

ATTACHMENT 8

RESOLUTION NO. PC-2025-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, DENYING APPEAL APP25-00001, UPHOLDING THE DEVELOPMENT REVIEW COMMITTEE'S APPROVAL OF SITE PLAN REVIEW (SPR23-00018) IN CONJUNCTION WITH THE ADOPTION OF ASSOCIATED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) (SCH NO. 2025021160) LOCATED ON THE SOUTHWEST CORNER OF MOJAVE STREET AND E AVENUE (APP25-00001)

WHEREAS, the Supporters Alliance for Environmental Responsibility (SAFER) has filed an application requesting approval of Appeal No. APP25-00001, seeking to overturn the Development Review Committee's (DRC) decision to adopt the associated Initial Study/Mitigated Negative Declaration (IS/MND) and approve Site Plan Review No. SPR23-00018 (SCH No. 2025021160), as described herein (hereinafter referred to as the "Application"); and

WHEREAS, the proposed project involves the construction of two industrial warehouse buildings totaling approximately 79,778 square feet on a 5.2-acre site located at the southwest corner of Mojave Avenue and "E" Avenue (Assessor's Parcel Number 0410-051-11); and

WHEREAS, the project site is within the General Industrial (GI) zone of the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, the property is surrounded on all sides by parcels also zoned General Industrial (GI); and

WHEREAS, the subject site is vacant. An automotive and body repair facility exists to the north. To the south is an abandoned non-conforming residence which has remained vacant for over 10 years. The properties to the east and west are vacant; and

WHEREAS, the project includes the adoption of an Initial Study/Mitigated Negative Declaration (IS/MND), prepared in accordance with the California Environmental Quality Act (CEQA) and circulated for public review under State Clearinghouse No. 202502116; and

WHEREAS, on April 23, 2025, the Development Review Committee (DRC) approved Site Plan Review No. SPR23-00018. As a part of the approval, the DRC made an environmental determination pursuant to the CEQA and adopted the associated IS/MND (SCH No. 2025021160), having made an environmental determination pursuant to CEQA; and

WHEREAS, on April 30, 2025, Lozeau Drury submitted on behalf of the Supporters Alliance for Environmental Responsibility (SAFER) an application to appeal the decision of the DRC. The appellant generally asserts that the Mitigated Negative Declaration does not adequately analyze the project's impacts and requests the preparation of an Environmental Impact Report to analyze potential significant impacts on Biological Resources; and

WHEREAS, in accordance with CEQA, an Initial Study was prepared by a qualified environmental consultant to analyze the potential environmental effects of the proposed project. The study identified potentially significant impacts and included mitigation measures to reduce all such impacts to a less-than-significant level. Based on this analysis, a Mitigated Negative Declaration (MND) was determined to be appropriate; and

WHEREAS, a Notice of Intent to adopt the IS/MND was distributed on February 26, 2025, and the IS/MND was released for a 30-day public review period from February 28, 2025, to March 31, 2025 (SCH No. 2025021160). The environmental document was circulated to local, state, and federal agencies, as well as surrounding property owners; and

WHEREAS, during the public review period, four comment letters were received. Two agencies, the Mojave Water Agency and the Mojave Desert Air Quality Management District, expressed satisfaction with the proposed mitigation measures. The California Department of Fish and Wildlife (CDFW) provided additional recommended mitigation measures, which were incorporated into the project's Conditions of Approval. The fourth letter was submitted by Lozeau Drury LLP on behalf of SAFER, requesting that an EIR be prepared; and

WHEREAS, pursuant to CEQA Guidelines §15064, an EIR is required if there is substantial evidence of a fair argument that the project may have a significant environmental effect. The IS/MND was prepared and completed in compliance with the provisions of CEQA, the State CEQA Guidelines, and the City's local CEQA Guidelines. The analysis concluded that all potentially significant impacts would be reduced to less-than-significant levels through mitigation; and

WHEREAS, on August 14, 2025, the Planning Commission of the City of Hesperia conducted duly noticed public hearings pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced August 14, 2025, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The IS/MND was prepared in full compliance with the requirements of CEQA, the State CEQA Guidelines, and the City's local CEQA Guidelines. As analyzed in the IS/MND, the project's potential environmental impacts will be less than significant with implementation of the identified mitigation measures and incorporation of the project's Conditions of Approval.
- (b) The appeal filed by the Supporters Alliance for Environmental Responsibility (SAFER) did not present substantial evidence that the IS/MND is inadequate or that the proposed project would result in significant environmental impacts that were not properly addressed in the IS/MND.

Section 3. Based on the findings and conclusions set forth in this Resolution, the Planning Commission of the City of Hesperia hereby denies Appeal No. APP25-00001 and upholds the Development Review Committee's decision to adopt the IS/MND (SCH No. 2025021160) and approve Site Plan Review No. SPR23-00018.

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

ADOPTED AND APPROVED on this 14th day of August 2025.

Roger Abreo, Chair, Planning Commission

ATTEST:

Maricruz Montes, Secretary, Planning Commission