

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: September 13, 2012

Time: 6:30 P.M.

COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Bill Jensen, Commissioner

Julie Jensen, Commissioner

Eric Schmidt, Commissioner

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

Dave Reno, Principal Planner

Jeff M. Malawy, Assistant City Attorney



CITY OF HESPERIA
9700 Seventh Avenue
Council Chambers
Hesperia, CA 92345
City Offices: (760) 947-1000

The Planning Commission, in its deliberation, may recommend actions other than those described in this agenda.

Any person affected by, or concerned regarding these proposals may submit written comments to the Planning Division before the Planning Commission hearing, or appear and be heard in support of, or in opposition to, these proposals at the time of the hearing. Any person interested in the proposal may contact the Planning Division at 9700 Seventh Avenue (City Hall), Hesperia, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Fridays) or call (760) 947-1200. The pertinent documents will be available for public inspection at the above address.

If you challenge these proposals, the related Negative Declaration and/or Resolution in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact Dave Reno, Principal Planner (760) 947-1200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.10235.104 ADA Title 11]

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding any item on the Agenda will be made available in the Planning Division, located at 9700 Seventh Avenue during normal business hours or on the City's [website](#).

SEPTEMBER 13, 2012

**AGENDA
HESPERIA PLANNING COMMISSION**

Prior to action of the Planning Commission, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar. PLEASE SUBMIT A COMMENT CARD TO THE COMMISSION SECRETARY WITH THE AGENDA ITEM NUMBER NOTED.

CALL TO ORDER 6:30 p.m.

- A. Pledge of Allegiance to the Flag
- B. Invocation
- C. Roll Call:
 - Chair Chris Elvert
 - Vice Chair William Muller
 - Commissioner Bill Jensen
 - Commissioner Julie Jensen
 - Commissioner Eric Schmidt

JOINT PUBLIC COMMENTS

Please complete a "Comment Card" and give it to the Commission Secretary. Comments are limited to three (3) minutes per individual. State your name and address for the record before making your presentation. This request is optional, but very helpful for the follow-up process.

Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests. However, Members may respond briefly or refer the communication to staff. The Commission may also request the Commission Secretary to calendar an item related to your communication at a future meeting.

CONSENT CALENDAR

- D. Approval of Minutes: August 9, 2012 Planning Commission Meeting Draft Minutes.

-1-

PUBLIC HEARINGS

1. Consideration of a Site Plan Review SPR12-10116, to allow a solar farm on 12.5 acres within the Regional Commercial (RC) District of Main Street and Freeway Corridor Specific Plan located at the terminus of Oak Hill Road and west of Caliente Road. (Applicant: David Pitcher; APN: 0357-063-45) (Staff Person: Lisette Sanchez-Mendoza)
2. Consideration of Conditional Use Permit CUP12-10165, to establish the sale of beer, wine and liquor in conjunction with a restaurant at 15717 Main Street. (Applicant: Marcelino Lopez; APN: 0413-023-07). (Staff Person: Lisette Sanchez-Mendoza)

1-1

2-1

PRINCIPAL PLANNER'S REPORT

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

- E. DRC Comments
- F. Major Project Update

3-1

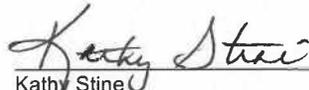
PLANNING COMMISSION BUSINESS OR REPORTS

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, September 6, 2012 at 5:30 p.m. pursuant to California Government Code §54954.2.


Kathy Stine
Planning Commission Secretary

**HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
August 9, 2012
MINUTES**

DRAFT

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

CALL TO ORDER **6:30 p.m.**

A. **Pledge of Allegiance to the Flag**

B. **Invocation**

C. **Roll Call:**

Chair Chris Elvert

Vice Chair William Muller

Commissioner Bill Jensen

Commissioner Julie Jensen

Commissioner Eric Schmidt

Present: Chris Elvert
William Muller
Julie Jensen
Eric Schmidt

Absent: Bill Jensen

JOINT PUBLIC COMMENTS

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

No comments.

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

CONSENT CALENDAR

D. **Approval of Minutes: July 12, 2012 Planning Commission Meeting Draft Minutes.**

Motion by Eric Schmidt to approve the July 12, 2012 Planning Commission Meeting Draft Minutes. Seconded by William Muller and passed with the following roll call vote:

AYES: Chris Elvert, William Muller, Julie Jensen, and Eric Schmidt
NOES: None
ABSENT: Bill Jensen

PUBLIC HEARING

1. Consideration of Development Agreement DA11-10002 and Site Plan Review SPR11-10213, to construct a three-story, 114-unit apartment complex which includes a 2 percent density bonus and 18 affordable units on 5.6 gross acres within the High Density Residential (HDR) District of the Main Street and Freeway Corridor Specific Plan located on the south side of Live Oak Street, between Eighth and Ninth Avenue; (Applicant: TMS Consortium; Affected area: APNs: 0407-142-03 & 04) (Staff Person: Stan Liudahl)

Senior Planner Stan Liudahl gave a PowerPoint presentation.

Stan Liudahl stated that staff recommended that the item be forwarded to the City Council with a recommendation for approval.

Eric Schmidt had questions regarding any considerations for provisions of public transportation.

Stan Liudahl stated that there was bus service on 9th Avenue, adjacent to the project.

Chair Elvert opened the Public Hearing at 6:47 p.m.

Tariq Shama, applicant for the project, spoke.

Chris Elvert stated that the Commission would like to see two and three bedroom apartments built for affordable housing.

Principal Planner Dave Reno, AICP stated that the affordability provisions are based on family size so the available apartments would be larger.

Bill Edwards lives adjacent to the property and was opposed to the project. He had concerns with the three stories and the amount of children going to the Hesperia Schools.

David McClure, resident on 8th Avenue, was opposed to the project. He agreed with the concerns of the three stories. He asked if there was an entrance on Live Oak and was concerned about car headlights at night shining in his home.

Eric Ontero was opposed to the project and had questions regarding traffic and safety issues and wanted information regarding sidewalks in the area.

Chair Elvert closed the Public Hearing at 7:03 p.m.

Assistant City Attorney Jeff Malawy made corrections to the resolutions with added verbiage and advised that the motion of the resolution be read "as amended".

Motion by Julie Jensen to approve RESOLUTION NO. PC-2012-11 and RESOLUTION NO. PC-2012-12 as amended recommending that the City Council approve DA11-10002 and SPR11-10213. Seconded by Eric Schmidt and passed with the following roll call vote:

AYES: Chris Elvert, William Muller, Julie Jensen, and Eric Schmidt
NOES: None
ABSENT: Bill Jensen

2. Mobile Food Services (Hot Food Trucks) Workshop discussion regarding potential changes to the current ordinance. (Area affected: Citywide) (Staff Person: Dan Alcayaga)

Senior Planner Daniel Alcayaga gave a PowerPoint presentation for the Hot Food Truck second workshop.

Discussion ensued regarding Temporary Use Permits and the number of trucks and property owners policing them.

Chris Elvert wanted the ordinance that will be forwarded to the City Council to include the fees so that the Council would not have to discuss it.

Dave Reno responded that the fees would be figured on cost reasonably born and that they could be included in the ordinance that is forwarded to Council.

Chair Chris Elvert opened Public Comments at 7:52 p.m.

Dr. Jim Krider, owner of a food truck, spoke and considered it an exciting business different than the "work" food truck.

Chair Chris Elvert closed Public Comments at 7:58 p.m.

The Commission agreed that they were ready for Staff to bring back a draft Ordinance for their recommendation.

PRINCIPAL PLANNER'S REPORT

E. DRC Comments

F. Major Project Update

Dave Reno updated the Commission on DRC and Major Projects.

PLANNING COMMISSION BUSINESS OR REPORTS

No reports were given.

ADJOURNMENT

Chair Elvert closed the meeting at 8:06 p.m. until the next Planning Commission Meeting on Thursday, September 13, 2012.

Chris Elvert,
Chair

By: Kathy Stine,
Commission Secretary



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, AUGUST 29, 2012**

A. PROPOSALS:

1. NEW CREATION MINISTRIES (SPR12-10164)

Proposal: A Revised Site Plan Review to establish a church within 2,212 square feet of an existing 6,658 square foot multi-tenant retail building.

Location: 16330 Walnut Street (APN: 0413-082-18)

Planner: Daniel Alcayaga

Action: Administrative Approval

2. MR. AND MRS. MARCELINO LOPEZ (CUP12-10165)

Proposal: A conditional use permit to allow for the sale of alcoholic beverages (beer, wine and liquor) in conjunction with a restaurant.

Location: 15717 Main Street (APN: 0413-023-07)

Planner: Lisette Sanchez-Mendoza

Action: Forwarded to September 13, 2012 Planning Commission

PLANNING COMMISSION

MOTION AGENDA
SEPTEMBER 13, 2012

The following motion format reflects the staff's recommendations in each of the staff reports. In the event the Planning Commission amends the items on the agenda, the alternative actions are provided.

A. CALL TO ORDER (Rap gavel & announce the time)

PLEDGE OF ALLEGIANCE: To be led by a Commissioner

INVOCATION: To be led by a Commissioner

ROLL CALL: By the Secretary

- a) MOTION NEEDED TO ACCEPT THE ABSENCE OF ANY COMMISSIONERS.

B. PUBLIC COMMENTS

[Chair: Announce

Any person wishing to address the Planning Commission should complete a WHITE CARD and hand it to the Clerk. Comments are to be limited to three minutes and should concern only those topics within the jurisdiction of the Planning Commission. Any person, who would like to comment upon an agenda item, should reserve their comments until the Public Hearing or Public Comment period is called for that item. Please remember that the Planning Commission is prohibited from considering or taking any action on any issue not previously noticed in the Agenda. We now open the Public Comment Period at [**announce time**.]

COMMENTS BY PUBLIC

(Note: Chair calls any WHITE CARDS that are not for a specific agenda item. If no WHITE CARDS, Chair asks if any person wishes to address the Planning Commission at this time.)

(Note: After last person to comment, ask if there are any other persons wishing to address the Planning Commission.)

[Chair: Announce

Seeing no one else wishes to address the Planning Commission on a general matter, we hereby close the Public Comment period at [**announce time**.]

C. CONSENT CALENDAR

Approval of Minutes: August 9, 2012 Draft Planning Commission Meeting Minutes

- a) MOTION NEEDED TO APPROVE MINUTES

D. PUBLIC HEARING ITEM

1. **Consideration of a Site Plan Review SPR12-10116, to allow a solar farm on 12.5 acres within the Regional Commercial (RC) District of Main Street and Freeway Corridor Specific Plan located at the terminus of Oak Hill Road and west of Caliente Road. (Applicant: David Pitcher: APN: 0357-063-45) (Staff Person: Lisette Sanchez-Mendoza)**

- a. Chair Requests that staff report be given.
 - Lisette Sanchez-Mendoza, Project Description

- b. Questions of staff by Commissioners.

- c. **Chair opens public hearing.**

1. Chair announces the time and invites the applicant or their representative to comment on their project before taking public testimony.
2. Chair invites those members of the public to comment upon this item to address the Commission. - Call persons listed on WHITE CARDS. After you have gone through all the WHITE CARDS ask one time if there is anyone wishing to comment.

- d. **Chair closes public hearing.**

[Chair: announce Having no further WHITE CARDS for this item and seeing no one else wishing to speak, we close the public hearing on this item at **[announce time].]**

- e. Commission discussion.

[Note: Commissioners should refrain from having conversations and discussions on this item that are not made on the record.]

- f. Chair calls for a motion.

- g. **MOTION (SPR12-10116)**

I move to adopt RESOLUTION NO. PC-2012-14 as presented [or amended], recommending that the City Council approve SPR12-10116.

-or

CONTINUANCE: *I move to continue the proposal to _____ (date and time) for (reason for continuance).*

2. Consideration of Conditional Use Permit CUP12-10165, to establish the sale of beer, wine and liquor in conjunction with a restaurant at 15717 Main Street. (Applicant: Marcelino Lopez; APN: 0413-023-07). (Staff Person: Lisette Sanchez-Mendoza)

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e. Commission discussion.

[Note: *Commissioners should refrain from having conversations and discussions on this item that are not made on the record.***]**

f. Chair calls for a motion.

g. **MOTION (CUP12-10165)**

I move to adopt RESOLUTION NO. PC-2012-13 as presented [or amended], recommending that the City Council approve CUP12-10165.

-or

CONTINUANCE: *I move to continue the proposal to _____ (date and time) for (reason for continuance).*

E. PRINCIPAL PLANNER'S REPORT – DAVE RENO

1. DRC Comments

2. Major Project Update

F. PLANNING COMMISSION BUSINESS/COMMENTS

G. ADJOURNMENT

Chair adjourns meeting and announces the date for the next Planning Commission Meeting on Thursday, October 11, 2012.

**HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
August 9, 2012
MINUTES**

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PLANNING COMMISSION BUSINESS OR REPORTS

No reports were given.

ADJOURNMENT

Chair Elvert closed the meeting at 8:06 p.m. until the next Planning Commission Meeting on Thursday, September 13, 2012.

Chris Elvert,
Chair

By: Kathy Stine,
Commission Secretary



DATE: September 13, 2012
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Site Plan Review SPR12-10116; Applicant: Hesperia 14, LLC; APN: 0357-063-45

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2012-14, approving SPR12-10116.

BACKGROUND

Proposal: A Site Plan Review to install a solar farm on 12.5 acres (Attachment 1).

Location: The terminus of Oak Hill Road and west of Caliente Road (Attachment 2).

Current General, Plan, Zoning and Land Uses: The site is within the Regional Commercial (RC) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated and zoned as noted on Attachment 2. The properties to the north contain single family residences although they are outside the City (Attachment 3). The properties to the south, east and west are vacant. Interstate 15 is located just east of the project site and the properties farther east are vacant. The nearest residence is located 340 feet to the north.

ISSUES/ANALYSIS:

Land Use: This project is also identified as the Hesperia 14 LLC solar project and encompasses installation of a Solar Energy Plant on seven of the 12.5 acres. The 5.5 acres on the east side of the property will remain vacant as this is within the floodplain or slopes up to Caliente Road and is unsuitable for development. Approval of this site plan review will allow installation of 198 solar panels. The panels are set back from Caliente Road a minimum of 250 feet. Each of the panels are approximately 47 feet in length and 420 square feet in area. The highest point of the system will be less than 10 feet above the ground (Attachment 4). Each panel connects side-by-side and an 11 to 26-foot separation will be provided between each row (Attachment 1).

The system is constructed primarily of silicon, glass and aluminum. The foundation and poles are made of concrete and steel. No buildings or restroom facilities will be built. The solar farm will not create any solid waste, as maintenance personnel will pick up their own trash. Further, no hazardous waste would be generated by the solar farm.

On July 19, 2012, a Development Code Amendment to the Additional Uses regulations became effective. This amendment requires that solar farm projects have distance separations of 660 feet from railway spur, Interstate Highway, major arterial arterial or secondary arterial roadways

and are subject to approval of a conditional use permit. This project does not meet this recent Amendment, however, because this application was submitted and accepted as complete prior to the effective date of the new Ordinance, it is being processed subject to the previous standards (approval of Site Plan Review without distance requirements).

Staff would normally not support approval of a solar farm upon freeway property within the RC District, as this area should be reserved for retail uses that produce sales and jobs development. However, the project site contains a severe slope, allowing limited area for development and visibility from the freeway. Only the northwesterly portion of the site is wide and flat with slopes of between three to five percent, but this portion of the site lacks the freeway visibility necessary for commercial development.

Drainage: The solar farm will be elevated above the ground so as to not interfere with storm water runoff. The solar system won't require mass grading nor will it create impervious surfaces that in turn would increase surface runoff. The finish surface will remain dirt, which will allow the soil to remain permeable. The project will be conditioned to design and construct "gravel drip pads" per the recommendations found in the approved hydrology report in order to prevent the creation of "drip line" rivulets and to aid in returning the runoff to a near sheet flow condition. The project is in proximity to the Oro Grande Wash, but the preliminary hydrology study evidences that the solar farm will not be negatively impacted.

Streets: The Developer will be required to submit a "Grant of Easement" for access along the southern boundary of the site and through the adjacent parcel to the south. This access will be compacted to provide an all weather access road. Paving is not recommended, as the site will only be visited for maintenance a handful of times per year.

Environmental: Approval of this site plan includes adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study prepared for the solar farm concludes that there are no significant adverse impacts resulting from development of the project (Attachment 5). A protected plant plan and a biological assessment were required as part of the initial study. The biological assessment shows that the site does not contain habitat for the desert tortoise nor any other threatened or endangered species. However, a pre-construction survey for the burrowing owl will be conducted prior to issuance of a grading permit.

Conclusion: The project conforms to the policies of the City's General Plan, The Main Street and Freeway Corridor Specific Plan, and meets the standards of the Development Code.

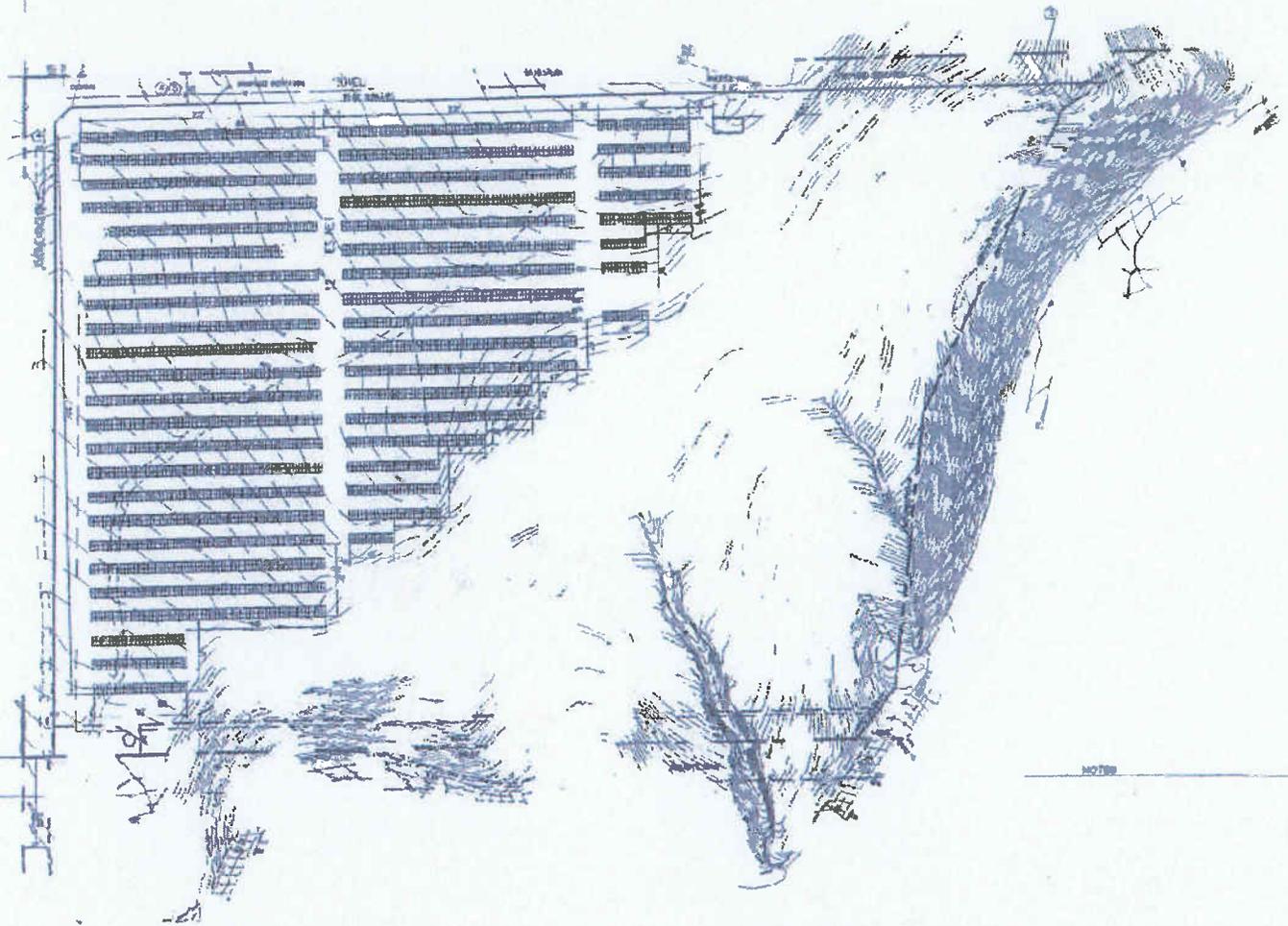
ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site Plan
2. General Plan/Zoning Map
3. Aerial Photo
4. Elevations/Photo
5. Negative Declaration and Initial Study
6. Resolution No. PC-2012-14, with list of conditions.

ATTACHMENT 1



APPLICANT(S):
DAVID PITCHER HESPERIA, LLC

FILE NO:
SPR12-10116

LOCATION:
AT THE TERMINUS OF OAK HILL ROAD AND WEST OF CALIENTE ROAD

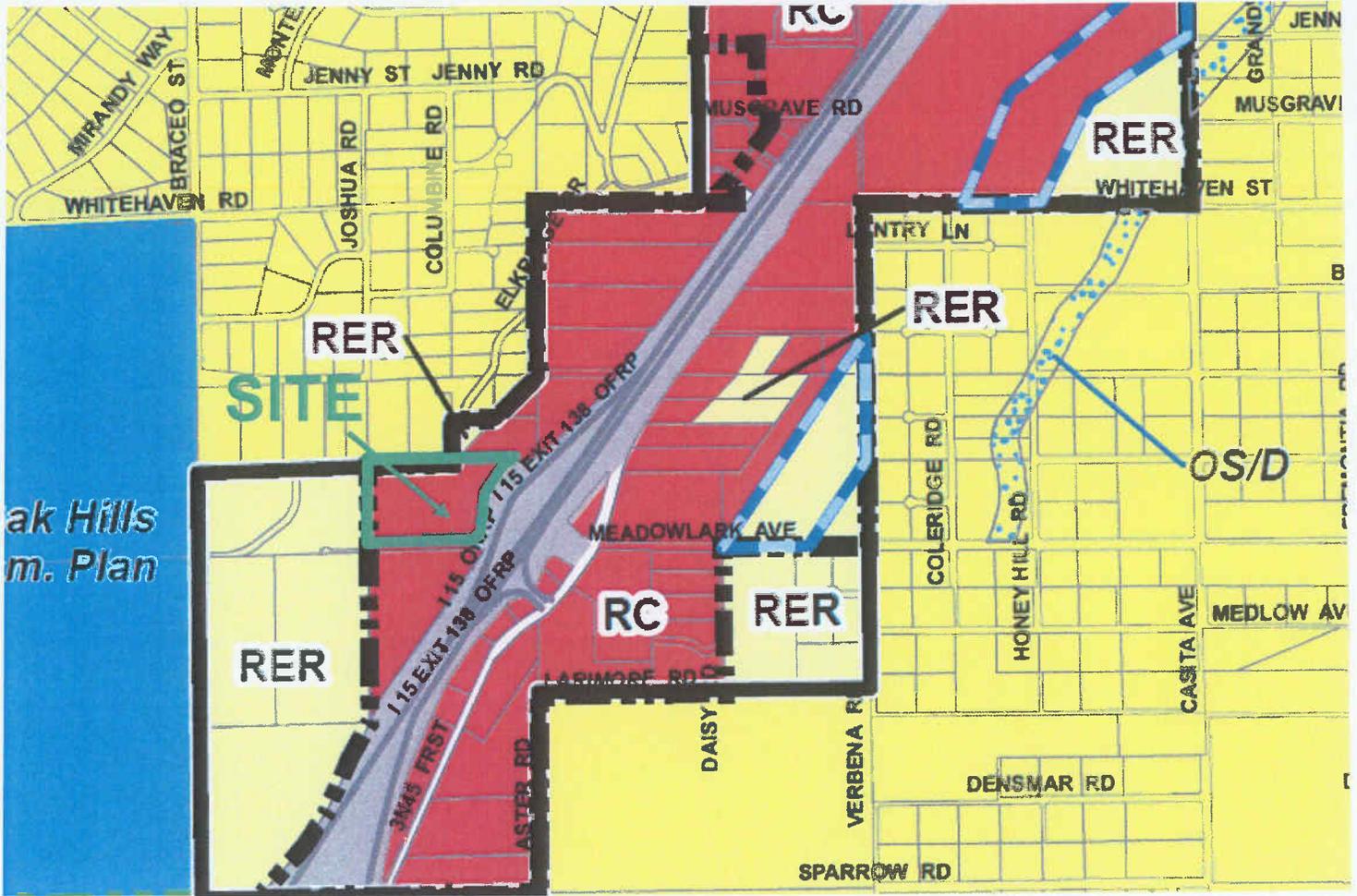
APN:
0357-063-45

PROPOSAL:
CONSIDERATION OF A SITE PLAN REVIEW TO INSTALL A SOLAR FARM



SITE PLAN

ATTACHMENT 2



APPLICANT(S):
DAVID PITCHER HESPERIA, LLC

FILE NO:
SPR12-10116

LOCATION:
AT THE TERMINUS OF OAK HILL ROAD AND WEST OF CALIENTE ROAD

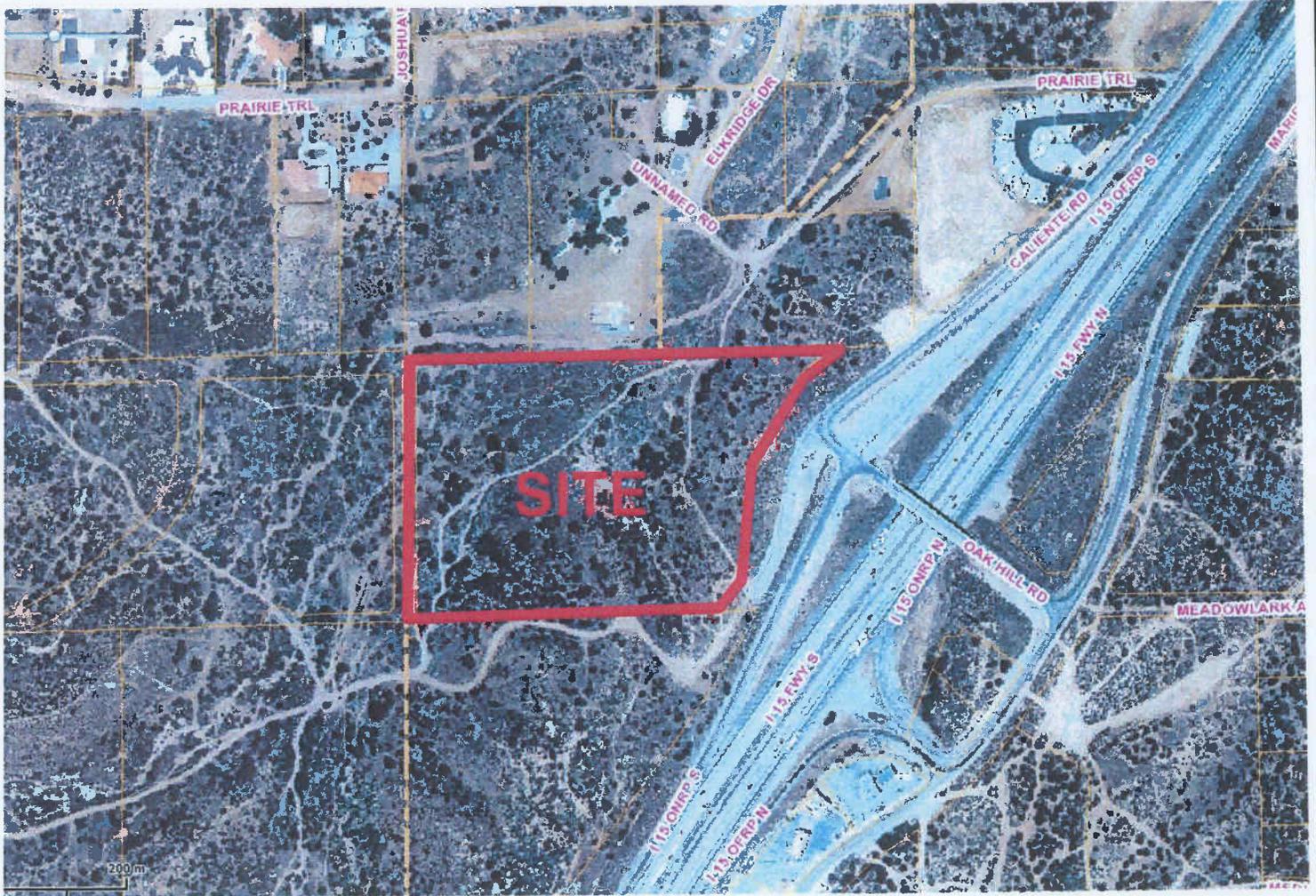
APN:
0357-063-45

PROPOSAL:
CONSIDERATION OF A SITE PLAN REVIEW TO INSTALL A SOLAR FARM



GENERAL PLAN/ZONING

ATTACHMENT 3



APPLICANT(S):
DAVID PITCHER HESPERIA, LLC

FILE NO:
SPR12-10116

LOCATION:
AT THE TERMINUS OF OAK HILL ROAD AND WEST OF CALIENTE ROAD

APN:
0357-063-45

PROPOSAL:
CONSIDERATION OF A SITE PLAN REVIEW TO INSTALL A SOLAR FARM



AERIAL PHOTO

ATTACHMENT 4



APPLICANT(S):
DAVID PITCHER HESPERIA, LLC

FILE NO:
SPR12-10116

LOCATION:
AT THE TERMINUS OF OAK HILL ROAD AND WEST OF CALIENTE ROAD

APN:
0357-063-45

PROPOSAL:
CONSIDERATION OF A SITE PLAN REVIEW TO INSTALL A SOLAR FARM

ELEVATIONS/PHOTO

ATTACHMENT 5

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

MITIGATED NEGATIVE DECLARATION ND-2012-02
Preparation Date: August 20, 2012

Name or Title of Project: Site Plan Review (SPR12-10116)

Location: The project site is located at the terminus of Oak Hill Road and west of Caliente Road (APN: 0357-063-45).

Entity or Person Undertaking Project: David Pitcher, Hesperia 14, LLC

Description of Project: A site plan review to install a solar farm 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: August 24, 2012 thru September 12, 2012

Public Hearing Date: September 13, 2012

Adopted by the City Council: N/A

Attest:



DAVE RENO, AICP, PRINCIPAL PLANNER

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

PROJECT DESCRIPTION

1. **Project Title:** SPR12-10116
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Lisette Sánchez-Mendoza, Assistant Planner
Phone number: (760) 947-1651
4. **Project Location:** The project site is located at the terminus of Oak Hill Road and west of Caliente Road (APN: 0357-063-45).



5. **Project Sponsor:** David Pitcher, Hesperia 14, LLC
Address: 4900 California Avenue, Tower B210
Bakersfield, CA 93309

6. **General Plan/Zoning Designation:** Regional Commercial (RC)

7. **Description of project:** A site plan review to install a Solar Energy Plant on 7 acres known as the Hesperia 14 LLC solar project. The entire property is 12.5 acres in size; however, 5.5 acres on the east side of the property will remain vacant.

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

Properties to the north contain single family residences. Most are outside the City. Some are designated Rural Estate Residential (RER). The properties to the west and south are vacant, including the project site. Interstate 15 is located east of the project site.

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.

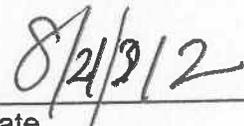
| | | | | | |
|--------------------------|-------------------------------|--------------------------|------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | Aesthetics | <input type="checkbox"/> | Agricultural Resources | <input type="checkbox"/>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

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

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



 Signature
 Lisette Sanchez-Mendoza, Assistant Planner, Hesperia Planning Division



 Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is provided for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off- 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 198 solar energy panels on 7 acres (7). The panels are 46 feet and 47 feet in size. The highest point of the system will be less than 10 feet from the ground.

Photo Representation



The properties to the north are zoned residential and the closest residence is located 340 feet to the north. The solar panels will comply with the requirement of the Alternative Energy Technology Ordinance (1, 2 & 3). There is zero distance between each panel system side-by-side and there is 11 feet to 26 feet separation between each row.

The site is located at the terminus of Oak Hill Road and Caliente Road fronts the project to the east. 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 of the project site dated February 24, 2012 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). Although the project is located adjacent to a wash it is not located within a wash designated for preservation. 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 in the area.

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 propose, nor is it required to have lights to operate. 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 Regional Commercial designation of the Hesperia General Plan and is currently vacant (10). The California Farmland Mapping and Monitoring Program (FMMP) designate the property as grazing land (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 grazing land of Statewide Importance category applicable to the City of Hesperia is provided below:

- The existing vegetation at this site is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities.

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 very old alluvial fan deposits, well consolidated sand with minor gravel. The northwesterly portion of the site is wide and flat with a 3 to 5 percent slope to the northeast. The southeasterly portion of the site is a hillside that descends from the southeast to the northwest with 3:1 to 6:1 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). 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 adjacent to the project site to the north and there is a single family home located 340 feet to the north of the project site.

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 198 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 commercial 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)**.

The solar farm will reduce long-term emissions, as electrical power production with solar panels does not emit gases as do other electrical generation power plants like coal and fossil fuel burning power plants.

| 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 (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 (2012) 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. The report also concluded that burrowing owls do not exist on-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 21.

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 five miles to the west, in the southwest portion of the City. Consequently, approval of the site plan review will not have an impact upon biological resources, subject to the associated 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 (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 resource sites (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 Oro Grande Wash. However, a Cultural Resources Assessment prepared by RCA (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.

| 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 topography, at the northwesterly portion of the site that is wide and flat with slopes of between three to five percent. The southeasterly portion of the site is a hillside that descends from the southeast to the northwest with 3:1 to 6:1 slopes. The project is in proximity to the Oro Grande Wash (1). 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 very old alluvial fan deposits, well consolidated sand with minor gravel. The northwesterly portion of the site is wide and flat with a 3 to 5 percent slope to the northeast. The southeasterly portion of the site is a hillside that descends from the southeast to the northwest with 3:1 to 6:1 slopes (13). 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. In addition, the solar panels require minimal ground disturbance as the support structure is sunk into the ground with a hammer instead of necessitating mass grading. 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).

The project is a solar farm, which will cause a significant reduction in GHG's over other electric generation plants, particularly fossil and coal burning plants. The site will not include any buildings, workspace or office floor area. Further the plant will not house any permanent workers to be on the premises. Therefore, no daily trips will be generated by the project. The only trips generated by the project will be for quarterly maintenance consisting of cleaning the panels. 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 this solar farm will provide an alternative to coal burning and other non-renewal energy plants, reducing greenhouse gas emissions (1 & 7).

| 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 198 solar energy panels. No hazardous waste for disposal purposes would be generated by the solar farm. No buildings or restroom facilities will be built, so the facility will not create domestic waste. The system is constructed primarily of silicon, 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 the solar panels will be elevated not more than 10 feet above the ground.

Any use which includes hazardous waste as part of its operations is prohibited within 500 feet of a school (43). In addition, the facility does not contain any hazardous waste. The project site is not listed in any of the following hazardous sites database systems, so it is unlikely that hazardous materials exist on-site:

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

The proposed project will not conflict with air traffic nor emergency evacuation plans. The site is approximately four miles west of the Hesperia Airport, 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 nor 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. Although the site is located in an area susceptible to wildland fires, the solar farm does not pose a risk to people or structures. The southernmost and westernmost portions of the City are at risk, due primarily to proximity to the San Bernardino National Forest (45 & 46). The solar panels are made of non-combustible materials. 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 and will not interfere with storm water runoff. The development is not adding significant hard surface areas. The finish surface will remain dirt since the panels are not installed with foundations. A hydrology study was prepared to analyze off-site and on-site tributary flows (20). The solar panels cover approximately 26% of the area of the development. Rainfall that falls directly onto the solar panels will drop off the low side of the arrays and create a "drip line" on the ground, which is the beginning of erosion. To prevent the creation of "drip line" riveletts and to aid in returning the run off to a near sheet flow condition, a gravel drip pad is proposed for installation along the "drip line" of all panels. Therefore the solar farm will not significantly impact the wash. In addition, the project is not within a Flood Zone, based upon the latest Flood Insurance Rate Maps (61).

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) will be used to prevent construction pollutants from contacting storm water (54). Obtaining the NPDES permit 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 would 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 site plan review is considered less than significant.

| X. LAND USE AND PLANNING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Physically divide an established community (1)? | | | | X |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (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 Regional Commercial (RC) 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 Update Environmental Impact Report (GPUEIR). No additional impact beyond that identified within the GPUEIR would occur with approval of this project. Further, no disruption or division of the physical arrangement of the established community will occur.

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 four 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 Caliente Road and Interstate 15. Ultimately, the project will not generate any noise apart from quarterly maintenance and will not be 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 340 feet to the north (1). Based upon the limited noise associated with this solar farm, the surrounding uses will be impacted more by the freeway than by this project.

The project site is approximately six miles west 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 involves the installation of 198 solar energy panels for the production of solar power, which will be put into the electrical grid. The project is intended to be an alternative to coal powered and other non-renewable methods to produce electricity (7).

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 by electricity and other utility systems. Therefore, development of the project would not require the extension of the electric distribution line (63).

| 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.

This will allow for the installation of 198 solar energy panels to provide increased electrical capacity to the grid (7). No buildings or other structures will be built. The facility will also not be staffed and maintenance will only occur quarterly and will not create any housing, or increased demand for housing. Therefore, the project will not create a need for additional government, police, schools, and park services. The demand on fire protection is also negligible as the materials used are non-combustible. In the event of a fire, any 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, with routine weed abatement maintained.

| 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 will include installation of 198 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 proposed solar farm will cause negligible impact upon transportation. Apart from initial installation the only trips generated by the project will be quarterly, for maintenance. Each quarter, the panels will be cleaned by a small maintenance crew, which should be completed in a few short days. The traffic generated by this maintenance team is minute. The project's positive impact through creation of additional energy transmitted to the electrical grid far exceeds any transportation impact. Therefore, the project will not increase traffic in relation to traffic load and capacity. The project will not pose a significant impact upon the transportation system within the City.

| 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.

Although the property is currently not served by City water or sewer, the project's demand for utilities is very limited. Regular trash disposal will only be necessary during installation. Upon completion, water will be used to clean the panels, which can be accommodated using temporary utility connection or by water truck. 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.

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| <p>XIX. EARLIER ANALYSES.</p> |
| <p>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:</p> |
| <p>The Certified General Plan Environmental Impact Report.</p> |
| <p>a) Earlier analyses used. Earlier analyses are identified and stated where they are available for review.</p> |

- 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 9: Non-residential zones Section B. Regional Commercial District of the Main Street and Freeway Corridor Specific Plan
- (4) Historical/Archeological Resources Survey for the Hesperia 14, LLC solar project by CRM Tech dated February 24, 2012.
- (5) Section 16.16.060 of the Hesperia Municipal Code
- (6) Section 16.20.085 of the Hesperia Municipal Code.
- (7) Site Plan Review SPR12-10116 application and related materials.
- (8) Intentionally left blank
- (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.

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- (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, February 29, 2012.
-
- (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.
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- (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.
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- (37) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
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- (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.
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- (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) 2010 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 CUP12-10116.
-
- (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 Hesperia 14, LLC prepared by Cubit Engineering Inc. dated May 25, 2012.
-
- (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
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- (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) Intentionally left blank
-
- (78) California Department of Conservation Division of Land Resources Protection – Farmland Mapping and Monitoring Program (2008), September 2009

ATTACHMENT 6

RESOLUTION NO. PC-2012-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A SITE PLAN REVIEW TO INSTALL A SOLAR FARM ON 12.5 ACRES WITHIN THE REGIONAL COMMERCIAL (RC) DISTRICT OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED AT THE TERMINUS OF OAK HILL ROAD AND WEST OF CALIENTE ROAD (SPR12-10116)

WHEREAS, David Pitcher, Hesperia 14 LLC., has filed an application requesting approval of Site Plan Review SPR12-10116 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a solar farm located at terminus of Oak Hill Road and west of Caliente Road and consist of Assessor's Parcel Number 0357-063-45; and

WHEREAS, the Application, as contemplated, proposes to install a solar farm on 12.5 acres; and

WHEREAS, the subject site is currently vacant. The surrounding properties are vacant, except for the properties to the north, which contain single family residences; and

WHEREAS, the subject property and properties to the south and east are currently within the Regional Commercial (RC) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The properties to the north and west are outside of the City and zoned Rural Estate Residential (RER) and Rural Residential (RR), respectively; and

WHEREAS, an environmental Initial Study for the proposed site plan review was completed on August 21, 2012, and no significant adverse impacts were identified. Negative Declaration ND-2012-02 was subsequently prepared; and

WHEREAS, on September 13, 2012, the Planning Commission of the City of Hesperia conducted a public hearing on the Application and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced September 13, 2012 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed use is allowed within, and would not impair the integrity and character of the Regional Commercial District of the Main Street and Freeway Corridor Specific Plan and complies with all applicable provisions of the Development Code as per Section 16.12.120. The site is suitable for the type and intensity of the use that is proposed. The project is restricted to a solar farm.

- (b) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or adverse to the public convenience, health, safety or general welfare nor will it have a detrimental impact on adjacent properties.
- (c) The proposed use is consistent with the objectives, policies, general land uses and programs of the General Plan, Specific Plan and Development Code, given the site's slope and poor accessibility.
- (d) There are adequate provisions for sanitation, water and public utilities and services to ensure the public convenience, health, safety and general welfare. The proposed use will occur in a site with adequate infrastructure to generate and distribute electricity. The site will not include any buildings, workspace or office floor area. The proposed unimproved access is adequate to support the type and quantity of traffic generated by the use, which is limited to infrequent maintenance visits.
- (e) Based upon Negative Declaration ND-2012-02 and the initial study which supports the Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed use will have a significant effect on the environment with the inclusion of mitigation measures.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby adopts Negative Declaration ND-2012-02 and approves Site Plan Review SPR12-10116, subject to the conditions of approval as shown in Attachment 'A'.

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

ADOPTED AND APPROVED this 13th day of September 2012.

Chris Evert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Site Plan Review SPR12-10116

Approval Date: September 13, 2012
Effective Date: September 25, 2012
Expiration Date: September 25, 2015

This list of conditions applies to a Site Plan Review to install a solar farm on 12.5 gross acres within the Regional Commercial (RC) District of Main Street and Freeway Corridor Specific Plan located at the terminus of Oak Hill Road and west of Caliente Road. Any change of use or expansion of area may require approval of a revised site plan review application (Applicant: David Pitcher: APN: 0357-063-45)

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

- _____ 7. **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. **Easement, (Access).** The Developer shall submit a "Grant of Easement" for access based on the "Expression of Willingness" letter that was submitted by Cubit Engineering, dated May 15, 2012 and signed by Cecil A. Stevens – Owner, 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)

- _____ 9. **Building Construction Plans.** Five complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division with the required application fees for review. (B)

- _____ 10. **Percolation Test.** The applicant shall submit a percolation test, performed by a California licensed civil or soils engineer, and approved by the San Bernardino County Department of Environmental Health Services for the required private sewage disposal systems. Should the applicant agree in writing to use the most restrictive percolation test for a site in close proximity to the subject property in designing the sewage disposal systems, then a percolation test shall not be required to be performed on-site. The applicability of any percolation test for use in designing the sewage disposal systems shall be subject to review and approval by the Building and Safety Division. In the event a tract map or parcel map has previously been recorded on the project site, the City of Hesperia has a percolation test on file, and no unusual conditions apply, this requirement may be waived by the Building and Safety Division. (B)

- _____ 11. **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:

- _____ 12. **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)
- _____ 13. **Dedication(s).** The Developer shall grant to the City an Irrevocable Offer of Dedication for Stuveling Street. The right-of-way full-width for Stuveling Street shall be thirty (30') feet. (E)
- _____ 14. **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)
- _____ 15. **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)
- _____ 16. **On-site Retention.** The Developer shall design / construct "gravel drip pads" per recommendations found in the approved hydrology report. (E)
- _____ 17. **Fish & Game Fee.** The applicant shall submit a check to the City in the amount of \$2,151.50 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (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. **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)
- _____ 20. **Protected Plants.** Three copies of a protected plant plan shall be submitted to the Planning Division showing the present location and proposed treatment of species in the Dalea and Spinosa (smoketree); Agavaceae (century plants, nolinias, and yuccas, including Joshua Trees); Prosopis (mesquites); Larrea (Creosote rings ten feet or greater in diameter); and all plants protected by the State Desert Native Plants Act, which shall be handled in accordance with the provisions of the Development Code and State law. The grading plan shall be consistent with the approved protected plant plan. Ground disturbing activities shall not commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)
- _____ 21. **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)
- _____ 22. **Fire Protection.** Plans for fire protection requirements shall be submitted to the Building Division as follows: (F)
- A. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property.
- _____ 23. **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)
- _____ 24. **Access.** The development shall have a minimum of **ONE (1)** point of vehicular access. An ALL WEATHER DRIVING SURFACE is required for fire/emergency equipment access and for evacuation routes.
- A. **Single Story Road Access Width.** All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

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

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 25. **Construction Waste.** The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)
- _____ 26. **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:

- _____ 27. **As-Built Plans.** The Developer shall provide as-built plans. (E)
- _____ 28. **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)
- _____ 29. **Easement, (Access).** Access easement based on the "Expression of Willingness" letter that was submitted by Cubit Engineering, dated May 15, 2012 and signed by Cecil A. Stevens – Owner, shall be approved and recorded with the County of San Bernardino. (E)
- _____ 30. **Development Fees.** The Developer shall pay required development fees as follows:
- A. Development Impact Fees (B)
 - B. Utility Fees (P)
- _____ 31. **Utility Clearance(s)/Certificate of Occupancy.** The Building Division will provide utility clearances on the facility after required permits and inspections and after the issuance of a Certificate of Occupancy . (B)

- _____ 32. **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 panels shall be designed consistent with the design shown upon the approved site plan. Any exceptions shall be approved by the Director of Development Services. (P)
- _____ 33. **Additional Requirements.** Provide and maintain a minimum of TEN (10) feet brush clearance around all Solar Panels. (F)

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

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

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DATE: September 13, 2012
TO: Planning Commission
FROM:  Dave Reno, AICP, Principal Planner
BY:  Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Conditional Use Permit CUP12-10165; Applicant: Marcelino Lopez; APN: 0413-023-07

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2012-13, approving CUP12-10165.

BACKGROUND

Proposal: A Conditional Use Permit to establish the sale of beer, wine and liquor in conjunction with a restaurant.

Location: 15717 Main Street.

Current General, Plan, Zoning and Land Uses: The site is within the Pedestrian Commercial (PC) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated as noted on Attachment 1. The site and surrounding properties are commercially developed (Attachment 2).

ISSUES/ANALYSIS:

Land Use: The applicant proposes to establish the sale of beer, wine and liquor in conjunction with a restaurant. The Specific Plan requires that all uses selling alcohol apply for a Conditional Use Permit (CUP). Los Domingo's is the restaurant applying for the CUP. Los Domingo's is vacating their current location and relocating into a building previously occupied by Broadway Café. While alcohol sales have occurred in the past, a CUP is required because such sales have not occurred on the premises in the past 12 months.

A Type 47 license is required by the Department of Alcoholic Beverage Control (ABC). The Planning Commission has previously expressed concerns over the proliferation of establishments selling alcohol along Main Street. For this reason, staff researched all active ABC licenses for the on-site sale of alcohol in the City and found a total of 52 establishments, including the recently approved Chipotles restaurant. Of these 52 establishments, 29 are located along Main Street. Unlike other cities, the City of Hesperia offers commercial services primarily along two major thoroughfares approximately three miles apart, in contrast to other cities which may offer commercial services every mile. This results in a concentration of commercial uses within designated areas of our City, as these services can only be located along Main Street, Bear Valley Road and portions of Hesperia Road.

Overconcentration exists within this census tract, as ABC has determined that 4 licenses are allowed and there are 6 active licenses within the census tract. However, this particular project is not adding additional licenses, as Los Domingos' ABC license is transferring locations within the same census tract. Consequently, ABC does not require the City to make a finding of public convenience and necessity because the move is considered a transfer within the same census tract.

A future restaurant may reuse the building recently vacated by Los Domingo's without obtaining a CUP, if it occupies the building within 12 months. After 12 months, a CUP will be required. Additionally, ABC may issue an alcohol license to another restaurant reoccupying the vacated Los Domingo's building or to another restaurant located within the same census tract.

Schools and Parks: The project site is located approximately ¼ mile from Civic Center Park, ½ mile from Mesa Grande Elementary, and ¾ mile from Joshua Circle Elementary.

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

Conclusion: Approval of this license is supportive of the land uses intended within the Pedestrian Commercial District. In addition, the proposed restaurant provides additional dining opportunities to the surrounding neighborhood.

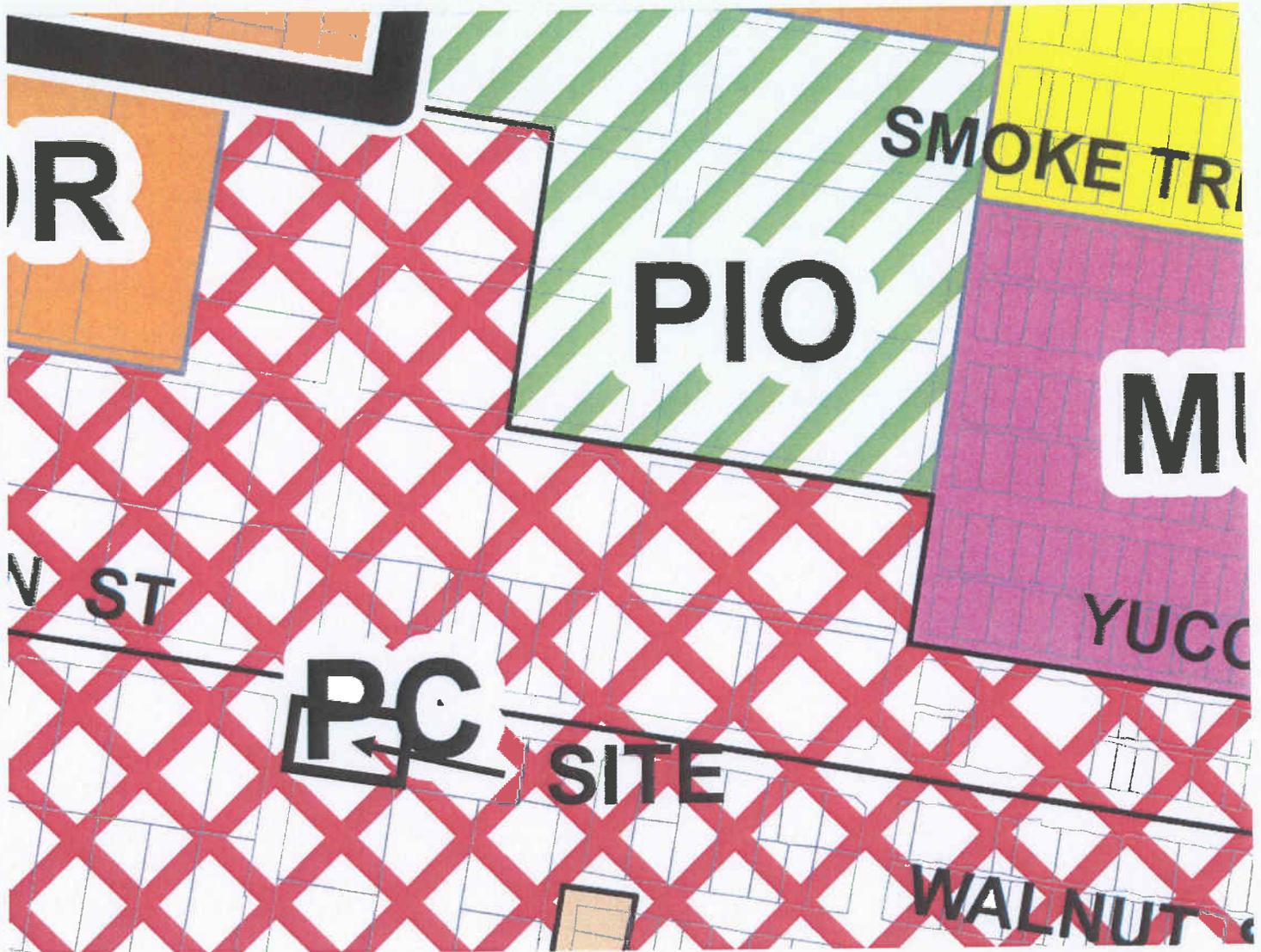
ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENTS

1. Main Street and Freeway Corridor Specific Plan Map
 2. Aerial Photo
 3. Resolution No. PC-2012-13, with list of conditions.
-

ATTACHMENT 1



APPLICANT(S):
MARCELINO LOPEZ

FILE NO(S):
CUP12-10165

LOCATION:
15717 MAIN STREET

APN(S):
0413-023-07

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE TO ESTABLISH THE SALE OF BEER, WINE AND LIQUOR IN CONJUNCTION WITH A RESTAURANT

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ATTACHMENT 2



APPLICANT(S):
MARCELINO LOPEZ

FILE NO(S):
CUP12-10165

LOCATION:
15717 MAIN STREET

APN(S):
0413-023-07

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE TO ESTABLISH THE SALE OF BEER, WINE AND LIQUOR IN CONJUNCTION WITH A RESTAURANT



AERIAL PHOTO

ATTACHMENT 3

RESOLUTION NO. PC-2012-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER, WINE AND LIQUOR IN CONJUNCTION WITH A RESTAURANT AT 15717 MAIN STREET (CUP12-10165)

WHEREAS, Marcelino Lopez has filed an application requesting approval of Conditional Use Permit CUP12-10165 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a restaurant with beer, wine and liquor sales located at 15717 Main Street and consists of Assessor's Parcel Number 0413-023-07; and

WHEREAS, the Application, as contemplated, proposes to establish the sale of beer, wine and liquor in conjunction with a restaurant; and

WHEREAS, the subject site is developed for a restaurant. The surrounding properties are also commercially developed; and

WHEREAS, the subject property and surrounding properties are within the Pedestrian Commercial (PC) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan); and

WHEREAS, the project is exempt from the California Environmental Quality Act (CEQA), per Section 15301, Existing Facilities; and

WHEREAS, on September 13, 2012, the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced September 13, 2012 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed use is conditionally allowed within, and would not impair the integrity and character of, the PC District of the Specific Plan and complies with all applicable provisions of the Development Code as per Section 16.12.120. The site is suitable for the type and intensity of the use that is proposed. The business is restricted to a restaurant with the sale of beer, wine and liquor.

- (b) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or adverse to the public convenience, health, safety or general welfare. The sale of beer, wine and liquor as part of the dining experience and will not have a detrimental impact on adjacent properties.
- (c) The proposed use is consistent with the objectives, policies, general land uses and programs of the General Plan, Specific Plan and Development Code. The proposed use will take place in a permitted restaurant. The sale of beer, wine and liquor is consistent with the allowable uses within the PC District.
- (d) There are adequate provisions for sanitation, water and public utilities and services to ensure the public convenience, health, safety and general welfare. The proposed use will occur in a restaurant with adequate infrastructure to operate the business. The existing transportation infrastructure is adequate to support the type and quantity of traffic that will be generated by the proposed use, as this site is currently developed as a restaurant.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP12-10165, subject to the conditions of approval as shown in Attachment 'A'.

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

ADOPTED AND APPROVED this 13th day of September 2012.

Chris Evert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for CUP12-10165

Approval Date: September 13, 2012
Effective Date: September 25, 2012
Expiration Date: September 25, 2015

This list of conditions apply to a Conditional Use Permit to establish the sale of beer, wine and liquor in conjunction with a restaurant at 15717 Main Street (Applicant: Marcelino Lopez; APN: 0413-023-07).

The use shall not be established until all conditions of this Conditional Use Permit application have been met. This approved Conditional Use Permit shall become null and void if all conditions have not been completed within three (3) years of the effective date. Extensions of time of up to twelve (12) months may be granted upon submittal of the required application and fee at least thirty (30) days prior to the expiration date.

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

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

Init Date

- _____ 1. **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)

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

- _____ 2. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the Development Review Committee, the Planning Commission, City Council, or otherwise), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

- _____ 3. **Valid License.** At all times during the conduct of the use allowed by this permit, the use shall obey all laws and shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void. (P)

- _____ 4. **Permit Revocation.** In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall become null and void. (P)

- _____ 5. **Employee Age.** All employees of the applicant serving alcohol must be at least 21 years of age. (P)

- _____ 6. **ABC Requirements.** The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. (F)

- _____ 7. **ABC License.** The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises. (P)

- _____ 8. **Sale of Alcohol.** The sale of alcoholic beverages shall be permitted only between the hours of 10:00 AM to 1:00 AM (P)

- _____ 9. **Alcohol Consumption.** No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee. This includes sidewalks and parking lot. (P)

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

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



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, AUGUST 29, 2012**

A. PROPOSALS:

1. NEW CREATION MINISTRIES (SPR12-10164)

Proposal: A Revised Site Plan Review to establish a church within 2,212 square feet of an existing 6,658 square foot multi-tenant retail building.

Location: 16330 Walnut Street (APN: 0413-082-18)

Planner: Daniel Alcayaga

Action: Administrative Approval

2. MR. AND MRS. MARCELINO LOPEZ (CUP12-10165)

Proposal: A conditional use permit to allow for the sale of alcoholic beverages (beer, wine and liquor) in conjunction with a restaurant.

Location: 15717 Main Street (APN: 0413-023-07)

Planner: Lisette Sanchez-Mendoza

Action: Forwarded to September 13, 2012 Planning Commission