet	Provides pedestrian oriented features in Chapter 16.16, Article XI (Design Guidelines).	Provides 7% on-site landscaping. Shade trees required in parking lot.
10 feet	Provides pedestrian oriented features in Section 16.16.360(C)(7) and Chapter 16.16, Article XI (Design Guidelines). Recessed entrances, plazas and courtyards required to offset any building frontage over 50 lineal feet.	Same as above but provides 10% on-site landscaping with parking lot planters separating parking aisles.

16.16.360 Additional Development Standards.

A. The following standards shall apply to development in all commercial and industrial designations, except as otherwise specified:

1. Any site plan review, conditional use permit or planned development accompanied by a map or merger combining two or more lots shall have the map or merger fees waived;

2. All uses shall be subject to the approval of a site plan review or a conditional use permit, pursuant to Chapter 16.12.

3. The following standards shall apply to development in all industrial designations, except as otherwise specified:

a) Any I1 sites which after lot consolidation have a gross area of ten acres or more may be permitted to establish a general manufacturing use permitted in the I2 designation, subject to the conditional use permit processes;

b) Retail sales and service incidental to a principally permitted use are allowable provided that the following standards are met:

i. The operations are contained within the main structure which houses the primary use,
ii. Retail sales occupy no more than twenty-five (25) percent of the total building square footage,
iii. No retail sales or display of merchandise occur(s) outside the structure(s), and
iv. All products offered for retail sales on the site are manufactured, warehoused or assembled on the premises;

c) Whenever possible, uses should incorporate air quality mitigation measures, including employee rideshare and transit programs, alternate schedules, delivery management programs, telecommunication programs and other modes of transportation.

4. Outdoor Displays, Storage, Equipment, and Work Areas.

a) No retail sales, merchandise displays or work areas shall occur outside building(s), except as approved by a site plan review, conditional use permit, or special event permit.
b) There shall be no visible storage of motor vehicles (except display areas for sale or rent of motor vehicles), trailers, airplanes, boats, recreational vehicles, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents, equipment or building materials in any portion of a lot. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction;
c) In the I1 and I2 designations, outside storage and equipment shall be confined to the rear half of the property or the rear of the principal structure on site, whichever is more restrictive, and screened from public view from any adjoining properties and public rights-of-way by appropriate walls, fencing and landscaping.

5. Parking and Loading.

In addition to the off-street parking requirements and standards set forth in Chapter 16.20, Article IV (Parking and Loading Standards) of this Development Code, the following shall apply:

a) Parking areas shall be landscaped along the perimeter as well as in the interior of the parking lot, pursuant to the requirements set forth in Chapter 16.20, Article XII (Landscape Regulations) of this Development Code.
b) Shared parking between adjacent businesses and/or developments is highly encouraged where feasible.
c) Loading facilities shall not be located at the front of buildings or in public areas of the development. Such facilities are more suitably located at the rear of the site where they can be screened appropriately.
d) When it is not possible to locate loading facilities at the rear of the building, loading docks and doors may be located along the sides of the buildings, but should not dominate the facades and must be screened from the public areas of the development.
e) Loading facilities should be offset from driveway openings.
f) Backing from the public street onto the site for loading into front-end docks causes unsafe truck maneuvering and should not be utilized except at the ends of cul-de-sacs where each circumstance will be studied individually at the time of design review.

6. Open Space and Landscaping.

a) The design standards and guidelines included in the provisions of Chapter 16.20, Article XII (Landscape Regulations) and Chapter 16.24 (Protected Plants) of this Development Code shall apply.
b) Open space areas shall be clustered into larger landscape areas rather than equally distributing them into areas of low impact such as at site and building peripheries, behind a structure or areas of little impact to public view, or where they are not required as a land use buffer or required yard setback.

7. Walls and Fences.

a) A commercial or industrial development adjacent to any residential designation shall have a six-foot high decorative masonry wall along property lines adjacent to such designations. In the I1 and I2 designations, the wall height shall not exceed twelve feet, depending on the height of the material being screened.
b) In commercial designations, the maximum permitted height of any perimeter walls fronting a street shall be three feet.
c) Both sides of all perimeter walls shall be architecturally treated. In commercial designations, appropriate materials include decorative masonry, concrete, stone and brick.

8. Trash Collection Areas.

a) At least one trash enclosure area shall be provided for commercial and industrial developments. The reviewing authority may require additional enclosures as deemed necessary. All such required areas shall be enclosed and screened pursuant to the requirements of this section and in accordance with City standards.
b) All trash/recyclable materials collection enclosure areas shall be easily accessible to retail and office tenants, including easy pedestrian access for the disposal of materials and collection by refuse vehicles.
c) The collection area(s) shall be enclosed on three sides by a minimum 6-foot tall decorative masonry wall. The wall materials used shall be complementary in color and style to architectural components of the development they serve. The fourth side of the enclosure shall be enclosed with an opaque, self-latching gate.

9. Mechanical Equipment Screening.

a) All exterior mechanical equipment, except solar collectors, whether on a roof, side of a structure, or on the ground, shall be appropriately screened from public view. The method of screening shall be architecturally integrated with the primary structure in terms of materials, color, shape and size. Where individual equipment is provided, a continuous screen is desirable.
b) For rooftop equipment, the screening materials shall be at least as high as the equipment being screened. Equipment requiring screening includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork, and transformers. Mechanical equipment shall not be permitted on any exposed portion of a pitched roof, except as may be approved through the Site Plan Review process.
c) Ground-mounted utility equipment such as, but not limited to, cable television boxes, electric power transformers and distribution facilities, water pumps, and telecommunications facilities (not including pole-mounted equipment) shall be screened

from view on all sides with solid masonry walls or similar permanent structures. Such masonry wall or structure shall be of a neutral color. Screening with wood, chain-link, or similar fencing materials shall not be permitted. Electric and other metering equipment and panels shall be painted to match adjacent building and wall surfaces.

d) Ladders for roof access shall be hidden and integrated into the building design.

10. Standards for Outdoor Dining. Outdoor dining may be provided either in private patios or within the public sidewalk right-of-way. The following standards and guidelines shall be followed relative to Outdoor (Sidewalk and Patio) Dining Spaces:

a) These two kinds of outdoor dining areas including "Patio Dining Space" and "Sidewalk Dining Space".
   i. "Patio Dining Space" is an area adjacent to a street (or alley) level eating or drinking establishment, located within private property line and is used exclusively for dining, drinking and circulation therein. This space may be open or covered with temporary structures such as trellises, umbrellas or permanent structures such as overhangs and upper floors of the building.
   ii. "Sidewalk Dining Space" is an area adjacent to a street level eating or drinking establishment located within the sidewalk area of the public right-of-way and is used exclusively for dining, drinking and circulation therein. A barrier that separates the dining area from the remainder of the sidewalk and is in place during hours of operation defines the area. Sidewalk dining may be provided with either self-service or waiter/waitress service.

b) Sidewalk Dining Locations. Sidewalk Dining shall be permitted within the public sidewalk right-of-way only when the clear widths are available. (See 2(f) below)

c) Patio Dining Locations. Patio Dining shall be permitted within private property adjacent to the streets or public alley walkways. Outdoor patio dining is allowed within the street yard setback.

d) Adjacency to Buildings. Sidewalk Dining within the public sidewalk right-of-way shall be located immediately adjacent to the buildings with the pedestrian path immediately along the curb.

e) Maintenance of Clear Passage.
   i. Sidewalk Dining within the public sidewalk right-of-way shall maintain a clear pathway, free from all obstructions, for pedestrians not less than seven feet depending on the exact sidewalk width and extent of pedestrian activity in the streetscape segment. A clear passage of 10 feet in width is preferred.
   ii. For purposes of calculating the clear pathway dimension, trees, traffic signs, meters, and all similar obstacles shall count as obstructions. The reviewing authority shall define exact clear pathway requirement within this range, on a case-by-case basis. The reviewing authority, based on the particular site conditions, may grant exemption to the minimum requirements.

f) Demarcation of Sidewalk Dining Areas.
   i. The sidewalk dining area adjacent to the building shall be demarcated by barriers such as railings, fencing, or a combination of railings or fencing, and landscaping in planter boxes, or movable bollards. No solid walls shall be allowed.

ii. All the outdoor barriers shall be movable and removed from the sidewalk at the close of the business establishment daily. Some discretion in terms of pots and planters placed directly adjacent to the building façade shall be allowed.

g) Demarcation of Patio Dining Spaces. The patio dining spaces adjacent to streets or alley walkways shall be demarcated by either temporary or permanent boundary definers such as railings, fencing, or a combination of railings or fencing, and landscaping in planter boxes, or movable bollards.

h) Outdoor Dining within arcades along sidewalk rights-of-way or alley walkways. The provision of a dining space in a covered arcade that is open to the sidewalk is permitted as long as the architectural integrity of the façade is maintained in conformance with the requirements in Chapter 16.16, Article XI (Commercial Design Guidelines) of this Development Code.

i) Windows or Doors to Outdoor Dining along sidewalk rights-of-way or alley walkways. The provision of windows and doors from indoor dining areas that open to the sidewalk or alley walkway is permitted and encouraged as long as the architectural integrity of the façade is maintained in conformance with the other sections of this chapter and the requirements in Section 16.16, Article XI (Commercial Design Guidelines) of this Development Code, and the open doors and windows do not obstruct the pedestrian right-of-way.

j) Parking Requirements. The area used for Sidewalk Dining shall not be included in the eating or drinking establishment's area for the purposes of calculating the establishment's parking requirement. The area used for Patio Dining shall be included in the eating or drinking establishment's area for the purposes of calculating the establishment's parking requirement.

k) Materials. The style and materials of the barriers that demarcate the outdoor dining space should be compatible in color and finish with the adjacent structure and approved by the reviewing authority.

l) Hours of Operation. The outdoor dining space hours of operation shall be limited to the hours of operation of the associated dining establishment.

m) Display of Outdoor Menu Display. A single-sided framed menu attached to a moveable barrier that defines the Sidewalk or Patio Dining Space is permitted within the Sidewalk and Patio Dining Spaces. The size of the frame shall not exceed three square feet. Freestanding pedestal menus or A-frame displays are prohibited.

n) Maintenance of Outdoor Dining Furniture. Outdoor dining furniture shall be maintained to be safe, sanitary and attractive at all times.

o) Conformance to Title 24 requirements. All outdoor dining areas shall conform to accessibility requirements as per the California Title 24 Accessibility Guidelines. All other requirements per the City Engineering and Building Departments shall also be addressed.

p) Permit Requirements. An Encroachment Permit is required for all sidewalk dining areas. The City may also require additional liability insurance.

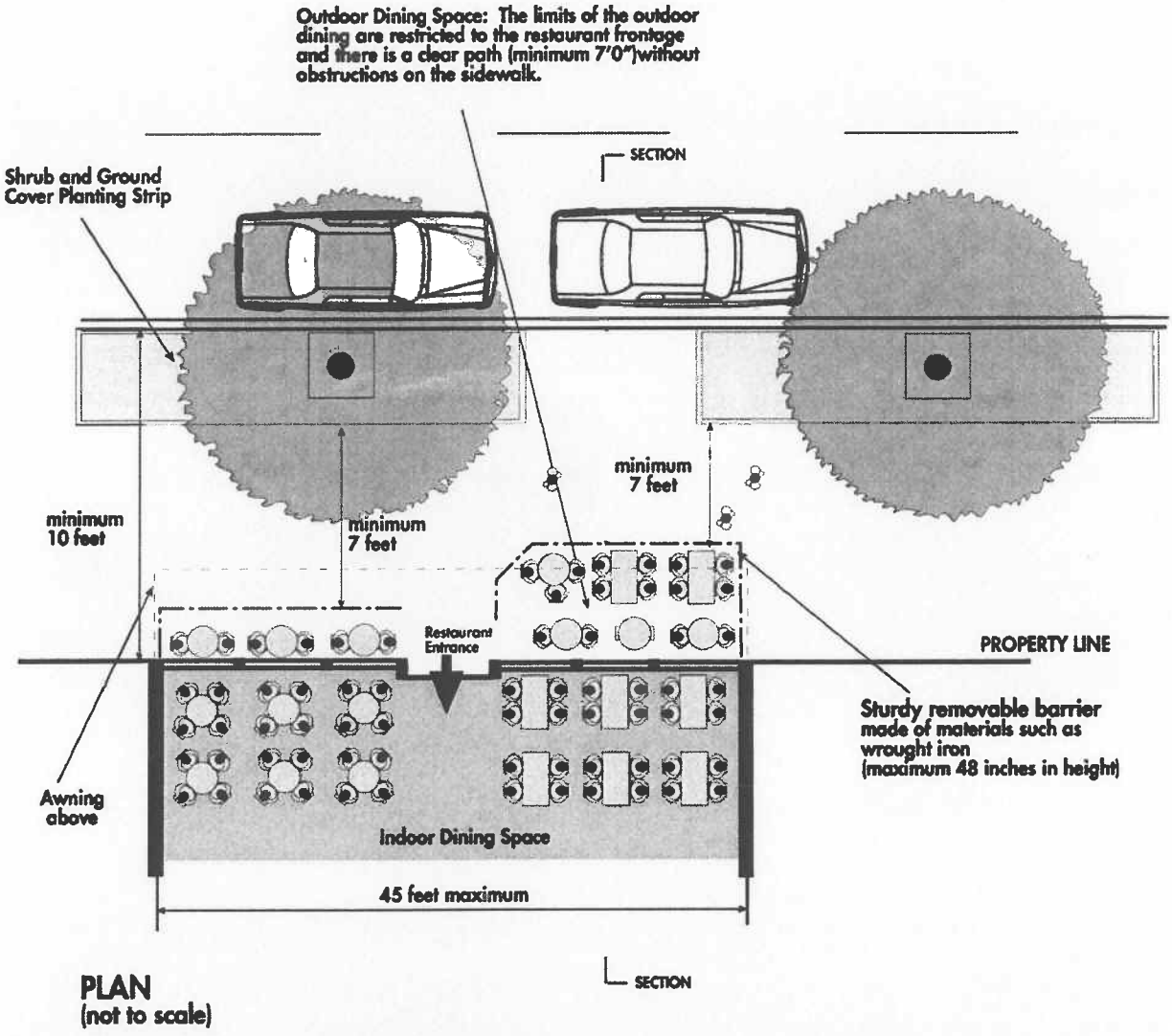
Removable bollards demarcate the dining space. Potted plants and temporary sun-umbrellas are used to create a pleasant ambience.

Removable metal fencing is used to demarcate the dining space. Planters and temporary sun umbrellas create an attractive environment.

Removable bollards demarcate the dining space. Shade is provided by the retractable canopy overhead.

A dining patio on private property adjacent to the sidewalk is demarcated with metal fencing. Plantings and temporary sun umbrellas are used.

A private outdoor dining patio is created facing the alley. Trees, planters and temporary sun umbrellas are used to create a pleasant ambience.



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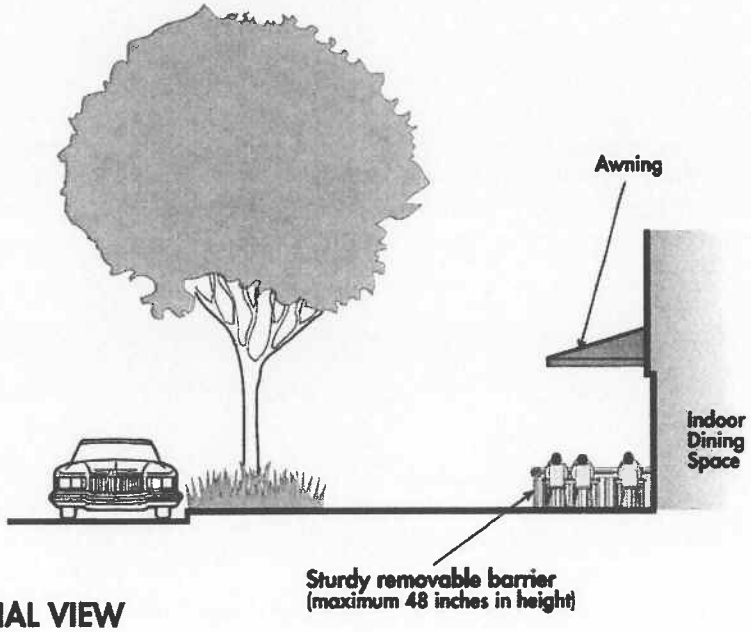


SECTIONAL VIEW

B. Additional Standards and Guidelines. Refer to Chapter 16.16, Articles X and XI Chapter in this Development Code for site and architectural design standards and guidelines.

C. Review Process. All new development in this designation shall be subject to the approval of a Site Plan Review pursuant to Chapter 16.12, Article II (Site Plans and Revised Site Plans) of this Development Code. All new development in this designation that is conditionally permitted shall be subject to the approval of a Conditional Use Permit pursuant to the procedures set forth in Chapter 16.12, Article III (Conditional Use Permits) of this Development Code, unless otherwise specified.

Section 16.16.480 is being relocated from Chapter 16.16, Article XI and shall be modified as follows:

(Deleted text is shown with a strikeout (i.e. ~~strikeout~~), and additions are shown with an underline.)

16.16.365 ~~16.16.480~~ Specific Land Use Standards.

In addition to the general development requirements contained in Chapter 16.20 (General Regulations), the following standards shall apply to specific commercial land uses.

A. Vehicle Sales, Leasing or Rental. ~~Motor Vehicle Sales. A site plan review shall be required, and all dealerships must be constructed in the following manner:~~ Automobile, truck, motor home, motorcycle, and recreation vehicle, sales, leasing, or rental, new or used, shall be developed in compliance with the following additional standards:

1. No vehicles shall be parked, displayed or stored in the first 15 feet of the street side setbacks. All parts, accessories, etc., shall be stored within a fully enclosed structure; Service and associated car storage areas shall be completely screened from public view. All vehicles offered for sale shall be kept clean, on a daily basis.
2. The price of the vehicles offered for sale shall not be hand-lettered.
3. All loading and unloading of vehicles shall occur on-site and not in adjoining streets or alleys;
4. All vehicles associated with the business shall be parked or stored on-site and not in adjoining streets and alleys;
5. An adequate on-site queuing area for service customers shall be provided. Required parking spaces may not be counted as queuing spaces; and
6. ~~No vehicle service or repair work shall occur except within a fully enclosed structure. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way.~~ Service, repair or maintenance facilities shall be operated only as an incidental use in conjunction with the primary use. Such areas shall be visually screened from the street by walls of a building, or a variation as approved by the reviewing authority. Service bays from the exterior of the structure shall not directly face or front on a public right-of-way.
7. If the use involves automotive repair, installation of parts or service, a designated area must be provided in addition to the parking requirements for the temporary storage of vehicles or equipment awaiting repair, installation or service.
8. All lights shall be reflected away from adjacent uses.
9. The décor, treatment and architectural style of the improvements, including sales office, repair and maintenance facilities, landscaping, fencing and signing shall be reviewed for

aesthetic qualities that will enhance and complement the surrounding developments, and shall also be subject to the design standards and guidelines established in Section 16.16, Article XI (Commercial Design Guidelines).

B. Vehicle Service and Repairs (Major Or Minor). Automotive service stations, parts and accessories installation and major or minor service shall be developed in compliance with the following additional standards:

1. All installation and service activities shall be performed within an approved structure.
2. All installation and service facilities shall be visually screened from the street by walls of a building or a variation as approved by the reviewing authority.
3. All lights shall be reflected away from adjacent uses.
4. No used or discarded parts or equipment shall be located outside of the installation and service facilities.
5. In addition to the parking requirements of Chapter 16.20, Article IV (Parking and Loading Standards) of this Development Code, a designated area, screened from view, must be provided for the temporary storage of vehicles or equipment awaiting installation or service.
6. No vehicles, equipment, boats, trucks or motorcycles shall be stored for impound or for any other purpose other than installation or service under a work order.
7. No major automotive repair work shall be permitted.
8. Premises shall be maintained in a neat, orderly and environmentally safe manner, and all improvements shall be continuously maintained.

C. Vehicle Wash Facilities.

1. Vehicle wash facilities shall be developed in compliance with the following additional standards:
   a) All lights shall be reflected away from adjacent uses.
   b) Premises shall be maintained in a neat, orderly and environmentally safe manner, and all improvements shall be continuously maintained.
   c) Noise from vehicle wash activities shall not exceed levels established in Chapter 16.20, Article V (General Performance Standards).

D. ~~B.~~ **Salvage and Wrecking Yards.** Automobile salvage and wrecking yards establishments are subject to conditional use permit review and shall be constructed in the following manner:

1. The site shall be entirely paved, except for structures and landscaping, so that vehicles are not parked in a dirt or otherwise not fully improved area;
2. Service access shall be located at the rear or side of structure(s) and as far as possible from adjoining residential uses;
3. Repair activities and vehicle loading and unloading shall be prohibited on adjoining public rights-of-way;
4. Service bays with individual access from the exterior of the structure shall not face adjacent public rights-of-way;
5. All repair activities shall be conducted entirely within an enclosed structure. Outdoor hoists shall be prohibited;

6. Exterior noise shall not exceed sixty-five (65) dBA at the property line;
7. The premises shall be kept in a neat and orderly condition at all times;
8. All used or discarded automotive parts or equipment or permanently disabled, junked or dismantled vehicles shall be permanently screened from public view; and
9. All hazardous materials resulting from the repair or dismantling operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state and local regulations.

E. ~~C.~~ **Convenience Stores.** The retail sale of groceries, staples, sundry items and/or alcoholic beverages where the gross floor area is less than five thousand (5,000) square feet is subject to site plan review, and shall be constructed and operated in the following manner:
1. One access drive may be permitted for each street frontage with approval of city engineer. The design and location of the access drive(s) shall be subject to the approval of the reviewing authority ~~development review committee~~;
2. The premises shall be kept in a neat and orderly condition at all times;
3. If on-site dispensing of automotive fuels is provided, the design, location and operation of these facilities shall be consistent with the provisions of Section 16.16.480(G) (Service Station Standards). Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands;
4. A bicycle rack shall be installed in a convenient location visible from the inside of the store;
5. Each convenience store shall provide a public restroom located within the store;
6. Public pay telephones provided on-site shall not be set up for incoming calls. Public telephones shall be featured with call out service only.

F. ~~D.~~ **Drive-thru Restaurants.** This section contains standards for drive-thru restaurants. Drive-thru restaurants are subject to site plan review.
1. Pedestrian walkways should not intersect the drive-thru drive aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving or striping;
2. Drive-thru aisles shall have a minimum thirteen (13) foot width on curves and a minimum twelve (12) foot width on straight sections;
3. Drive-thru aisles shall provide sufficient stacking area behind menu board and pick-up window to accommodate a minimum of four cars each;
4. All service areas, restrooms and ground mounted and roof mounted mechanical equipment shall be screened from view;
5. Landscaping shall screen drive-thru or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact of reader board signs and directional signs;
6. Drive-thru aisles and structures shall be setback from the ultimate curb face a minimum of ten feet;
7. Menu boards shall be a maximum of thirty (30) square feet, with a maximum height of seven feet, and shall not face the street;
8. Drive-thru restaurants within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-thru restaurant must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans shall have variation in depth and angle to create variety and interest in its basic form and silhouette. Articulation of structure surface shall be encouraged through the use of openings and recesses which create texture and shadow patterns. Structure entrances shall be well articulated and project a formal entrance through variation of architectural plane, pavement surface treatment, and landscape plaza; and

9. Drive-thru aisles should not exit directly onto a public right-of-way.

G. ~~E.~~ **Mini-malls.** Mini-malls (small scale, up to fifty thousand (50,000) square feet, multi-tenant shopping centers) are subject to a site plan review and shall comply with the following standards.

1. All development and operational standards outlined in Section 16.16.480(C) (Convenience Stores), shall apply;
2. The development shall provide internal continuity, uniformity and compatibility relating to architectural design, vehicular and pedestrian access, and on-site provisions for landscaping, loading, parking and signage;
3. To the extent feasible, the on-site vehicular circulation system shall provide continuity with adjacent commercial developments; and
4. No outdoor displays or sale of merchandise shall be permitted. However, limited outdoor sales may be allowed subject to the issuance of a special event permit.

H. ~~F.~~ **Mini-storage.** Mini-storage facilities are subject to a site plan review and shall be constructed in the following manner:

1. The site shall be entirely paved, except for structures, drainage facilities and landscaping;
2. The site shall be completely enclosed with a six foot high solid decorative masonry wall, except for points of ingress and egress (including emergency fire access) which shall be properly gated. The gate(s) shall be maintained in good working order and shall remain closed except when in use;
3. No business activity shall be conducted other than the rental of storage spaces for inactive storage use or the sale of unclaimed articles by the landlord;
4. All storage shall be located within a fully enclosed structure(s);
5. No flammable or otherwise hazardous materials shall be stored on-site;
6. Residential quarters for a manager or caretaker may be provided in the development;
7. The development shall provide for two parking spaces for the manager or caretaker, and a minimum of five spaces located adjacent or in a close proximity to the manager's quarters for customer parking;
8. Boats, recreational vehicles, campers, trailers, etc., may be stored on-site if located behind buildings and not visible from the public right-of-way;
9. Storage facilities located adjacent to residential designations ~~districts~~ shall have their hours of operation restricted to seven a.m. to nine p.m., Monday through Saturday, and nine a.m. to nine p.m. on Sundays;
10. Mini-storage facilities shall not be permitted within six hundred sixty (660) feet of Interstate-15, Highway-395, Bear Valley Road, Main Street or a railway; and
11. Storage facilities may be developed in conjunction with a residential development, provided that the facility is for the sole use of the residents, is designed as an integrated part of the project and may not contain garages or parking spaces that exceed the dwelling units within the associated residential development.

I. ~~G.~~ **Service Station (Gasoline) Standards.** Service stations are subject to a site plan review and shall comply with the following standards:

1. New service stations shall not adjoin a residential designation ~~zone district~~;
2. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
   a) The dispensing of petroleum products, water and air from pump islands,

b) The provision of emergency service of a minor nature, and

c) The sale of items via vending machines, including ice machines, shall be placed next to the main structure ~~in a designated area~~ as approved by the reviewing authority;

d) Above ground tanks shall be horizontal, except that the reviewing authority may consider vertical tanks if the tanks are located away and/or adequately buffered and/or screened, from the street. The location and color shall be approved by the reviewing authority.

3. Pump islands shall be located a minimum of twenty (20) feet from a street property line; however, a canopy or roof structure over a pump island may encroach up to ten feet within this distance. Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands;

4. The maximum number of points of ingress/egress to any one street shall be two;

5. The width of a driveway may not exceed forty (40) feet at the sidewalk;

6. Outside storage of motor vehicles is prohibited. Temporary storage, up to seventy-two (72) hours, is permitted if adequately screened from the public right-of-way;

7. No vehicles may be parked on sidewalks, parkways, driveways or alleys;

8. No vehicle may be parked on the premises for the purpose of offering same for sale;

9. Openings of service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion onto adjoining properties;

10. No used or discarded automotive parts or equipment, or disabled, junked or wrecked vehicles may be located in any open area outside the main structure;

11. All light sources, including canopy, perimeter, and flood shall be energy efficient, stationary and shielded or recessed within the roof canopy so that the service station shall be indirectly visible and light is deflected away from adjacent properties and public rights-of-way. Lighting shall not be of such a high intensity as to cause a traffic hazard or adversely affect adjoining properties;

12. Where an existing service station adjoins property in a residential land use designation ~~district~~, a six foot high decorative masonry wall shall be constructed at the time the station requires a permit for the on-site improvement/modification. Materials, textures, colors and design of the wall shall be compatible with on-site development and adjoining properties. When the wall reaches the established front-yard setback line of a residentially designated lot abutting or directly across an alley from the service station, it shall decrease to a height of thirty (30) inches;

13. Restroom entrances viewable from adjacent properties or public rights-of-way shall be concealed from view by planters or decorative screening;

14. Delivery areas for fuel or merchandise shall be located in a fashion so as not to significantly interfere with normal business operations.

J. ~~H.~~ Service Station Conversions. A structure originally constructed as a service station and which is proposed for conversion to another allowable use shall require upgrading and remodeling for such items as, but not limited to, removal of all gasoline appurtenances, removal of canopies, removal of pump islands, removal of gas tanks, removal of overhead doors, additional street improvements or modification of existing improvements to conform to access regulations, exterior remodeling and any additional standards as required by this code.

Article XI (Commercial Districts) shall be deleted in its entirety, except that Section 16.16.480 (Specific Land Use Standards) shall be moved to Chapter 16.16. Article X. Article XI shall include the following:

ARTICLE XI. Commercial Design Guidelines

Section 16.16.400 Commercial Design Standards and Guidelines.

A. General

1. Purpose. This Article provides standards and guidelines for designing new commercial projects in the City, as well as exterior alterations and additions to existing commercial developments. Commercial developments are often located at prominent locations in a city and convey a strong visual image. The attention paid to their design reflects a city's economic vitality as well as its pride in itself. These standards and guidelines encourage the highest level of design quality and creativity and recognize the importance of quality design to the success or failure of commercial enterprises.

Property owners, developers, architects, building designers, and contractors seeking to construct new commercial developments, or alterations or additions to existing developments, should use these standards and guidelines in the early design stages of their projects. These standards and guidelines are not intended to limit creative site planning and architecture that are consistent with the stated goals and within the context of surrounding neighborhood patterns. Innovative design solutions are strongly encouraged.

2. Applicability. These standards and guidelines apply to all new commercial development, including exterior alterations and additions to existing developments. They apply to smaller infill projects as well as larger master planned sites.

3. Design Goals. The design standards and guidelines have been established in order to accomplish the following goals:

a) Promote design creativity and variation while ensuring consistency in building scale, proportion and pedestrian orientation.
b) Improve the quality of design for commercial developments, thereby improving the image, character, and appearance of the commercial areas.
c) Contribute to the character of neighborhoods by respecting the scale, proportion and architectural style of the surrounding area.
d) Create visual interest in commercial buildings, while maintaining a sense of harmony within the project.
e) Eliminate random development patterns and establish site planning and design relationships between new development and neighboring properties.
f) Encourage environmental sensitivity in development.
g) Create attractive and functional site arrangements of buildings, service and loading areas, open spaces, and parking areas; and develop a high quality architectural and landscape design.
h) Improve pedestrian circulation and connections on commercial sites and within commercial areas.
i) Minimize incompatible impacts of noise, light, traffic and visual character.

B. ARCHITECTURAL DESIGN STANDARDS AND GUIDELINES

Commercial buildings should display unique, visually attractive qualities while having a unified composition. New buildings or building additions and renovations should not only harmonize with the prevailing characteristics of the surrounding area, but should be designed in response to individual site conditions, and to enhance the overall image of the City by virtue of the quality of design and construction.

Additions and renovation should be compatible with the existing building in scale, materials, and design. New projects should meet or exceed the standards of quality that have been set by surrounding development and contribute to the improvement of the area. All new construction should be designed to improve the reality and perception of pedestrian safety and security with elements such as easily identifiable entrances, retail windows, pedestrian-scaled building massing and unique architectural features.

Pedestrian-oriented development is generally low- to medium-scale, low-intensity, neighborhood serving commercial (retail and office) uses, within or adjacent to residential neighborhoods. It is strongly pedestrian-oriented with a storefront emphasis on the street, but also is geared towards accommodating the automobile. At the other end of the spectrum are "big box" retail and larger-scale commercial (retail and office) centers. These are much larger in scale and intensity, and typically geared towards the automobile, both in location (often near a freeway), and in site layout (large surface or structured parking). These larger "big box" retail centers and office complexes should also provide for the pedestrian.

Both of these types of commercial development can be found in the City. Therefore, while the following guidelines are applicable to all commercial developments, in some instances, additional standards and guidelines are provided for:

- Pedestrian-oriented commercial development, and
- "Big Box" retail and larger scale commercial development.

1. Architectural Style

a) There is no mandated architectural style required for commercial structures in the City, however, each project should possess an identifiable architectural theme and be of high quality design and materials. Innovative and imaginative architecture is encouraged. New buildings or building complexes should be stylistically consistent. Architectural style, materials, colors and forms should all work together to express a single theme. For remodels or additions, the theme should be true to the original intent and style of the building.

b) Each new building, addition or remodel should be stylistically consistent. For example, "Spanish" details are consistent with stucco buildings and Mission tile roofs and should not be used on a contemporary building. Historic detailing on otherwise contemporary style buildings is strongly discouraged, such as using oversized (too large or out of scale) crown moldings or cornices to make a 1950's building appear "Mission" Style.

2. Scale, Mass and Form

a) The size and mass of new structures, including additions, should be in relation to surrounding structures. Special care should be taken to achieve compatibility next to

small-scale buildings; techniques should include limited size, building articulation and shadow patterns.

b) Building design should employ clean simple geometric forms and coordinated massing that produce an overall sense of unity, scale, and interest. Use simple, strong massing with broken and varied elements.
c) To create visual interest, where appropriate, varied roof or parapet heights and/or recessed or extended building walls should be used.
d) Building corners may be emphasized by use of elements such as towers, domes, or entries.
e) Where new buildings or additions are built immediately between existing buildings, the design of the new construction should acknowledge the existing buildings through the use of architectural elements such as matching cornice lines, continuation of a colonnade, use of similar materials, and similar building proportions.

Emphasize building entrances and corners.

f) Variable building facades along linear street frontages are encouraged. Variable facades create an interesting street scene. Nearly vertical or mansard roofs should be avoided.
g) The appearance of building mass may be reduced through the use of arcades, courtyards, pergolas, and stepping stories back above the ground level.
h) Color and material changes should be used to add interest and reduce a building's apparent scale.

Pedestrian-Oriented Commercial Development.

i) Buildings should have a "human scale" (i.e. relate to the pedestrian user).

"Big Box" and Large-Scale Commercial Development.

j) The scale and mass of a new "big box" and large scale commercial development should be consistent with neighboring developments and not overwhelm them with disproportionate size or a design that is out of character.
k) A single, dominant building mass should be avoided by clustering several smaller structures and using variations in building form.
l) As appropriate to the function of a building, a combination of major and minor changes in building form should be incorporated to create visual interest and establish a transition to neighboring developments.
m) Primary building entries should be highlighted through the massing of the building. Greater height can be used to highlight and accentuate entries in the form of corner tower elements, tall voids, or a central mass sited within an entry plaza. Conversely, smaller building masses can also communicate the location of entries.

3. Building Modulation, Articulation and Detailing

a) Building design shall avoid large monotonous façades, long straight-line building fronts, plain box shapes, and barren exterior treatment. Where consistent with the design theme and function of the building, incorporate a variety of massing elements and a combination of major and minor changes in building form to establish visual transition and unity among neighboring developments and create visual interest.

Use building modulation, facade articulation, and detailing to create an interesting and individual design for commercial centers.

b) Use building modulation, facade articulation, and detailing to create an interesting and individual design for commercial centers.

Use building form to emphasize public entrances and reduce the overall mass of non-retail commercial projects.

c) Use building form to emphasize individual units within a building, larger units and/or anchor stores within retail projects, and foyers, lobbies, and reception areas within non-retail commercial projects. Use building form and articulation to emphasize public

entrances and de-emphasize service areas, and to define and shelter (i.e. give a sense of invitation and enclosure) pedestrian walks and exterior spaces.

d) Building articulation and detailing should be used to create an interesting and individual design, diminish the massing of large structures, and be compatible with the scale of surrounding development. Building design shall avoid large monotonous façades, long straight-line building fronts, plain box shapes, and barren exterior treatment. All building elevations visible from a public way including freeways shall be fully articulated, and incorporate the chosen design theme in a consistent manner.

Appropriate building modulation and articulation creates interesting facades and makes a positive contribution to the street environment.

e) Building articulation can also be accomplished with the placement of windows and entries, volume changes, variable roof forms and height, significant color and material changes, variable transparency, and the creation of shadow textures with trellises and overhangs.

f) Appropriate building modulation and articulation creates interesting facades and makes a positive contribution to the street environment.

g) Use building form to emphasize public entrances and reduce the overall mass of non-retail commercial projects.

h) The staggering of planes along an exterior wall elevation creates pockets of light and shadow, providing relief from monotonous, uninterrupted expanses of wall. Wall planes should not run in one continuous direction for more than 50 feet without an offset.

i) Façades should reflect the quality and integrity of the underlying structure in a clear and consistent manner. Architectural elements that define scale and organize space are encouraged; facades should display a sense of order.

j) Buildings should incorporate architectural details and elements, which will reduce building scale at the street level, especially along pedestrian walkways. Awnings,

canopies, arbors, trellises, etc. are effective in this regard. The appropriate use of other architectural details, including reveals, course lines, decorative cornice, columns, etc., is also encouraged as a means of creating interest, variety, and distinctive design. Details should reflect the structural and material integrity of the building; overly gratuitous ornamentation is discouraged.

k) Vertical architectural elements such as towers should be used as focal points. Gutters and downspouts should be concealed, unless designed as a decorative architectural feature.

Pedestrian-Oriented Commercial Development.

l) Retail buildings should incorporate "human scale" design elements that generate interest and diversity, and relate the building to the everyday user. The design of individual storefronts, and their entrances should be emphasized.

m) A pedestrian-oriented commercial building module shall range from 30 to 45 feet and have a typical three-bay modulation. Buildings wider than two modules (60-90 feet) shall have a different modulation. These buildings shall either repeat the basic three-bay module of 30 to 45 feet or increase the number of bays while keeping the individual bay width from 10 to 15 feet. Buildings wider than 90 feet shall be visually broken into two or more buildings (each with a maximum width of 90 feet) in terms of the façade treatments. The modules should be articulated in a manner consistent with the building style. The use of pilasters is one element commonly used to achieve this articulation.

Smaller building bays can be articulated by color and material changes, as well as variations in the wall plane.

n) The horizontal should be emphasized to create a low profile and human scale. Vertical elements such as towers are just one of the design tools available to accentuate the predominantly horizontal massing.

o) Smaller building bays can be articulated by color and material changes, as well as variations in the wall plane.

"Big Box" and Large-Scale Commercial Development.

p) In large-scale commercial development, while the modulation of a typical storefront may be larger than that in the pedestrian-oriented area, design elements that generate interest and diversity, and relate the building to the everyday user should still be

incorporated. The design of individual storefronts and their entrances should be emphasized.

q) A typical large-scale commercial building module should range from 45 to 80 feet with the articulation of the building structure at 15 to 20 feet. Buildings wider than two modules (90-160 feet) shall have a different modulation. These buildings shall repeat the basic module of 45 to 80 feet. Buildings wider that 160 feet should be visually broken into two or more buildings (each with a maximum width of 160 feet) in terms of the façade treatments to stay in scale with the rest of the block.

Arcades can provide shaded paths for pedestrians during inhospitable weather conditions.

r) Anchor buildings for major tenants, generally "big boxes," should be sited and designed in such a way that the buildings that accommodate the smaller tenants are not overwhelmed or crowded.

s) Arcades, trellises and other open structures should be utilized to visually and physically link buildings and provide connections to adjacent sidewalks. Stairways should be designed as an integral part of the building architecture. Boldly projecting stairways that complement the architectural massing and form of commercial buildings are encouraged.

4. Site and Building Entrances

a) Main entries to buildings should be clearly demarcated, visible and accessible from the street and/or pedestrian walkways. Secondary entries may be from parking areas.

b) Building entries should read as such, and be integrated with the overall building form. Variation in building height, wall plane, roof treatment, window placement, architectural detailing, etc. should define and emphasize public entries. Variation in material, texture, and/ or color is also recommended as a means of identifying building entries.

c) Arcades can provide shaded paths for pedestrians during inhospitable weather conditions.

d) Entries should be open, inviting, and highly visible so as not create a sense of fear in someone entering the space. Recessed or deeply shadowed entrances that allow hiding place opportunities should be avoided. Entry doors should be designed to create a sense of welcome, while clearly demarcating the private space.

"Pedestrian-Oriented" Commercial Development.

e) All entrances should be clearly visible from the street. Secondary entries may be from parking areas. If parking is located behind the stores, provide additional well-lit and signed rear entrances to allow easy access.
f) Retail entrances should be centrally located within the building façade, not be recessed more than three feet in depth and be located no more than 50 feet apart.
g) Entrances should comprise no more than a third of the ground floor façade or 15 feet, whichever is less.
h) Entrances for second floor uses are encouraged from the rear, adjacent to the parking. If separate entrances for the upper floor(s) are provided from the front, the entrance width should be limited to 15 feet to maintain retail continuity.

"Big Box" and Large-Scale Commercial Development.

i) Entrances should be located prominently within the building façade and be clearly visible from the street. Locate entrances along the street side of the building. If the parking is located to the side or rear of the building, a secondary entrance may be located on the side of the building adjacent to the parking. This entrance should be visible and obvious from the street. Entrances should be located no more than 60 feet apart. If only one entrance is provided, it should be located along the street side of the building.

In large-scale retail developments, locate entrances prominently within the building facade so they are visible from the street.

j) If the parking is located to the rear of the building and hence not visible from the street, provide a secondary entrance on the street side of the building. If the building frontage is greater than 75 feet, provide additional pedestrian entrances. Avoid long balconies and corridors for access to upper level units.
k) Entrances should comprise no more than a third of the ground floor façade or 20 feet, whichever is less.
l) In large-scale retail developments, locate entrances prominently within the building facade so they are visible from the street.

5. Building Façade and Elevation Design

a) The elements of a building should relate logically to each other, as well as to surrounding buildings to enhance the characteristics of a particular building or area. The buildings should present an "active" building elevation including entrances and windows to the street, not blank walls or parking.

b) Buildings should contain the traditional three parts of a building: a base, mid-section, and a top. On low-rise buildings, the different parts may be expressed through detailing at the building base or eave or cornice line. On taller structures, different treatment of the first, middle, and top stories should be used to define the three parts.
c) The base should visually relate to the proportion and scale of the building. Techniques for establishing a base may include richly textured materials (e.g. tile or masonry treatments), darker colored materials, mullion, panels, reveals and/or enriched landscaping. Tops take advantage of the visual prominence of a building's silhouette. Techniques for clearly expressing a top may include cornice treatments, roof overhangs with brackets, richly textured materials (e.g. tile, masonry or fluted concrete), and/or differently colored materials. Colored "stripes" are not acceptable as the only treatment.
d) When buildings have a direct relationship to both the street and a major pedestrian corridor or parking lot, all facing façades should be designed to assure an attractive appearance. Building walls that are visible from a freeway, street, major pedestrian corridor, or public open space, should include architectural features such as windows, arcades, canopies, pop-outs, and trim to create visual interest, provide "eyes on the street," and avoid a blank wall appearance.
e) The fenestration (design and pattern of doors, windows, awnings, canopies, etc.) should be proportioned to and integrated with the façade modulation of columns and beams and other similar elements. Clear vertical and/or horizontal hierarchy and patterns in the placement of openings (doors, windows, awnings, canopies, etc.) on the façade should be established.
f) Details or elements should be integral to the design, not appear added on and reflect the structural or material integrity of the building.

6. Building Elements for Retail Storefronts. A typical retail storefront has the following characteristic elements:

a) Bulkhead
b) Entrance door
c) Display windows
d) Canopies or awnings
e) Cornices / Parapets
f) Security Grilles

Design guidelines for these elements are described below. Appropriate scaled and proportioned elements should be provided in both the rehabilitation of existing storefronts and the construction of new buildings.

a) **Bulkhead.** A bulkhead, between 15 and 24 inches in height, should be provided at the base of the storefront display window. However, new storefront buildings may use floor to ceiling display windows if the design is compatible with surrounding architecture.
b) **Entrance Door.** Every building entry should be well lit. The entrance door should be kept simple and located centrally in the building façade. The door should be made of materials compatible with the building architecture and style. All entrances shall meet handicapped accessibility requirements.
c) **Display Windows.** Retail storefronts should have large display windows oriented toward the street or major pedestrian corridors to establish a visual connection between the interior and exterior of retail building. Display windows shall provide a clear view of store merchandise or a view into the business interior to add to the vitality of a retail environment as well as provide "eyes on the street." To achieve this, at least 50% of

available window area shall remain clear and free from obstructions. This zone should be between four and eight feet from the base of the façade. Ground floor wall sections without windows shall not be more than 5 feet in width.

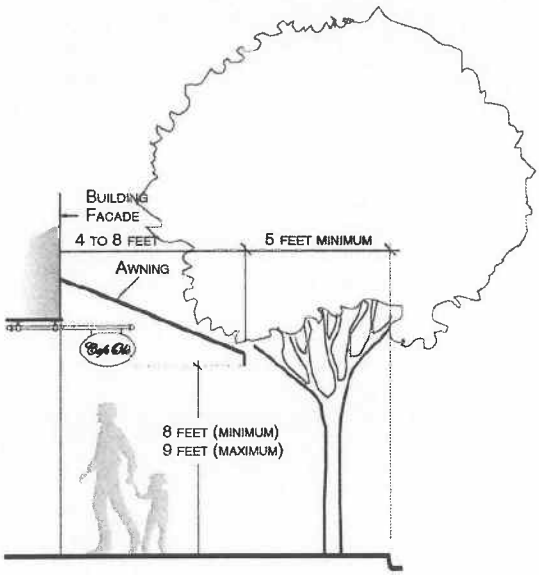
Display windows should consist of a single pane of glass. When required to be divided into smaller sections, clear silicone vertical joints, glazing bars, or muntins should be used. Glazing bars and mullions should be of a minimal size and utilized to enhance the architectural style. The glass should be clear with an exterior daylight reflectance of not more than eight percent. The use of opaque glass is prohibited.

d) **Canopies or awnings.** The size, scale and color of awning(s) should be compatible with the rest of the building; the awning(s) should not be the predominant element of the façade. Awnings should not cover the storefront piers or pilasters and should be divided into sections to reflect the major vertical divisions of the facade.

The awning should be mounted such that its valance is between eight and nine feet above the sidewalk with a projection of between four and eight feet from the building face, but no closer than five feet to the street curb. An Encroachment Permit is required for all awnings that encroach or overhang on the sidewalk.

The use of awnings along a row of contiguous structures should be restricted to awnings of the same form, location on the building façade, and material and color.

Awnings shall not start at the parapet edge of the façade. The step (the highest line of contact where the awning touches the façade) of the awning shall be at least 24 inches below the parapet line. Retractable awnings are encouraged, but barrel shaped awnings are discouraged. Where architecturally appropriate, cantilevered or suspended integral horizontal canopy slabs may be used instead of awnings. Internally lit awnings should not be used. Awnings shall be well maintained, cleaned on a regular basis, and replaced when faded or torn.



Awning size and placement

f) **Cornices or parapets.** Each building should have a simple cornice. If a parapet is provided, it may be stepped vertically to provide modulation and emphasis on the central module. The cornice should enhance the architectural style of the building. The use of elements such as oversized crown moldings is not permitted. A plaster front building may have a stone sill at the parapet line. A brick-front building may have a corbelled cornice.

g) **Security Grilles.** Visible security grilles are prohibited on the building facade exterior. Security grilles installed on the interior of the storefront are permitted. This installation must be done in a manner such that the grille is concealed from public view when not in use by retracting into casings that are in proportion and scale with the building's architecture. The color of the interior grilles should blend in with the background color so as to reduce their visibility when used. Exterior grilles on existing structures should be removed and placed on the interior of the storefront per these guidelines. Permanent security bars (defined as those clearly visible and fixed to windows on the façade) and roll-up metal security doors (including opaque shutters) are also strongly discouraged.

Unacceptable security bars.

h) **Security Bollards.** Decorative bollards for security are permitted. Bollard design should be consistent with the overall project theme and should coordinate with other site furnishings. In locations where emergency access may be necessary, removable bollards should be considered.

7. Building Elements for Non-Retail Buildings

The elements of a building should relate logically to each other as well as to surrounding structures. A typical non-retail building has the following characteristic elements:

a) Entrance door
b) Windows
c) Canopy or awnings
d) Parapets

Design guidelines for these elements are described below. Appropriate scaled and proportioned elements should be provided in both the rehabilitation of existing storefronts and the construction of new buildings.

a) **Entrance Door.** Entrance doors should be simple and located prominently in the building façade. The door should be made of materials compatible with the building architecture and style.
b) **Windows.** Use interior and/or external shading devices to reduce solar heat gain and reduce energy consumption. Windows should be set from the exterior face of wall to create a shadow line. The glazing used for the windows may be clear or partly tinted glass. Highly reflective or dark tinted glass is not permitted.
c) **Canopies or awnings.** In non-retail buildings, the use of awnings is generally not encouraged. Instead, if architecturally appropriate, cantilevered or suspended integral horizontal canopy slabs may be used instead of awnings. A canopy should be located such that its valance is between eight and nine feet above the sidewalk with a projection of between four and eight feet from the building face, but no closer than five feet from the street curb.
d) **Parapets.** Parapets should have sufficient articulation of detail such as corner treatments, continuous banding, details, or varying pitch. Parapets should always include a cap and corner detail to enhance the building. Parapets should look integrated with the building.

8. Roof Design

a) The roof design should be considered as a component of the overall architectural design theme. Roof forms should be simple, avoid a massive appearance, and reflect the internal organization of buildings.
b) New buildings may have flat or sloping roofs, depending on what is most compatible with the architectural style of the building and others in the area. Parapets should appear integrated with the building and should include a cap and corner detail to create a shadow line to enhance the building. Mansard roofs are discouraged.
c) As a building feature, sloped roofs help make a visual transition from commercial uses to the surrounding residential neighborhoods. When gabled or pitched roofs are used, careful integration with the primary building and adjacent buildings should be considered in design. Roof slopes should be between 3:12 and 6:12.
d) Varied roof forms such as tower elements, extended eaves with rafters and corbels may be used to add interest and to create a consistent style. Roof planes may be extended beyond the building volume to create covered walkways and verandas.
e) Roof form and height should be varied to complement building mass and articulation. Vertical variations to the roof line should incorporate roof projections to avoid a false front/ unfinished appearance.
f) The roof line at the top of the structure should not run in a continuous plane for more than 60 feet without offsetting or jogging the roof plane. This dimension should correspond with the modulation of the building's wall planes.

9. Doors and Windows

a) Doors and windows are key elements of any structure's form, and should relate to the scale and proportions of the elevation on which they are located. Windows and doors can establish character by their rhythm and variety and help to provide depth and contrast on elevation planes. Windows and doors should be used to help mitigate

building mass, establish scale, give expression to otherwise blank walls, and create a distinctive building design.

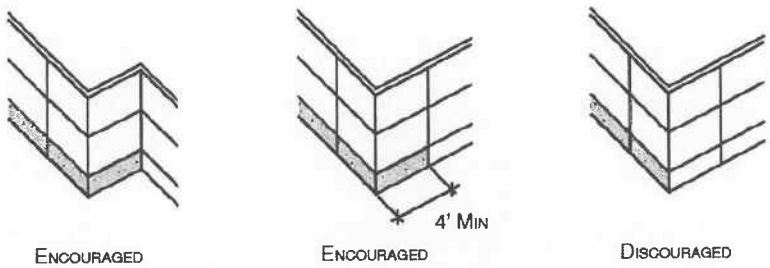
b) All doors and windows should be related with the chosen architectural style. Windows with widely varying styles are strongly discouraged. All doors and window frames should be made of consistent material. Wherever possible, window sizes should be coordinated vertically and horizontally and window design should be consistent in terms of style and general arrangement on all building sides.
c) Window exposure should be maximized along pedestrian walkways. The use of opaque glass adjacent to pedestrian walkways is discouraged.
d) Window frames should appear substantial and should not be flush with the exterior finish. Windows should be designed to enhance building interest and articulation. Recessed windows or inset glazing are possible design considerations.
e) Windows located on the sides and rear of the project should also be consistent with the look and style on the front of the project.
f) Use interior and/or external shading devices to reduce solar heat gain and reduce energy consumption. Windows should be set from the exterior face of wall to create a shadow line. The glazing used for the windows may be clear or partly tinted glass. Highly reflective or dark tinted glass is not permitted.

10. Architectural Lighting

a) Architectural lighting can be used to enhance the perception of a commercial building(s) at night. A façade light style that is sympathetic to the building's architecture should be used. Architectural lighting should "wash" upon the street faces of a building. Façade lighting should vary so that the important elements such as entries, architectural details and public art, are lit more dramatically than the intervening walls and voids.
b) Visible direct lamp glare from unshielded floodlight fixtures is not allowed. In addition, retailers and other building users are discouraged from allowing a direct view to any bare light source from normal pedestrian or vehicular sight lines. This includes both façade lighting as well as interior lighting within 10 feet of the structures' windows.

11. Materials and Finishes

a) Materials and finishes should be suitable to the scale, character and design theme of the building and further lend variety and interest to the project.
b) Textures, colors and materials should unify the building and its elements. Materials should be consistently applied and should be chosen to work harmoniously with adjacent materials. Piecemeal embellishment and frequent changes in materials should be avoided.
c) Buildings should be treated as a whole and finished appropriately on all sides to provide continuity. Backs of buildings should use similar materials; however, less expensive and more utilitarian substituted materials are acceptable, provided they are compatible with the overall design.



Treatments for material changes at corners.

d) Materials tend to appear substantial and integral to the structure when material changes occur at changes in plane. Material changes not accompanied by changes in plane appear "tacked-on" and are strongly discouraged. Material changes should not occur at external corners. Material changes may occur at "reverse" or interior corners or as a "return" at least four feet from external corners, with extended returns provided for large buildings.
e) Exterior materials for all commercial developments should be of high quality, durable and low maintenance. Materials that will withstand abuse by vandals or accidental damage from machinery are strongly encouraged.
f) Accessory structures should be designed as an integral part of the project architecture and should be similar in material, color, and detail to the primary buildings.
g) The use of sustainable building materials is strongly encouraged. This includes using quality materials with a long life span, selecting materials that are not energy-intensive to manufacture, using building products made from recycled materials, and repairing and maintaining well-built existing structures to the fullest extent possible. No large expanses of wood features should be used due to maintenance issues in High Desert climate.
h) Materials that have no relationship to the architectural style shall not be permitted. These include mirrored glass, antiqued or imitation old brick, fake or cultured river rock, exposed concrete block, etc. Translucent plastic is strongly discouraged for use in awnings.

12. Color and Texture

a) Color and finishes on exteriors of all elevations of a building should be coordinated to provide a total continuity of design. Materials provide texture and color and should influence the choice of other colors on the façade.
b) The blending of compatible colors in a single facade or composition is a good way to add character and variety, while reducing, or breaking up the mass of a building. Lower wall wainscots and built-up or recessed reveals may be employed to add interest and break up vertical monotony.
c) The colors chosen should accentuate the architectural details of the building and be consistent with its architectural style. A minimum of three and a maximum of five exterior building colors shall be used. These colors should be used on the base (main body), trim and accent. The base colors should be the lightest and the accents used sparingly. The two additional colors may be used on the base (main body) to distinguish between upper and lower floors or as an additional trim color.
d) Sign colors and finishes shall relate to those of the building. Signs may use any of the building colors plus up to three additional colors for a maximum of eight colors. Signs must use at least one of the building exterior colors.

e) Unusual patterns and color schemes should be avoided. Garish, non-harmonious, or out-of character colors should not be used.

13. Corporate Identity Issues. The use of standardized "corporate" architectural styles associated with franchises is discouraged. Make corporate identity secondary in the design of projects, and consistent with the architecture of the surrounding community. Site-specific design solutions are encouraged. The design character should not be a standard franchise prototype and should incorporate dominant characteristics of the neighborhood in which it is located.

Section 16.16.405 SITE DESIGN STANDARDS AND GUIDELINES

A. The scale and site layout of commercial development can vary greatly from project to project.

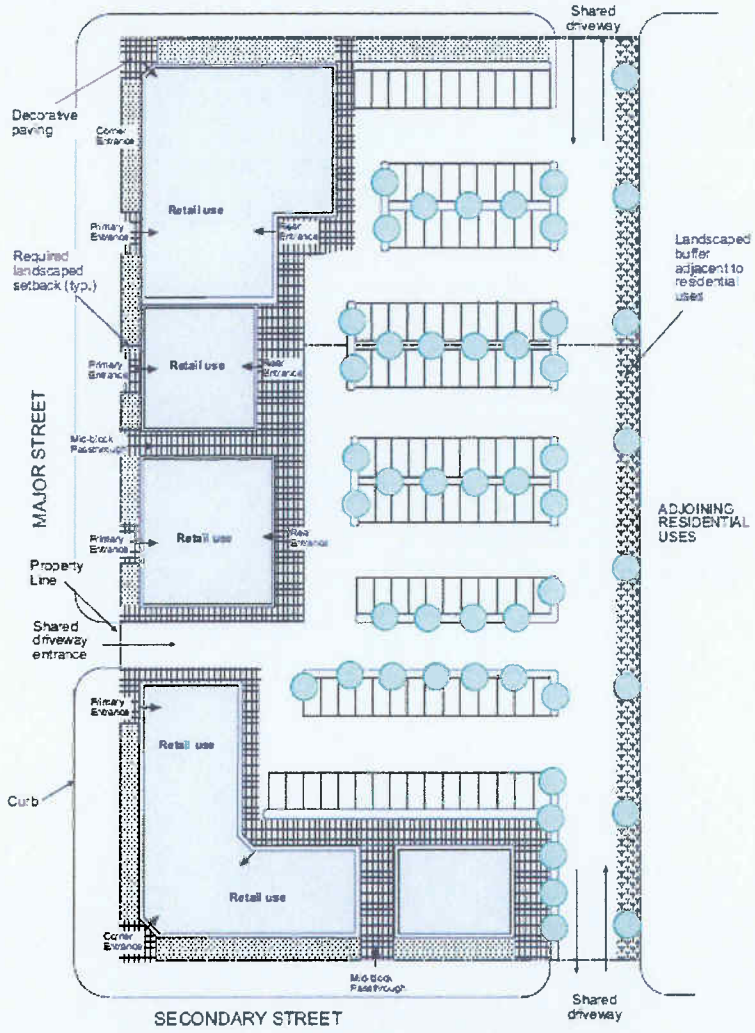
1. Building Siting, Orientation and Setbacks

a) Building siting should take into consideration the context of the commercial area, the location of nearby uses, and the location of major traffic generators as well as the site's characteristics.
b) The arrangement of structures, parking and circulation areas and open spaces should relate to the surrounding built environment in pattern, function, scale, character and materials. In developed areas, new projects should meet or exceed the standards of quality that have been set by surrounding development.
c) Uniform building setbacks and orientation represent an effective means of establishing compatible development patterns among neighboring properties. Contribute to an attractive street scene, and consistently orient buildings and building entrances along the public right-of-way.
d) As far as is feasible, buildings should be sited to screen parking and unsightly scenes and activities from public view, and from residentially designated properties.
e) Buildings should not turn a blank wall to neighboring properties; site buildings to avoid visible blank walls along interior side property lines.
f) Buildings with angled corners or plazas are encouraged at corner locations.

Use angled corners and corner entries for strong corner emphasis.

g) One of the critical elements of a successful pedestrian-oriented retail area is continuous street frontage. The street side setbacks should be minimized and new structures built at the street side setback line. For the rehabilitation of existing buildings, the existing setback may be maintained.

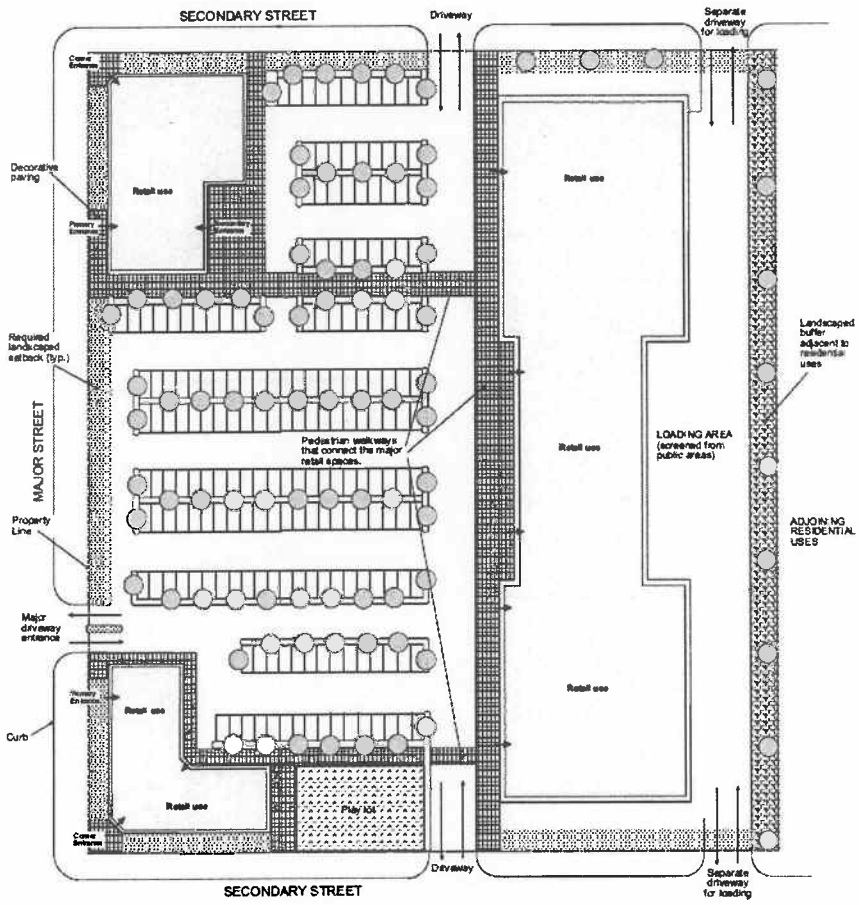
h) The placement and design of buildings should facilitate and encourage pedestrian activity and convey a visual link to the street and sidewalks. The building(s) and main entrance(s) should be oriented toward the primary street frontage.



Typical Pedestrian-Oriented Commercial Site Layout

"Big Box" Retail and Large-Scale Commercial Development.

i) Buildings shall be sited to avoid random and irregular building relationships; arrange buildings to create a sense of unity and overall harmony. Whenever possible, new structures should be clustered to create plazas and pedestrian malls and avoid the creation of "barrack-like" rows of structures. When clustering is impractical, a visual link between separate structures should be established. This link can be accomplished through the use of an arcade system, trellis, or other open structure. Orient the main entrance or entrances to the street or major plazas or open space.



Typical Large-Scale Commercial Site Layout

j) ***Typical Large-Scale Commercial Site Layout.*** Where the parking area of a commercial project abuts another commercially or industrially designated property, a minimum 5-foot wide perimeter landscape buffer (exclusive of the planter area curb) is required. Where feasible to do so, integrate the landscape buffer with that of the adjacent property. An exception is permitted for areas where shared parking and access has been designed with an adjacent project.

2. Interface between Non-residential and Residential Uses. In several portions of the City, non-residential uses abut residential uses. Residential uses should be buffered from incompatible commercial development to mitigate negative impacts due to noise, vibration, shading, light and glare, and aesthetics. Intensified landscaping, increased setbacks and appropriate building orientation should be utilized as a means of providing adequate separation between such land uses. However, linkages (e.g. walkways, common landscape areas, and building orientation) between compatible commercial and residential uses are encouraged where appropriate. Issues of privacy, safety and noise are addressed in these following standards:

a) To provide privacy for adjacent residential properties, taller elements of the building shall be set at the front end of the parcels instead of the rear. Building heights should be stepped down to the height of adjacent residential uses, utilizing architectural elements such as gables and hipped roofs to reduce building mass. No portion of the building, including parapets, shall be above an imaginary plane drawn at the rear property line

(where no alley is present) and extended at an angle of 45 degrees towards the center of the property. When an alley is present, the plane shall begin at the centerline of the alley.

b) In addition, appropriate landscape screening shall be provided at the shared property line to mitigate the negative visual and environmental impacts that are associated with commercial land uses. Excepting trees, this screening shall be eight feet in height.

c) Eighty percent of the vertical plane at the property line to a height of eight feet shall be opaque.

d) Screening may consist of one (or more) of the following:
   i. "Vertical" trees closely spaced
   ii. "Green" (vine-covered) solid or fenced walls
   iii. Hedges (minimum height of eight feet)

e) Non-residential buildings should be sited to avoid significant shading of adjacent residences and compromising residents' privacy.

f) Windows of non-residential buildings should be oriented to avoid a direct line of site into adjacent residential buildings or property.

g) Noise or odor generating activities in general, and loading areas, trash and storage areas, and rooftop equipment in particular, should be located as far as possible from adjacent residential uses and shall not be located next to residential properties without fully mitigating their negative effects.

h) Whenever adjacent residential and commercial uses can mutually benefit from connection rather than separation, appropriate connective elements such as walkways, common landscaped areas, building orientation, gates and/or unfenced property lines should be employed.

i) Additional noise standards pursuant to Section 16.20.125 of this Development Code shall also apply.

Pedestrian-Oriented Commercial Development.

j) Where a project abuts a residentially designated property, a minimum of three feet of the required setbacks adjacent to the residential use shall be devoted entirely to shrubs (at least six feet in height) and trees (exclusive of any planter area curb).

"Big Box" Retail and Large-Scale Commercial Development.

k) To provide privacy for adjacent residential properties, taller elements of the building should be set away from the residential uses. No portion of the building, including parapets, should be above an imaginary plane drawn at the rear property line (where no alley is present) and extended at an angle of 45 degrees towards the center of the property. When an alley is present, the plane shall begin at the centerline of the alley.

l) Where a project abuts a residentially designated property, a minimum of six feet of the required setbacks adjacent to the residential use shall be devoted entirely to shrubs (at least six feet in height) and trees (exclusive of any planter area curb). Shrubs shall be planted at a minimum size of five gallons and trees at 24" box.

3. Plazas and Courtyards

a) Commercial developments should incorporate plazas and courtyards into their design. Buildings should be clustered to create usable pedestrian areas.

b) Primary access to public plazas and courtyards should be provided from the street. Secondary access may be provided from retail shops, restaurants, offices and other

uses within the development. Entries to the plazas and courtyards should be inviting and well lit.

c) Landscaping, water features, and public art should be incorporated into plaza and courtyard design. Shade trees or architectural elements that provide shelter and relief from direct sunlight should be provided.
d) Plazas and courtyards should be buffered from the street, parking areas or drive aisles.
e) Auxiliary structures and areas such as play areas and outdoor dining areas should be integrated within the overall site design. Play structures associated with commercial uses should be enclosed and integrated within the building design.

Create plazas, courtyards, and pedestrian areas in commercial developments.

4. Environmental Considerations

a) Buildings should be designed and sited to maximize the use of sunlight and shade for energy savings, and respect the solar access of adjacent buildings.
b) Grading shall be designed to limit the height of retaining walls and perimeter walls to that permitted by the City's requirements. To the extent possible, site grading should relate to the natural surroundings and be designed to minimize grading by following the natural ground contours and recognizing existing drainage patterns. Graded slopes should be rounded to blend with existing terrain. Grading should emphasize and accentuate scenic vistas and natural landforms.
c) Large manufactured slopes should be avoided in favor of several smaller slopes integrated throughout the project. Smaller slopes are less obtrusive, more easily vegetated and can be used to add visual interest, preserve views and provide visual buffers where necessary.
d) Significant existing trees, vegetation and any other natural site attributes should be preserved to the greatest extent possible in the design and development of the commercial project. Site design that requires altering landforms and removing trees is discouraged.
e) Consideration should be given to the reduction of landscape maintenance and water consumption when selecting landscape materials.

5. Vehicle Circulation and Access

a) Site access and internal circulation in commercial developments should promote safety, efficiency, and convenience. Vehicular traffic should be adequately separated from pedestrian circulation. Vehicular entrances should be clearly identified and be easily accessible to minimize pedestrian/vehicle conflict.
b) Adequate areas for maneuvering, stacking and emergency vehicle access should be provided. Internal circulation routes and parking areas should be separated. Continuous circulation should be provided throughout the site to the greatest extent possible to prevent awkward vehicular maneuvers. Dead-end driveways should be minimized. Vehicles should not be required to re-enter the street in order to move from one area to another on the same site.
c) The number of site access points or driveway aprons shall be minimized, to achieve efficient and productive use of paved access ways, and to eliminate traffic hazards. They should be located as far as possible from street intersections. A minimum distance for driveway aprons shall be required as outlined in Table 1 of Section 12.08.020 of the Hesperia Municipal Code and may be increased based upon safety considerations.
d) The site access points should be coordinated with existing or planned median openings and driveways on the opposite side of the roadway. Entrances and exits to and from parking and loading facilities should be clearly marked with appropriate directional signage where multiple access points are provided. Shared site access is encouraged and in some cases may be required.
e) Where possible, driveways should be minimized along arterial streets and access instead provided from side/secondary streets.
f) Design that allows for present or future reciprocal access with adjacent properties is encouraged. Driveway entry locations should be coordinated with existing or planned median openings and driveways on the opposite side of the roadway.
g) The main entry driveway should be easily identifiable, incorporating landscaping and possibly accent paving that is related to the building hierarchy and color.
h) Vehicular access, drives and circulation routes shall be designed so that all movements involved in loading, parking, or turning shall occur on-site and not within the public right-of-way. Exceptions will be considered where a property abuts an alleyway.

Provide enhanced paving, landscaping, and sidewalks at project entries.

6. Pedestrian Circulation

a) Commercial developments shall incorporate pedestrian walkways into site design to provide pedestrian connections from building entries to public sidewalks, plazas, and

parking areas, and to buffer pedestrians from vehicular movement. Project entries and driveway areas should contain design features, including landscaping and textured paving, to break up the expanse of paving in a project. Paving materials should complement the architectural design. The use of stamped concrete, stone, brick, pavers; exposed aggregate or color concrete is encouraged.

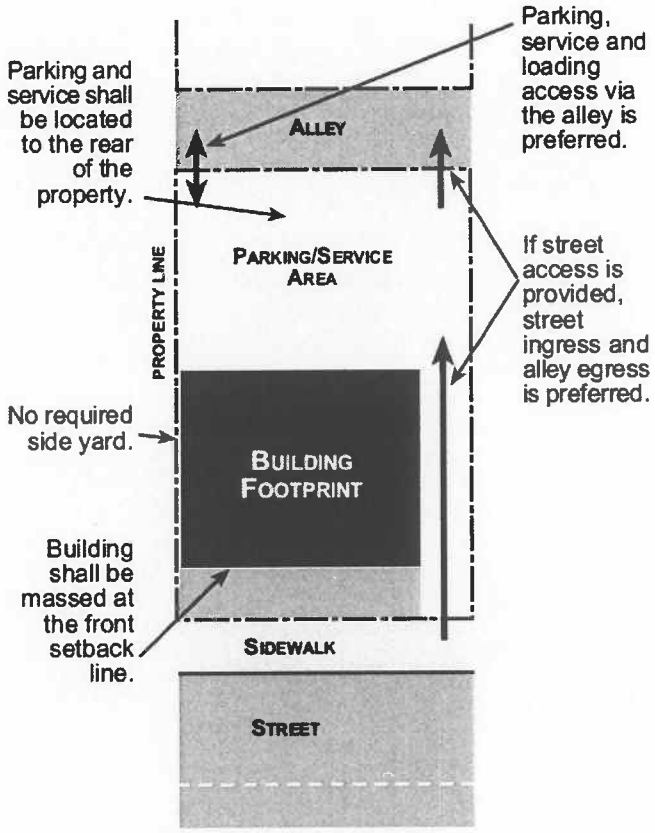
b) Pedestrian walkways should be a minimum of four feet in width. Pedestrian walkways should be safe and clearly identifiable using varied surfaces, decorative paving, and landscaping. At a minimum, varied surfaces should be used to delineate crossings at circulation drives and parking aisles.
c) Design parking areas so that pedestrians walk parallel to moving cars. Minimize the need for pedestrians to cross parking aisles and landscape islands to reach building entries.
d) New structures and parking areas should enhance existing pedestrian connections to existing outdoor pedestrian spaces such as courtyards, plazas and porticos and create new connections where none exist.
e) Raised pathways, decorative paving, landscaping and bollards should be used to separate pedestrian paths from vehicular circulation areas to the maximum extent possible.
f) Identify and accentuate pedestrian areas; use special paving, painting, landscaping, etc.

7. Parking

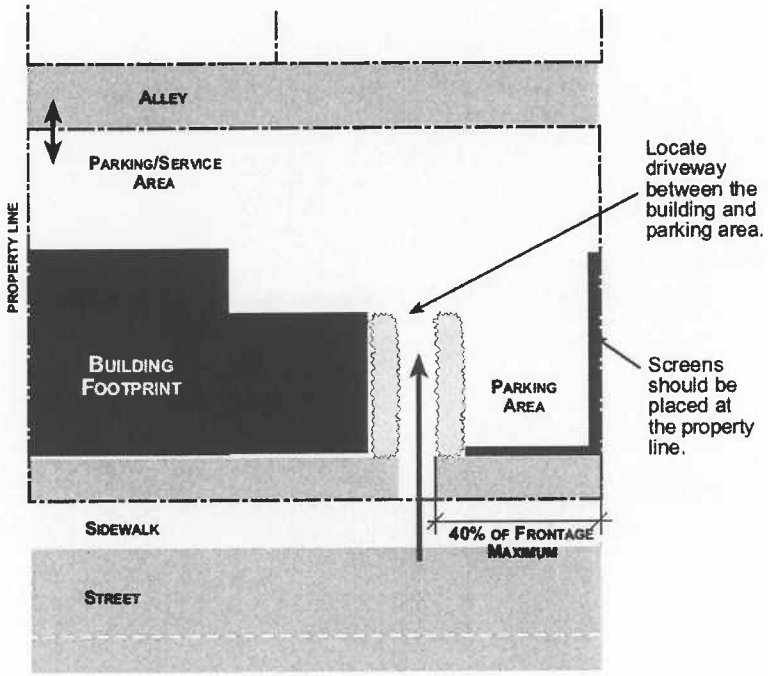
a) Parking lots should be designed with a clear hierarchy of circulation: major access drives with no direct access to parking spaces; major circulation drives with little or no parking; and parking aisles for direct access to parking spaces. Loading and service areas should be provided with separate access and circulation whenever possible.
b) On-site parking (lots and structures) shall be located to the rear of the building for parcel widths less than 200 feet and accessed by alleyways wherever they exist.
c) For parcel widths greater than 200 feet, parking lots may occupy up to 40% of the parcel's street frontage. Such siting in conjunction with substantial landscape treatment, enhances the streetscape, and contributes in the screening of parking areas.
d) Parking areas shall be designed so that no vehicle has to back into the public street. Provide end-stall turnarounds or a continuous circulation pattern.
e) Parking lots should be separated from buildings by a raised walkway (minimum four feet wide) and landscape strip (minimum seven feet wide).
f) Parking areas should be screened by buildings and landscaping.

Pedestrian-Oriented Commercial Development.

g) In pedestrian-oriented retail areas, vehicular entrances to off-street parking lots should be minimized in order to maintain retail facade and pedestrian continuity. No existing storefronts may be removed to provide vehicular access to parking. Encourage alley access to parking, where present, by implementing area-wide parking information and signage systems.



Site layout including driveway locations for parcels less than 200 feet in width.

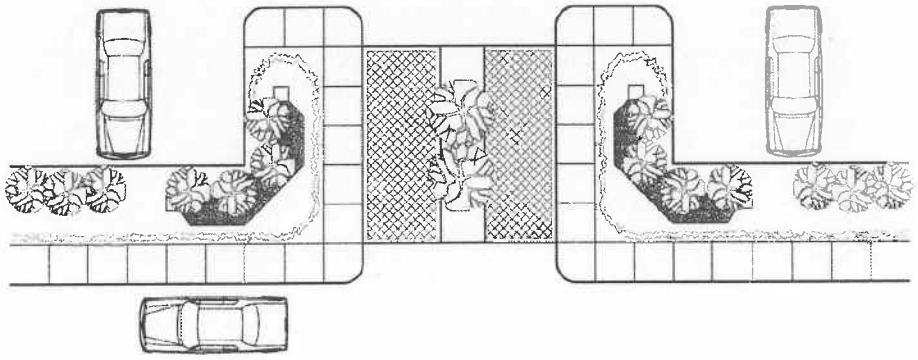


Site layout including driveway locations for parcels more than 200 feet in width.

h) Shared driveways and parking arrangements between adjacent businesses/ developments are strongly encouraged.
i) In commercial centers, on-site parking should be consolidated in one area rather than wrapping around the entire building.

"Big Box" Retail and Large-Scale Commercial Development.

j) The visual dominance of parking facilities should be reduced such that parking is visually subordinate to the building it serves. The desirable solution is to provide a majority of the parking at the rear of the site, where it is largely hidden from view by a building that fronts the street. In addition, on-site parking should be consolidated in one area rather than wrapping around the building.
k) Where feasible and compatible with the design of the building, use subterranean, semi-subterranean, or parking, which is tucked under the building. Parking designed in this manner must effectively reduce the visual impact of parking, and not detract from the building architecture or site views.
l) Entry areas to commercial development should be enhanced by ornamental landscaping, decorative paving, raised medians, gateway structures, and monument signage.
m) Main entry drives should extend from the street to the front cross aisle and should include:
    i. A median with a minimum 10-foot wide clear landscaped area between the street and the first bisecting parking aisle.
    ii. A minimum 5-foot wide sidewalk on each side of the driveway.
    iii. A minimum 10-foot wide landscaped parkway on each side of the driveway.
    iv. A minimum 20-foot wide decorative paving band.
    v. Use decorative paving and landscaping to facilitate vehicular and pedestrian access at project entries.



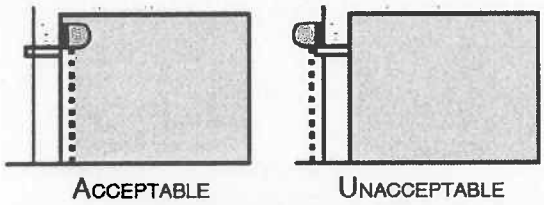
Use decorative paving and landscaping to facilitate vehicular and pedestrian access at project entries.

8. Loading Areas

a) Loading areas shall be designed to prevent interference with vehicular circulation and parking, and to provide an unobstructed area for trucks to maneuver when accessing loading spaces.
b) Loading areas shall be located away from main customer entrances and the street, preferably toward the rear of the property.
c) Overhead (roll-up) doors shall not be directly open to public view, and shall be substantially screened from the street, the freeway, and residential designated

properties. Screening may be accomplished in a variety of ways, including the use of wing walls, the recessing of overhead doors (building articulation), landscaping, or a combination of these techniques. Fixed hardware for roll up doors shall be located on the inside of buildings to minimize visual clutter.

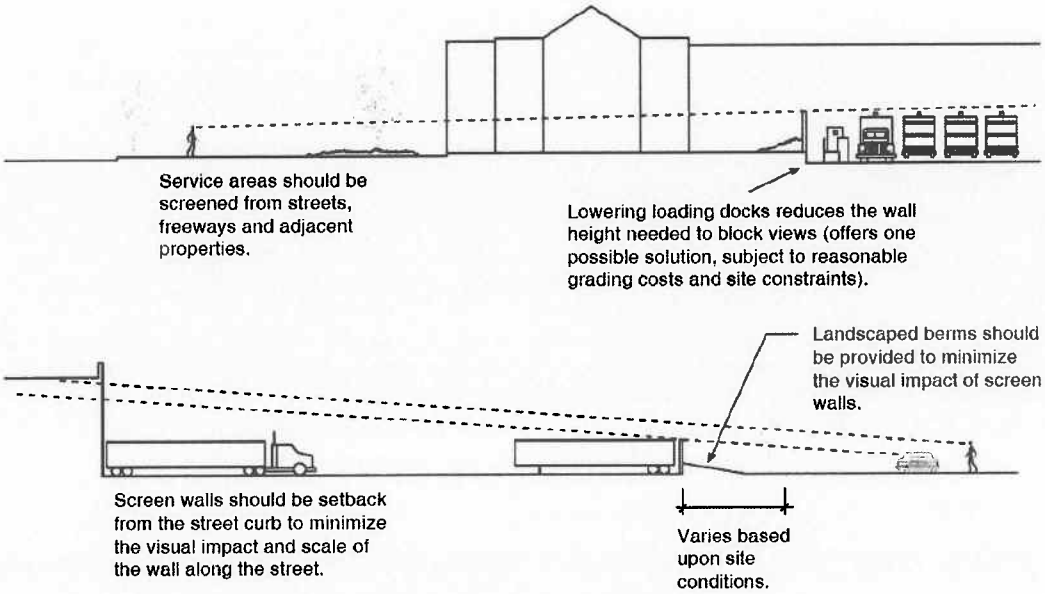
d) If located adjacent to residential areas, the design of overhead doors should minimize noise through devices such as rubber seals and/or other dampening features.



Roll-up Doors

e) The grade of loading docks should be as low as feasible to minimize views from the street and the need for tall walls or fencing. Building segments above loading doors visible from the street and surrounding properties should conform with other guidelines pertaining to building features, materials and finishes.

f) Service areas should be screened from streets, freeways and adjacent properties. Lowering loading docks reduces the wall height needed to block views (offers one possible solution, subject to reasonable grading costs and site constraints). Screen walls should be setback from the street curb to minimize the visual impact and scale of the wall along the street. Varies based upon site conditions. Landscaped berms should be provided to minimize the visual impact of screen walls.



Outdoor Storage, Service, and Loading

9. Outdoor Storage and Service Areas

a) Outdoor storage and service areas (including, but not limited to, service entrances, loading docks and bays, outdoor storage of commercial vehicles) should be clearly

defined and designated for convenient access. They shall not conflict with vehicular access, on-site parking facilities, pedestrian walkways, and customer entrances.

b) Outdoor storage and service areas should be located to the rear of a property so as not to face a public street. They shall not be open to view from the street or freeway. In addition, outdoor storage and service areas shall be located so as to minimize negative impacts (visual, noise, dust, vibration, etc.) upon any neighboring residential properties.
c) Service access should be located in a manner such that an unsightly condition is not created and the flow of pedestrians or user circulation when in use is not obstructed.
d) Outdoor storage and service areas shall be screened from on-site and off-site public view with a combination of building features, decorative walls, and landscaping consistent with the architectural style and design of the building.

10. Refuse Collection Facilities

a) Trash storage must be enclosed within or adjacent to the main structure or located within separate freestanding enclosures.
b) The location of refuse collection facilities should be coordinated with the location of loading/ service areas, and not readily visible to public view.
c) Refuse collection facilities should be unobtrusive and conveniently accessible for trash collection but should not impede circulation during loading operations. Where multiple trash bins are provided for a given project, disperse the location of trash facilities for more convenient waste disposal by individual trash generators.
d) Refuse collection facilities should be located to the rear of site and, where possible, screened from view from public streets and walkways and removed from pedestrian oriented areas. These areas should be screened with portions of the building, architectural wing walls, freestanding walls and landscape planting. Other acceptable screening materials include fences, landscaping, and/or berming, and the use of natural terrain where possible. Decorative treatment shall be used to minimize the adverse visual impact of these areas.
e) Refuse collection facilities shall be located so that there will be minimal intrusion (i.e. impacts associated with site views and odors) upon neighboring residentially designated properties.
f) Refuse collection facilities should be architecturally compatible with the project design. Colors and materials used to enclose these elements should be compatible with all other buildings on site. Landscaping shall be incorporated into the design of trash enclosures to screen them and deter graffiti.

11. Utility and Mechanical Equipment

a) All utility and mechanical equipment (wall-mounted meters, air conditioners, transformers, etc.) shall be screened from public view. This includes all ground, wall, and roof mounted equipment. Screening elements shall be an integral part of the building; no screening method shall give the appearance of being "tacked on."
b) Where possible, integrate rooftop equipment into the overall mass of a building. At a minimum, roof mounted equipment shall be screened through the use of parapets, screening walls, equipment wells, mechanical room enclosures and similar design features. Screening devices other than parapet walls shall be designed as an integral element of the building massing. Picket fencing, chain-link fencing and metal boxes are not permitted. The top of screens should be at least as high as the top of the equipment, with additional height provided where larger equipment units could be used in the future.

Exposed roof-mounted equipment is prohibited.

c) Ladders for roof access shall be hidden and integrated into the building design.
d) Typical ground-mounted equipment (such as transformers and heating units) shall be adequately screened with walls and/or landscaping. The building from view of adjacent streets and properties should screen large structures and/or equipment.
e) Utility equipment such as electric and gas meters, electrical panels, and junction boxes shall be located in a utility room within the building.
f) All utility lines from the service drop to the site should be underground.
g) Transformers should not be located in the front landscaped setback area. Where transformers are unavoidable in the front setback, they shall be completely screened and camouflaged by landscaping, and should not obstruct views of tenant spaces, monument signs, and/or driveways.
h) All vents, gutters and downspouts, louvers, exposed flashing, etc. should be treated as design elements and be compatible with the rest of the building, or hidden from public view.
i) Exposed roof-mounted equipment is prohibited.

12. Fences, Walls and Hedges

a) Walls and fences serve a major function in the streetscape and are used to screen vehicles, loading and storage areas, and utility structures. However, if not required for a specific screening or security purpose, they should not be utilized. The intent is to keep the walls as low as possible while performing their screening and security functions. The height of walls and fences on commercial properties is set forth in Section 16.20.070.
b) Walls and fences should be planned and designed as integral parts of the development, and should be consistent with the landscaping and building design.
c) If street fencing is necessary, decorative types of view fencing, such as wrought iron, are encouraged. Solid fencing, such as stucco or masonry, is strongly discouraged when they will block the view of the buildings or provide hiding places. The use of chain-link, barbed wire or razor wire for fencing is prohibited.
d) Perimeter walls or fencing that do not front a public street should be of decorative masonry (split-face block, plaster/stucco finish), decorative metal (wrought iron), hedges, or a combination of materials. They should be designed in a style, material and color to complement the development. Both sides of walls should be architecturally treated.
e) Tiered planting should be provided adjacent to project perimeter walls along street frontages to soften their appearance.

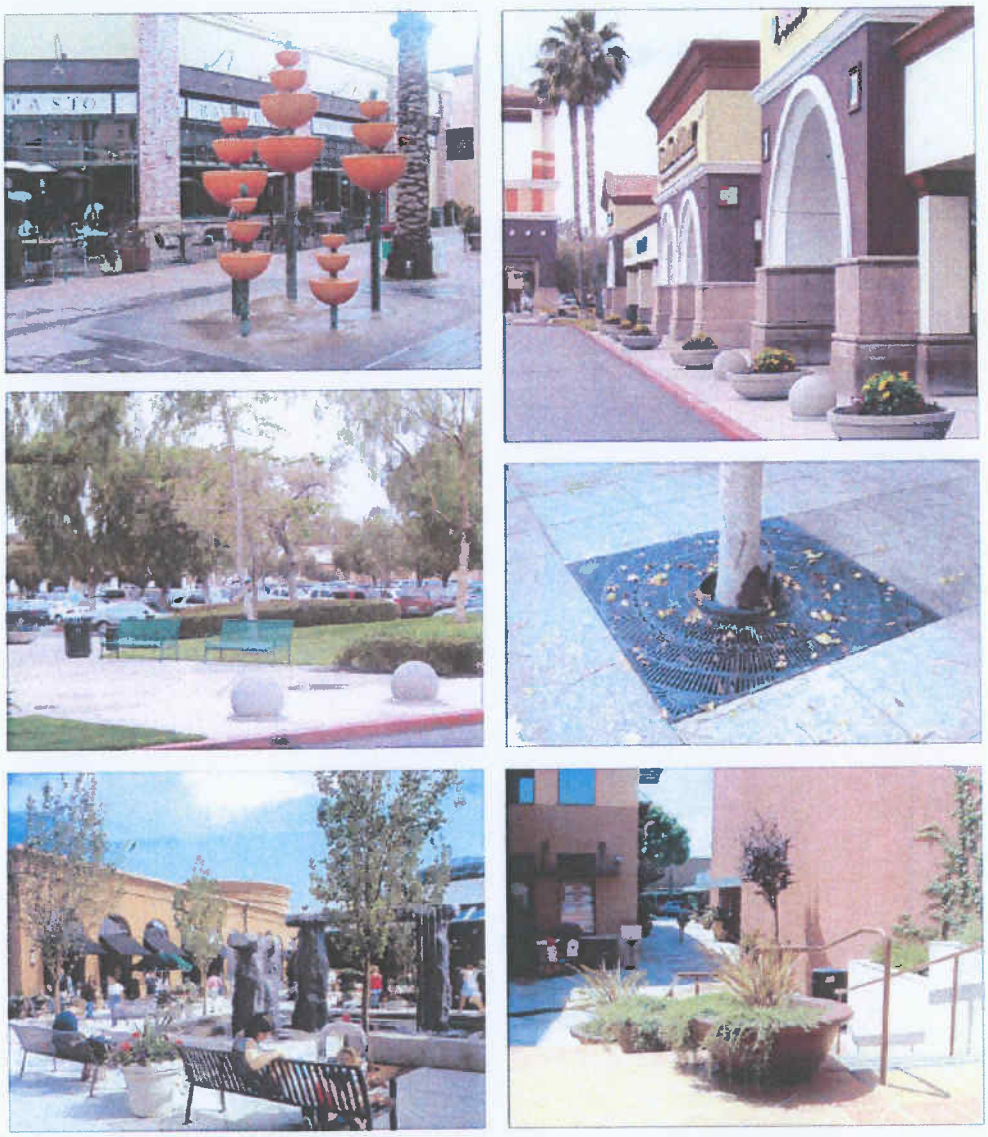
f) Walls should be eliminated or sited to provide additional setback areas at project entries accommodate landscaping, signage, or street furniture.
g) Wall sections greater than 50 feet in length fronting a street shall incorporate at least two of the following design features, in proportion to the length of the wall:
   i. A minimum 2-foot change in horizontal plane for at least 10 feet.
   ii. A minimum 18-inch change in height for at least 10 feet.
   iii. A minimum 18-inch high raised planter for at least half the length of the wall.
   iv. Use of pilasters at 25-foot maximum intervals and at changes in wall planes.
h) Gates or comparable design solutions should be provided in perimeter walls or fences to allow emergency access and facilitate convenient pedestrian access.
i) Walls should be curved or angled at corner locations along street frontages to allow sight line views around the corner.
j) Hedges and other landscape screening materials should consist of evergreen plant materials.

Pedestrian-Oriented Commercial Development.

k) Freestanding walls, fences or hedges between any street frontage and retail building on site are not permitted.

13. Site Amenities

a) Site amenities within a commercial setting should be coordinated in terms of color, materials and design in order to convey a cohesive project appearance and distinctive character.
b) Seating should be included in plaza and courtyard design. Where possible, seating should be provided in active and passive areas.
c) Tree grates should be provided along street edges and plazas where a continuous walking surface is needed. Grates should be a minimum of four feet in diameter. Knockouts must be provided to enlarge the inside diameter to support a larger tree trunk as the tree grows.
d) Tree guards should be provided to protect trees in high activity areas. Tree guard design should be compatible with other site furnishings. Tree guards should be attached to the tree grate; welds should not be visible.
e) Planters and pots should not obstruct pedestrian traffic flow. Consider placing pots in building recesses, at locations where access is discouraged and adjacent to blank walls to provide visual interest and color accents. Group similar sized planters in clusters to enrich streetscapes and plazas. Planter materials should complement the project architecture. Use of cast stone and masonry is encouraged.
f) Bollard design should be consistent with the overall project theme and should coordinate with other site furnishings. In locations where emergency access may be necessary, removable bollards should be considered.
g) Trash receptacle design should coordinate with other streetscape furnishings.
h) Bicycle rack design should be consistent with other streetscape furnishings. Use of "loop racks" and "ribbon bars" are encouraged.
i) Newspaper racks should be consolidated. Newspaper rack locations should not inhibit pedestrian flow. Newspaper rack design should incorporate masonry and/or metal elements that compliment other streetscape furnishings.
j) Site directories should be provided near vehicular and pedestrian entrances to multi-tenant commercial developments. Directory siting should maximize their visibility while minimizing the potential for creating a traffic hazard.



Provide decorative pedestrian-oriented site amenities, such as seating, planters and pots, fountains or water features, and tree grates and tree guards in commercial settings.

14. Exterior Lighting

a) Exterior lighting shall be used to provide illumination for the security and safety of on-site areas such as building entrances, parking, loading, shipping and receiving, walkways, and working areas. The design of light fixtures and their structural support shall be architecturally compatible with main buildings on-site.

b) Provide decorative pedestrian-oriented site amenities, such as seating, planters and pots, fountains or water features, and tree grates and tree guards in commercial settings.

c) Exterior lighting should be adequate, but not overly bright. It shall be located and designed to avoid direct glare onto adjacent properties and public rights-of-way. All lighting fixtures must be hooded and directed downward to minimize light and glare impacts on neighboring properties and public rights-of-way. In addition, the lighting shall have cut-off luminaries that limit the amount of light pollution on nighttime skies.

d) Buildings and landscaping can be illuminated indirectly to create a strong positive image. Concealing light features within buildings and landscaping can highlight attractive features and avoid intrusion into neighboring properties and public rights-of-way.
e) Lighting should be designed to satisfy both functional and decorative needs. Storefront lighting should complement the architectural style of the building.
f) Lighting designs for parking areas should take into account color rendition and glare minimization. Color rendition allows a person to distinguish between colors. In a parking area with appropriate color rendition, a person will be able to identify the color of their car. Color rendition will vary according to the lamp type selected and should be considered as a factor in lamp style selection. During the design process, glare levels should be considered and efforts should be made to minimize glare.
g) All building entrances shall be well lit. If the entrance is recessed, a light from the ceiling of the entry vestibule is strongly encouraged to prevent any dark pockets or hiding places.
h) Transit stops, ATMs, and convenience stores shall be illuminated to facilitate their safe use at nighttime. In addition, the areas around these uses shall be well lit so that any hiding places are eliminated.
i) The height of light fixtures shall be reduced to a recommended height of eight feet, especially when adjacent to the residential areas. Floodlights are not permitted in areas adjacent to the residential areas.
j) Lighting fixtures should be compatible with the architectural character of the project and surrounding area. While some nondescript fixtures may be appropriate, significant use should be made of fixtures that have architectural value and accent the building and site.
k) Both building-mounted and freestanding fixtures may be used.
l) All portions of parking areas shall be illuminated at minimum 0.1 foot-candle intensity. A maximum illumination of 0.5 foot-candles at the property lines abutting a street or residentially designated property is allowed.

Article XII (Industrial Districts) shall be deleted in its entirety, except for revisions made to Section 16.16.610 shall be relocated to, and renumbered in Article X, and the following shall be added:

ARTICLE XII. Industrial Design Guidelines

Section 16.16.410 Industrial Design Standards and Guidelines.

A. General

1. Purpose. This Article provides standards and guidelines for designing new industrial developments and for exterior alterations and additions to existing developments. Because of the size and scale of industrial buildings, it is especially important to consider design to ensure compatibility with other parts of the community.

As a category of structure types, industrial buildings often present unattractive and monotonous facades with large blank wall surfaces, untreated or false fronts, or highly reflective and glaring surfaces. In addition, the site development is often not pedestrian-friendly, not properly buffered from surrounding uses, insufficiently landscaped, and surrounded by unsightly fencing.

There is, however, a variety of design techniques that can be utilized to help overcome these situations and to direct development into a cohesive design statement that is both functional and aesthetically appealing. Property owners, developers, architects, building designers, and contractors seeking to construct new industrial developments, or alterations or additions to existing developments, should use these standards and guidelines in the early design stages of their projects. These standards and guidelines are not intended to limit creative site planning and architecture that are consistent with the stated goals and within the context of surrounding neighborhood patterns. Innovative design solutions are strongly encouraged. Refer to Chapter 16.16, Article X of this Development Code for specific development standards pertaining to industrial uses.

2. Applicability

These design standards and guidelines apply to all new industrial development and business parks, including exterior alterations and additions to existing developments within the City. The standards and guidelines apply to smaller infill projects as well as larger master planned sites, and are in addition to the development standards set forth in Chapter 16.16, Article X of this Development Code.

3. Design Goals

The design standards and guidelines have been established in order to accomplish the following goals:

a) Improve the quality of design for industrial developments, thereby improving the image and appearance of the City's industrial areas.

b) Create attractive and functional site arrangements of buildings, service and loading areas, open spaces, and parking areas; and develop a high quality architectural and landscape design.
c) Contribute to the character of the neighborhood by respecting the scale, proportion and architectural style of the surrounding area.
d) Create visual interest in industrial buildings, while maintaining a sense of harmony within the project.
e) Mitigate the negative impacts and views associated with industrial uses through effective site placement, screening, and buffering techniques.
f) Eliminate random development patterns and establish site planning and design relationships between new development and neighboring properties.
g) Encourage environmental sensitivity in development.
h) Improve pedestrian circulation and connections on industrial sites and within industrial areas.
i) Improve the appearance and character of the City.

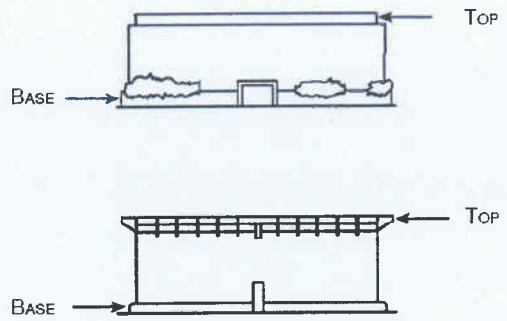
B. ARCHITECTURAL DESIGN STANDARDS AND GUIDELINES

While there is no mandated architectural style required for industrial structures in the City, each project should possess an identifiable architectural theme and be of high quality design and materials. Industrial buildings should display unique, visually attractive qualities while having a unified composition. Multi-building projects should also use a consistent architectural style.

Industrial projects should give neighboring development a sense of unity through consistent building scale and massing. Yet, visual interest should be created with the use of a variety of architectural styles and individual building details to avoid monotonous industrial neighborhoods and enliven the public's experience of the building. New projects should meet or exceed the standards of quality that have been set by surrounding development and contribute to the improvement of the area.

1. Building Articulation and Detailing

a) Building articulation and detailing should be used to create an interesting and individual design, diminish the massing of large structures, and be compatible with the scale of surrounding development. Building design shall avoid large monotonous facades, long straight-line building fronts, plain box shapes, and barren exterior treatment.
b) All elevations should be architecturally treated, however, facades visible from major street corridors should be especially attractive and shall be fully articulated, and incorporate the chosen architectural theme in a consistent manner.
c) Articulation should include change of wall plane, door and window treatment, facade details, and other appropriate architectural treatment. A combination of compatible treatments should be used to create interest and variety, with attention given to treating particular architectural features in a balanced, yet uniquely detailed and decorative manner.
d) The staggering of planes along an exterior wall elevation creates pockets of light and shadow, providing relief from monotonous, uninterrupted expanses of wall. Wall planes should not run in one continuous direction for more than 60 feet without an offset.



A "top" and "base" should be established within the top-most and bottom-most one-eighth of a building.

e) Facades having a recognizable "base" and "top" are encouraged. The base should visually relate to the proportion and scale of the building. Techniques for establishing a base may include richly textured materials (e.g. tile or masonry treatments), darker colored materials, mullion, panels, reveals and/or enriched landscaping. Tops take advantage of the visual prominence of a building's silhouette. Techniques for clearly expressing a top may include cornice treatments, roof overhangs with brackets, richly textured materials (e.g. tile, masonry or fluted concrete), and/or differently colored materials. Colored "stripes" are not acceptable as the only treatment.

Avoid blank facades and barren exterior treatment.

f) Buildings should incorporate architectural details and elements, which will reduce building scale at the street level, especially along pedestrian walkways. Awnings, canopies, arbors, trellises, etc. are effective in this regard. The appropriate use of other architectural details, including reveals, course lines, decorative cornice, columns, etc., is also encouraged as a means of creating interest, variety, and distinctive design. Details should reflect the structural and material integrity of the building; overly gratuitous ornamentation is discouraged.

Use building articulation, change of wall planes, door and window treatments, and other appropriate architectural detailing to create an interesting and individual design and diminish the mass of large industrial structures.

2. Height and Roof Lines

a) The roof design should be considered as a component of the overall architectural design theme.
b) Roof forms should be simple, avoid a massive appearance, and reflect the internal organization of buildings.
c) Roof form and height should be varied to complement building mass and articulation. Vertical variations to the roof line should incorporate roof projections to avoid a false front/unfinished appearance.

Varied roof forms that complement the building mass and articulation are encouraged.

d) The roof line at the top of the structure should not run in a continuous plane for more than 60 feet without offsetting or jogging the roof plane.

3. Doors and Windows

a) Doors and windows are key elements of any structure's form, and should relate to the scale of the elevation on which they appear. Windows and doors can establish character by their rhythm and variety and help to provide depth and contrast on elevation planes. Windows and doors should be used to help mitigate building mass, establish scale, give expression to otherwise blank walls, and create a distinctive building design.
b) All doors and windows should be related with the chosen architectural style. Windows with widely varying styles are strongly discouraged. All doors and window frames should be composed of consistent material. Wherever possible, window sizes should be coordinated vertically and horizontally and window design should be consistent in terms of style and general arrangement on all building sides.
c) Window exposure should be maximized along pedestrian walkways. The use of opaque glass adjacent to pedestrian walkways is discouraged.
d) Window frames should appear substantial and should not be flush with the exterior finish. Windows should be designed to enhance building interest and articulation. Recessed windows or inset glazing are possible design considerations.
e) Windows located on the sides and rear of the project should also be consistent with the look and style on the front of the project.

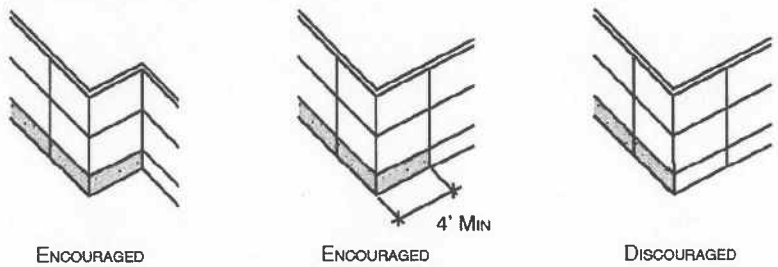
4. Materials and Finishes

a) Materials and finishes should be suitable to the scale, character and design theme of the building and further lend variety and interest to the project.
b) The building and its elements should be unified by textures, colors and materials. Materials should be consistently applied and should be chosen to work harmoniously with adjacent materials. Piecemeal embellishment and frequent changes in materials should be avoided.
c) Buildings should be treated as a whole and finished appropriately on all sides to provide continuity. Materials tend to appear substantial and integral to the structure when material changes occur at changes in plane. Material changes not accompanied by changes in plane appear "tacked-on" and are strongly discouraged. Material changes should not occur at external corners. Material changes may occur at "reverse" or interior comers or as a "return" at least 4 feet from external corners, with extended returns provided for large buildings.
d) Exterior materials for industrial developments should be of high quality and low maintenance. Recommended materials include masonry, concrete, sandblasted concrete, textured block, brick, granite, marble, glass, painted metal elements and similar materials. Materials and detailing should have a substantial and long-lasting appearance. Metal siding should be avoided as the primary material, but may be used as an accent material if it is high quality and properly applied. Concrete blocks should also be avoided unless mitigated through careful and decorative design, texture and reveals.
e) Roofing materials should be durable. Where visible from the street, acceptable roofing materials include metal standing seam and concrete tile. Corrugated metal (standing rib metal roofs are permitted), highly reflective surfaces, and illuminated roofing and not permitted.

f) Materials that will withstand abuse by vandals or accidental damage from machinery are strongly encouraged, while high maintenance materials such as stained wood or shingles are not encouraged.
g) Accessory structures should be designed as an integral part of the project architecture and should be similar in material, color, and detail to the primary buildings.
h) The use of sustainable building materials is strongly encouraged. This includes using quality materials with a long life span, selecting materials that are not energy-intensive to manufacture, using building products made from recycled materials, and repairing and maintaining well-built existing structures to the fullest extent possible.

5. Color and Texture

a) For most architectural styles, the number of colors on the exterior should be limited to a maximum of three, with an additional contrasting color for accent. In general, the lighter colors should be used for the main body, with darker shades for trim and accent. The larger and simpler the building design, the subtler the color should be to reduce the massiveness of large wall planes.



Treatments for material changes at corners.

b) Off-whites, light grays, and muted earth tones are best suited and are appropriate for industrial developments. The use of strong or bright, unnatural colors, including the bright "white-on-white" color schemes. However, a greater variety of brighter, more intense colors are permitted to highlight architectural features such as awnings, canopies, doorways, window framing and trim, reveals, etc.
c) Color and finishes on exteriors of all elevations of a building should be coordinated to provide a total continuity of design. Unusual patterns and color schemes should be avoided. Garish, non-harmonious, or out-of-character colors should not be used.
d) The blending of compatible colors in a single facade or composition is a good way to add character and variety, while reducing, or breaking up the mass of a building. Lower wall wainscots and built-up or recessed reveals may be employed to add interest and break up vertical monotony.

16.16.415. Site Design Standards and Guidelines

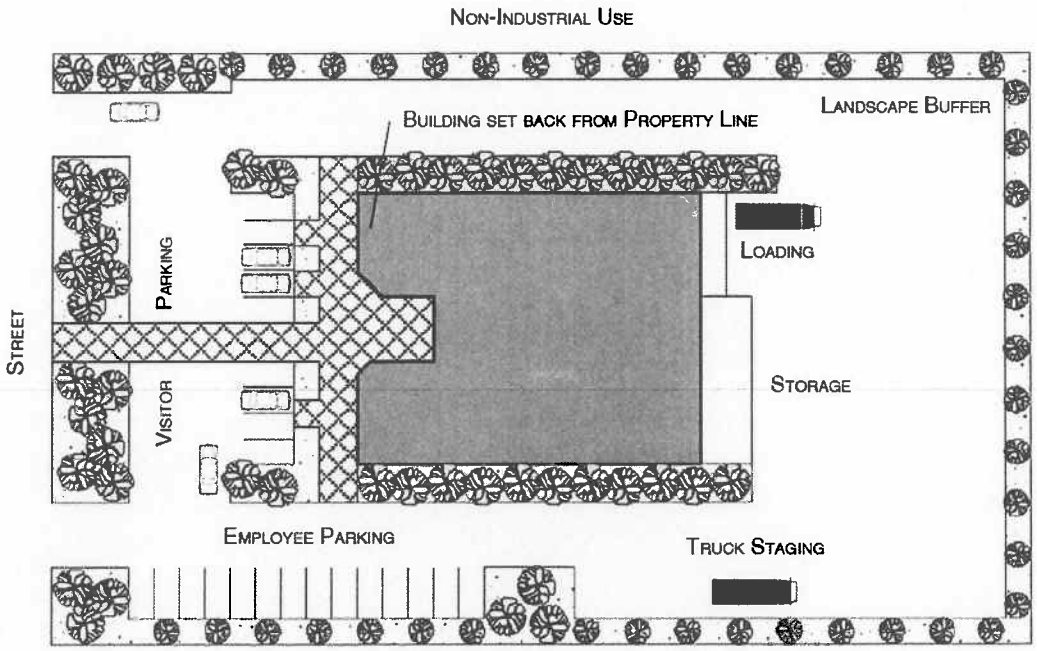
A. Industrial site design must be functional and efficient, as well as compatible with adjacent land uses and aesthetically appealing. Elements of sound industrial site design include emphasis on the main building entry and landscaping; provision of pedestrian walkways and connections; plazas and landscaped open space areas for employees; convenient and controlled access, visitor parking and on-site circulation; screening of outdoor storage and loading areas; and appropriate buffering between incompatible land uses. It is also important to consider a project's relationship to adjacent industrial properties in creating a unified development pattern for the surrounding area.

1. Setbacks

a) While respecting the minimum setbacks established in Chapter 16.16, Article X (Commercial and Industrial Development Standards) of this Development Code, the front and street side setbacks of new industrial development should generally approximate that of adjacent properties to establish a consistent image along the street. Some variation, however, should be provided in building and parking setbacks to avoid long monotonous building facades and provide visual interest.
b) Building setbacks should be proportionate to the scale of the structure. Larger structures require more setback area for a balance of scale and so as not to impose on neighboring uses.
c) Front and street side side setback areas shall be landscaped.
d) Building setbacks shall be increased when adjacent to residentially designated properties to mitigate negative impacts due to noise, vibration, light and glare, and aesthetics. Where an industrial project abuts a residentially designated property, a minimum of 10 feet of the required setback shall be devoted entirely to shrubs and trees, at least 6 feet in height (exclusive of any planter area curb).
e) Where the parking area of an industrial project abuts another industrially or commercially designated property, a minimum 3-foot wide perimeter landscape buffer (exclusive of the planter area curb) is required. Where feasible to do so, integrate the landscape buffer with that of the adjacent property.

2. Building Orientation, Siting and Entrances

a) Buildings in an industrial development should be arranged to create a sense of unity and overall harmony. Avoid random and irregular building relationships.
b) Site development, including location of building, parking, and landscape areas, should consider compatible development patterns among neighboring properties. In addition, consideration should be given to how future neighboring developments, based on existing lot patterns, could relate to the project. As far as is feasible, a project should be designed to functionally integrate with adjacent properties by providing for reciprocal access easements, common drives, and common perimeter landscape planters.



Typical Industrial Site Layout

c) Lot assembly is encouraged as it provides greater opportunity to create efficient master planned projects in conformance with the intent of the design guidelines.

d) Industrial buildings should have a positive street presence and contribute to an attractive street scene by orienting buildings toward the primary street frontage. Public entrances and administrative/office areas should front the street. Primary entries should be clearly distinguished from secondary and service entries. Projects with few employees should attempt to place entries and the most active areas near the street to avoid long, "unguarded" walkways.

e) Entry and edge design features such as landscaping, architectural signage and monumentation, and enhanced paving should be incorporated in the project. Special materials, color, detailing, or equivalent architectural treatment should be incorporated into the building design at major entries.

f) Buildings shall be sited so as to screen loading and storage areas from public view. Where industrial uses are adjacent to non-industrial uses, appropriate buffering techniques such as increased setbacks, screening, and landscaping shall be provided to mitigate any negative effects of industrial operations.

g) Building entries should read as such, and be integrated with the overall building form. Doors should be designed at human scale. Variation in building height, wall plane, roof treatment, window placement, architectural detailing, etc. will define and emphasize public entries. Variation in material, texture, and/or color is also recommended as a means of identifying, building entries.

3. Scale and Mass

a) The scale and mass of a new industrial development should be consistent with neighboring developments and not overwhelm them with disproportionate size or a design that is out of character.

b) A single, dominant building mass should be avoided by using variations in massing and building form.

The scale of industrial buildings can be reduced with windows that face the street, variation in massing at the primary entrance, and landscaping to soften the appearance.

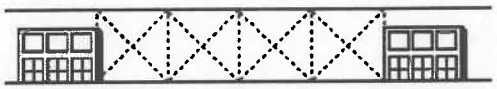
Avoid a single dominant building mass.

c) As appropriate to the function of a building, a combination of major and minor changes in building form should be incorporated to create visual interest and establish a transition to neighboring developments. Changes in building form should be used to emphasize office space and reception areas within industrial projects, emphasize public entrances and deemphasize service areas, and define and shelter pedestrian walks and exterior spaces.

d) Primary building entries should be highlighted through the massing of the building. Greater height can be used to highlight and accentuate entries in the form of corner tower elements, tall voids, or a central mass meeting an entry plaza. Conversely, smaller building masses can also communicate the location of entries.

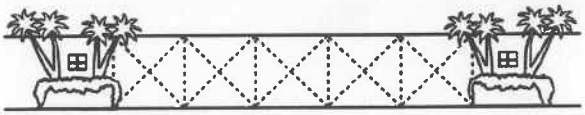
Corner entry is highlighted by varied materials and articulation.

e) Typically, horizontal masses for building elevations less than 700 lineal feet shall not exceed a height to width ratio of 1:4 without a substantial architectural element that projects up or away from the building, such as towers, bays, lattices, or other architectural features. Buildings greater than 700 lineal feet shall not exceed a height to width ratio of 1:5 without massing variations. The extent of massing breaks and building projections should relate visually to the overall scale of the building.



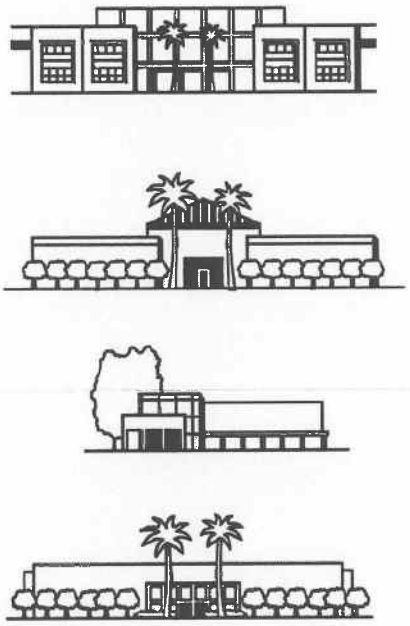
1:4 Ratio for Buildings less than 700 Lineal Feet

Provide a substantial architectural element, such as a tower, bay, lattice, planter box, or other feature, when the horizontal mass exceeds a height to width ratio of 1:4.



1:5 Ratio for Buildings greater than 700 Lineal Feet

Buildings greater than 700 lineal feet shall not exceed a height to width ratio of 1:5 without massing variations.



Highlight the primary entries through building massing and landscape treatments.

4. Plazas and Open Space

a) Plazas and similar open space features are strongly encouraged as a site amenity and design detail. Buildings should be arranged to include opportunities for plazas, patios, open space areas, and employee gathering spaces with amenities such as outdoor seating, landscaping, water elements, pergolas, special lighting and other "place-making" features. These outdoor spaces should be functional and pleasant and should not appear as "left-over" spaces.
b) Plazas are encouraged where high levels of pedestrian activity are expected, such as adjacent to major entrances and food services, or between building clusters in an industrial/business park development.
c) Building entries and windows should look onto plazas and open space areas to enhance activity and security.
d) Outdoor employee break areas and lunch areas should be located away from loading areas or other high-traffic areas.

5. Environmental Considerations

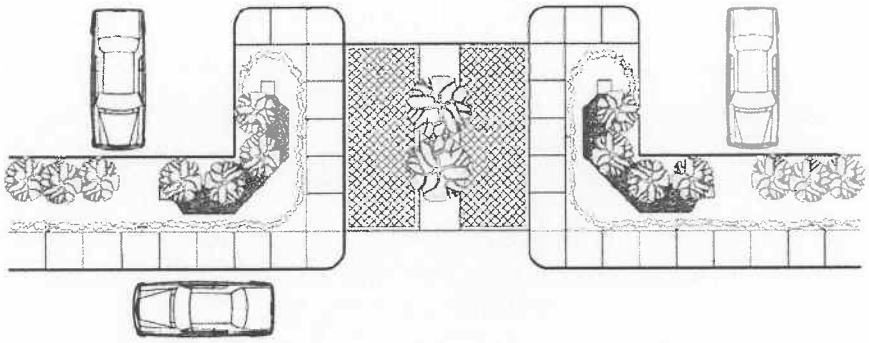
a) To the extent possible, site grading should relate to the natural surroundings and be designed to minimize grading by following the natural ground contours and recognizing existing drainage patterns. Graded slopes should be rounded to blend with existing terrain.
b) Significant existing trees, vegetation and any other natural site attributes should be preserved to the greatest extent possible in the design and development of the industrial project. Site design that requires altering landforms and removing trees is discouraged.
c) Buildings should be designed and sited to maximize the use of sunlight and shade for energy savings, and respect the solar access of adjacent buildings.
d) Consideration should be given to the reduction of landscape maintenance and water consumption when selecting landscape materials.

6. Vehicle Circulation and Access

a) Site access and internal circulation in industrial developments should promote safety, efficiency, and convenience. Vehicular traffic should be adequately separated from pedestrian circulation. Vehicular entrances should be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.
b) Adequate areas for maneuvering, stacking and emergency vehicle access should be provided. Internal circulation routes and parking areas should be separated. Continuous circulation should be provided throughout the site to the greatest extent possible to prevent awkward vehicular maneuvers. Dead-end driveways should be minimized. Vehicles should not be required to enter the street in order to move from one area to another on the same site.
c) The number of site access points or driveway aprons shall be minimized for aesthetic purposes, to achieve efficient and productive use of paved access ways, and to eliminate traffic hazards. A minimum distance for driveway aprons shall be required as outlined in Table 1 of Section 12.08.020 of the Hesperia Municipal Code and may be increased based upon safety considerations. They should be coordinated with existing or planned median openings and driveways on the opposite side of the roadway. Entrances and exits to and from parking and loading facilities should be clearly marked with appropriate directional signage where multiple access points are provided.
d) Vehicular access, drives and circulation routes shall be designed so that all movements involved in loading, parking, or turning shall occur on-site, and not within the public right-of-way.
e) Where a property abuts an alleyway, service and vehicular access should be taken off of the alleyway. This is most strongly encouraged for development on narrow lots (less than 100' in width). Where these properties exclusively use the alleyway for service and vehicular access, a consistent and uninterrupted building frontage can be established for the entire length of the street. Alley improvements should coincide with site planning to minimize alleyway deterioration and address problems such as debris, safety, and any nuisance odors or hazards.
f) Design provisions, which allow for present or future reciprocal access with adjacent properties, are encouraged.

7. Pedestrian Circulation

a) Industrial developments shall incorporate pedestrian walkways into site design to provide pedestrian connections from building entries to public sidewalks, plazas, parking areas, and adjacent developments, and to buffer pedestrians from vehicular movement. Project entries and driveway areas should contain design features, including landscaping and textured paving, to break up the expanse of paving in a project. Paving materials should complement the architectural design. The use of stamped concrete, stone, brick, pavers, exposed aggregate or color concrete is encouraged.



Use decorative paving and landscaping to facilitate vehicular and pedestrian access at project entries.

b) Pedestrian walkways should be a minimum of 4 feet in width. Pedestrian walkways should be safe and clearly identifiable using varied surfaces, decorative paving, and landscaping to minimize pedestrian/vehicle conflict. At a minimum, varied surfaces should be used to delineate crossings at circulation drives and parking aisles.

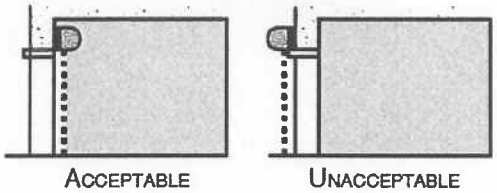
8. Parking

a) The industrial site should be a self-contained development capable of accommodating its own parking needs. The use of the public street for parking and staging of trucks is not allowed.
b) Parking areas should be accessed from the street so that circulation to parking areas does not interfere with other site activities. Visitor parking should be located at the front and sides of buildings to be near primary building entrances.
c) Parking areas shall be designed to avoid awkward turning maneuvers and the backing of vehicles into public streets.
d) Parking areas should not visually dominate the site. Large expansive paved areas located between the street and the building should be avoided in favor of smaller multiple lots separated by landscaping and buildings.
e) The visual impact of parking lots and structures shall be mitigated with landscaping. Parking lots adjacent to and visible from public streets must be adequately screened from view through the use of rolling earth berms, low screen walls, changes in elevation, landscaping or combinations thereof whenever possible. Landscaping materials should have adequate room to grow and be protected from abuse by cars. Continuous concrete curbs shall be provided as wheel stops where parking adjoins landscaping.
f) Parking areas, driveways and pedestrian areas shall contain automatically controlled lighting.

9. Loading Areas

a) Loading areas shall be designed to prevent interference with vehicular circulation and parking, and to provide an unobstructed area for trucks to maneuver when accessing loading spaces.
b) Loading areas shall be located away from main customer entrances and the street, preferably toward the rear of the property, as per the development standards in Chapter 16.16, Article X (Commercial and Industrial Development Standards) of this Development Code.
c) Overhead (roll-up) doors shall not be directly open to public view, and shall be substantially screened from the street, the freeway, and residentially designated

properties. Screening may be accomplished in a variety of ways, including the use of wing walls, the recessing of overhead doors (building articulation), landscaping, or a combination of these techniques. Fixed hardware for roll up doors shall be located on the inside of buildings to minimize visual clutter.



Roll-up Doors

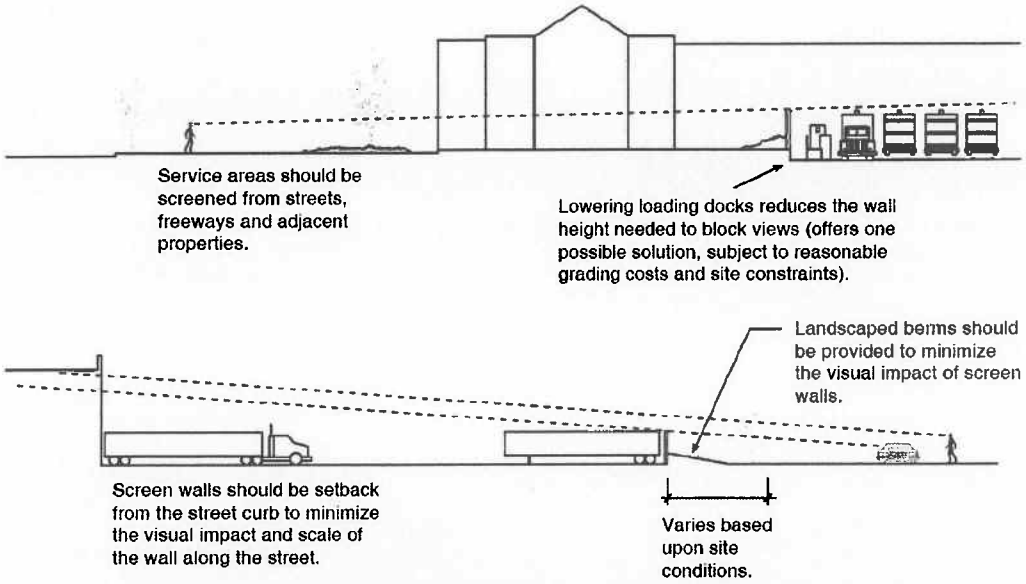
d) If located adjacent to residential areas, the design of overhead doors should minimize noise through devices such as rubber seals and/or other dampening features.
e) The grade of loading docks should be as low as feasible to minimize views from the street and the need for tall walls or fencing. Building segments above loading doors visible from the street and surrounding properties should conform with other guidelines pertaining to building features, materials and finishes.

10. Outdoor Storage and Service Areas

a) Outdoor storage and service areas (including, but not limited to, service entrances, loading docks and bays, outdoor storage of commercial vehicles) should be clearly defined and designated for convenient access. They shall not conflict with vehicular access, on-site parking facilities, pedestrian walkways, and customer entrances.
b) Outdoor storage and service areas should be located to the rear of a property so as not to face a public street. They shall not be open to view from the street, freeway, or residentially designated properties.
c) Outdoor storage and service areas shall be screened from on-site and off-site public view with a combination of building features, decorative walls, and landscaping consistent with the architectural style and design of the building.

11. Refuse Collection Facilities

a) Refuse collection facilities shall be located so that there will be minimal intrusion (i.e. impacts associated with site views and odors) upon neighboring residentially designated properties.
b) Refuse collection facilities should be located for convenient access. Where the Hesperia Municipal Code requires a number of trash bins for a given project, disperse the location of trash facilities for more convenient waste disposal by individual trash generators.
c) The location of refuse collection facilities should be coordinated with the location of loading/service areas, and not readily visible to public view.
d) Decorative treatment of trash and storage enclosures shall be used to minimize the adverse visual impact of these areas. Trash disposal areas, including dumpsters, shall be screened from view by a 6-foot high enclosure with gates. Trash and storage enclosures shall be architecturally compatible with the project design, and landscaping shall be incorporated into their design to screen them and deter graffiti. Screening materials shall consist of fences, landscaping, and/or berming, and the use of natural terrain where possible.



Outdoor Storage, Service, and Loading

e) Outdoor storage and service areas shall be located so as to minimize negative impacts (visual, noise, dust, vibration, etc.) upon any neighboring residentially designated properties.

12. Utility and Mechanical Equipment

a) All utility and mechanical equipment (wall-mounted meters, air conditioners, etc.) shall be screened from public view. This includes all ground, wall, and roof mounted equipment. Screening elements shall be an integral part of the building; no screening method shall give the appearance of being "tacked on."
b) Where possible, integrate rooftop equipment into the overall mass of a building. At a minimum, roof mounted equipment shall be screened through the use of parapets, screening walls, equipment wells, mechanical room enclosures and similar design features. Screening devices other than parapet walls shall be designed as an integral element of the building massing. Picket fencing, chain-link fencing and metal boxes shall be avoided. The top of screens should be at least as high as the top of the equipment, with additional height provided where larger equipment units could be used in the future.
c) Typical ground-mounted equipment (such as transformers and heating units) shall be adequately screened with walls and/or landscaping. Large structures and/or equipment should be screened by the building from view of adjacent streets and properties.
d) All vents, gutters and downspouts, louvers, exposed flashing, etc. should be treated as design elements and be compatible with the rest of the building, or hidden from public view.

13. Fences and Walls

a) Walls and fences serve a major function in the industrial landscape and are used to screen vehicles, loading and storage areas, and utility structures. However, if not required for a specific screening or security purpose, they should not be utilized. The intent is to keep the walls as low as possible while performing their screening and

security functions. The height of walls and fences on industrial properties is set forth in Section 16.20.070 of this Development Code.

b) Walls and fences should be planned and designed as integral parts of industrial development, and should be consistent with the landscaping and building design.

c) If street fencing is necessary, decorative types of view fencing, such as wrought iron, are encouraged. Solid fencing, such as stucco or masonry, is strongly discouraged when they will block the view of the buildings or provide hiding places. Chain link and barbed wire fencing is prohibited.

Exposed roof-mounted equipment is prohibited.

d) Perimeter walls or fencing that do not front a public street should be of decorative masonry (split-face block, plaster/stucco finish), decorative metal (wrought iron), wood, hedges, or a combination of materials. They should be designed in a style, material and color to complement the development. Both sides of walls should be architecturally treated.

e) Tiered planting should be provided adjacent to project perimeter walls along street frontages to soften their appearance.

f) Walls should be eliminated or sited to provide additional setback areas at project entries to accommodate landscaping, signage, or street furniture.

g) Wall sections greater than 80 feet in length fronting a street shall incorporate at least two of the following design features, in proportion to the length of the wall:

h) A minimum 2-foot change in horizontal plane for at least 10 feet.

i) A minimum 18-inch change in height for at least 10 feet.

j) A minimum 18-inch high raised planter for at least half the length of the wall.

k) Use of pilasters at 25-foot maximum intervals and at changes in wall planes.

l) Gates or comparable design solutions should be provided in perimeter walls or fences to allow emergency access and facilitate convenient pedestrian access.

m) Walls should be curved or angled at corner locations along street frontages to allow sight line views around the corner.

14. Exterior Lighting

a) Exterior lighting shall be used to provide illumination for the security and safety of on-site areas such as building entrances, parking, loading, shipping and receiving, walkways, and working areas. The design of light fixtures and their structural support shall be architecturally compatible with main buildings on-site.

b) Exterior lighting should be adequate but not overly bright. It shall be located and designed to avoid direct glare onto adjacent properties and public rights-of-way. In

addition, the lighting shall have cut-off luminaries that limit the amount of light pollution on nighttime skies.

c) Buildings and landscaping can be illuminated indirectly to create a strong positive image. Concealing light features within buildings and landscaping can highlight attractive features and avoid intrusion into neighboring properties and public rights-of-way.

d) All portions of parking areas shall be illuminated at minimum 0.1 foot-candle intensity. A maximum illumination of 0.5 foot-candles at the property lines abutting a street or residentially designated property is allowed.

Article XIII shall be added to Chapter 16.16 and including the following:

Deleted text is shown with a strikeout (i.e. ~~strikeout~~), and additions are shown with an underline.

Article XIII Public Land Use Designation.

16.16.330 ~~16.16.610~~ Public/~~institutional~~ (P)~~-I)~~ designation ~~district~~.

A. Purpose and Intent. This designation ~~zone~~ is intended to preserve and protect public facilities and those privately owned facilities which provide a service to the general public, including schools, churches, post offices, fire stations, hospitals, civic centers, and publicly owned land. Due to the broad service function of this designation ~~zone~~ and the difficulty of planning all public uses in advance, the Public Institutional designation ~~zone~~ may be designated throughout the plan area, provided the uses do not conflict with other established uses. The P-GOVT, P-SCHOOL, and P-PARK/REC General Plan designations shall be considered Public in this Development Code, and are subject to this Article.

B. Locational Standards.

1. The area is occupied or will be occupied by public or closely related private facilities providing services or functions for the general public.
2. The uses are compatible with and not detrimental to adjacent land uses.
3. The area has adequate public services and access to accommodate the needs of the proposed use on a given site.
4. The location shall be consistent with the general plan text and maps.

C. Review Procedures. In order to ensure compliance with the general plan, and Development Code, permitted uses within this designation ~~zone~~ may be subject to a conditional use permit, site approval or tenant improvement review, in accordance with Chapter 16.12.

D. Permitted uses.

1. Electrical, gas, water and sewage transmission facilities.
2. Radio and television stations and towers.
3. Microwave communication towers and facilities.
4. Government protective functions and postal services.
5. Public works maintenance and storage yards.
6. Vocational, trade and special training schools.
7. Museums and art galleries.
8. Planetariums, aquariums, botanical gardens and zoos.
9. Historical and monument sites.
10. Convention facilities.
11. Parks, playgrounds and athletic fields.
12. Recreation and community centers.
13. Churches, synagogues, mosques or other houses of worship.
14. Elementary, intermediate and senior high schools, public or private.
15. Colleges and universities.

E. Intensity: The maximum Floor Area Ratio for P-GOV shall be 2.0.

F. After approval, the Public designation is automatically applied to the General Plan Land Use map, without the necessity of any additional land use or zone change applications.

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City of Hesperia
STAFF REPORT

DATE: December 8, 2011

TO: Planning Commission

FROM: Dave Reno, AICP, Principal Planner

BY: Lisette Sánchez-Mendoza, Assistant Planner

SUBJECT: Specific Plan Amendment SPL11-10263, amending the Main Street and Freeway Corridor Specific Plan regarding setback and approval procedures; Applicant: City of Hesperia; Affected area: Citywide

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2011-35, approving SPL11-10263, amending the Main Street and Freeway Corridor Specific Plan regarding setback and approval procedures.

BACKGROUND

The Main Street and Freeway Corridor Specific Plan (MSFCSP) was adopted October 16, 2008. This plan affects the Main Street commercial corridor and the freeway commercial corridor (Attachment 1). After three years of experience with the Plan, staff has identified some areas within the plan that require revisions, primarily within the setback and approval procedures.

ISSUES/ANALYSIS

The Specific Plan Amendment was continued from the Planning Commission meeting of September 8, 2011 and October 13, 2011 in order to obtain input from the Building Industry Association (BIA), Victor Valley Association of Realtors (VVAR), Tom Steeno (Steeno Design Studio) and Mike Wauhob (Omega Design Group). All individuals and/or groups were contacted and were provided a web link to the staff report and proposed ordinance.

On October 31, 2011, City staff met with the individuals listed below to review and provide clarification on the proposed ordinance, as well as past and planned amendments being considered by the City. Staff received positive feedback from all individuals and they have not suggested any changes as of the date of preparation of this report. Individuals in attendance included:

- Carlos Rodriguez, BIA, President
- Jeffrey M. Simonetti, BIA, Vice-President, Government Affairs
- Bo Goulet, Shear Realty, representing VVAR
- Tom Steeno, Steeno Design studio
- Chip Ahlswede, Government Affairs Strategies, VVAR

The primary purpose of this Specific Plan Amendment is to make it consistent with both the Development Code and the General Plan. The proposed Specific Plan Amendment includes:

- Revisions to setbacks within the commercial, industrial, and residential zone districts.
- Revisions to the approval procedures for various uses, primarily regarding Conditional Use Permits.

Commercial/Industrial Setbacks

The setbacks for the commercial and industrial zones within the MSFCSP need to be reduced in order to be consistent with the Development Code, specifically the rear and interior setbacks. The interior and rear setbacks will be reduced to zero feet for commercial, except when properties are adjacent to residential zones. In this case a setback of 20 feet and 50 feet for industrial will apply. In addition, the commercial landscape will be reduced in some zone districts from 10 feet to 8 feet adjacent to property lines.

Residential Setbacks

All residential zones within the MSFCSP, with the exception of the Very Low Residential (VLR) zone districts, have a 15-foot rear yard setback. The VLR currently requires a 25-foot rear yard setback. It is recommended that it be changed to 15 feet, consistent with all other residential zones within the Specific Plan and the Development Code. The interior yard setback will decrease in all zones to have a 5-foot and 10-foot setback, with the exception of the Small Lot Subdivisions and Mixed Use Districts. The Small Lot Subdivision regulations will not change as it consistent with the Development Coded regarding interior and side yard setbacks. The same requirement is recommended for the MU zone, as the parcels within this zone district are also less than 7,200 square feet in area.

Land Uses Requiring Conditional Use Permits (CUP)

Currently, the MSFCSP requires that medical offices and drive-thrus be approved with a CUP. In most cases this is unnecessary, as operational conditions are unnecessary. Therefore a CUP will not be required for approval of these uses. In addition, second dwelling units will no longer need a CUP. Mobile home parks will be added to the permitted uses for LDR, with a minimum five-acre lot size requirement.

Auto Zone Commercial

The prohibition of "self-serve" carwashes has been removed from the standards for vehicle wash facilities. This amendment will allow both full-service automated car washes and "self-serve" carwashes to be established in all districts that allow vehicle wash facilities.

Emergency Shelters

Emergency shelters have been added to the list of permitted uses in the Mixed Use and Medium Density Residential Districts, consistent with the General Plan Housing Element. Development standards will be consistent with similar institutional uses, depending on the services offered by the shelter.

Environmental: This Specific Plan Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 16.12.415(B)(10) of the City's CEQA Guidelines. The proposed Ordinance does not expand the allowable uses, change intensities, or grant entitlements not already permitted.

Conclusion: This Specific Plan Amendment eliminates inconsistencies between the Specific Plan and the General Plan and Development Code.

FISCAL IMPACT

None.

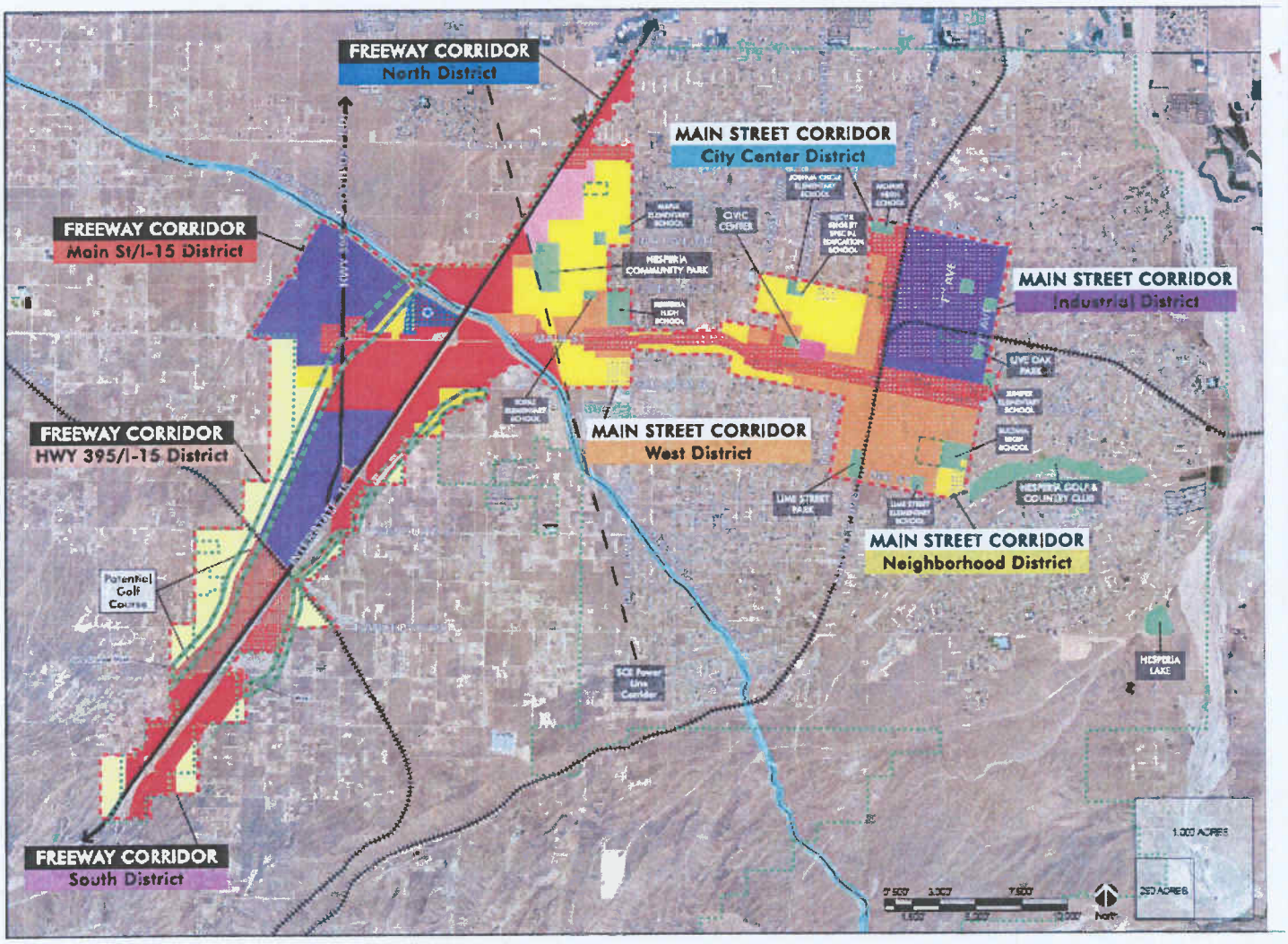
ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENT

1. Aerial Photo
2. Resolution No. PC-2011-35, recommending adoption of SPL11-10263, with Exhibit "A"

ATTACHMENT 1



APPLICANT(S):
CITY OF HESPERIA

FILE NO(S):
SPL11-10263

LOCATION:
CITY WIDE

PROPOSAL:
AMENDMENT TO THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN REGARDING SETBACKS AND APPROVAL PROCEDURES

N

AERIAL PHOTO

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

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

Exhibit 'A'

~~Strikethrough~~ indicates text that has been eliminated and red text indicates text has been added.

B. REGIONAL COMMERCIAL ZONE

1. Permitted Uses

v) Veterinary services with no outdoor runs.
w) Drive thru lanes incidental to the primary use, pursuant to the HMC.
x~~v~~) Other similar uses, as interpreted by the Development Services Director or his/her designee.

2. Conditionally Permitted Uses

~~g) Drive thru lanes, incidental to the primary use, pursuant to the HMC~~.
g~~h~~) Equipment (small) sales and rental.
h~~i~~) Home improvement sales and service, retail (hardware, lumber and building material stores) - 10,000 square feet or more.
i~~j~~) Medical services - clinic, medical/dental offices, laboratory, urgent/express care, and optometrist (not including hospital).
j~~k~~) Recreational facilities – commercial (e.g., billiard parlors and pool halls, bowling alleys, etc.).
k~~l~~) Schools – vocational and technical.
l~~m~~) Shopping center – more than 5 acres in size.
m~~n~~) Vehicle fuel stations (i.e., gasoline stations).
n~~o~~) Vehicle rental.
o~~p~~) Vehicle repair facilities – minor.
p~~q~~) Vehicle wash facilities.
~~r) Veterinary services~~.

4.4 Street Yard Setbacks

(1) The minimum street yard setback shall be 25 feet. For corner lots, front yard setback shall be 25 and street side yards shall be 15 feet. ~~all street-facing sides shall meet this requirement~~.
(2) Refer to section 16.20 Article VII of the HMC for m~~M~~inimum landscap~~e~~~~ing~~ requirements ~~of 10 feet is required adjacent to the property lines,~~ pursuant to Chapter 10 (Commercial Design Standards and Guidelines) of this Plan.

4.5 Rear Yard Setbacks

The following are the minimum requirements for rear yard setbacks:
(1) Where the rear property line abuts a residential zone, or residential development as a part of this zone, the minimum rear yard setback shall be 20~~30~~ feet. ~~if there is an alley (distance from building to rear property line or alley easement), and 40 feet where there is no alley.~~

(2) Where the rear property line abuts any non-residential (commercial, industrial, institutional or public facilities) zone, the minimum rear yard setback shall be ~~2~~0 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 30 feet where there is no alley~~.
(3) Refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements~~of 10 feet is required adjacent to the property lines~~, pursuant to Section 4.8 below.

4.6 Interior Side Yard Setbacks

The following are the minimum requirements for interior side yard setbacks:
(1) Where the interior property line abuts a residential zone, or residential development as a part of this zone, the minimum interior yard setback shall be ~~3~~20 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 40 feet where there is no alley~~.
(2) Where the interior side property line abuts any non-residential (commercial, industrial, institutional or public facilities) zone, the minimum interior side yard setback shall be ~~2~~0 feet ~~if there is an alley (distance from building to interior property line or alley easement), and 30 feet where there is no alley.~~
(3) Refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements ~~of 10 feet is required adjacent to the property lines~~, pursuant to Section 4.8 below.

C. AUTO SALES COMMERCIAL ZONE

1. Permitted Uses
k) Drive thru lanes, incidental to the primary use, pursuant to the HMC. ~~Other similar uses, as interpreted by the Development Services Director or his/her designee~~
l) Other similar uses, as interpreted by the Development Services Director or his/her designee.

2. Conditionally Permitted Uses
~~b) Drive thru lanes, incidental to the primary use, pursuant to the HMC.~~
b~~c~~) Vehicle fuel stations (i.e., gasoline stations), pursuant to the HMC.

The following uses are conditionally permitted in the Auto Sales Commercial zone, except within six hundred and sixty (660) feet of the property line fronting Interstate-15:

c~~d~~) Business support services and facilities (including graphic reproduction, computer services, etc.).
d~~e~~) Catering establishments.
e~~f~~) Commercial storage facilities (mini-warehouse) – excluding mini-storage.
f~~g~~) Equipment (large) sales and rental.
g~~h~~) Equipment (small) sales and rental.
h~~i~~) Laboratories – research.
i~~j~~) Manufacturing (indoors).

j~~k~~) Offices (administrative, business, executive and professional, but not including medical or dental).
k~~l~~) Publishing and printing.
l~~m~~) Repair shop – small items (computers, small appliances, watches, etc), with incidental sales.
m~~n~~) Retail sales ancillary to a manufacturing use on-site (floor area not to exceed 25% of gross floor area up to a maximum of 10,000 square feet).
n~~o~~) Retail sales up to a maximum of 5,000 square feet.
o~~p~~) Schools - vocational and technical.
p~~q~~) Warehousing and wholesale distribution centers
q~~r~~) Vehicle repair – major.
r~~s~~) Vehicle repair – minor.
s~~t~~) Vehicle wash facilities.

4.4 Street Yard Setbacks

(1) The minimum street yard setback shall be 25 feet, front yard setback shall be 25 and street side yards shall be 15 feet ~~For corner lots, all street-facing sides shall meet this requirement~~.
(2) Refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements ~~of 10 feet is required adjacent to the property lines~~, pursuant to Chapter 10 (Commercial Design Standards and Guidelines) of this Plan.

4.5 Rear Yard Setbacks

The following are the minimum requirements for rear yard setbacks:
(1) Where the rear property line abuts a residential zone, the minimum rear yard setback shall be 20 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 30 feet where there is no alley~~.
(2) Where the rear property line abuts any non-residential (commercial, industrial, institutional or public facilities) zone, the minimum rear yard setback shall be ~~1~~0 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 20 feet where there is no alley~~.
(3) Refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements ~~of 10 feet is required adjacent to the property lines~~, pursuant to Section 4.10 below.

4.6 Interior Side Yard Setbacks

The following are the minimum requirements for interior side yard setbacks:
(1) Where the interior property line abuts a residential zone, the minimum interior yard setback shall be 20 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 30 feet where there is no alley.~~

(2) Where the interior side property line abuts any non-residential (commercial, industrial, institutional or public facilities) zone, the minimum interior side yard setback shall be ~~1~~0 feet ~~if there is an alley (distance from building to interior property line or alley easement), and 20 feet where there is no alley.~~
(3) If an interior side yard setback is required, refer to section 16.20 Article VII of the HMC for minimum landscap~~eing~~ requirements ~~of 10 feet is required adjacent to the property lines~~, pursuant to Section 4.10 below.

4.19 Additional Standards for Vehicle Wash Facilities

Vehicle wash facilities shall be developed in compliance with the following additional standards:
~~(1) Only enclosed, full service, automated car washes are permitted. "Do-it-yourself" car washes are prohibited.~~
(1~~2~~) All lights shall be reflected away from adjacent uses.
(2~~3~~) Premises shall be maintained in a neat, orderly and environmentally safe manner, and all improvements shall be continuously maintained.
(3) Noise from vehicle wash activities shall not exceed the levels established in Chapter 16.20 Article V (General Performance Standards) of the HMC.

C. Office Park Zone

1. Permitted Uses
d) Offices (administrative, business, executive and professional, ~~but not~~ including medical ~~or~~ and dental, laboratory, urgent/express care, and optometrist, not including hospital).
h) Veterinary services with no outdoor runs. ~~Other similar uses, as interpreted by the Development Services Director or his/her designee.~~
i) Drive thru lanes, incidental to the primary use, pursuant to the HMC.
j) Other similar uses, as interpreted by the Development Services Director or his/her designee.

2. Conditionally Permitted Uses
~~d) Drive thru lanes, incidental to the primary use, pursuant to the HMC.~~
d~~e~~) Health and fitness clubs – more than 4,000 square feet.
e~~f~~) Hospital.
f~~g~~) Hotel.
g~~h~~) Laboratories – research.
~~i) Medical services - clinic, medical/dental offices, laboratory, urgent/express care, and optometrist (not including hospital).~~
h~~j~~) Retail sales – under 10,000 square feet in size.
i~~k~~) Schools – college, community college, university (public or private).
j~~l~~) Schools – vocational and technical.
k~~m~~) Vehicle fuel stations (i.e., gasoline stations).
l~~n~~) Vehicle sales – new, and rental.

4.4 Street Yard Setbacks

(1) The minimum street yard setback shall be 25 feet, front yard setback shall be 25 and street side yards shall be 15 feet. ~~For corner lots, all street-facing sides shall meet this requirement.~~
(2) Refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements ~~of 10 feet is required adjacent to the property lines~~, pursuant to Chapter 10 (Commercial Design Standards and Guidelines) of this Plan.

4.5 Rear Yard Setbacks

The following are the minimum requirements for rear yard setbacks:
(1) Where the rear property line abuts a residential zone, minimum rear yard setback shall be ~~3~~20 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 40 feet where there is no alley.~~
(2) Where the rear property line abuts any non-residential (commercial, industrial, institutional or public facilities) zone, the minimum rear yard setback shall be ~~2~~0 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 30 feet where there is no alley.~~
(3) Refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements ~~of 10 feet is required adjacent to the property lines~~, pursuant to Section 4.9 below.

4.6 Interior Side Yard Setbacks

The following are the minimum requirements for interior side yard setbacks:
(1) Where the interior property line abuts a residential zone, the minimum interior yard setback shall be ~~3~~20 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 40 feet where there is no alley.~~
(2) Where the interior side property line abuts any non-residential (commercial, industrial, institutional or public facilities) zone, the minimum interior side yard setback shall be ~~2~~0 feet ~~if there is an alley (distance from building to interior property line or alley easement), and 30 feet where there is no alley.~~
(3) Refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements ~~of 10 feet is required adjacent to the property lines~~, pursuant to Section 4.9 below.

E. OFFICE COMMERCIAL ZONE

1. Permitted Uses
g) Offices (administrative, business, executive and professional, ~~but not~~ including medical ~~or~~ and dental).
n) Veterinary services. ~~Other similar uses, as interpreted by the Development Services Director or his/her designee.~~
o) Drive thru lanes, incidental to the primary use, pursuant to the HMC.

p) Other similar uses, as interpreted by the Development Services Director or his/her designee.

2. Conditionally Permitted Uses

~~f) Drive thru lanes, incidental to the primary use, pursuant to the HMC.~~
~~h) Medical services - clinic, medical/dental offices, laboratory, urgent/express care, and optometrist (not including hospital).~~
g~~i~~) Recreational facilities – commercial (e.g., billiard parlors and pool halls, bowling alleys, etc.).
h~~j~~) Repair shop – small items (computers, small appliances, watches, etc), with incidental sales.
i~~k~~) Retail sales – over 10,000 square feet.
~~l) Schools – specialty non-degree (e.g., dance and martial arts).~~
j~~m~~) Schools – vocational and technical.
k~~n~~) Shopping center – more than 5 acres in size – limited to a corner lot location
k~~o~~) Vehicle fuel stations
~~p) Veterinary services.~~

4.4 Street Yard Setbacks

(1) The minimum street yard setback shall be 25~~0~~ feet front yard setback shall be 25 and street side yards shall be 15 feet. ~~For corner lots, all street-facing sides shall meet this requirement.~~
(2) Refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements ~~of 10 feet is required adjacent to the property lines~~, pursuant to Chapter 10 (Commercial Design Standards and Guidelines) of this Plan.

4.5 Rear Yard Setbacks

The following are the minimum requirements for rear yard setbacks:
(1) Where the rear property line abuts a residential zone, the minimum rear yard setback shall be ~~3~~20 feet.
(2) Refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements ~~of 8 feet is required adjacent to the property lines~~, pursuant to Section 4.8 below.

4.6 Interior Side Yard Setbacks

The following are the minimum requirements for interior side yard setbacks:
(1) Where the interior property line abuts a residential zone, the minimum interior yard setback shall be ~~3~~20 feet.
(2) Where the interior side property line abuts any commercial zone, the minimum interior side yard setback shall be ~~2~~0 feet.
(3) Refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements ~~of 8 feet is required adjacent to the property lines~~, pursuant to Section 4.8 below.

F. PEDESTRIAN COMMERCIAL ZONE

4.4 Street Yard Setbacks

There shall be no street yard setback. Buildings shall be contiguous with the front property line (0-foot setback). The street yard setback shall apply to all yards adjacent to a public street. The following exceptions apply to street yard setbacks:
~~(1) For properties that have frontage on Main Street, the minimum street yard setback shall be 15 feet. The setback should incorporate a combination of "soft" features (landscaping, water, etc.) and "hard" features (pavers, patios, steps, porches, etc.).~~
(1~~2~~) A portion of the front building elevation, not to exceed fifty percent of the length of the building frontage or 30 feet, whichever is less, may be setback up to 15 feet to allow for outdoor use, such as outdoor patio dining, display, public art, entry forecourts, or other amenity appropriate to an urban setback.
(3) No parking is permitted in the front yard setback.

4.5 Rear Yard Setbacks

No minimum rear yard setbacks are required, except for the following:
(1) Where the rear property line abuts a residential zone, the minimum rear yard setback shall be ~~15~~ 20 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 25 feet where there is no alley.~~
(2) If a rear yard setback is required, refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscape~~ing~~ requirements ~~of 8 feet is required adjacent to the property lines~~, pursuant to Section 4.8 below.

4.6 Interior Side Yard Setbacks

No minimum interior side yard setbacks are required, except for the following:
(1) Where the interior property line abuts a residential zone, the minimum interior yard setback shall be ~~15~~ 20 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 25 feet where there is no alley.~~
(2) If an interior side yard setback is required, refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscape~~ing~~ requirements ~~of 8 feet is required adjacent to the property lines~~, pursuant to Section 4.8 below.

G. NEIGHBORHOOD COMMERCIAL ZONE

1. Permitted Uses

h) Offices (administrative, business, executive and professional, ~~but not~~ including medical ~~or~~ and dental).
r) Veterinary Services. ~~Other similar uses, as interpreted by the Development Services Director or his/her designee.~~
s) Drive thru lanes, incidental to the primary use, pursuant to the HMC
t) Other similar uses, as interpreted by the Development Services Director or his/her designee.

2. Conditionally Permitted Uses

~~g) Drive thru lanes, incidental to the primary use, pursuant to the HMC.~~

g~~h~~) Equipment (small) sales and rental.

h~~i~~) Home improvement sales and service, retail (hardware, lumber and building material stores) - 10,000 square feet or more.

~~j) Medical services - clinic, medical/dental offices, laboratory, urgent/express care, and optometrist (not including hospital).~~

i~~k~~) Recreational facilities – commercial (e.g., billiard parlors and pool halls, bowling alleys, etc.).

j~~l~~) Schools – vocational and technical.

k~~m~~) Shopping center – more than 5 acres in size.

l~~n~~) Vehicle fuel stations (i.e., gasoline stations).

m~~o~~) Vehicle rental.

n~~p~~) Vehicle repair facilities – minor.

o~~q~~) Vehicle wash facilities.

~~r) Veterinary services~~.

4.4 Street Yard Setbacks

(1) The minimum street yard setback shall be 25~~0~~ feet, front yard setback shall be 25 and street side yards shall be 15 feet ~~For corner lots, all street-facing sides shall meet this requirement.~~

(2) Refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscape~~ing~~ requirements ~~of 8 feet is required adjacent to the property lines~~, pursuant to Chapter 10 (Commercial Design Standards and Guidelines) of this Plan.

4.5 Rear Yard Setbacks

The following are the minimum requirements for rear yard setbacks:

(1) Where the rear property line abuts a residential zone, the minimum rear yard setback shall be 20 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 30 feet where there is no alley.~~

(2) Where the rear property line abuts any non-residential (commercial, industrial, institutional or public facilities) zone, the minimum rear yard setback shall be ~~1~~0 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 20 feet where there is no alley.~~

(3) Refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscape~~ing~~ requirements ~~of 8 feet is required adjacent to the property lines~~, pursuant to Section 4.8 below.

4.6 Interior Side Yard Setbacks

The following are the minimum requirements for interior side yard setbacks:

(1) Where the interior property line abuts a residential zone, the minimum interior yard

setback shall be 20 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 30 feet where there is no alley.~~
(2) Where the interior side property line abuts any non-residential (commercial, industrial, institutional or public facilities) zone, the minimum interior side yard setback shall be ~~1~~0 feet ~~if there is an alley (distance from building to interior property line or alley easement), and 20 feet where there is no alley.~~
(3) Refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscape~~ing~~ requirements ~~of 8 feet is required adjacent to the property lines~~, pursuant to Section 4.8 below.

H. COMMERCIAL/INDUSTRIAL BUSINESS PARK ZONE

1. Permitted Uses

g) Offices (administrative, business, executive and professional, ~~but not~~ including medical ~~or~~ and dental).
o) Veterinary services. ~~Other similar uses, as interpreted by the Development Services Director or his/her designee.~~
p~~b~~) Drive thru lanes, incidental to the primary use, pursuant to the HMC.
q) Schools-specialty non-degree (e.g. dance and martial arts)
r~~o~~)Other similar uses, as interpreted by the Development Services Director or his/her designee.

2. Conditionally Permitted Uses

a) Alcohol sales – on-site, incidental to the primary use.
~~b) Drive thru lanes, incidental to the primary use, pursuant to the Hesperia Municipal Code.~~
b~~c~~) Equipment (large) sales and rental.
c~~d~~) Equipment (small) sales and rental.
d~~e~~) Health and fitness clubs – more than 4,000 square feet.
~~f) Medical services – clinic, medical/dental offices, laboratory, urgent/express care, and optometrist.~~
e~~g~~) Schools – college, community college, university (public or private).
f~~h~~) Schools - vocational and technical.
g~~i~~) Vehicle fuel stations (i.e., gasoline stations).
h~~j~~) Vehicle rental and sales.
i~~k~~) Vehicle repair – major.
j~~l~~) Vehicle repair – minor.
k~~m~~) Vehicle wash facilities.
l~~n~~) Warehousing and wholesale distribution centers – greater than 200,000 square feet in size.
m~~o~~) Other similar uses, as interpreted by the Development Services Director or his/her designee.

4.4 Street Yard Setbacks

(1) The minimum street yard setback shall be ~~30~~ 25 feet, front yard setback shall be 25 feet and street side yards shall be 15 feet ~~For corner lots, all street-facing sides shall meet this requirement.~~
(2) Refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements, pursuant to Chapter 10 (Commercial Design Standards and Guidelines) and Chapter 11 (Industrial Design Standards and Guidelines) of this Plan.

4.5 Rear Yard Setbacks

No minimum rear yard setback is required, except for the following:
(1) Where the rear property line abuts a residential zone, or residential development as a part of a Regional Commercial zone, the minimum rear yard setback shall be 450 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 50 feet where there is no alley.~~
~~(2) Where the rear property line abuts a commercial, institutional or public facilities zone, the minimum rear yard setback shall be 20 feet if there is an alley (distance from building to rear property line or alley easement), and 30 feet where there is no alley~~.
(2~~3~~) If a rear yard setback is required, refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements ~~of 10 feet is required adjacent to the property lines~~, pursuant to Section 4.9 below.

4.6 Interior Side Yard Setbacks

No minimum interior side yard setback is required, except for the following:
(1) Where the interior property line abuts a residential district, or residential development as a part of a Regional Commercial zone, the minimum interior yard setback shall be 4~~-~~20 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 50 feet where there is no alley~~.
(2) Where the interior side property line abuts a commercial, institutional or public facilities zone, the minimum rear yard setback shall be 20 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 30 feet where there is no alley.~~
(3) If an interior side yard setback is required, refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements ~~of 10 feet is required adjacent to the property lines~~, pursuant to Section 4.9 below.

I. GENERAL INDUSTRIAL ZONE

1. Permitted Uses

q) Veterinary services - clinics and small animal hospitals (short term boarding).
r ~~q~~) Other similar uses, as interpreted by the Development Services Director or his/her designee.

2. Conditionally Permitted Uses

~~d) Veterinary services - clinics and small animal hospitals (short term boarding).~~
d ~~e~~) Warehousing and wholesale distribution centers – 200,000 square feet or more.

4.4 Street Yard Setbacks

(1) The minimum street yard setback shall be 25 feet, front yard setback shall be 25 feet and street side yards shall be 15 feet ~~For corner lots, all street-facing sides shall meet this requirement.~~
(2) Refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements ~~of 10 feet is required adjacent to the property lines~~, pursuant to Chapter 11 (Industrial Design Standards and Guidelines) of this Plan.

4.5 Rear Yard Setbacks

No minimum rear yard setback is required, except for the following:
(1) Where the rear property line abuts a residential zone, the minimum rear yard setback shall be 450 feet ~~if there is a street or alley (distance from building to rear property line or alley easement), and 50 feet where there is no street or alley.~~
~~(2) Where the rear property line abuts a commercial, institutional or public facilities zone, the minimum rear yard setback shall be 15 feet if there is a street or alley (distance from building to rear property line or alley easement), and 25 feet where there is no street or alley.~~
(3) If a rear yard setback is required, refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements ~~of 8 feet is required adjacent to the property lines~~, pursuant to Section 4.8 below.

4.6 Interior Side Yard Setbacks

No minimum interior side yard setback is required, except for the following:
(1) Where the interior property line abuts a residential zone, the minimum interior yard setback shall be 450 feet ~~if there is an alley (distance from building to rear property line or alley easement), and 50 feet where there is no alley.~~
~~(2) Where the interior side property line abuts a commercial, institutional or public facilities zone, the minimum rear yard setback shall be 15 feet if there is an alley (distance from building to rear property line or alley easement), and 20 feet where there is no alley.~~
(3) If an interior side yard setback is required, refer to section 16.20 Article VII of the HMC for ~~M~~minimum landscap~~eing~~ requirements ~~of 8 feet is required adjacent to the property lines~~, pursuant to Section 4.8 below.

B. LOW DENSITY RESIDENTIAL ZONE

1. Permitted Uses

c) Manufactured dwellings.
d) Mobile home park, with a minimum 5-acre site size

e) Second Dwelling unit, incidental to the primary use, ~~on parcels with a minimum size of 10 square feet.~~ and subject to section 16.12.360 of the Development Code.

2. Conditionally Permitted Uses

e) ~~Second dwelling unit, incidental to the primary use.~~

4.5 Street Yard Setbacks

(1) The minimum street yard setback shall be 25~~0~~ feet, as measured from the property line. Front yard setback shall be 25 feet and street side yards shall be 15 feet ~~For corner lots, all street-facing sides shall meet this requirement.~~

4.6 Rear Yard Setbacks

(1) The minimum rear yard setback shall be 15 feet, as measured from the property line~~, with the following exception – in computing depth of a rear yard where such yard opens into an alley, one-half of the width of such alley may be assumed to be a portion of the required rear yard.~~

4.7 Interior Side Yard Setbacks

(1) ~~The minimum interior side yard setback on both sides shall be 10 feet, as measured from the property line.~~ The minimum interior side yard setback on at least one of the interior sides shall be 10 feet, as measured from the property line. The minimum interior side yard setback on the other side shall be 5 feet, as measured from the property line.

4.8 Garages and Driveways

~~(2) The following exception to the above –mentioned standards shall apply: No overnight parking (during the hours of 10 PM and 7 AM) is allowed within the street yard setback(s).~~

5. Development Standards for Small Lot Subdivisions

5.5 Maximum Building Height

The maximum building height shall be 35~~0~~ feet, except for the following:

5.7 Rear Yard Setbacks

(1) The minimum rear yard setback shall be 15 feet, as measured from the property line~~, with the following exception – in computing depth of a rear yard where such yard opens into an alley, one-half of the width of such alley may be assumed to be a portion of the required rear yard.~~

C. VERY LOW DENSITY RESIDENTIAL ZONE

1. Permitted Uses
c) Manufactured dwellings.

4.5 Street Yard Setbacks

(1) The minimum street yard setback shall be ~~30~~ 25 feet, as measured from the property line. For corner lots, all street-facing sides shall meet this requirement.

4.6 Rear Yard Setbacks

(1) The minimum rear yard setback shall be ~~2~~15 feet, as measured from the property line, ~~with the following exception – in computing depth of a rear yard where such yard opens into an alley, one-half of the width of such alley may be assumed to be a portion of the required rear yard.~~

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4.7 Interior Side Yard Setbacks
(1) The minimum interior side yard setback on at least one of the interior sides shall be 10~~5~~ feet, as measured from the property line. The minimum interior side yard setback on the other side shall be 5 ~~10~~ feet, as measured from the property line.

E. MEDIUM DENSITY RESIDENTIAL ZONE

1. Permitted Uses
g) Emergency shelters- shall conform to all standards for institutional uses based on services provided. ~~Other similar uses, as interpreted by the Development Services Director or his/her designee.~~
h) Other similar uses, as interpreted by the Development Services Director or his/her designee.

4.8 Rear Yard Setbacks

(1) The minimum rear yard setback(s) shall be 15 feet, as measured from the property line, ~~with the following exception – in computing depth of a rear yard where such yard opens into an alley, one-half of the width of such alley may be assumed to be a portion of the required rear yard.~~

G. MIXED-USE ZONE

1. Permitted Uses
k) Second dwelling unit. ~~Other similar uses, as interpreted by the Development Services Director or his/her designee.~~
l) Emergency Shelters- shall conform to all standards for institutional uses based on services provided.
m) Other similar uses, as interpreted by the Development Services Director or his/her designee~~.~~

2. Conditionally Permitted Uses

~~c) Second dwelling unit, incidental to the primary use.~~

c~~d~~) Group homes not licensed by the state with two or more residents, pursuant to the HMC.

d~~e~~) Large residential care facilities, community care facilities, senior housing, intermediate care of seven or more and licensed by the state, pursuant to the HMC.

4.5 Street Yard Setbacks

Standards provided in Chapter 7, Section B~~.4.5~~ 5.6 of this chapter shall apply.

4.6 Rear Yard Setbacks

Standards provided in Chapter 7, Section B.~~4.6~~ 5.7 of this chapter shall apply.

4.7 Interior Side Yard Setbacks

Standards provided in Chapter 7, Section ~~B.4.7~~ 5.8 of this chapter shall apply.

ATTACHMENT 2

RESOLUTION NO. PC-2011-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A SPECIFIC PLAN AMENDMENT TO AMEND THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN REGARDING SETBACKS AND APPROVAL PROCEDURES (SPL11-10263)

WHEREAS, On January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, On September 2, 2008 the City Council of the City of Hesperia adopted Ordinance No. 2008-12, thereby adopting the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, The Main Street and Freeway Corridor Specific Plan regulations pertain to Residential, Commercial and Industrial regulations; and

WHEREAS, The City finds that it is necessary to amend the setback, approval procedures and other regulations to be consistent with the City's Development Code and recently adopted General Plan; and

WHEREAS, The proposed Specific Plan Amendment is exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as Specific Plan Amendments are exempt provided the amendment does not increase the density or intensity of the development. The proposed Ordinance does not expand the allowable uses, change densities, or grant entitlements not already permitted by the Specific Plan; and

WHEREAS, On October 13, 2011 and December 8, 2011, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Specific Plan Amendment and concluded said hearing on December 8, 2011; and

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

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

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

Section 2. Based upon substantial evidence presented to the Commission, including written and oral staff reports, this Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Specific Plan Amendment SPL11-10263, amending the Specific Plan regulations as shown on Exhibit "A."

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

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City of Hesperia

CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE

City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, NOVEMBER 9, 2011

A. PROPOSALS:

1. ADVANCE DISPOSAL COMPANY, INC (CUP11-10217)

Proposal: A conditional use permit to allow for an expansion of the existing material recovery facility on 15.0 gross acres.

Location: 17105 Mesa Street. (APN's: 0415-201-06, 07, 10 & 24)

Planner: Daniel Alcayaga

Action: Forwarded to December 8, 2011 Planning Commission

2. MCZAK'S INVESTMENT LLC (CUP11-10264)

Proposal: A revised conditional use permit to establish a 3,600 square foot veterinary clinic.

Location: 16284 Main Street (APN: 0413-053-28)

Planner: Daniel Alcayaga

Action: Administrative Approval

3. SOVEREIGN WAY CHRISTIAN CHURCH (SPR11-10272)

Proposal: A revised site plan review to expand an existing church into unit 170.

Location: 15885 Main Street (APN: 0413-101-05)

Planner: Stan Liudahl

Action: Administrative Approval

4. GRACO EQUITIES, DANIEL SHOHAM (SPR11-10274)

Proposal: A second extension of time for approved site plan review SPR-2006-14, to construct 20 new condominiums and convert 12 existing apartments to condominiums.

Location: 9758 Maple Avenue (APN: 3057-131-35)

Planner: Stan Liudahl

Action: Administrative Approval

CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE

City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
TUESDAY, NOVEMBER 22, 2011

A. PROPOSALS:

1. DESERT GREEN VILLAS, LLC (SPR11-10277)

Proposal: A fourth extension of time for approved Site Plan Review SPR-2003-25, to construct a 2-story, 84-unit apartment complex on 5.6 gross acres within the Medium Density Residential (MDR) District of the Main Street and Freeway Corridor Specific Plan.

Location: East side of Santa Fe Avenue East, 346 feet south of Sultana Street (APNs: 0410-211-08 & 09)

Planner: Stan Liudahl

Action: Administrative Approval

2. HESPERIA FIRE PROTECTION DISTRICT (SPR11-10277)

Proposal: A second extension of time for approved Public Facility Review SPR-2007-64, to demolish an existing fire station and construct a new 16,057 square foot fire station.

Location: 9430 Eleventh Avenue (APNs: 0409-032-23 thru 25)

Planner: Stan Liudahl

Action: Administrative Approval

3. BERGSTROM CONSTRUCTION (SPR11-10281)

Proposal: Consideration of a site plan review to establish a church in an existing building.

Location: 17555 Mauna Loa Street, Suite 1 (APN: 0410-032-16)

Planner: Dan Alcayaga

Action: Administrative Approval

Discussion Item: Changes to Article III. Additional Uses
Section 16.16.060(A)(2)

Site Plan Reviews (SPR) and/or Conditional Use Permits (CUP)

GENERAL USES:	SPR	CUP	IMPACTS
Cemeteries, including pet cemeteries	X		
Solid waste disposal sites, rubbish incinerators and recycling centers		X	Traffic, Odors, Noise
Sewer treatment plants and sewage disposal sites	X	X	Odor
Electrical generating stations (solar, wind farms)	X	X	View, Noise
Radio and television stations or towers		X	View
Racetracks or stadiums		X	Traffic
Campgrounds	X	X	Traffic
Natural resources (mineral deposits, natural vegetation and energy sources)		X	Dust
INSTITUTIONAL USES:			
Schools and universities	X	X	Traffic
Conference centers	X	X	Traffic
Hospitals		X	Traffic, Public Services
Churches	X		
Rehabilitation centers		X	Safety
Organizational camps	X		
PUBLIC UTILITIES AND PUBLIC SERVICE USES:			
Reservoirs, pumping plants	X		
Electrical substations	X		
Central communication office	X		
Microwave and repeater huts	X		
Towers and satellite receiving stations		X	View
SPORT ORIENTED RECREATIONAL USES:			
Sky diving jump sites, ~~marinas, ski resorts~~ and recreational camps	X		
Rifle and archery ranges		X	Noise
Off-road vehicle parks		X	Traffic, Dust
Golf courses, country clubs		X	Traffic
Hunting and fishing clubs		X	Noise

ARTICLE III. ADDITIONAL USES

16.16.060 Uses provided for in any zone or land use district.

A. Land uses listed in Section 16.16.060(A)(2) may be permitted in any zone or land use district subject to a site approval in accordance with the provisions of Section 16.12.080 et seq. when one or more of the conditions cited in Section 16.16.060(A)(1) have been met.

1. Condition of Uses.

a. The location of land use is determined by other land uses which are directly supposed by the proposed use; or

b. The land use is part of the community or regional infrastructure; or

c. The location of the proposed use is determined by the location of raw materials in their natural state such as mineral deposits, natural vegetation and energy sources; or

d. The character of the proposed use is such that it requires a remote location away from other land uses; or

e. The land use is deemed essential or desirable to the public convenience or welfare.

2. Land Uses Permitted Subject to Site Approval.

a. Temporary and permanent governmental facilities and enterprises (federal, state and local) where buildings and/or property are publicly owned or leased;

b. Temporary support facilities associated with the construction of highways and other public facilities including, but not limited to, batch plants and equipment storage yards;

c. Transportation facilities principally involved in the movement of people together with the necessary buildings, apparatus or appurtenances incidental thereto, including, but not limited to, airports, train stations, bus stations and carpool facilities;

d. Institutional uses including, but not limited to, schools and universities, conference centers, hospitals, churches, rehabilitation centers and organizational camps;

e. Cemeteries, including pet cemeteries;

f. Solid waste disposal sites, rubbish incinerators and recycling centers;

g. Sewer plants and sewage disposal sites;

h. Electrical generating stations;

i. Public utilities and public service uses of structures including, but not limited to, reservoirs, pumping plants, electrical substations, central communication office, microwave and repeater huts and towers and satellite receiving stations;

j. Radio and television stations or towers;

k. Development of natural resources including, but not limited to, mineral deposits, natural vegetation and energy sources, together with the necessary buildings, apparatus or appurtenances incidental thereto;

l. Racetracks or stadiums;

m. Campgrounds not exceeding a density of four sites per acre;

n. Sport oriented recreational uses requiring remote locations including, but not limited to, rifle and archery ranges, sky diving jump sites, off-road vehicle parks, marinas, golf courses, hunting and fishing clubs, ski resorts and recreational camps.